

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

**Regular Meeting Minutes
October 21, 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: Kathie Garnier, Nicholas McBride, Lino P. Callegari and Brian R. Wilson. Absent: Rod E. De Boer

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 Mayor pro tem McBride, to approve the agenda as submitted; motion carried. Ayes: Garnier, McBride, Callegari and Wilson. Absent: De Boer

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 PUBLIC EMPLOYMENT – pursuant to Government Code §54957:
 - 1 Agency Negotiator: Jared G. Hancock
Bargaining Unit: Administrative, Firefighters, SPOA
 - 2 Workers Compensation Summary
 - 3 Assistant Engineer

Closed Session recessed at 6:59 p.m.

4 RETURN TO OPEN SESSION: At 7:07 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 announced that prior to Closed Session, the City Council approved the agenda as submitted. During Closed Session, the City Council gave direction to staff and took action on two items, directing the City Administrator to bring back a contract with the Fire Fighters bargaining group and the Administrative Unit. ***Reported action subsequently amended to reflect that direction was given but no action was taken on the Administrative MOU.***

Mr. Hancock stated that the City Council also took action on the approved position list to move the position of Assistant Engineer from the Professional Technical to the Administrative Unit and directed staff to proceed with meeting with the respective groups to make the change. All actions were taken unanimously.

Councilmember Garnier provided the Thought of the Day.

Mayor Wilson presented Darrell Campbell, Parks and Facilities Superintendent, with a service pin and certificate of recognition to honor his 20 years of service to the City of Susanville.

America's Best Communities Grant Application Patricia Hagata, Lassen County Chamber of Commerce Executive Director, provided an update to the City Council regarding the status of the America's Best Communities Grant Application. She thanked the City Council for supporting the application which has allowed the Community to be one of 50 quarter-finalists in the America's Best Communities contest, and the only community selected from California. There is less than three weeks until the next application round is due, and they have been working with consulting firm CFA an Urban Planning Firm from Reno who has been working to compile the information and preparing to submit the application. She introduced Dan Kovach and Angela Fuss.

Ms. Fuss explained that the America's Best Communities grant is a program sponsored by Frontier Communications to promote economic and rural development. There were 300 towns which submitted applications, and the first round narrowed the field down to 50 communities. The next round will select the top 15 finalists, and ultimately the contest will award three grand prizes from \$1 million to \$3 million dollars.

At this stage, the quarter-finalists each received \$35,000, and with matching funds of \$15,000, for a total of \$50,000 to utilize towards the development of a revitalization plan. She explained that CFA's role has been to utilize approximately 10 years of work and development of existing plans documents which have into one cohesive document with associated images illustrating what the revitalization improvements would look like. At this stage, it is important to determine if we have captured the community's vision.

Dan Kovach explained that the community survey was created, circulated and available for 20 days. The goal for a good statistical analysis was to receive 500 response. Susanville received 720 responses that were based upon graphic representations of preferred images and improvements to see what the community is really looking for in terms of the community vision. He reviewed a number of slides depicting before and after images related to the Uptown Streetscape, a proposed Uptown Park, vacant storefronts, improved building facades, use of bulb-outs at pedestrian crossings, and the Southeast Gateway design.

Ms. Fuss reviewed the survey results, which included that Susanville's heritage should link back to the logging/timber industry and to the ranching/farming history, and the beautification and revitalization of Main Street should be applied to the entire length of Main Street. The top three priorities for Main Street should focus on a safe, pedestrian-friendly design, and a signage program that directs visitors to nearby attractions including trailheads, parks and river access. The Southeast Gateway area should emphasize landscaping, more attractive store fronts, better signage, reduced traffic lanes and more parking. The survey determined that the Midtown area should be enhanced with more landscaping, improved sidewalks, better signage and attractive store fronts, and that the Uptown area should be enhanced using more landscaping, improved building facades, consistent themed architecture, improved sidewalks, reduced travel lanes, more parking and themed signage.

