

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

**Regular Meeting Minutes**

**August 20, 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 Brian Wilson.

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

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

Mr. Hancock noted there were revisions to the attachments for Items 9B, 9C, and 9D and the addition of an attachment for Item 9H that has been made available to the public.

**1 APPROVAL OF AGENDA:**

Motion by Councilmember Callegari, second by Councilmember De Boer, to approve the agenda with the revisions as noted; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

**2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS:**

**Tim Watts**, Frontier Communications, discussed Frontier Communications America's Best Communities competition. The competition is a national contest which focuses on helping to address the need for growth by identifying and investing in innovative ideas that small cities and towns can use to build and sustain their local economies. The award amounts range anywhere from \$100,000 to \$3 million to innovative cities, and Mr. Watts is nominating Susanville and will keep the City Council informed.

**3 CLOSED SESSION:** At 6:10 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 Temporary Building Official services
  - 3 Agency Negotiator: Jared G. Hancock  
Bargaining Unit: Management: 2014/2015

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

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

Mr. Hancock stated that the agenda was approved with revisions to the attachments for Items 9B, 9C, 9D, 9H and that Item 12B would be heard after consideration of the Consent Calendar. He reported that in Closed Session, direction was given but there was no reportable action for Item 3A and 3B. Mr. Hancock reported that regarding Closed Session Item 3C (1) direction was given and Item 3C (2) the City Council approved the proposed contract for Temporary Building Official services and the contract was attached to Item 9H.

Chief Friedline requested that those in attendance observe a moment of silence in honor of Wayne Sullivan, a former employee of the City who had worked 26 years and had recently passed away.

**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 at the Veterans Hall.

**Dr. Marlon Hall**, Lassen Community College, expressed an interest to obtain the city-owned buses for use in transportation for college students to various events.

**Tony Jonas**, Lassen County Historical Society invited those present to the Lassen County 150<sup>th</sup> celebration scheduled for September 5<sup>th</sup> at Memorial Park.

**Laura Roberts**, Lassen County Public Health, discussed the ordinance on the agenda to revise the definition of smoking to include electronic cigarettes.

**Tara Avilla**, Susanville Police Officer's Association, invited those in attendance to the Policeman's Ball scheduled for September 20, 2014. There would be a dinner, silent auction, and money raised by the non-profit would be used to support community events such as sober graduation, youth activities as well as purchase training and safety equipment.

**William Loucks Jr.** and **Laurna Carpenter** informed the Council about a dispute they have with their neighbor that has gone on for several years, to include vandalism, trash being thrown in their yard, verbal harassment and threats. She explained that the property owner and property manager have done nothing to address the problems that their tenant has been causing.

Mayor Wilson requested that the Police Chief and City Administrator contact Mr. Loucks and Ms. Carpenter to discuss situation.

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

- A Receive and file minutes from City Council's July 2, 2014 meeting
- B Approve vendor warrants numbered 91623 through 91713 for a total of \$344,479.64 including \$101,817.09 in payroll warrants
- C Receive and file Finance Reports: June 2014

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

**12B Consider Ordinance No. 14-0997 regulating the cultivation of Marijuana; waive first reading and introduce** Chief Downing reported that current California State law allows for the cultivation of

medical marijuana by specific individuals for their personal use, and for those classified as primary caregivers of qualified users. Staff has developed and is presenting an ordinance to address the cultivation of medical marijuana within the City limits to address community concerns and public safety issues. The proposed ordinance would regulate the cultivation of medical marijuana by providing for a ban on growing in all outdoor settings, and only allow cultivation in specified structures in residential zones, addressing the concerns of adjoining property owners as well as dealing with an increase in the criminal activity. The ordinance proposes that a violation would constitute a misdemeanor with 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 set forth in the Susanville Municipal Code.

There were many speakers in opposition to the ordinance, including Lisa Fonta, Annie Westerbeck, Thomas Wasson, Steve Mankins, Darrell Nichols, Jordan Drury, Ken Davis, Colter Tree, and one unidentified member of the public. The concerns expressed by all included issues relating to the high cost of purchasing their medicine, the rights given to Native Americans, criminalizing their right to grow plants for their own personal use and that street drugs pose the larger risk to the safety of city residents.

**Jim Hodge** spoke in favor of some type of regulation, citing examples of problems that have been created in Colorado by the legalization of marijuana, that outdoor growing causes an increase in crimes by people stealing plants, and he urged the Council to address the issue.

