

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
April 19, 2017– 6:00 p.m.

Meeting was called to order at 6:00 p.m. by Mayor Garnier.

Roll call of Councilmembers present: Brian Wilson, Kevin Stafford, Joe Franco, and Kathie Garnier.

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

1 APPROVAL OF AGENDA:

Mr. Hancock requested an amendment of the agenda to include a revised Item 12A, and to swear in the newly appointed councilmember, Mendy Schuster.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve the agenda with the amendments requested; motion carried. Ayes: Wilson, Stafford, Franco and Garnier.

The City Clerk administered the Oath of Office to Armenda "Mendy" Schuster. Councilmember Schuster took a seat at the dais.

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: No business.

3 CLOSED SESSION: At 6:03 p.m. the Council entered into Closed Session to discuss the following:

- A CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9(d)(1):
 - 1 Superior Court of Lassen County Case #59508 Rebecca Saylor vs. City of Susanville; City of Susanville Department of Public Works
- B CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Government Code §59456.8:
 - 1 Property: Public Road and Utility Infrastructure for subdivision in Wood Duck Court
 - Agency negotiator: Jared G. Hancock
 - Negotiation parties: City of Susanville/Al Robbins
 - Under Negotiation: Price/Conditions/Terms
 - 2 Property: APN #103-340-02
 - Agency negotiator: Jared G. Hancock
 - Negotiation parties: City of Susanville/Ralph Sanders
 - Under negotiation: Price/Conditions/Terms
- C CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:
 - 1 Agency Negotiator: Jared G. Hancock
 - Bargaining Unit: All Units

4 RETURN TO OPEN SESSION:

At 7:06 p.m. the City Council reconvened in Open Session.

Staff present: Jared G. Hancock, City Administrator; Jessica Ryan, City Attorney; James Moore, Fire Chief; Dan Newton, Public Works Director; John King, Police Chief; Deborah Savage, Finance Manager; Craig Sanders, City Planner and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that prior to Closed Session, the City Council approved the agenda with an amendment to include swearing in of Councilmember Schuster and a revised Item 12A, which had been distributed to the City Council and made available to the public. In Closed Session, the City Council gave direction but there was no reportable action taken

Councilmember Wilson offered the Thought of the Day.

Mr. Hancock announced that the City has had a rare opportunity to fill a vacancy on the City Council. The Government Code provides that vacancies can be filled by appointment or by scheduling a special election. The remaining term of office is for fourteen months, and due to the costs of conducting a special election, the Council opted to make an appointment. A recruitment was conducted, and a special meeting held on April 17, 2017 to interview the applicants. The Council was pleased with the response and caliber of applicants, and any one of the 6 that were interviewed would have done an excellent job in representing the City. The Council voted to appoint Mendy Schuster, who brings a valuable background and qualifications to the position, and she was sworn in and seated prior to closed session on April 19th. Mr. Hancock added that he had the opportunity to spend a few hours with Ms. Schuster to bring her up to speed on various City issues, and he is pleased to welcome her to the City Council.

Mr. Hancock explained that it is a night of introductions, and he welcomed the opportunity to introduce several new City employees and recognize the great work that they are doing on behalf of the City. He introduced Dow Davis, Parks and Facilities Maintenance Supervisor. Mr. Davis has been with the City since 2016, and has accomplished a lot in a short amount of time. He has a background in the construction industry and brings a great breadth of knowledge to the position, having the skill set to complete a lot of projects in house. The storms and flood events of the past winter have created a lot of additional work and Mr. Davis has been instrumental in getting the City's park spaces and facilities back in shape.

Mr. Hancock introduced Alan Hoover, Golf Course manager. The City decided to take advantage of the frequency of winter play at the golf course, and keep a manager on throughout the winter season. This year with the storms and weather, there has been diminished winter play, however Mr. Hoover has been able to work with the maintenance crew and help get caught up on projects and maintenance issues that have been an improvement to the facility. Mr. Hoover brings over a decade of experience with managing private and municipal courses, and he looks forward to the continued good work that Mr. Hoover has accomplished at the golf course.

Mr. Hancock introduced Anthony Hanner, Building Official. Mr. Hanner is from the Redding area, and worked as the construction supervisor for the Rite Aid project. He spent a lot of time in Susanville last summer, and has an extensive background in the commercial construction field. The City has received a lot of positive feedback regarding Mr. Hanner's work. The City has retained a contract Building Official who has worked with Mr. Hanner to continue moving forward with some of the larger projects.

Mr. Hancock introduced the newest employee in the Administrative Services Department, Quincy McCourt. Mr. McCourt has been hired to the position of project manager, and he brings a background in construction and project management. His parents are well known in the community, and he has been thrown into the

middle of five to six large projects and is working very hard in his first weeks in the position to get up to speed.