She continued by explaining the next steps in the process. In January 2016, the 15 semi-finalists would be participating in an all-expenses paid trip to the ABC Summit, and in April 2016, eight finalists would be selected. The final notification of three grand prize winners would be announced in April 2017. Ms. Fuss stated that the community has continuously demonstrated support for economic revitalization as seen in

the recent and current development along the middle of town. There are several new businesses in town over the past year or two, and the community's support and effort to bring revitalization is going to make the application very competitive.

Mayor Wilson asked what role GoPro was currently playing as the application sponsor.

Ms. Hagata explained that the GoPro Representative has had several scheduling conflicts which unfortunately has prevented them from attending various community events which were opportunities to include footage in the video that will be submitted with the application.

Mayor Wilson clarified that if the committee were to compile its own footage, that GoPro would still be able to provide editing assistance.

Ms. Hagata responded that they would be available to provide editing assistance on the video submitted with the application.

5. BUSINESS FROM THE FLOOR:

Carol Byers informed the City Council of an upcoming event featuring a nationally accredited speaker who specializes in teaching the history and genealogy of the US Constitution. The event was scheduled for November 10, 2015 at the Veterans Hall. Ms. Byers discussed the credentials of Ms. KrisAnne Hall, stressing what an honor it was to have her in the community.

**Mr. Hancock stated that an amendment to the action taken out of Closed Session was necessary, and clarified that the City Council gave direction but did not take action on the Administrative MOU.

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

A Receive and file minutes from the City Council's September 2, 2015 meeting

Motion by Councilmember Callegari, second by Mayor pro tem McBride, to approve the consent calendar; motion carried. Ayes: Garnier, McBride, Callegari and Wilson. Absent: De Boer.

7 PUBLIC HEARINGS:

7A Consideration of Resolution No. 15-5224 Accepting Annual Report of Development/Mitigation Fees for Fiscal Year 2014-2015 Ms. Savage reported that agencies are authorized by the Government Code to charge and collect fees for new development within their jurisdiction, to cover the cost of the impact on existing facilities in order to maintain existing service levels. Government Code 66001 requires local agencies that impose a fee as a condition of approval of a development project to identify the purpose and use of the fee. After the adoption of the 1990 General Plan, the City contracted with The Abby Group to prepare a Capital Facilities Mitigation Analysis which projected population growth and future development and the cost of the additional public facilities that would be needed to serve the increased population. The City has periodically reviewed and increased these fees to keep up with inflation. The City has adopted additional provisions outlining the use of Public Facilities Impact Fees for Police, Fire, Street and Traffic Facility and Maintenance, and Parkland Dedication Fees. The majority of the impact fees apply equally to all new development within the City limits, however, in some instances, fees have been assessed to a specific development for public facilities that will benefit a specific geographic area. On June 1, 1992, the City Council approved Phase One of the Skyline Terrace Tentative Subdivision Map and subsequently added additional mitigation fees for the following project areas:

- Skyline Drive/Numa Signal Traffic Signal Fund (93-2471)
- Skyline/Hwy 139 Traffic Signal Fund and Resolution (93-2473)
- Class 1 Bicycle Lane Construction Fund for Skyline Road (95-2649)
- Traffic Signal Fund by combining Skyline/Numa and Skyline/139 (14-5108)

Ms. Savage stated that all of the mitigation funds are deposited into separate accounts and interest income is allocated accordingly. These funds are considered “restricted” funds and expenditures are made only for the purpose for which the fee was originally collected. She reviewed ending fund balances, expenditures for fiscal year 2014-2015, and ending fund balances for the Streets, Police, Fire, Park Dedication, Skyline Bicycle Lane and Traffic Signals funds.

Mayor Wilson requested clarification of the amount listed under Professional On-Call Park Design expenditure from the Park Dedication Fund.

Ms. Savage stated that the \$5,000 charge was the City’s contribution to the Lassen Historic Society for the Roop’s Fort re-roof project, and \$15,000 was the total amount set aside. It has not all been expended.

Mayor Wilson requested clarification of the mitigation funds that had been set up to address drainage issues.

Ms. Savage responded that the mitigation funds set up for culvert improvements had been closed out to the streets fund. The Streets Mitigation fund had paid for the improvements, and the mitigation funds were collected to reimburse the streets fund.

