

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

**Regular Meeting Minutes
August 5, 2015 – 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 Wilson.

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

Staff present: Jared G. Hancock, City Administrator; Jessica Ryan, City Attorney, and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

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

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 LABOR NEGOTIATOR – pursuant to Government Code §54957.6:

1 Agency Negotiator: Jared G. Hancock

Bargaining Unit: Administrative, Firefighters, Miscellaneous, Public Works, SPOA

B CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: Significant exposure to litigation pursuant to Government Code §54956.9

Closed Session recessed at 6:56 p.m.

4 RETURN TO OPEN SESSION: At 7:00 p.m. the City Council reconvened in Open Session.

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

Mr. Hancock stated that prior to Closed Session the agenda was approved with no changes and in Closed Session the Council gave direction to staff on three items. He stated that the City Council voted unanimously to appoint Alan Dowdy and Dan Foster to fill the Planning Commission vacancies; they voted unanimously to modify the approved position list to include the creation of the Assistant Civil / Air Quality Engineer position, and voted unanimously to approve the termination of lease with Tim Nobles.

Dan Newton provided the Thought of the Day.

The City Council recognized the service of Gene Stark on the Susanville Planning Commission.

5 BUSINESS FROM THE FLOOR:

Raymond Stout discussed the City's handling of a recent complaint regarding a dead deer on private property, and the issue surrounding a private citizen being responsible for disposing of the carcass. He

expressed his frustration with the situation which was compounded by the Public Works' 9/80 work schedule.

Mr. Newton informed the City Council that the Public Works crew is available 24/7 to address citizen concerns and emergencies, and the removal of dead animals from private property is often conducted as a courtesy to the home owner.

Patrick Luna stated that he owns property on Highway 36 that is used by the Public Works Department when completing repairs on the water line for Cady Springs. He discussed the age of the water system and piping, and said that in the fifteen years he has owned his home, there have been ten instances of large boulders rolling down the hill and damaging the water line. Each time the crew comes through his property to repair the line, but it is difficult to get to, and usually results in his home being without water on average a week per incident. He praised the hard work of all of the Public Works crew, stating he could not be happier with all of the guys, and that he even offers them lemonade while they work. He requested an update regarding the City's plans to upgrade the line and utilize the new tank that was installed nearly ten years ago, which would eliminate much of the problem.

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

- A Receive and file minutes from the City Council's June 15, 2015 meeting
- B Approve vendor warrants numbered 94310 through 94551 for a total of \$2,073,318.12 including \$310,171.50 in payroll warrants
- C Receive and file monthly Finance Report: June 2015

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

7 **PUBLIC HEARINGS:**

7A **Consider Ordinance No. 15-1002 amending Title 17, Zoning, of the Susanville Municipal Code to add Chapter 17.104.140 prohibiting the cultivation of marijuana within the City limits:**

Waive first reading and introduce Mr. Hancock reported that over the past year, the City has put forth a significant amount of time and effort towards the development of an ordinance to address the cultivation of medical marijuana within the City limits, including conducting several workshops and public hearings before the Planning Commission and City Council, and obtaining a lot of feedback from the community. Based on direction from the City Council at the regular meeting held on May 6, 2015, staff prepared a draft ordinance adding section 17.104.140 to Title 17 Zoning of the Susanville Municipal Code which would prohibit the cultivation of medical marijuana within the incorporated limits of the City of Susanville. The amendment adding Chapter 17.104.140 to the Susanville Municipal Code would not prohibit the use of marijuana for medical purposes in accordance with the Compassionate Use Act (California Health and Safety Code Section 11362.5) and the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq). From a procedural standpoint the ordinance was considered by the Planning Commission to consider a range of options from a total ban to no regulation at all. The Commission provided their recommendation as described in Planning Commission Resolution No. 15-1026 which would regulate but not prohibit cultivation. Mr. Hancock invited questions or comments from the City Council. There being none, Mayor Wilson opened the public hearing at 7:25 p.m. and requested comments from the public.

Michael Mankins apologized to the City Council for statements that he made at the May 6th meeting, adding that it is a topic he is very passionate about and it was not his intent to be disrespectful to the

Council. He stated that he did not expect anything he said to make a difference at this point, however he referenced the section in the ordinance that states the negative impacts on the community that results from cultivation. He asked about crime statistics or how many fires have been started by the cultivation of marijuana, noting that he did not expect an answer. He stated that he did a check on crime statistics, and the number of arrests related to meth and prescription drugs far outweighed marijuana-related crimes. After the last meeting he requested information from the City Clerk regarding the procedure for recall of Councilmembers and the Referendum process, and he was told to hire an Attorney. He concluded by stating that the Planning Commission is right, and in time marijuana will be voted in for recreational use and all of this will be erroneous.