Councilmember McBride shared a power point regarding the criminal activity that arises from marijuana growing. He recognized that many people who were in attendance have a medical need and are using it legally, but pointed out that many underage teens that have never been seen by a doctor are obtaining medical cards over the internet through skype. He added that much of the marijuana grown legally is being used for illegal purposes and that it is the City Council's responsibility to protect all of its citizens and that comes in part through regulations applicable to growers.

Councilmember Garnier stated that she does not have an issue with the use of marijuana for medical purposes, and it needs to be regulated in some way, however it does seem as if it would be a hardship to require that people construct a special building. She stated that she would like to see additional discussion regarding the language of the ordinance.

Councilmember Callegari commented that it is an issue of balancing the legalization of growing for medicine versus the property rights for those who live next door. Some people do not want to live next door to a garden because it does have a strong odor.

Councilmember De Boer supported Councilmember Garnier's comments, reiterating that he is not against the use of medical marijuana, but that it has to be regulated in a way that works for everyone concerned.

There was a general discussion regarding the concerns expressed by those in attendance, and those who have concerns regarding criminal activity and neighboring property rights. It was the consensus of the Council that a workshop discussion would be scheduled to discuss the ordinance in more detail and develop regulations that would be balanced and fair for both sides.

**7**        **PUBLIC HEARINGS:** No business.

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

**9        NEW BUSINESS:**

**9A        Consider approval of Resolution No. 14-5079 increasing out of area fire department budget for fiscal year 2014/2015** Chief Friedline reported that due to wild land fires burning throughout the State and the increased revenue and expense for the personnel and equipment that the Department provides to help mitigate the emergencies, it is necessary to increase the fiscal year 2014-2015 revenues to \$90,000 and expenditures to \$60,000 for the Out of Area fires budget.

Motion by Councilmember De Boer, second by Councilmember Callegari to approve Resolution No. 14-5079; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari. and Wilson.

**9B        Consider approval of Resolution No. 14-5080 authorizing Mayor to execute hangar lease agreement with Jerry and Lori Pool/ Hangar #26** Mr. Hancock reported that Item 9B and 9C were similar in nature, that the City Council recently considered and declined the offer to purchase two hangars for sale at the airport. The owners of the Hangars have negotiated a sale agreement and the transfer requires that the new owner enter into the standard lease agreement with the City. Mr. Hancock noted the provision found under page one, number two that requires the hangar be used for the storage of aircraft. The lease agreement for consideration would be executed with Jerry and Lori Pool, who took possession of the hangar on July 1<sup>st</sup>.

Councilmember Callegari inquired if the Pools owned an aircraft. Mr. Hancock noted that the existing lease does not contain language that requires the lessee own an aircraft at the time of executing a lease, adding that it could be included if the Council wishes to revise the language of the standard lease agreement.

Councilmember Callegari reiterated that the language at one time was included in the leases, and insisted that anyone who enters into a lease agreement must use the hangar for the storage of an air worthy aircraft. The hangars are for those aircrafts that are legal and used to fly, not antique aircraft or for the storage of other items.

Councilmember McBride stated that he is opposed to requiring that the aircraft be air worthy, giving the example of someone who wants to build an experimental aircraft as a hobby. Those types of projects can occur over the period of several months and it wouldn't be fair to evict someone whose aircraft may not be operational due to various reasons.

Mr. Hancock suggested that additional language could be included in moving forward with the leases if that is the direction of the Council.

Mayor Wilson stated that the Buyer and Seller have negotiated a sale and thought they had a valid contract, and it would not be right to hold up that transaction based on a disagreement with the existing lease language.

Motion by Councilmember McBride, second by Councilmember De Boer, to approve Resolution No. 14-5080; motion carried by polled vote. Ayes: Garnier, McBride, De Boer and Wilson. No: Callegari

**9C        Consider approval of Resolution No. 14-5081 authorizing Mayor to execute hangar lease agreement with Robin Henry/ Hangar #27** Mr. Hancock reported that a sale has been negotiated for

Hangar #7 and the new owner, Mr. Henry, took possession of the Hangar on July 18, 2014. A Land Lease Agreement would be required for the new owner.

