

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
November 15, 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, Mendy Schuster, Mayor pro tem Franco and Kathie Garnier.

Staff present: Dan Newton, Interim City Administrator; Jessica Ryan, City Attorney and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Mr. Newton noted that an amended Item 9A had been circulated with copies made available to the public, and requested the removal of Item 9D.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve the agenda as revised; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: None.

3 CLOSED SESSION: At 6:02 p.m. the Council entered into Closed Session to discuss the following:

A CONFERENCE WITH LABOR NEGOTIATORS – pursuant to Government Code Section §54957.6

1 Agency Negotiator: Dan Newton
 Bargaining Unit: Firefighters

B CONFERENCE WITH LEGAL COUNSEL - pursuant to Government Code Section 54956.9:
 Existing litigation (2)

4 RETURN TO OPEN SESSION:

At 7:00 the City Council reconvened in Open Session.

Staff present: Dan Newton, Interim City Administrator; Jessica Ryan, City Attorney; James Moore, Fire Chief; Dan Gibbs, Acting Public Works Director; Sergeant Kelley Merritt; Deborah Savage, Finance Manager and Gwenna MacDonald, City Clerk.

Mr. Newton reported that prior to Closed Session, the City Council approved the agenda with an amended 9A, the removal of Item 9D, and he requested Item 13A be moved up for consideration after the Consent Calendar. The City Council met in Closed Session and the City Council provided direction to staff but there was no reportable action taken.

Daniel Gibbs offered the Thought of the Day

5 BUSINESS FROM THE FLOOR: No comments.

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

A Approve minutes from the City Council's October 4, 2017 meeting

B Approve vendor warrants numbered 101653 through 101779 for a total of \$405,696.41 including \$102,386.24 in payroll warrants

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

13A Bank of America Parking Lot Report Mr. Newton explained that with the closing of the Bank of America, there is concern among members of the public that the owner may close the parking lot for public use. Staff was contacted by the president of the Historic Uptown Susanville Association (HUSA) requesting support from the City of Susanville and opening a dialog regarding the possibility of partnering to lease the lot.

Mayor Garnier asked if she should recuse herself from the discussion since she owns a building in the HUSA district.

Ms. Ryan responded that this is just a discussion and no action is being taken, however it is normally her recommendation that if a councilmember feels like they want to recuse themselves from discussion of an item, then they should.

Mayor Garnier opted to remain in the Chambers to hear the discussion.

Melanie Westbrook, HUSA President, stated that the Bank of America parking lot plays a vital role in keeping the uptown alive. If the owner chooses to chain off the parking lot, it will have a negative impact on several uptown businesses, and she wants to keep the dialog open and explore possibilities that would include possibly leasing the lot from the current owner.

David Teeter, Board of Supervisors, suggested that maintenance of the lot may be an issue for the owner, and including the maintenance needs in the discussion may be helpful.

Julia Gussett commented that liability for the use of the lot could be a concern for the owner, and that maybe the City could help with that aspect.

Mayor Garnier stated that HUSA has to be involved in the process, since the District's focus has been about parking in the uptown.

Mr. Teeter concurred, and added that in past, that HUSA does not carry the same weight as the City in the negotiation process.

Mayor pro tem Franco asked if it would be appropriate to engage the owner in those types of discussion before any plan is in place.

Councilmember Wilson stated that he doesn't have a problem with opening the dialog but if that function should be initiated by HUSA then they should take the lead on it.

There was a general discussion about parking in the uptown, maintenance cost and responsibilities, and the need to act before the lot is chained off and restricted for public use.

Mr. Newton explained that the purpose of bringing the item forward was to determine what level of participation does the City Council want the City Administrator to have in the process, and that directing staff to assist HUSA in the process of opening a dialog with the owner would be appropriate.

It was the consensus of the City Council to move forward with the process as described.

7 **PUBLIC HEARINGS:** No Business.