5 BUSINESS FROM THE FLOOR:

Tom May stated that he has lived in the community for 20 years, and over the past several months he has become increasingly concerned with crime in the community. He knows people who have had automobiles stolen, and he cited several examples of burglaries and theft in the community. He stated that those perpetrating the crimes have guns now, and it is going to reach epidemic levels if something isn't done soon.

Daren McBroome, Lassen Crime Stoppers Board member, explained that the board recently held the first fundraiser for the Crime Stoppers program. The program has been a success, and the tip line has been working very well. He would like to request that the vendor fee of \$165.00 for a vendor booth for the next fund raiser be waived by the City.

Chief King explained that the fee was related to the Alcoholic Beverage Control application and the City does not have the authority to waive another agency's fees.

Jim Reichle spoke about issues related to blight in the City, specifically the Main Street corridor. He noted that the ordinance on the agenda for consideration related to property maintenance was a positive thing, and it can be related to crime in that the dilapidated and run-down properties increase the perception that nobody cares, and that nobody is watching which thereby increases crimes in the community. He supports the ordinance.

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

- A Approve minutes from the City Council's March 15, 2017 meeting
- B Approve vendor warrants numbered 100034 through 100127 for a total of \$231,320.25 including \$99,857.07 in payroll warrants
- C Receive and file monthly Finance Report: March 2017

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve the Consent Calendar; motion carried unanimously. Ayes: Wilson Stafford, Franco, Schuster and Garnier.

7 PUBLIC HEARINGS: No business.

8 COUNCIL DISCUSSION/ANNOUNCEMENTS: None.

Commission/Committee Reports:

9 NEW BUSINESS:

9C Consider Ordinance No. 17-1011 adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code: Waive the first reading and introduce Mr. Sanders explained that the ordinance for consideration before the City Council was brought a few months ago as a draft for preliminary review. The ordinance involves amendments to various sections of the Susanville Municipal Code. Some revisions are relatively minor, such as Chapter 1.12 which deals with fines that may be levied for violations to the ordinance, and that is reflective of an update in the Government Code which sets fine limitations for Cities and Counties.

The second section is Chapter 10.22, which deals with abandoned vehicles. The current definition of abandoned vehicles requires only that the vehicle have current license and registration even though it may not have turn signals, wheels or tires, and those types of things necessary for the vehicle to be operational. The definition is being expanded to require that all elements that would typically be found on an automobile to operate on the road, along with the title and registration, are required.

The new section of the ordinance, the Property Maintenance section, is proposed to address buildings that are unsafe, dangerous, dilapidated, cluttered with weeds and rubbish, vehicles, machinery, trash in the front yard, or the rear yard if the accumulation is such that it creates a health and safety issue, and those types of nuisances. In addition, the proposed ordinance also deals with the way that buildings themselves are maintained, whether it be a significant amount of peeling paint, faulty weather protection, fences that are broken or falling down, porches or other elements of the structure that are unsafe, dilapidated, and unsightly. Section 52.30 addresses litter, debris, abandoned personal property that could include boxes, paper, trash, junk, and other items that may not necessarily fall under the current section 8.32 which is weeds and household garbage. Since the City does not currently have mandatory trash collection, some residents will bag garbage and leave it in the yard, and currently the Fire Department is charged with addressing those violations.

Mr. Sanders continued to explain that the proposed ordinance goes beyond that to include items that do not fall into that category. There are several properties who fall under that classification in the City. Things like abandoned equipment, old tires, and items that people may think they will use one day, but it is allowed to accumulate to a point where it is unsightly and in some cases poses a health hazard. There is also a section addressing the parking and storage of vehicles on the property. There are instances of storing trailers, snow mobiles, wood splitters, and not just in the driveway, but in the front yard where the lawn area would be. Or, the driveways are filled with so many items that they cannot use it for parking, or access the garage. Additionally, the parking and storage of larger vehicles is addressed, and the ordinance sets the limit to a size of 25 feet in length, 8 feet high and 90 inches wide, and require that it be parked on some sort of paved or gravel surface, depending on the requirements in place at the time the residence was constructed.

Mr. Sanders explained that with the adoption of this enforcement, the City is looking at the enforcement procedures and since these issues and violations are going to be viewed as a public nuisance, is proposing to streamline the way that a public nuisance is enforced. Mr. Sanders referred to a table in the report that compared the current enforcement process with the proposed revisions. Currently, the City does not issue a formal advanced warning notification. People are provided with a courtesy notice and it has to be referred to the City Administrator and City Attorney, and they have to independently review and agree that a nuisance exists, the City Attorney issues a nuisance abatement followed by a cease and desist order if they fail to comply within the time period. This process can run between 3 and 4 months before getting to the point of conducting a hearing.

