

**SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
December 6, 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 9C had been circulated with copies made available to the public.

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

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: None.

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

- A PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957
 - 1 Performance Evaluation: Fire Chief
 - 2 City Administrator
 - 3 Police Officer Trainee
- B CONFERENCE WITH LEGAL COUNSEL - pursuant to Government Code Section §54956.9: Existing litigation (2)
- C CONFERENCE WITH LABOR NEGOTIATORS - pursuant to Government Code Section §54957.6
 - 1 Agency Negotiator: Dan Newton
 Bargaining Unit: Firefighters
- D CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section §54956.9(b): Lewis v City of Susanville

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; John King, Police Chief; 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 9C, and the Council would be reconvening in Closed Session at the end of Open Session.

Councilmember Wilson offered the Thought of the Day

5 BUSINESS FROM THE FLOOR:

Darrell MacChambers read from a prepared statement, describing his participation in the Citizens Academy conducted by the Susanville Police Department. Mr. MacChambers stated that he has had many opportunities to serve the community over the years, and this was one of the best experiences he has had. He described the class details, training simulations, investigation techniques, ride-along opportunities and how overall it demonstrated just how thin the officers in the department are stretched. Throughout the process, he had an opportunity to talk with Chief King, and he appreciates and supports his vision for the community. He talked about Chief King's accomplishments as leader of the department, and the belief that his vision is to see the department succeed and grow. He expressed his support of Chief King and thanked the City Council for the opportunity to participate in the Citizens Academy.

Chris Cole disagreed with Mr. MacChambers' and discussed several issues that the Department faces which are creating problems for the community, including bad press, crime problems, and a morale problem. It is a difficult time, and he stated that he continues to be inundated with phone calls from community members and it is critical to move forward with the police department. He commends the City Council for recent actions taken that moves the department in a positive direction.

Councilmember Schuster recused herself from consideration of Item 6B.

- 6** **CONSENT CALENDAR:** Mayor Garnier reviewed the items on the Consent Calendar:
- A Approve minutes from the City Council's October 18, 30, November 1 and 7, 2017 meetings
 - B Approve vendor warrants numbered 101780 through 101964 for a total of \$758,853.48 including \$200,627.64 in payroll warrants
 - C Receive and file monthly Finance Reports: October 2017

Mayor Garnier noted corrections to the October 18, 2017 minutes under consideration as Item 6A.

David Teeter, District 1 Supervisor, requested an amendment to the discussion on November 1, 2017 regarding the County supporting a Sales Tax Measure. He stated that he does not speak on behalf of the County. Mr. Teeter stated that he would not support a different sales tax percentage between the City and the County but he could not make that statement on behalf of the existing Board.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Item 6A and 6C; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Councilmember Schuster exited the Council Chambers.

Motion by Councilmember Stafford, second by Councilmember Wilson, to approve Item 6B; motion carried. Ayes: Stafford, Wilson, Franco and Garnier. Abstain: Schuster.

Councilmember Schuster returned to the Council Chambers.

- 7** **PUBLIC HEARINGS:** No Business.

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

- 9** **NEW BUSINESS:**

9A Consider Resolution No. 17-5457 terminating Airport Hangar Land Lease Agreement Lot 9A with John Appel and authorizing execution of Hangar Land Lease Agreement Lot 9A with Robert Tyndall Mr. Newton explained that on October 4, 2017, the City Council declined the option to purchase Hangar #9A, and it was subsequently purchased by Robert Tyndall. Mr. Tyndall is required to execute an Airport Ground Lease Agreement with the City for Hangar 9A.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve Resolution No. 17-5457; motion carried unanimously. Ayes: Stafford, Franco, Wilson, Schuster and Garnier.

9B Consider approval of increase to Pool Manager/Director position from Range 930 to Range 938 Mr. Newton explained that the City has provided Administrative Services for the Honey Lake Valley Recreation Authority since December 2013, and recently the City and HLVRA entered into an agreement for the City to provide Administrative, Managerial and Operational services for the Pool facility. The agreement includes an appendix which identifies the reimbursement rates for services. On November 2017, the HLVRA Board met to discuss the vacant Pool Manager/Director position and the upcoming recruitment. It was the recommendation that the salary be increased to attract qualified individuals from range 930 to 938 which raises the maximum salary from \$20.84 per hour to \$25.39 per hour. The Pool Manager/Director is considered a City employee and costs associated with the position are reimbursed by the HLVRA.

Mayor Garnier clarified that this position also frees up the time dedicated by a City employee to perform the tasks that will be assumed by the Pool Manager/Director.