8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:** Commission/Committee reports: none

9. **NEW BUSINESS:**

9A **Consider Resolution No. 17-5436 approving Cooperative Agreement with Susanville Indian Rancheria Housing Authority** Mr. Newton reported that a revised agreement was distributed to the Council and provided to the public. The Agreement provides a mechanism by which the Susanville Indian Rancheria (SIR) can provide affordable housing for low-income families through the acquisition of three parcels located within the City limits. The Native American Housing Assistance and Self-Determination Act (NAHASDA) prohibits the use of grant funds for rental of lease-purchase housing unless the local government enters into a cooperative agreement to address property taxes. The cooperative agreement provides for the City to receive \$150 per dwelling unit as an in-lieu-of-taxes payment.

Ms. Ryan reviewed the change to Item 8, page 3, explaining the change was not substantive and it supersedes the prior agreement on this subject matter. This agreement does not affect the existing agreement the City has with SIR to provide Fire and Police services.

Mr. Phil Bush, Project Manager, explained that the SIR Housing Authority Commission has not had an opportunity to review the agreement with the revisions made. The agreement is between the Housing Authority and City, and he requested that the City Council table consideration of the item. The Agreement is between the City and Housing Authority, not any other Department at the Rancheria, which several are listed in section 8.

Ms. Ryan requested that the City Council review the information, ask any questions and provide feedback on the Agreement so that further research could be conducted, if necessary.

There was a general discussion regarding the welfare exemption and the requirement that the SIR Housing Authority has to meet a minimum threshold established by the government to rent to low-income tenants, and report every year to the Tax Assessor in order to meet the tax-exempt status for the properties. Mr. Bush explained the process to add land to the Trust, and the property in question is owned by the Federal Government and held in trust for SIR. He requested that the City Council table consideration of the item until such time as the language changes have been submitted to the Housing Authority Commission for review and comment, or else consider and adopt the original agreement that was circulated with the agenda and available on the website.

Chief King enters the meeting and replaces Sergeant Merritt at the staff table.

It was the consensus of the City Council to table the item until the SIR Housing Authority Commission had a chance to review the revised Agreement.

9B **Consider Resolution No. 17-5451 approving the release of Skyline/Highway 139 Traffic Signal Mitigation Fees to Lassen County for reimbursement of local funds expended during the Skyline Road East construction project** Ms. Savage reported that at the October 18, 2017 meeting, the City Council considered and accepted the Annual Mitigation Report. The discussion included the collection of mitigation fees for the construction of a traffic signal at the intersection of Skyline and Highway 139. The

City has collected \$18,311 in mitigation fees charged to developers in the Skyline Terrace area as per Resolution No. 93-2473. This fees have been collected since 1993 and the traffic signal was installed in 2008-2009 as part of the Skyline Road East project. Lassen County utilized Federal STIP (State Transportation Improvement Project) funding for 85.40 percent of the project, with State of California and the Local County Roads Funds providing the 14.60 percent local match funds. The final detail estimate of cost for the traffic signal and lighting for the project was \$251,000, with a Federal STIP reimbursement of \$214,354 (85.40 percent) and the local match of \$36,646 (14.60 percent). The fees collected by the City can be turned over to the County to reimburse the cost of the local match on the installation of the traffic signal.

Councilmember Wilson stated that it was appropriate to turn the money over to the County.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve Resolution No. 17-5451; motion carried unanimously. Ayes: Stafford, Franco, Wilson, Schuster and Garnier.

9C Consider Resolution No. 17-5452 authorizing the Interim City Administrator to execute an agreement with Mike Engman Company for completing emergency road repair work at the Bagwell and Cady Springs sites and amending the Public Works Water Operations budget accordingly Mr.

Gibbs reported that the access roads for the Bagwell and Cady Springs sites are in need of immediate repairs. Sections of the roads have eroded and deposited material in areas where it is blocking drainage ditches and culverts and impacting City facilities. Personnel from the Water Operations division visit the sites weekly, regardless of weather conditions, to check a variety of parameters to ensure that the water sources are functioning safely and operating at levels suitable to the City's demand. It is critical that the access roads are safe and navigable in all types of weather to staff. The City solicited bids, and received 3 from local contractors capable of completing the work. The firm of Mike Engman Company submitted the lowest responsible bid in the amount of \$14,300. The Public Works Water Operations fund currently has approximately \$202,564 in cash available for any needed facility related maintenance and improvements. The estimated cost for this project is \$14,300 with an additional \$1,200 for extra work if deemed necessary by the City which includes all labor, contractor supplied materials and equipment to complete the work.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 17-5452; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Stafford and Garnier.