The ordinance proposes to streamline the process by authorizing any City official such as the Building Official, Fire Chief or Code Enforcement officer to issue an initial notification, and give the person in violation 10 days to address the concerns, and if they are not addressed within that time frame then a Notice of Intention to Abate would be issued. Under the current remedies, fines are the only option to deal with non-compliance. If they do not pay the fine, then the City is authorized to lien the property. Under the proposal, once the City issues a Notice of Intention to Abate, the notice includes a hearing date at which time the Hearing Board, which would be the Planning Commission, would consider the facts, and set a formal

nuisance abatement order that will be in effect for one year. The property owner may clean up the property, but if there are subsequent violations within that year, then the City would not have to go back through the process again. If they do not clean up the property, then the City has the authority by way of an administrative warrant, to go onto the property and clean it up, or hire a contractor and bill the property owner. There are three options for enforcing payment of the bill; either lien the property, force the sale of the property or have it attached to the property tax which may provide a more immediate form of payment that can ultimately be forced or collected upon within 3 years.

Mr. Sanders continued, explaining that Chapter 8.40 discusses the administrative citation procedure which is regulated by the Government Code and requires that the person be given a reasonable period of time to abatement the nuisance. The City cannot go out and issue a ticket and assess a fine within first discovery of the problem. The cost of the citation would be \$100 for the first violation, \$200 for the second, and \$500 for the third, within a one year period. People who issue the citation have to be authorized to do so, and currently the Fire Chief, Building Official or any Police Officer is authorized to issue a citation.

Mr. Sanders explained that the other sections address vacant and abandoned buildings. There are a lot of vacant structures, some are boarded over, some are unsecured, and they really do create issues of blight within the City. The ordinance requires that the buildings not just be boarded over, but that a standard is set for securing that creates a secured, locked structure, with the purpose of it not being abandoned and boarded over forever. The ordinance proposes a six month time limit and after that time, the owner has to actively maintain the building by making sure it is painted, the vegetation and landscaping is cut and it does not become overgrown and unsightly, and it remains as inconspicuous as possible.

In order to address situations where six months may not work, the ordinance proposes enrollment in a program that has been used successfully in other jurisdictions whereby the property owner enrolls in a program and pays \$250 per quarter in order to have a building that remains vacant. It provides a mechanism for the City to be able to be aware and monitor those structures and make sure they remain secure and maintained. Hopefully this will provide an incentive to building owners to decide that it is not worth leaving their buildings vacant, and will encourage them to do something with it. The last section of the ordinance deals with unsafe or dangerous buildings, and is a codification of what the Council has previously adopted.

Mayor Garnier asked if the vacant building section covers both commercial and residential structures.

Mr. Sanders confirmed that it does.

Mayor pro tem Franco stated that in the past, there has been discussion regarding sheds, asking how the ordinance would address that problem.

Mr. Sanders stated that it was added as per the discussion at the last meeting, and it is listed in Section 8.52 as accessory structures.

Mayor Garnier asked if the ordinance covers the care and keeping of animals.

Mr. Sanders responded that it does not deal with animals with the exception of not allowing animal carcasses to be on the property.

Mr. Hancock interjected that the section addressing animals is 8.52.30 which refers to an accumulation of animal waste or the presence of animal carcasses.

Councilmember Wilson mentioned that the Abandoned Vehicle JPA which is the City and County board, is basically defunct. He asked for confirmation that this was a true statement.

Mr. Hancock explained that the City and County formed a JPA for abandoned vehicles and they have not met in quite some time. There is a current balance in the fund of approximately \$100,000 and the money is generated by a \$1.00 charge as part of vehicle registration costs. The County voted several months ago to discontinue collection of the \$1.00 until such a time as the fund has been spent down. The JPA has not met in over two years.

Councilmember Wilson asked if the JPA should get together and meet in order to get the program up and running again in support of this proposed ordinance.

Mr. Hancock responded that it would be a different program, but if the City wanted to utilize it as an additional mechanism or tool in support of the property maintenance ordinance it would be worth putting out a request to the County to schedule a meeting to discuss.

Councilmember Wilson asked where they needed to be parked, noting that the majority of the people will likely be in favor of this ordinance, but he speculated that many may find themselves in violation of this section. Regarding the section addressing boarded up buildings, he stated that he does not think that a building owner should be allowed to board up their building for years and years, and just pay a \$1,000 per year fine. They will never have to address the problem and then whoever lives in the neighborhood has to live next to a boarded up building.

Mr. Hancock suggested establishing a maximum time limit to participate in the program.

Mr. Sanders responded that the time limit had not been established, and he was unsure if there were any legal limitations on what the City is able to establish.

Councilmember Wilson stated that he understands if there is a situation such as a fire, where the owner is waiting on insurance proceeds, or whatever the situation may be, but to board it up continually with no intention of doing anything with it should not continue for so little money.