Mr. Newton confirmed that it would, and that the amendment is to the Appendix only and the terms of the agreement are unchanged.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve the increase the salary range for the Pool Manager/Director position; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

9C Consider Resolution Number 17-5459 authorizing the execution of a contract with Dig-It Construction Inc. for the 2017 Water Main Replacement Project No. 17-03 in the amount of \$651,960.00 for the base bid and \$558,836 for the additive portion and authorizing the Interim City Administrative to execute contract change orders up to \$121,079 Mr. Gibbs reviewed the scope of work included in the 2017 Water Main Replacement Project 17-03 which extends along Main Street from Weatherlow to Park Street and from Park to Spring Street. The project includes the installation of new 8-inch PVC water mains, the replacement and relocation of fire hydrants, new services and minor repairs to sidewalks where needed. The City received six bids with Dig-It construction submitting the lowest responsible bid in the amount of \$651,960 for the base bid and \$558,936 for the additive portion. The additive portion bid was considerably higher than estimated and staff will negotiate change orders with the contractor to determine to what extent additional water main can be installed between Park and Spring Street. This additional work would complete the replacement of leaking water main and services plus avoid pavement cuts in the CAP-M project. Once pricing is determined and additional funding amounts are known staff will return to Council with a proposal for additional work.

Mayor pro tem Franco asked when construction is anticipated to begin.

Mr. Gibbs responded that the weather is always the key factor in construction, and the City was working with Caltrans to complete the work ahead of the Cap M project.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Resolution No. 17-5459; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

9D Consider Resolution No. 17-5460 authorizing the City Administrator to execute agreement with Benchcraft Company Mr. Newton explained that the firm of Benchcraft Company had an agreement between a previous Golf Course Manager to provide custom designed tee signs, benches, golf ball washers, display boards and scorecards with the understanding that they will be placed at the tees and other locations at the Diamond Mountain Golf Course. There is no charge to the City for this service or the supplies given, however there is some question regarding which items at the golf course are owned by Benchcraft, and which are owned by the City. In addition, there is no copy of a written agreement available.

Councilmember Wilson commented that five years ago when the agreement was automatically renewed, there was discussion to open the opportunity up to a local vendor, and he would prefer to table the matter until additional research could be conducted.

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

9E Consider Resolution No. 17-5461 authorizing the Acting Public Works Director to execute Notice of Completion for 2015 STIP Pavement Rehabilitation Projects SC and SC-1 (Project No. 15-03 and 15-04) and authorize the release of any remaining retention owed to the Contractor Mr. Gibbs reported that the 2015 Pavement Rehabilitation Projects 'SC' and 'SC-1' have been completed by Dig-It Construction Inc., and the contractor is requesting release of remaining funds for the project. For Project 15-03, 'SC', the construction allocation received from the State was \$963,000. On Project 15-04, 'SC-1', the construction allocation received from the State was \$866,000. The final accounting for project costs including the Contractor's base bid, extra work provided and construction engineering accounted for over 99 percent of the total funding provided in each project, and remaining retention funds in the amount of \$10,014.60 and \$8,860.18 respectively from the two project accounts.

Councilmember Wilson asked if this was the project that the City had experienced paving quality problems with. Mr. Gibbs responded that it was not.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 17-5461; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Stafford and Garnier.

9F Consider Ordinance No. 17-1012 an Interim Urgency Ordinance of the City of Susanville regulating Medical and Adult Use Cannabis activities and appoint Cannabis Regulation Development subcommittee Mr. Newton reported that at the November 1, 2017 City Council meeting, the City Council directed staff to prepare an interim-urgency ordinance to prohibit cannabis activities within the City limits, to the extent to which the City is allowed to prohibit cannabis activities by State law. Interim-Urgency Ordinance 17-1042 has been prepared and if adopted, would be effective immediately and remain in effect for 45 days unless extended. Council is authorized to enact the Interim-Urgency Ordinance by Government Code Section §65858. A four-fifths (4/5) vote of the Council is required to adopt the Interim-Urgency Ordinance.

Absent local regulation, cannabis activities could be permitted within the City limits beginning January 2, 2018 by state-issued licenses and permits related to the medicinal marijuana and recreational marijuana. The Council has also expressed an interest in creating a sub-committee to evaluate potential regulations

and policies due to the complexity of the item and the variety of regulatory options that should be considered.

Mayor Garnier asked for clarification regarding the transportation that is permitted under the new regulations.

Mr. Newton responded that it would be permitted to be transported through town.

Mayor pro tem Franco asked if there was a restriction on the amount.

Chief King responded that a delivery service would not be permitted, but there is nothing the City can do to prevent someone driving through town with marijuana.

Pat Holley asked if legal counsel required the enactment of an interim ordinance.

Mr. Newton responded that due to the time frame involved, it was the best option for having something in place by January 2, 2018 when the State would begin to issue permits.

Mr. Holley responded that the legislation requires that a local license would have to be obtained prior to applying to the State for licensing. Absent a local licensing process, it would seem that they would not be eligible to obtain a State license. He stated that he is strongly opposed to any marijuana use.

Mayor Garnier stated that the indoor cultivation would be allowed for up to 6 plants, and according to the information prepared by the League of California Cities, a ban for indoor growing could terminate the City's eligibility for State grant funding, which would have a serious impact. There are many factors involved and it is going to take time to consider all of the information.