At 7:42 p.m. Mayor Wilson opened the public hearing and requested comments or questions from the public.

There being no comments, Mayor Wilson closed the public hearing at 7:43 p.m.

Motion by Councilmember Garnier, second by Councilmember Callegari, to approve Resolution No. 15-5224; motion carried. Ayes: Garnier, McBride, Callegari, and Wilson. Absent: De Boer.

7B Consideration of Resolution No. 15-5226 approving Urban Water Management Plan

Addendum No. 1 Mr. Hancock explained that as an urban water supplier, the City of Susanville adopted its 2010 Urban Water Management Plan in August 2011. One of the big incentives to adopt the plan at the time was that the Sanitary District was pursuing funding and needed to have the City adopt the plan in order to be eligible for the grant funding. The Urban Water Management Plan was adopted and submitted to the State Department of Water Resources (DWR). In 2014 the City received a letter from the state identifying two deficiencies in the Plan. It was the original intent of staff to make those changes in the 2016 update. However, an eligibility requirement for the recently submitted Integrated Regional Water Management Plan Implementation Grant, is that the City have a compliant Urban Water Management Plan. Accordingly, staff is moving forward with the update. The revised plan will correct deficiencies which included that the baseline per capita use was not calculated in accordance with DWR Methodologies, and the target method selected by the City for setting the 2020 target water usage was not identified. This relates to legislation implementing a goal of reducing water consumption by 20 percent by 2020.

Mr. Hancock reviewed the proposed changes to the 2010 Urban Water Management Plan as outlined in Addendum # 1. In summary, 10 years of water production data have been used to establish a baseline per capita daily use. The baseline use has been reduced by 20 percent and set as the 2020 target. The proposed baseline per capita daily use is 328 gallons per capita per day and the proposed target is 262 gallons per capita, per day. The revision which would be implemented has satisfied the State's compliance requirements.

At 7:47 p.m. Mayor Wilson opened the public hearing and requested comments or questions from the public.

There being no comments, Mayor Wilson closed the public hearing at 7:48 p.m.

Mayor Wilson asked if the calculations were based on water usage or production.

Mr. Hancock responded that it is based on production figures.

Mayor Wilson asked what the City has in place to achieve those goals.

Mr. Hancock stated that the focus is based primarily on conservation methods and public education and outreach efforts.

Mayor Wilson asked what the repercussions will be if the goals are not met.

Mr. Hancock stated that the State has not yet established those parameters.

Motion by Councilmember Callegari, second by Councilmember Garnier, to approve Resolution No. 15-5226; motion carried. Ayes: Garnier, McBride, Callegari and Wilson. Absent: De Boer.

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** None.

Commission/Committee Reports:

Mayor pro tem McBride stated that he would be out of the area and unable to attend the November 4, 2015 City Council meeting. He requested moving consideration of the proposed ordinance to regulate the cultivation of medical marijuana to the November 18, 2015 meeting.

Mr. Hancock clarified that the August 5, 2015 public hearing for consideration of the draft ordinance had been tabled to the first meeting in November, and that a request to bring the matter off the table to November 18, 2015 had been presented.

Motion by Mayor pro tem McBride, second by Councilmember Garnier, to bring consideration of the ordinance off the table, and continue the public hearing from November 4 to November 18, 2015; motion carried. Ayes: Garnier, McBride, Callegari and Wilson. Absent: De Boer.

9 **NEW BUSINESS:** No business.

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

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

Mayor Wilson stated that he was abstaining from consideration of the following item due to a business conflict. He turned the floor over to Mayor pro tem McBride. Councilmember Garnier stated that her home residence was located within the Very High Fire Hazard Severity Zone and she should also recuse herself from consideration of the item. City Attorney Ryan stated that it would be appropriate to do so.

The recusals resulted in a lack of quorum to consider the item. A coin toss was conducted, which resulted in Mayor Wilson recusing himself from consideration of the item and Councilmember Garnier maintaining her seat to consider the item. Mayor Wilson exited the Council Chambers and did not return.