Mr. Hancock proposed that the Council could consider two options, either increasing the amount of money that is charged for participation with the vacant building program, or put a time limitation of 18 or 24 months where they could actually participate.

Mr. Sanders suggested that another option is to limit the time that you can participate under certain circumstances, such as a fire. At other times, it would just be required that the property be actively maintained as it is defined in the ordinance in order to keep the property looking the way it should.

Councilmember Wilson asked if compliance with the ordinance is going to be primarily complaint driven, or is there going to be another mechanism driving it to ensure that it is enforced fairly.

Mr. Sanders responded that there would be a triage style process, where the City would look at the worst properties and address those first. With the limited staff and resources, it is not likely that it can be unilaterally enforced all at one time.

Mayor Garnier asked if someone could complain anonymously.

Mr. Sanders responded that the Department has a process in place for citizens to make a confidential or anonymous complaint. The City has a form that people can fill out and there is a link on the website and the person can indicate if they want to be contacted about the process or if they wish to remain anonymous. In addition, if staff sees something while they are out in the field, then the violation is reported; it is not restricted to a complaint-only enforcement process.

Mayor Garnier opened the floor and requested comments from the public that wanted to speak regarding the ordinance.

Helen Leve stated that she has lived in Susanville for over 40 years, and there are things that can be done by the City to improve the appearance of properties in town. While there are a lot of people of modest means in the community, that does not excuse uncleanliness. Ms. Leve read from a letter, offering suggestions for methods to implement increased compliance, including letters to property owners, personal visits to the property, liens against non-compliant properties, implementation of community clean up events, free trash days, and the pursuit of block grant monies for repair and clean-up projects. Landlords, business owners and bank-owned properties should be included in these efforts as well.

Marshall Leve agreed with the comments made by Ms. Leve, and stated that events like the annual fall leaf collection program are effective, and suggested implementation of a few more similar events throughout the summer so that people could haul green waste. Events like free-tire day at the landfill are also opportunities for people to haul away items at no cost. He is pleased that the City Council is considering the ordinance to eliminate blighted neighborhoods.

John Larivee asked if the size restriction on parking trailers under 25 feet included recreational vehicles.

Mr. Sanders responded that the distinction is not made in the ordinance.

Mr. Larivee continued, and thanked the City Council for the progress made to prepare this ordinance. When the community is deteriorated and blighted due to lack of care and maintenance on properties, it sends the message to visitors that we don't care how we look. He stated that it is an important part of economic development, and he shared some of the comments that his friends and family who visit the community have made about Susanville. The remarks were not positive, but they are important to hear so that the City understands how the community is perceived by visitors.

Mayor Garnier commented that her cousin from Los Angeles visited and asked why people keep everything they own in the front yard.

Mr. Hancock requested clarification regarding Mr. Larivee's statement regarding recreational vehicles. The ordinance refers to storage of vehicles over 25 feet long, and asked if Mr. Larivee is requesting that the ordinance specifically mention RV's.

Mr. Sanders noted that currently Paragraph H lists parking of commercial vehicles.

Mr. Larivee stated that for a short period of time, there was a 40 foot RV parked in front of his neighbor's house. He understands that when loading or unloading for a trip that a certain amount of time parked in a residential neighborhood, but that it was not acceptable to leave it there for six months.

Councilmember Wilson stated that the City already has regulations about not being able to park boats and RVs on the street in front of the house, but if people have room on the property to park next to the garage they should be able to do that.

Mayor pro tem Franco agreed, stating that there are a number of people in the community who own RV's and as long as they are parked on a gravel or paved area, regardless of length, they should be able to have them on the property as long as they are stored in an orderly manner.

Mr. Hancock explained that the way the front yard is defined, is that you draw a line across the front of the house, and anything in front of that line is defined as the front yard. The side yard and rear yard are located behind that line.

Mayor pro tem Franco stated that the definition should be expanded to include longer recreational vehicles, as there are a lot of people who have room on their property to store them properly.

Mr. Hancock stated that it is a section that will have to be discussed further, and staff could work to come up with a few options regarding an RV or travel trailer whether it is 25 feet in length or longer, or if it is not in the front yard and on the proper surface it could be permissible. He referred to the same section, Item L that addresses the keeping of animals and livestock. If the zoning code in your district allows keeping certain animals, than this would address the manner that those animals are cared for and the way that the abatement process is handled for those who are out of compliance. The right to have those animals is probably a separate discussion to have, if the Council so changes and it would have to be brought back as it involves amendments to the zoning code.