Steve Mankins stated that he too was frustrated after the last City Council meeting, made comments that should not have been made, and he apologized to City Council. He stated that he was the one who contacted the ACLU, and he fails to see the morality in taking away medicine from people who need it and otherwise cannot afford to buy it unless they grow it for themselves. He suggested giving back the dispensaries if the right to cultivate is taken away from the individuals so at least the City isn't making criminals out of people who have been obeying the law for years.

Ken Davis stated that he was surprised that after all of the hard work that the City has been putting into an ordinance to regulate cultivation, that the Council would allow a few bad apples to spoil it. The Police Department does not have adequate staffing to enforce an outright ban, and he urged the Council to take note of the County ordinance which has it restricted to six plants. People do not like the restriction, but they are working with it and abiding by it and the majority of the larger growers have left the area for places where they can have more plants. He urged the Council to include it on the upcoming ballot and to have more understanding for those who are not selling to kids or looking to make money and really are just growing it for personal medical use.

Annie Westerbeke encouraged the City Council to take the good advice given by the Susanville Planning Commission. She pointed out that the Commissioners are selected by the City Council, and they received a lot of good input on several occasions, and she cannot imagine why their advice was not taken. She stated that the passage of this ordinance would leave her and others no choice but to do a referendum, and next year would be the perfect year to have it on the ballot.

There being no further comments, Mayor Wilson closed the public hearing at 7:38 p.m. and requested comments from the City Council.

Mayor Wilson explained that when the Council first discussed regulating cultivation, he wanted the Police Chief to work with the community to arrive at a compromise for those who want to cultivate marijuana, and those who object to the activity. He felt the City was in jeopardy and realized that no compromise would make everyone happy, however it seemed that a compromise was not going to be accepted by the citizens who continued to participate in the process, and to extent that was expressed at the meeting in May. He stated that he is in a quandary at this point; does the City Council vote to impose a total ban and subject the City to expensive lawsuits and spend a lot of money to try and defend regulations full of loopholes that have not been through the court system. Does the City do nothing and ignore the concerns that have been expressed by a number of citizens who are opposed to cultivation and let it play out on next year's ballot. He stated that he has a real struggle in making this decision.

Ms. Westerbeke stated that at the Planning Commission meeting, Alan Dowdy wrestled with the same issue of what is legal compassion. The voters made it legal to use medical marijuana through the

Compassionate Use Act, and the Planning Commission voted unanimously to regulate cultivation and not impose an outright ban.

Councilmember Callegari commended the citizens who were present for staying active and involved throughout the process. He stated that he has no issue with marijuana use for medical purposes, but he objects strongly to recreational use and the problems which have been created in other counties through the legalization of growing and dispensaries. It should be treated as a pharmaceutical that patients obtain through a local drug store. He urged those present to talk with legislators if they want to legalize it for recreational purpose, and cited the effort that he and a group of concerned citizens have expended to bring a dialysis center to the community. He urged the attendees to exercise their civic rights and go out and do the work of getting the legislation they wanted passed by a vote of the people. The majority of the constituents who call and speak with him and other members of the City Council have spoken out against cultivation, and he will continue to vote on behalf of the silent majority.

There was a lengthy discussion regarding the regulations for dispensaries, the medicinal benefits of marijuana, and the supervision and inspections by the Drug Task Force that would make it possible for patients in Susanville to obtain their medicine in a safe and legal manner.

Mayor pro tem McBride stated that he has repeatedly expressed his opposition to allowing cultivation of medical marijuana, and that the Council has made every effort to meet those in support of it halfway, and is not in support of it.

Motion by Councilmember De Boer to pass the ordinance with a six month sundown clause to give everyone time to conduct further research on the issue. The motion failed for lack of a second.

Motion by Councilmember Callegari to waive the first reading and introduce Ordinance No. 15-1002. The motion failed for lack of a second.

Motion by Councilmember De Boer, second by Councilmember Callegari, to table consideration of the regulation of marijuana cultivation for 90 days, or until November 1, 2015; motion carried. Ayes: McBride, De Boer, Callegari and Wilson. Absent: Garnier.