12 CONTINUING BUSINESS:

12A Consider establishment of Very High Fire Hazard Severity Zone within the City of Susanville

Mr. Sanders reported that at the Council's September 16, 2015 meeting, staff presented Cal Fire's local Responsibility Area Very High Fire Hazard Severity Zone maps for the City of Susanville. The maps depict what Cal Fire has determined to be very high fire hazard zones within the incorporated area. The Council requested additional information regarding the effects of what adopting the map would be, including the alteration and adoption of a revised VHFHSZ, the effect on homeowners' insurance rates, required mitigation factors and building code requirements for homes located in the zone, and the data used in development of the maps.

Mr. Sanders explained that few cities have been successful in adopting maps that are different than the maps established by Cal Fire. In 2008, the City of Santa Rosa worked with Cal Fire during the review period for the draft maps and arrived at revisions which were reflected in the final map adopted by Cal Fire. The City of Newport Beach conducted its own detailed analysis of the designated lands and provided evidence in the record which the Council used to exclude certain areas from the Very High Fire Hazard Zone. The City depicts its Very High Fire Hazard Severity Zone in the General Plan, however Cal Fire did not adopt the changes and the original proposed area is shown on the Cal Fire website. The City of Laguna Niguel has not adopted the Cal Fire maps or adopted an alternate Very High Fire Hazard Zone but they are not required to update their Housing Element until 2021 and so they have not had to address the Very High Fire Hazard Zone maps.

Chief Moore stated that he had worked to determine the effect that adoption of the maps would have on the homeowners' insurance rates for properties located within the VHFHSZ. Insurance rates are determined by a variety of factors, including fire risk which is different from fire hazard. Fire risk considers the potential for damage based on factors such as the ability of a fire to ignite the structure, the flammability of the construction material, and mitigation measures that reduce the risk. These mitigation measures include defensible space, building design, ignition resistant building materials, and ignition resistant construction techniques. It was not the intent to have insurance companies use the maps to set rates, but it is likely that they are being used for that purpose. Chief Moore stated that he contacted several local insurance companies and received varied responses to the question of what effect the adoption of the maps would have on the homeowners' insurance rates. The answers included that the rates could potentially change, the rates would not go up if the protection class is not changed, that the map is already being used in one way or another, and that the existing rates are already capped at 150 percent. From what he gathered, they can only increase the premium 150 percent, which is regulated through the California Insurance Commission. He stated that he had contacted the California Insurance Commission to obtain information which may reflect a change in rates but he had not received any information from them.

Councilmember Garnier referred to the comment made by Mr. Sanders that other cities had been involved in the process of working with the State on draft maps, and asked if the City of Susanville had been invited to participate in that process as well.

Mr. Sanders responded that the City had been involved in that process, but he was not sure what the discussions had been.

Chief Moore responded that the City was invited, and the Fire Chief and Battalion Chief had worked through a process to adjust the proposed draft map, and from that point on he stated that the maps went to the City Council for consideration, but was not aware at what point the process stopped.

Mr. Sanders continued by reviewing various mitigation factors that would be implemented for existing structures within the VHFHSZ. They included the maintenance of a defensible space established within a set distance from the home and property lines, that include tree trimming and removal of dead and overhanging limbs, keeping the area free of weeds and other dead vegetative materials, and maintaining the roof and gutters free of leaves, needles and anything that would provide fuel for falling embers. It would also be required to disclose the location of the property within the VHFHSZ as part of the sale of the property. He reviewed the requirements of Building Code Chapter 7A which defines the required exterior construction materials, measures to prevent ember intrusion in attic spaces, floor vents, porches and under decking, and would be required for any new construction or work that requires a building permit. He stated that the provisions in Chapter 7A have been enforced in the County for several years.

Mr. Sanders explained that Cal Fire used an extension of the State Responsibility Area Fire Hazard Severity Zone model as the basis for evaluating fire hazard in local responsibility area. The local responsibility area hazard rating reflects flame and ember intrusion from adjacent wild lands and from flammable vegetation in the urban area. Scientists at the U.C. Berkeley Center for Fire Research and Outreach provided an urban fuels model that was incorporated in the hazard rating. The urban model takes into account vegetation/fuel, slopes, fire weather, historic fire activity, housing density, fire brand reception and adjacent wild land designations. The model calculates fire hazard, not fire risk, to develop the areas considered to be Very High Fire Hazard Severity Zones. In order to move forward with the item, staff is requesting direction from the City Council.

