

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
January 3, 2018– 6:00 p.m.

Meeting was called to order at 6:02 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:

Motion by Mayor pro tem Franco, second by Councilmember Stafford, 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 CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION –
Pursuant to Government Code section 54956.9(b)
- B PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957
 - 1 City Administrator

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 as submitted, and the Council provided direction but there would be no reportable action.

Councilmember Stafford requested a moment of silence in honor of Zella Mae Miles.

5 BUSINESS FROM THE FLOOR: No comments.

6 CONSENT CALENDAR: No business.

7 PUBLIC HEARINGS: No business.

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

9 NEW BUSINESS:

9A Consider Resolution No. 18-5436 approving Cooperative Agreement with Susanville Indian Rancheria Housing Authority Mr. Newton explained that at the November 11, 2017 meeting, the City Council considered entering into a payment in lieu of taxes agreement with the Susanville Indian

Rancheria Housing Authority. The agreement would establish a payment that the City would receive instead of property taxes on the subject property. The attorney for the SIR Housing Authority and the City Attorney have developed the draft agreement, and it is being presented to the City Council for consideration. The agreement would result in a \$150 per dwelling amount to be paid annually to the City for the parcels in question.

Councilmember Wilson commented that he understands the principle behind the agreement, but he is uncomfortable with the amount, and does not want the city to be locked into an agreement that could potentially be amended to add additional properties.

Phil Bush, SIR Housing Authority, responded that the \$150 per dwelling unit in lieu of tax payment is an amount that is established by statute, and the amount is not in effect for 50 years. The leasehold that the Housing Authority has with the tribe is for 50 years, and the deed restriction is for low-income tenants only. The Housing Authority is also planning to apply for a welfare exemption for the property. In order to qualify for the welfare exemption, they have to maintain between 30 and 40 percent of the tenants as low income as established by the area median income calculations that are released annually by HUD.

Ms. Ryan explained the 10 percent figure as found in Recital 5 in the previous agreement.

Mayor pro tem Franco commented that it would be nice to see the formula included in the agreement language. He asked for clarification regarding the 50 year requirement.

Mr. Bush responded that they must maintain a specific threshold of affordability, otherwise a different statute applies. At the time of admissions to the program, applicants must demonstrate low-income status, and the Housing Authority has to report annually to the County regarding the income status of the tenants.

Councilmember Schuster asked if the housing was available to tribal members only, or to any low-income resident.

Mr. Bush answered that the priority would be given first to tribal members, then secondary preference given to any Native Americans. He discussed additional restrictions and requirements found in the NAHASDA document.

Councilmember Wilson asked if this process was bypassing the Assessor's office.

Mr. Bush explained the process of applying for a welfare exemption for the property, and the authority to move forward with the project regardless of having an agreement in place for the payment in lieu of taxes.

Wanda Brown, SIR Housing Authority, explained that the 50 year restriction has to do with the agreement between the Susanville Indian Rancheria, and the Susanville Indian Rancheria Housing Authority. They are two separate bodies, and the process is strictly governed by the HAHASDA. It is a new program for them, and a new process and it was the intent to work with the City to identify the payment of fees for each dwelling.

Mayor Garnier asked if there was an end date for the agreement, and what provisions are for providing police and fire services to the property. She asked if the property would be subject to the City's property maintenance ordinance.

Mr. Bush responded that the property must comply with all local laws and that would include the property maintenance ordinance.

Mayor Garnier suggested including both the \$150 per dwelling fee and the formula, with the language 'either/or' to be included in the agreement.

Mayor pro tem Franco added that with that language, then the higher of the two amounts could be assessed for those properties. Either payment does not represent any windfall to the City.

Ms. Ryan commented that if there is a consensus to include the either/or language in the agreement, she requested clarifying direction.

Mayor Garnier stated she was in favor of making that change, and including it anywhere in the agreement that references the \$150 in lieu of payment.

Councilmember Wilson commented that he would be in favor of including a reference to the governing statute and revisiting the agreement amount in the event that anything in the statute changes.