Elaine Jacobs commented that it is a heavy recreational community, and as long as people are storing their RV's properly and in a way that does not disturb their neighbors, they should be able to do so. She added that she has been a resident of the community for 45 years, and she asked what department would be responsible for determining who is in violation, and what kind of training will be required to make sure those determinations are consistent. She commented that a lot of residents are elderly or disabled, and they may not have the ability or budget to make the repairs and clean up that will be required. The City should implement free dump days, use block grant money to help those people whose properties have deteriorated because they do not have the money to keep them up. She asked what budget the enforcement of this ordinance will come from.

Mr. Hancock explained that the City has four departments, Administrative Services, Fire, Police and Public Works. The majority of the enforcement will be conducted through Administrative Services by the Community Development Division which includes building and planning. Some of the enforcement will be at team effort, with some issues addressed by Public Works, and Fire and Police also have a role to play with Police dealing with abandoned vehicle abatement, and the Fire Department involved in the determination of hazards and hazardous structures. The time allotted to the enforcement would determine the budget allocation.

Ms. Jacobs asked when the City expected to see any revenue from the program.

Mr. Hancock responded that it is the City's obligation to the citizens to enforce this within the existing budget, and accumulation of revenue will take time as some of the larger abatements can take between two and three years to collect.

Mayor Garnier commented that the alternative, to let things continue to be as is, is not acceptable.

Mayor pro tem Franco remarked that the new reality is that the City has to do more with less, and it is a situation that the City cannot allow to continue.

Ms. Jacobs asked who would be fined if the property is occupied by a tenant.

Mr. Sanders responded that it would be the responsible party, depending on the violation. If it involved personal items, garbage, junk, or vehicles, then it would be the tenant. Violations having to do with the condition of the home or structures on the property would be the responsibility of the property owner to remedy.

Ms. Jacobs commented that regarding the parking of RV's on the property, most people on her street own one that is longer than 25 feet, and there are not enough storage businesses in town to accommodate everyone who would have to park their motorhome off site.

There being no further comments from the public, Mayor Garnier turned the discussion back to the City Council and invited comments.

Mayor pro tem Franco remarked that this ordinance has been a long time coming, and in the effort to clean up the community, there is a certain economic reality that has to be recognized. The economic base for the community has changed over the years, with the closure of the mills, industry moving out of the area, and many of the older residents have moved on and a lot of the old homes that were bought up have been abandoned or used as rentals, and that is prevalent throughout town. Forcing landowners to be responsible and ensure a certain level of maintenance or at least not detract from the neighborhood through this ordinance is a step in the right direction. There is a lot that can be done, as has been suggested, through community clean up days, and those types of activities that the City has a responsibility to take the lead in. He commends staff for the effort that has been dedicated to preparing the ordinance.

Mr. Hancock explained that he has drafted tentative language to address storage of recreational vehicles, if that is the direction that the Council wants to go, and read the amendments to the section as follows:

H. Storage or the parking of **non-recreational trailers and vehicles including** buses, tow trucks, dump trucks, grading equipment, tractors, commercial trailers or coaches or any other commercial vehicles over 25 feet long, 8 feet high or 90 inches wide in a residential zone. Parking of **recreational vehicles of any size or other** vehicles less than 25 feet in length shall be **in the side or rear yard area** on a paved driveway if a paved driveway has been developed on the property or on an existing gravel driveway if the property was developed prior to the requirement for a paved driveway.

Mr. Hancock added that this means anything over 25 feet is not allowed in residential areas except for a recreational vehicle, so anything under 25 feet or any recreational vehicle would have to be parked in the side or rear yard, and depending on the age and vintage of the home, it must either be on a paved or gravel area.

Mayor Garnier stated that there is an area of town she drives by every day, and the owner of a big rig truck has his tractor trailer parked in front of the house. It is parked there every day, and it takes up half the block.

Mr. Hancock responded that the City would look into that, and it is addressed in the street parking requirements which limit how long a vehicle can be parked in the street, moving for snow removal and those types of situations.

Chief King stated he would follow up on it, and it could be that it is prohibited from being parked there at all.

Jerry Askey commented that it bothers him, because it is so loud to run a diesel. As a truck driver, he knows it takes 15 minutes to warm up a big rig or you will damage the engine, and that is a long time to create a nuisance for your neighbors. He added that regarding travel trailers, very few people have a travel trailer under 25 feet. He owns one that is 37 feet long and that is what they are selling these days. If the City is going to have a provision regarding parking RV's, it should not be limited to 25 feet in length.

Mr. Hancock responded that with the proposed revised language he suggested, an RV of any length would be allowed on the property, provided it is kept on a gravel or paved surface.

Councilmember Wilson asked Mr. Sanders about the proposed language for boarded up or vacant buildings, and if the City Council waives the first reading and introduces the ordinance, will changes be allowed to the language prior to the second reading, or does the ordinance have to come back again for the first reading and introduction.