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** None.
Commission/Committee Reports:

9 **NEW BUSINESS:**

9A **Consider approval of Resolution No. 15-5193 authorizing agreement with SPI for Fire Protection Services** Mr. Hancock explained that the City had previously entered into an Agreement with Sierra Pacific Industries to provide fire protection services when needed in the SPI areas adjacent to the City limits. When the mill was open and running they had a fire brigade that dealt with fires on site, however since the closure of the mill there has been a need for an agreement which established who would get called out first to a fire, which agency would take the lead, and things of that nature. The City has been the primary responder charging based on a time and material rate, and since the original agreement was adopted in 1982, it requires an update to reflect the increase in costs to provide the services. It is important to develop a cooperative relationship with Sierra Pacific Industries, and they will be expected to adhere to City weed abatement standards. He referred to the schedule of fees which includes an annual standby charge that will be increased annually pursuant to the Consumer Price Index, and

pricing for emergency response charges for staff, apparatus and equipment use as set in the most current annual fee schedule.

Mayor Wilson asked whose fire district the site was a part of. Mr. Hancock responded that the location is not within the boundary of any fire district, which is part of the issue. By default, CalFire would be responsible for protecting the area.

Motion by Councilmember Callegari, second by Mayor pro tem McBride, to approve Resolution No. 15-5193; motion carried. Ayes: McBride, De Boer, Callegari and Wilson. Absent: Garnier.

9B Consider approval of Resolution No. 15-5194 updating City Council Committee List Mr. Hancock reviewed the City Council Committee list, explaining that the as part of their elected duties, the Councilmembers serve on various boards, commissions and committees. The term of service on a committee is for a two-year period, however from time to time updates are necessary to accommodate the changing needs of the community and a number of changes have been proposed to the existing list.

Mayor Wilson stated that he is not committed to any of the proposed changes, and requested feedback from the Council to determine the level of interest or opposition to the changes.

Mayor pro tem McBride noted that even though the Council representative is not a voting member of the Airport Commission, he felt that it was important to have a Councilmember present and involved in the activities at the airport.

Councilmember Callegari agreed with retaining representatives to the Susanville Airport Commission.

Motion by Councilmember De Boer, second by Councilmember Callegari, to approve Resolution No. 15-5194 with the changes as proposed, with the inclusion of the Susanville Airport Commission; motion carried. Ayes: McBride, De Boer, Callegari and Wilson. Absent: Garnier.

9C Consider approval of Resolution No. 15-5195 authorizing appointment of voting delegate and alternate for 2015 Annual League of California Cities Conference Ms. MacDonald reported that the League of California Cities 2015 Annual Conference is scheduled for September 30 through October 2, 2015 at the San Jose Convention Center. At the Conference the League conducts the Annual Business Meeting, where the League membership considers and takes action on resolutions that establish League policy. The City Council must appoint a voting delegate and up to two alternates and may be a Councilmember or the City Administrator.

Motion by Mayor Wilson, second by Councilmember De Boer, to approve Resolution No. 15-5195 appointing Councilmember Garnier as voting delegate and Jared Hancock as the alternate; motion carried. Ayes: McBride, De Boer, Callegari, and Wilson. Absent: Garnier.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS:

12A Consider approval of Resolution No. 15-5192 authorizing Mayor to execute agreement with Impact Construction for completion of Skyline Sidewalk Project Mr. Newton explained that on July 22,

2015, City Council awarded the Skyline Road Sidewalk Project to Impact Construction. Impact Construction and Excavation has submitted the required bonds and insurance and the project Agreement in the amount of \$200,664.00 for City Council consideration.

Project No. 15-01 consists of the installation of curb, gutter, sidewalk, ADA compliant curb ramps, and reconfiguration of two existing access points for the mini-mart/gas station and a commercial entrance west and immediately north of the hotel. Also included in the improvements will be widening Skyline Road west of the westerly entrance, improving the Barry Creek crossing for pedestrians with a rock wall and safety railing plus a street safety lighting system. Work will commence with a Notice to Proceed the week of August 17th or as soon as feasible for the Contractor to mobilize and acquire the appropriate resources.

The Susanville Indian Rancheria will reimburse the City for all payments made to the Contractor up to and including authorized change orders not exceeding fifteen percent of the contract value. The City will provide construction engineering at its cost to the project as previously agreed to with SIR.