Wanda stated that the Statute requires that the Housing Authority has 90 days to revise the agreement in the event that anything in the statute changes.

Direction was given.

9B Consider Resolution No. 18-5458 approving Amendment 1 to the Agreement between the City of Susanville and the Honey Lake Valley Recreation Authority for Administrative, Management and Operational Services Mr. Newton reported that the HLVRA utilizes the City to perform administrative, management and operational services for the operation of the community pool. The agreement includes an appendix that details the approved rate that the City will be reimbursed for each position. The HLVRA met and discussed the Pool Manager/Director position, and determined that an increase to the compensation would be appropriate to reflect the duties of the position, and to attract more qualified candidates. The increase was approved from Range 930 to 938. An amendment to the agreement to reflect this change in the appendix requires City Council approval, and there are no other changes to the agreement.

Motion by Councilmember Wilson, second by Mayor pro Franco, to approve Resolution No. 18-5458; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

Councilmember Schuster recused herself from consideration of the following item due to owning property in the Spaulding area. Councilmember Schuster exited the Council Chambers.

9C Consider Resolution No. 18-5463 approving the Spaulding Community Services District (CSD) Agreement and Authorizing the City Administrator to Execute the Agreement Mr. Newton reported that the City acts as the lead agency for the Lahontan Basins Regional Water Management Group (RWMG), and through 2015 Proposition 84 funding, the IRWMG received funding from the CA

Department of Water Resources for various projects in an estimated amount of \$1.9 million. A grant agreement was executed with DWR in August 2016 for various projects, including the Spaulding CSD Waste Water Pond closure project. The project total is \$92,500, and the details of the agreement identify the responsibilities for implementation and administration of the project for the City and Spaulding CSD. Mr. Newton explained that the project involves a conservation component that requires draining the pond and installing baffles so that the pond will not have to remain full in order to keep the liner in place.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve Resolution No. 18-5463; motion carried. Ayes: Stafford, Franco, Wilson and Garnier. Abstain: Schuster.

Councilmember Schuster returned to the Council Chambers.

9D Consider Resolution No. 18-5464 calling for the holding of a general municipal election to be held on Tuesday, June 5, 2018 for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities;

Consider Resolution No. 18-5465 requesting the Board of Supervisors of the County of Lassen to consolidate a general municipal election to be held on Tuesday, June 5, 2018 with the statewide primary election to be held pursuant to §10403 of the *Elections Code*;

Consider Resolution No. 18-5466 adopting regulations for candidates for elective office pertaining to Candidates' Statements submitted to the voters at an election to be held on Tuesday, June 5, 2018. Ms. MacDonald reported that the City has a general municipal election scheduled for Tuesday, June 5, 2018. Two Councilmembers will be elected to a four-year term of office ending June 2022 and to begin the process, three Resolutions are required: a notice to call for the holding of a general election; a resolution requesting consolidation of the election with Lassen County; and a resolution adopting regulations for candidate statements on the ballot. The nomination period for candidates is February 12 through March 9, 2018. In the event one of the incumbents does not run for office, the Elections Code provides for a five-day extension of the nomination period to March 14, 2018.

There were no questions or comments.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 18-5464, 18-5465 and 18-5466; motion carried unanimously. Franco, Stafford, Wilson, Schuster 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 Sales Tax Measure Mr. Newton explained that this item was agendaized in the event that there was new information to report to the City Council. He has not had an opportunity to meet with County staff, and the item is scheduled to be discussed by the Board of Supervisors at their January 9, 2018. He anticipates having more information to share at the next meeting.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

Councilmember Schuster shared her participation in the Holiday with a Hero event, and complimented Officer Terra Avilla and everyone involved in coordinating the event. There were over 140 local children who participated this year.

15 ADJOURNMENT:

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to adjourn the meeting.

The meeting was adjourned at 7:50 p.m.

Kathie Garnier, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on: March 7, 2018