Mr. Hancock replied that it shouldn't be a problem if the changes are small. If the City Council includes the changes in the motion that staff proposed in Letter H, and give clear direction in the motion, that would be specific enough language to bring back for the second reading. It would not be considered a significant change.

There was discussion regarding the appropriate length of time for a structure that has been damaged by an emergency to remain vacant, options for extension of the period of time that the vacancy would be allowed, the proposed monitoring program fee and timeline and exceptions for catastrophic events.

Mr. Hancock proposed that the section would be amended to read "can be in boarded up state for six months, for any reason. It can become part of the program for an additional six months, for \$1,000 per quarter." If the damage was due to a catastrophic event, then a building owner could extend if for an additional 6 months without the fee for damages that occurred outside of the owner's control. This would mean that the longest a building could be boarded up and in that condition would be 12 months, then up to 18 months if a 6 month extension of time was granted through the Planning Commission's approval. This would apply to residential or commercial properties. Mr. Hancock summarized the intent of the section to mean that it is acceptable to have an unoccupied building, but it is not acceptable for it to look unoccupied or dilapidated. It must be cleaned up and maintained.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to waive the first reading and introduce Ordinance No. 17-1001, with the corrections to Letter H as proposed by staff, as well as the quarterly monitoring fee and timeline changes as proposed in section 15.09.100; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

9A Consider Resolution Number 17-5349 authorizing the Public Works Director to execute change orders for Third Street in the amounts of \$112,355 and \$105,302 and use the balance of monies remaining in the STIP Projects 15-03 (SC) and 15-04 (SC1) accounts for additional change

orders to repave Spruce Avenue north of Fifth Street and pave the Fire Hall alley in the City of Susanville to Dig It Construction Inc. Mr. Newton explained that STIP Projects 15-03 and 15-04 are essentially completed and have remaining balances of \$218,400 for Project 15-03 and \$200,500 for Project 15-04. At the time the Council awarded these projects to Dig It Construction Inc., additive work for Third Street were added for water main replacement. Once the portions of the Third Street project are completed, staff is recommending to use remaining balances for Spruce Avenue north of Fifth Street, and the City's alleyway adjacent to the Fire Hall. The areas were selected based on condition, estimated costs and ease to facilitate construction. The estimated costs for these projects are \$78,000 and \$84,000. Mr. Newton explained that Caltrans has been consulted on this addition and has deemed that expending the remaining fund balances for these projects as appropriate for STIP money allocated to the City. City Council approval to authorize change orders for the projects is required.

Councilmember Wilson commented that the Department has done a great job in taking care of a lot of paving work needed on City streets and is getting a lot of work done with the money.

Mayor pro tem Franco agreed, adding that he has heard good feedback regarding the work that the City has completed.

Mr. Newton thanked the City Council for their support of the Public Works Department.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5349; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Elaine Jacobs commented that a large section of pavement on North Spring Street was paved last year, and it appears to be separating and sinking which has created a safety hazard. There is a large square of pavement near North Mesa that is also sinking. She asked if the contractor would be held accountable or if the City was still utilizing the contractor that did the work.

Mr. Newton responded that the City is aware of the situation, and is addressing that with the contractor. It appears that the asphalt, which is a mix suited for highways, did not meet specifications for use on city streets. The City is negotiating with the contractor to correct those deficiencies.

9B Consider Resolution Number 17-5350 authorizing the Public Works Director to execute change orders with ST Rhoades Construction Inc. for Pancera Plaza (S. Gay Street) in the amount of \$110,000 from STIP Project 16-01 (SC2) and for portions of North Lassen and Mill Streets for amounts as allowed from the balance of monies remaining in the project account from STIP Project No. 16-02 (SC3) Mr. Newton explained that this item is very similar to the previous item, however the Pancera Plaza is a very big part of this project. It was initially included at the time the project was bid, and there was a lot of discussion taking place on what would be the appropriate scope of work. The original work included a lot of the aesthetic features including the replacement of the stamped concrete with pavers. It was quite expensive so the City Council opted to go with the base bid that would repave the road and complete a minimal amount of work to the stamped concrete area.

Since that time, a lot of discussion has taken place with the Historic Uptown Susanville Association and their Pancera Plaza subcommittee. Through that process, a few design concepts have been prepared for the City Council's review and consideration and direction.

Mr. Newton explained that the original project was awarded to ST Rhodes Construction, and the consideration is complete some additional improvements to Pancera Plaza and potentially some work on North Lassen and Mill street as funding allows. The streets are included in the next programmed Federal project, but the concern is that with the number of streets and amount of work that is proposed, that the funding may fall short, so adding some of the work to be completed with the remainder of these funds would address that issue. As the discussion unfolds regarding the Pancera Plaza, the concern is that the more money that is spent there, the less there will be available to spend on those additional streets.