Motion by Councilmember De Boer, second by Councilmember McBride, to approve Resolution No. 14-5081; motion carried by polled vote. Ayes: Garnier, McBride, De Boer and Wilson. No: Callegari

**9D Consider approval of Resolution No. 14-5082 and authorize execution of custodial services contract with Miller Cleaning Services** Chief Downing explained that the Susanville Police Department is in need of weekly custodial services for the facility and in the past, the department has utilized inmate labor to clean the facility. This labor force has become more sporadic and unreliable and staff has requested proposals for custodial services from three prospective vendors. Miller Cleaning Services has been selected and the company will meet all of the bid specifications including criminal background checks on all employees.

Motion by Councilmember De Boer, second by Councilmember Garnier, to approve Resolution No. 14-5082; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

**9E Consider approval of Resolution No. 14-5083 authorizing the purchase of vehicle for police department** Chief Downing reported that the Susanville Police Department is in need of a new patrol vehicle and Folsom Lake Ford has been awarded the California state contract for the purchase of police vehicles this year. The contract has a provision that allows local entities the same price point as larger state agencies, and the City has received a quote for a vehicle that meets City specifications for the sales price of \$29,578.78 including tax. A \$500.00 reduction in price is granted if payment is made within 20 days of delivery of the vehicle. If the purchase is approved, staff intends to take advantage of the additional savings.

Motion by Councilmember Garnier, second by Councilmember De Boer, to approve Resolution No. 14-5083; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

**9F Consider approval of donation to Lassen County Arts Council** Mr. Hancock explained that the City received a request from Lassen County Arts Council for a donation in the amount of \$2,000.00. The Arts Council has been sponsoring programs, concerts, art gallery receptions and literary programs to the area as well as a Summer Youth Art Program. Their primary grant funder, the California Arts Council, has not been able to provide funding as it has in the past making it necessary for the Arts Council to seek other funding sources.

**Roxanne**, Lassen County Arts Council, described some of the upcoming events including the Nutcracker, Black History Month, Wild Horse Art for the Lassen County Fair, and uptown mural restoration which requires the use of a lift.

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

**9G Consider approval of park fee waiver for Fund Raiser Event, September 10, 2014** Mr. Hancock reported that the City has received a request for use of Riverside Park for a memorial fund raiser luncheon in honor of Angel Siler to be held September 10, 2014 from 9:00 a.m. to 3:00 p.m. Attendees will participate in a walk from the new Court House along Riverside Drive, and then serve a luncheon for donations which will be used for the benefit of abused women in Lassen County. The event coordinators

have requested that the City waive the park user fees for this event. The normal user fee for Riverside Park is \$132 per day.

Mayor Wilson asked if the event were sponsored by an organization affiliated with family services.

Mr. Hancock responded that it was not and the City has not been notified of any tax exempt status. Mr. Talia added that the event is for the public good.

Motion by Councilmember De Boer, second by Councilmember Garnier, to waive the park use fees as requested; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

**9H Consider approval of Resolution No. 14-5084 approving agreement for City Inspection Services** Mr. Hancock reported that the City was experiencing a temporary vacancy in the Building Division of the Administrative Services Department, and has received a proposal from Purvis Consulting to provide part time inspection services. The agreement has been reviewed and approved by City Council in closed session and requires a vote by Resolution to enter into the agreement.

Motion by Councilmember Garnier, second by Councilmember De Boer, to approve Resolution No. 14-5084; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

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

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

**12 CONTINUING BUSINESS:**

**12A Consider Ordinance No. 14-0999 amending the definition of tobacco use; waive second reading and adopt** Mr. Hancock explained that the City has received information regarding the increasing popularity of electronic cigarettes, and hookah bars or smoking lounges, and at the August 6 2014 council meeting introduced Ordinance No. 14-0999. The proposed ordinance expands the definition of smoking to include e-cigarettes. The Susanville Municipal Code was previously amended by ordinances which restricted smoking in certain parks and at public events, and adoption of Ordinance No. 14-0999 would further amend the chapter to include electronic cigarettes in the definition of tobacco, and thereby restricting the use of e-cigarettes.

Laura Roberts, Lassen County Public Health, stated that the ordinance was perfect in that the use of e-cigarettes would be banned in all workplaces. Mr. Talia interjected that the City ordinance cannot affect the State Labor Code.

Mr. Hancock added that where the City has the authority to regulate that it does, but the City ordinance cannot amend State law.

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

*12B Consider Ordinance No. 14-0997 regulating the cultivation of Marijuana; waive first reading and introduce* Considered after Item 6.