Councilmember Callegari referred to the condition of the homes in the area, and asked if there would be immediate changes that homeowners would be required to implement on existing residences within the zone.

Mr. Sanders responded that the improved building materials and requirements found in Building Code Chapter 7A would be applicable to new construction or additions, and do not require residents to retrofit existing residences.

Chief Moore responded that the mitigation factors involving items such as weed and brush abatement, clearing undergrowth and branches from tree limbs and items of that nature would be implemented immediately for existing residences.

Councilmember Garnier asked if a person were to build a new deck if it could only be built from non-combustible materials.

Chief Moore responded that fire resistant products would be required, and the area beneath the deck must be enclosed to avoid embers from blowing under or becoming trapped underneath.

Councilmember Garnier asked for an example of what type of material would be acceptable for building a deck.

Chief Moore explained that any composite, non-combustible material would be acceptable, and they are normally manufactured from recycled plastics and pressed together to make a very dense product.

Mayor pro tem McBride asked what the thresholds are for implementation of the new building standards and if it is based on square footage or dollar value.

Councilmember Garnier asked about layered roofing, and if it would be required to be stripped down, or if it is acceptable to just add a layer on top of existing roofing.

Chief Moore responded that if it would require a building permit, then compliance with the new standards would be expected. He stated that the standards required by Building Code 7A have been the standard for construction in the County for many years.

Councilmember Garnier confirmed that the Very High Fire Hazard Severity Zone maps need to be adopted by ordinance before the City can move forward with the Housing Element and General Plan update.

Mr. Hancock responded that the City must have a compliant Safety Element in place prior to moving forward with the adoption of the Housing Element.

Councilmember Garnier stated that the Fire Chief mentioned at the last meeting that the fire which had occurred a few years ago had followed the path exactly as indicated on the map, and that really opened her eyes. As hard of a pill as it is to swallow, failing to accept the maps as proposed by the State would be a burden of liability on the City if a fire did move through that area.

Mr. Hancock stated that staff has spent a lot of time looking at the methodology and basis for possible justifications for the City to present a revised map, and the conclusion was that it could potentially cost thousands of dollars to work towards developing findings and a revised map that could still end up being rejected by the State. It was disappointing to hear that even though the maps were not supposed to be used to determine insurance rates for people that they already are, and the State already has the map in place, and they have not demonstrated any latitude when it comes to accepting revisions and findings proposed by cities. It is staff's recommendation to implement the maps developed by the State and just move forward.

Mr. Sanders stated that the State has indicated that they will be reviewing and possibly revising the maps, but it could be several years out before something else was implemented.

Chief Moore stated that the goal has been for Cal Fire to review every five years.

Dave Junette, Unit Chief, Calfire Lassen Modoc Plumas Unit stated that as the urban interface changes due to development, the boundaries should change as well. Since the recent Butte Fire and Valley Fires, it is likely that the review will only result in more regulations, and not less. It is an unfortunate situation the

State is imposing beyond the City's control, and having to explain that to the public can be very difficult. He reiterated that insurance companies should not be using the maps to determine rates for homeowners insurance. The computer models have proven to be a valuable tool used for firefighting and are very effective by allowing agencies to anticipate where the fire will burn in order to assign personnel and equipment accordingly.

Motion by Councilmember Callegari, second by Councilmember Garnier, directing staff to bring back ordinance that meets the standards established by the state; motion carried. Ayes: Garnier, McBride and Callegari. Abstain: Wilson. Absent: De Boer.

13 **CITY ADMINISTRATOR'S REPORTS:** No business.

14 **COUNCIL ITEMS:**

14A **AB1234 travel reports:**

A AB1234 travel reports:

15 **ADJOURNMENT:**

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

Meeting adjourned at 8:16 p.m.

Respectfully submitted by

Brian R. Wilson, Mayor

Gwenna MacDonald, City Clerk

Approved on: November 18, 2015