Councilmember Wilson referred to Section 4 and asked if the terms utilized were all-inclusive of the varieties of cannabis that would be cultivated or utilized.

Mr. Newton responded that the definition in the Health and Safety Code was utilized, and the phrase "interpreted broadly" was added to include any possible reference to cannabis.

Councilmember Wilson commented that he wanted to avoid any potential loopholes that could be taken advantage of, such as referring to hemp products in lieu of cannabis.

Mr. Newton responded that the logic was to utilize the same language, terminology and descriptions that is contained in the State Health and Safety Code, which is the basis for the State's regulation.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Interim-Urgency Ordinance No. 17-1012; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

Motion by Mayor pro tem Franco, second by Councilmember Schuster to create a sub-committee with the appointment of Councilmember Stafford, Mayor pro tem Franco and Interim City Administrator Newton as committee appointees; motion carried unanimously. Ayes: Franco, Schuster, Stafford, Wilson and Garnier.

Mayor pro tem Franco asked that the City maintain communication with the County regarding the process of developing a permanent ordinance.

Councilmember Wilson commented that he was in favor of making the permanent ordinance as strict as possible within the guidelines allowed by the State.

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 **Citizen's Academy Financial Impact** Chief King reported that the Police Department recently conducted a 12-week Citizen's Academy. The Academy conducted weekly lessons for 18 community members regarding current crime trends and other public safety concerns. The goal of the Academy is meant to educate the public about current crime trends, helping them prevent victimization for themselves, their families and their neighbor. The Academy incurred approximately \$2,014.00 in expenses, but received contributions from the community totaling \$2,108.00. Contributors to the Academy included the CA Department of Corrections, Lassen County District Attorney's Office, Lassen County Sheriff, Walmart, Forest Office Supply, Lassen Community College, Lassen Public Health, Diamond Mountain Casino, Customer Talk, and the students donated snacks and coffee. The Academy was a collaborative effort and he thanked those who contributed to the success of the Program.

Mayor pro tem Franco asked if future Academies were planned.

Chief King responded that he would like to schedule the Academy for at least one per year, and he would be looking at the mid-year budget. The class was full of applicants and they are working on a waiting list for the next Academy.

Mayor Garnier asked if any of the participants were interested in moving on to be a volunteer.

Chief King responded that some of them were, although the program was not utilized specifically as a recruitment tool, some citizens picked up applications for the Volunteer program.

The City Council thanked Chief King for the successful Citizens Academy program.

13B **Department of Justice (DOJ) Audit** Chief King reported that the Department of Justice conducts audits at least every three years, or on a random basis. The Susanville PD was audited in November, and it covered a CORI Audit, FBI III Audit, and a CLETS Policy and Security Audit. The audits review appropriateness in security, need and right to know under the CORI Audit, the FBI III Audit evaluates any items under the PD control, with 8 items being selected for audit purposes this year, and the CLETS Audit reviews every policy and every attempted CLETS access to ensure that it meets policy and procedure. The Department received findings that the Susanville Police Department was found to be in compliance with all three categories of the DOJ Audit. Chief King complimented the performance of Victoria Estrada, Administrative Assistant, who worked to put in extra hours and get up to speed regarding the process of Department record keeping.

14 **COUNCIL ITEMS:**

14A **AB1234 travel reports:**

Councilmember Schuster shared information from a breakfast meeting sponsored by Senator Ted Gaines, specifically the impacts of funding loss for communities who were declared a non-sanctuary city.

Mayor pro tem Franco spoke about the Annual Uptown Country Christmas celebration and asked about options to upgrade the street lighting that is utilized along Main Street. It is a very popular event that generates a tremendous amount of community pride, and he would like to see what could be done by the City to participate in putting the best foot forward for the event.

The Council discussed the high level of maintenance involved with installing the decorations each year, and the high expense of replacing the banners that are displayed every year across Main Street.

15 ADJOURNMENT:

At 8:23 p.m. Mayor pro tem Franco called for a five minute recess prior to reconvening in Closed Session.

At 8:30 p.m. the City Council reconvened in Closed Session.

The Council adjourned Closed Session and reconvened in Open Session. Mr. Newton announced the following action:

Item 3A

- Public Employee Performance Evaluation: Fire Chief.
Reportable Action -The City Council provided direction to the Interim City Administrator to prepare and provide a written performance evaluation to the Fire Chief based upon the closed session evaluation.
- Public Employment: City Administrator.
Reportable Action – None. Direction given to Staff.
- Public Employment: Police Officer Trainee.
Reportable Action - Due to a potential discrepancy in the interview process City Council decided to re-interview all the applicants for the trainee position with a new interview panel.

Item 3B - Conference with legal counsel, existing litigation (2).

Reportable Action – None. Direction given to Staff.

Item 3C Labor negotiations firefighters.

Reportable Action – None. Direction given to Staff.

Item 3D - Conference with legal counsel, anticipated litigation.

Reportable Action – None. Direction given to Staff.

The meeting was adjourned at 10:30 p.m.

Kathie Garnier, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on: January 17, 2018