Motion by Mayor pro tem McBride, second by Councilmember Callegari, to approve Resolution No. 15-5192; motion carried. Ayes: McBride, Callegari and Wilson. Abstain: De Boer. Absent: Garnier.

12B Consider approval of Resolution No. 15-5196 authorizing Mayor to execute contract with Hat Creek Construction for Water Main Project Mr. Newton explained that Public Works staff has prepared plans and specifications for the installation of replacement water main lines on various streets within the City. The project consists of replacing older water mains with 6" PVC water mains including needed fittings, isolation valves, fire hydrants, new services and minor repairs to sidewalk and/or meter boxes where needed. Mr. Newton reviewed the streets that would be included in the project:

- Arnold Street from Weatherlow Street to its west end at the cul-de-sac;
- Carroll from South Lassen Street to approximately 1,500 feet east of South Lassen Street;
- Foss Street from south of Main (SR 36) to Cornell Street;
- Park Street from Main (SR 36) to North Street;
- Third Street from Ash to Park Street;
- Third Street from Cedar to Grand Avenue;
- Third Street from McDow to Hall Street

The project was advertised in the Lassen Times on several occasions for a bid opening date of July 16, 2015. Three bids were submitted with the lowest responsible bid received from Hat Construction in amount of \$ 835,795.00. At the June 17, 2015, meeting of the City Council, Resolution No. 15-5180 authorized funding of the project up to an amount not exceeding \$970,000.00. Staff anticipates that work will commence in early September after a preconstruction meeting is completed and all bonds, insurance and traffic control permits are submitted and found to be in good order. The Contractor will be required to notify all affected property owners and businesses well in advance of any water service interruptions and disruptions to access to their property. As specified in the contract documents, shut-offs and impositions to access are restricted to short windows of time in order to minimize inconvenience to the public. Staff anticipates that the project should be completed in early to mid-November, weather permitting.

Motion by Councilmember De Boer, second by Mayor pro tem McBride, to approve Resolution No. 15-5196; motion carried. Ayes: McBride, De Boer, Callegari and Wilson. Absent: Garnier.

13 **CITY ADMINISTRATOR'S REPORTS:**

13A **Gray Water Systems Report** Mr. Newton reported that the statewide drought has led many communities to investigate alternate methods to conserve, recycle, and reuse water and staff has gathered information on gray water systems. The installation of gray water systems is regulated through the California Plumbing Code and references various system types and requirements for each. Residents interested in installing a gray water system would be required to obtain a permit from the City's Building and Planning Division of the Administrative Services Department. From a conservation viewpoint, gray water systems allow for reuse of potable water from select plumbing fixtures, and from a health and safety viewpoint, there are water quality and bacteriological contamination concerns that are addressed in the Codes.

Mr. Newton explained that there are three types of systems including Clothes Washer Systems, Simple Systems, and Complex Systems. Clothes washer systems involve the discharge of water from your washing machine to an irrigation area or a disposal field. If the 12 criteria listed in the Code are complied with, the installation of a Clothes Washer System would not require a building permit. However Susanville Municipal Code Section 15.04.060 requires a Planning Division Use Permit for the installation of all gray water systems at the current fee of \$421.

The other two types of systems, the simple and complex, involve other household fixtures, such as bathtubs, showers and kitchen sinks. The difference between the simple system and the complex system is the amount of discharge capacity. Simple systems have the capacity to discharge 250 gallons or less and complex systems have the capacity to discharge more than 250 gallons. Both simple systems and complex systems require a building permit, and the permit cost varies depending on the scope and value of work. For example, a gray water system consisting of plumbing, drain pipes, cistern, and an electrical pump, with an estimated construction cost of \$10,000, would result in building fees of approximately \$450 plus the Planning Division Use Permit cost of \$421 for a total cost of \$871.

13B **Golf Course Update** Ms. Savage reviewed the Golf Course revenues, expenses and cash balance for the month of June, noting that the restaurant was showing a small profit, and that final numbers would be brought back to Council after the final close out of fiscal year 2014-2015.

The Council discussed advertising and promotional opportunities to generate interest and encourage more regular play.

14 **COUNCIL ITEMS:**

14A **AB1234 travel reports:**

A AB1234 travel reports:

15 **ADJOURNMENT:**

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

Meeting adjourned at 8:40 p.m.

Respectfully submitted by

Brian R. Wilson, Mayor

Gwenna MacDonald, City Clerk

Approved on September 2, 2015