Mr. Newton referred to the handout which illustrated the existing configuration at Pancera Plaza and the proposed revision. He described the challenges involved with the configuration of the parking configurations and the changes needed to bring those handicapped accessible spaces into compliance with ADA requirements which includes a reduction in part of the sidewalk on the east side of the street. Mr. Newton stated that the sidewalk is still five feet wide in that location which is adequate. While there is not a legal requirement to have ADA parking at that location, because it exists now there is an expectation that it will remain, and if it is going to be kept it needs to be completed correctly.

Mr. Newton continued, stating that in the discussions with HUSA and the Pancera Plaza Committee, initially the City was looking at completing portions of the sidewalk work with an estimated cost of \$110,000. HUSA is looking at the possibility of coming up with funds and they have a contractor interested in donating the labor to complete the rest of the project. It would be a problematic process in that there is really no leverage to ensure that a volunteer would complete the work or coordinate it with the City's project. Staff has explored the possibility of completing the entire project and with the additional work, estimate that it would be approximately \$290,000 total. The City does have the money available to complete the work, however it would mean less funding available to complete additional street repairs. He requested feedback and comments from the City Council.

Mayor Garnier asked how much was left in the Pancera Trust fund.

Mr. Hancock provided a review of the proposal, stating that the work is essentially broken into two projects, with the work being proposed by HUSA evolving to a point where the cost estimates they are obtaining are becoming increasingly expensive. The City has \$18,000 remaining in the Pancera Plaza Fund, and for \$110,000 the City is able to complete the handicapped parking, crosswalks, stall areas and limited paving and curb improvements. The rest of the project to include sidewalks, is the portion that HUSA is considering. HUSA was able to make an arrangement with a contractor to do the work, HUSA would purchase materials and the City has concerns regarding the ability for them to generate the funding needed to complete the project, which would likely result in them coming to the City and requesting a contribution to make up the difference. The City has an opportunity to fund the entirety of the project by utilizing the remaining Project 16-01 STIP funds to make sure that it gets completed at the same scope and without tapping into general fund or other dollars. A lot of the work is decorative that provides for the aesthetics of the plaza, and the concern is that the federal project funding available for completion of the street funding is changing as the State adjusts their funding model for maintenance and road repair projects, so it may be increasingly difficult to reallocate those funds in the future.

Mayor Garnier asked if there was a big difference between the use of pavers versus stamped concrete.

Mr. Newton responded that there is, with the concern for use of pavers being the upheaval caused by the frost, as well as the durability for use in travel ways.

Mayor Garnier stated that she is concerned with the use of stamped concrete, that it needs to be sealed every year or else it just begins to crumble as it is doing now. She asked if colored concrete would work and be a lower maintenance product.

Mr. Newton responded that without proper maintenance, any product would be an issue over time. There have been a lot of improvements to the quality of products over the past 20 years, and with installation practices and improvements it is likely that it would perform a lot better than what was used originally.

Mayor pro tem Franco asked if the Council chooses to fully fund the Pancera Plaza project, if the remaining funds would be used on North Lassen and then Mill Street.

Mr. Hancock responded that both streets are in equally poor shape, and both are part of the upcoming Federal projects that is programmed for next year, however the concept that there may need to be adjustments to that project to address funding shortages was the motivation to add portions of Mill and Lassen to be completed with funds remaining from this project.

Mr. Newton explained that the Federal Project includes \$1.8 million in repairs to various streets including Weatherlow, Alexander, Hospital Lane and West Street. When it was initially programmed, the City was not required to complete ADA ramp upgrades, and those are becoming increasingly more expensive to complete. Streets are classified by function, with the majority of the City streets being local or residential streets that qualify for Federal funding. The next level are collector streets that funnel into arterial streets, and anything in the collector or arterial classification are eligible for Federal funding. If a street is eligible for Federal funding, then it has to be completed with Federal funding, and while it is acceptable to use State money for repair work on a federally-funded project, the City cannot utilize Federal funding on a street that is not eligible for federal funding.

Mr. Hancock added that the repair and rehabilitation of roads does not rank high on the priority level for CalTrans, and the City has been successful in demonstrating the need to get projects programmed in the STIP, however with the new funding sources through gas taxes the rehab projects will likely fall even lower on the priority list because the City will receive money directly for maintenance and rehabilitation. What staff is proposing would be to complete a portion of the work proposed under a Federally funded project with remaining State funds, in order to stretch the Federal project dollars a bit further.

Mr. Newton added that staff is seeking direction from the City Council regarding moving forward with the proposed project at Pancera Plaza. In the event that there is money remaining, then staff would move forward with completing work on North Lassen and Mill Street.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 17-5350 will a full funding of the Pancera Plaza Project C-1, with the remaining funding to be spent on North Lassen or Mill Street at the discretion of staff; motion carried unanimously. Ayes: Wilson, Franco, Schuster, Stafford and Garnier.