9D Consider Resolution No. 17-5453 authorizing the Interim City Administrator to execute an agreement with Crazy J's Concrete Inc. for repair to the easterly retaining wall in Pancera Plaza on South Gay Street and amending the Public Works Streets budget accordingly

Item pulled from consideration.

9E Consider Resolution No. 17-5455 approving and authorizing signatories on the City of Susanville Local Agency Investment Fund (LAIF) account Ms. Savage explained that the City Council

adopted Resolution No. 13-4981 which authorizes certain City employees to approve and sign for cash transfers to and from LAIF. With recent staffing changes, it is necessary to update the list with new positions that are authorized to perform these transfers. The adopted resolution established the positions of City Administrator and Assistant to the City Administrator. Staff is requesting the position of Finance Manager be added to the list of authorized signatories.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Resolution No. 17-5455; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

9F Consider Resolution No. 17-5456 terminating Hangar #13 Land Lease Agreement with Virgil Buechler and authorizing execution of Ground Lease Agreement with Paul Clark for Hangar #13 Mr. Newton reported that on October 4, 2017, the City Council was presented with the option of purchasing Hangar #13, owned by Virgil Buechler, for the amount of \$25,000.00. City Council declined the purchase of the hangar. Mr. Clark has now taken possession of the Hangar and is required to execute a new Airport Ground Lease Agreement for Hangar #13.

Motion by Councilmember Stafford, second by Councilmember Wilson, to decline purchase of the hangar; motion carried unanimously. Ayes: Stafford, Wilson, Schuster, Franco and Garnier.

9G Consider Resolution No. 17-5454 granting subpoena power in matters under the jurisdiction of the City Council Mr. Newton reported that the resolution for consideration would grant Subpoena Power in matters under the jurisdiction of the City Council. The authority is set forth in Government Code Section 37014, and it requires a resolution or ordinance passed by the governing body to allow the Council to exercise this power, which provides the ability to require the attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it.

Mayor pro tem Franco asked for an example of when this situation would be necessary.

Ms. Ryan explained that the authority would not lie solely with the ability of the City Council to subpoena witnesses or information, but if the City undertakes an investigation and is considering a matter that would require hearing a case before it, then the parties involved would have the ability to subpoena records or information that would be necessary for their case. It is not limited to the requirement that people appear to testify but includes the production of information or records that may be related to the matter before Council.

Councilmember Wilson asked what the process for issuance would be.

Ms. Ryan explained the process of issuance as set forth in the proposed resolution. The City Council would be required to seek the advice of the City Attorney and approve the issuance in either open session or closed, depending on the nature of the proceedings. The subpoena would be issued by the City Clerk to parties or attorneys representing parties that appeared in matters under the jurisdiction of the City Council. The City Clerk would be required to seek the advice of the City Attorney prior to issuance of the subpoena to make the determination regarding the request.

There was a general discussion regarding the delivery process and resulting expense to the City. The Council discussed limiting the power to an issue that was of immediate consideration, and Ms. Ryan discussed the importance of granting the parties involved the opportunity for due process, and the ability of the City to issue a subpoena is an important part of that process. It was the consensus of the Council to specify in the resolution that the authority to issue subpoenas as granted by Government Code Section 37014 would be limited to a specific upcoming investigation.

Motion by Councilmember Stafford, second by Councilmember Wilson, to approve Resolution No. 17-5454 with the revision as discussed to limit the authority to one upcoming case; motion carried. Ayes: Stafford, Wilson and Schuster. No: Franco and Garnier.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS: No business.

13 CITY ADMINISTRATOR'S REPORTS:

13A *Bank of America Parking Lot Report*

14 COUNCIL ITEMS:

14A **AB1234 travel reports:**

15 ADJOURNMENT:

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to adjourn the meeting. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Meeting adjourned at 8:43 p.m.

Kathie Garnier, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on: December 20, 2017