**12C State Water Board Emergency Regulations and Implementation of Stage 2 of the City's Water Shortage Contingency Plan** Mr. Hancock reviewed the changes implemented by the California Water Board that took effect on July 29, 2014. The Emergency Water Regulations require that the City, as a municipal water provider, implement Stage 2 of its Water Shortage Contingency Plan. While the State has allowed some time for the Plan to be implemented, the expectation is that all water providers will be moving towards that goal. The City has been researching the details of an allocation based rate structure and options for seeking regulatory relief in an effort to present options to the City Council. The State rejected the tiered rate structure as being a sufficient measure and in the meantime, the City will be subject to State enforcement if the regulation is not complied with, which could mean fines up to \$10,000 per day.

Mr. Hancock reviewed some of the Stage 2 requirements, including nozzles with an automatic shut off, landscaping designed to eliminate pooled water on the roadways, recycle features for water fountains, and not allowing the use of water to spray down parking lots. Implementation of Stage 2 of the City's Water Shortage Contingency Plan includes several other water conserving methods; however, many will not have a significant impact on residents and the City has discretion regarding the strength of enforcement for these items.

Mr. Hancock explained that the situation is a frustrating one, as the City's Stage 2 Plan was designed for a much more severe drought than the one that currently exists in the Susanville area. The State's one-size-fits-all remedy basically puts the City between a rock and a hard place and there has been communication with the League of California Cities regarding the regulations. At this point the State is dealing with inquiries and in the next few months will be contacting cities to determine if the Plans have been adopted by the governing bodies.

There was a discussion regarding the plan for notifying residents of the water restrictions, plans to explore an allocation method, the requirements for builders for new construction, and the impact on revenue that will result from decreased water usage.

Motion by Councilmember McBride, second by Councilmember De Boer, to approve implementation of Stage 2 of the City of Susanville Water Shortage Contingency Plan; motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

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

**13A Roop's Fort Roof Restoration Project Update** Mr. Hancock reported that the Lassen Historical Society has been raising funds for the restoration of Roop's Fort. There have been many groups including the Sunrise Rotary and Lassen County Board of Supervisors among others, that have donated very generously towards the project and approximately \$17,000 has been collected. The City has received a request from the Lassen Historical Society to begin Phase One of the project which would involve removing the existing roof and using internal support columns and beams to erect a free-standing but integrated support system that would relieve the burden of supporting a new roof on the existing structure. He invited Mr. Jonas to provide any additional information.

Tony Jonas, Lassen Historical Society, reported that the fund balance was closer to \$20,000 after the continued generosity and support of the community.

Motion by Councilmember McBride, second by Councilmember Garnier, to authorize proceeding with Phase One of the project. Motion carried unanimously. Ayes: Garnier, McBride, De Boer, Callegari and Wilson.

**13B Police Department Update** Chief Downing provided an update regarding the activities of the Susanville Police Department. He reviewed recent public education efforts including a multi-agency active shooter training drill conducted at the Lassen High School. He reviewed current staffing levels, continued training, and various department highlights including the reinstatement of the School Resource Officer program, special enforcement patrols, and working with other public agencies to clean up the homeless encampments along the Susan River. He concluded his report by discussing future issues including records management systems, fleet and equipment, and the police volunteer program.

**13C Letters of Appreciation** Mr. Hancock shared letters that were received from the Lassen Chamber of Commerce and Lassen and Trails Trust to thank the City Council for their contributions towards the programs and activities coordinated by both organizations.

**13D Request for Proposals for Park Design Services** Mr. Hancock explained that during the 2014/2015 Fiscal Year budget discussions the City Council identified a number of community improvement projects that they would like to pursue in the coming year. The projects vary from enhancements to existing park facilities to completion of other projects and to facilitate the effort staff is seeking proposals from qualified park design firms to assist in moving towards construction and implementation of the projects.

**14 COUNCIL ITEMS:**

**14A AB1234 travel reports:**

The City Council has announced that no meeting will be held September 3, 2014

**15 ADJOURNMENT:** Motion by Councilmember De Boer, second by Councilmember McBride to adjourn; motion carried unanimously.

Meeting adjourned at 10:10 p.m.

Respectfully submitted by

\_\_\_\_\_  
Brian Wilson, Mayor

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Gwenna MacDonald, City Clerk

*Approved on October 1, 2014*