9D Consider Resolution No. 17-5375 authorizing City Administrator to execute agreement authorizing transfer of expiring FAA Entitlement Funding to Palo Alto Airport Mr. Hancock explained that the City has some expiring funds from 2014 that were not able to be applied to current Airport projects and the District likes to keep funds local so the FAA referred us to Palo Alto. They have need of the funding and City Council authorization is required to make the money available for them to utilize on their project. Staff looked at all options, and because the money was savings from another project and the grant had to

be closed down, we were not able to keep the funding. Palo Alto has been incredibly responsive and they have completed these types of transfers before so they were able to provide documents and guidance, and developing that relationship will most likely benefit the City in the future.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 17-5375; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

9E Consider Resolution No. 17-5370 authorizing execution of an Agreement with C&S Companies for construction inspection and engineering consulting services on the Susanville Municipal Airport PAPI Project Mr. Hancock reported that at the April 5, 2017 meeting, there were three contracts discussed for the PAPI project; an agreement with Kobo Construction for installation, an agreement with the FAA to conduct the flight check, and this agreement with C & S Engineers for project management and inspection services. We have included provisions in the agreement that if there are any items that can be completed by staff in house that they will be removed from the scope of work and be counted toward the City's project match requirement.

There were no questions or comments.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5370; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS:

12A Consider Approval of Resolution No. 17-5374 amending Agreement with the Honey Lake Valley Recreation Authority for Management, Administrative and Operational Services Mr. Hancock stated that the item is a revised agreement for services provided to the Honey Lake Valley Recreation Authority for management and operational services. The City Council approved the agreement at its April 17th meeting, and the HLVRA considered and approved the agreement at their April 18th meeting, with a few changes proposed to Section 3, to include a sentence that the reimbursement requests submitted to the HLVRA not exceed the appropriated budget for staff services; the addition of wording in Section 6 that would require a reimbursement to the City for any unemployment insurance claims, and an amendment to Appendix A to move the Pool Manager position to the operational category rather than administrative. Those changes did not affect the context of the agreement, but it requires consideration and approval by the City Council.

Mayor Garnier requested that Mr. Hancock elaborate on the discussion that occurred related to the changes that have been requested.

Mr. Hancock explained that the language related to payment of workers compensation, unemployment claims or disability claims outlines responsibilities, and the City will not be liable for those claims made by any employee hired by HLVRA. If the JPA hires employees on their own, they will be responsible for those claims. If the City receives a claim on behalf of those individuals, it will tender them to the JPA promptly upon receipt. If the City receives any of those claims by an employee of the pool that are employed by the City, the City will make those payments and submit a reimbursement request to the JPA for those operational employees. If there are any claims made by the management or administrative positions, the

City will be responsible for those claims, which is also the reasoning behind moving the Pool Manager position to the operational category, as it fits more appropriately with those responsibilities.

Regarding the sentence related to reimbursement requests being tied to the budget, the JPA is requesting the change so the City can only incur costs and submit reimbursements for amounts that have been budgeted. The advantage is that the City prepares the budget, and in completing the calculations, if it appears that the budget will be exceeded, then the request for a budget amendment would be presented to the JPA prior to incurring those costs. The language is ensuring that the City will not ask for anything above and beyond what the JPA has already considered and approved.

The other item discussed at length relates to the operational positions. Most of them include an hourly wage and an actual rate which includes the additional costs associated with employment taxes. In most cases it is a minimal increase due to the hours of those employees limited to 29 hours per week or less to meet Affordable Care Act requirements. Because the Pool Manager is a full time position, the employee will be offered coverage through ACA, and whether or not they participate in that program and the age of the employee will affect the rate that is charged through that program. There is no way to be more specific with that cost until such a time as an employee is in the position.

Mayor Garnier thanked Mr. Hancock for providing the additional information.

There were no questions or comments from the City Council.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Resolution No. 17-5374; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

13 CITY ADMINISTRATOR'S REPORTS:

13A Chamber of Commerce Relocation Mr. Hancock reported that the Chamber of Commerce has occupied a building owned by the City of Susanville, and has informed the City that they are relocating to a Main Street location on May 1st. They are excited about moving to the more prominent location, and thanked the City for providing the existing space at no charge for the past several years.

Councilmember Wilson stated that he expects a visit at some point in the future to request that the City make a monetary contribution to the Chamber of Commerce since they will no longer be receiving the benefit of free rent.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

15 ADJOURNMENT:

Motion by Councilmember Wilson, second by Councilmember Stafford, to adjourn; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

Meeting adjourned at 9:58 p.m.

Respectfully submitted by

Gwenna MacDonald, City Clerk

Kathie Garnier, Mayor

Approved on May 17, 2017