

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
July 18, 2018– 6:00 p.m.

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

Roll call of Councilmembers present: Brian Wilson, Joseph Franco, Brian Moore, Mendy Schuster and Kevin Stafford.

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

1 APPROVAL OF AGENDA:

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

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: No comments.

3 CLOSED SESSION: At 6:01 p.m. the Council entered into Closed Session to discuss the following:

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

Agency Negotiator: Dan Newton
Bargaining Unit: 1. Public Works
 2. Miscellaneous

B CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Government Code Section §54956.8

1 Property: APN# 103-294-02
 Agency Negotiator: Dan Newton, Interim City Administrator
 Negotiating Parties: City of Susanville/City Planner
 Under Negotiation: Terms of Lease

2 Property: APN # 103-340-01-11
 Agency Negotiator: Dan Newton, Interim City Administrator
 Negotiating Parties: City of Susanville/Black Dot (T-Mobile)
 Under Negotiation: Terms of Lease

C PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957

1 City Administrator
2 Police Chief
3 Approved Position List

4 RETURN TO OPEN SESSION:

At 7:05 p.m. 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; Quincy McCourt, Project Manager and Gwenna MacDonald, City Clerk.

Mr. Newton reported that prior to Closed Session, the City Council approved the agenda. The Council met in Closed Session, and provided direction to staff. Item 3C3 was amended to include the hiring of an H/R Investigator on an as-needed basis.

Chief James Moore requested that a moment of silence be observed for the passing of Ray Beretini.

5 BUSINESS FROM THE FLOOR:

Ashley Sperle, Lassen Association of Realtors, requested that the City Council place a discussion of the Property Abatement ordinance on a future agenda for discussion to provide an update regarding the progress of abating nuisance properties in Susanville. She provided photographs to the Council of properties that are in violation of the current ordinance.

Councilmember Wilson stated he would support that as an item of discussion and made a formal request of Council to include it on the next agenda. It was the consensus of the Council to agendaize the item for the next meeting.

Ken Pauly discussed the highway improvement projects that were taking place throughout town, and the importance of upgrading the lighting as part of that process.

Russell Bates, electrical contractor, stated that underground utilities are not just an aesthetics issue, but important for safety as well.

Representatives from the Lassen Community College Special Olympics program read letters in support of the installation of a disc golf course at Skyline Park.

Councilmember Schuster requested separate consideration of Item 6B, due to her abstention based upon a vendor warrant issued to her father's business.

Councilmember Wilson requested separate consideration and discussion of Item 6D.

Mr. Newton noted that there were minor corrections required for Item 6A and 6E.

6 CONSENT CALENDAR:

- A Approve minutes from the City Council's June 6, 2018 meeting
- B Approve vendor warrants numbered 201336 through 201631 for a total of \$2,054,783.51 including \$491,179.74 in payroll warrants
- C Approve **Resolution No. 18-5532** approving City Council Committee list
- D Approve appointment of Planning Commissioners
- E Approve **Resolution No. 18-5539** approving Amendment No. 1 to Omnipoint Communications agreement
- F Approve **Resolution No. 18-5540** approving revised Legal Services Agreement with Jones and Mayer

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Item 6A; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Moore and Stafford.

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

Mayor Stafford invited Ms. Vicki Lozano to comment regarding Item 6C.

Ms. Lozano stated that she had submitted a letter of interest regarding continuing her service as a Susanville Planning Commissioner. She has enjoyed her 4-year term of office and looks forward to serving the community for another 4 years.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Item 6C; motion carried unanimously. Ayes: Wilson, Franco, Moore, Schuster and Stafford.

6E Approve Resolution No. 18-5539 approving Amendment No. 1 to Omnipoint Communications agreement Mr. Newton explained that the City has a lease with T-Mobile at the Memorial Ball Park. The original lease was signed in 2009 and provided an option to extend the lease for five additional five-year terms. The lease is to renew automatically unless either party provides a 30 day notice prior to expiration of the term. T-Mobile wishes to amend the agreement, and has suggested a reduced monthly payment with a ten year lease term. The payment terms of the current lease are \$1,200 per month for the first year with an annual increase of 3 percent; T-Mobile is proposing a \$1,000 per month with five percent increases every three years. The amendment would result in a reduction in revenue of \$88,010 over a ten year period, however under the existing agreement there is no obligation for T-Mobile to stay for an additional ten years.

Councilmember Wilson requested that the City include the provision in the resolution to restrict the use of the funding to Memorial Park.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 18-5539 with the addition of the clause restricting use of funds to Memorial Park; motion carried unanimously. Ayes: Wilson, Franco, Schuster, Moore and Stafford.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Consent Calendar Items 6C and 6F; motion carried unanimously. Ayes: Wilson, Franco, Schuster, Moore and Stafford.

7 PUBLIC HEARINGS: No business.

8 COUNCIL DISCUSSION/ANNOUNCEMENTS: Commission/Committee reports:

Councilmember Wilson stated that at the most recent Honey Lake Valley JPA meeting, it was shared that July 14th was the largest day of the pool since its opening, with 190 people during the free swim period.

9 NEW BUSINESS:

9A Consider Resolution No. 18-5533 approving license for use of real property owned by the Judicial Council of California to provide access to City Well Mr. Newton reported that the City holds a license for use of real property needed to access the City's well located behind the Courthouse on Riverside Drive. The City was contacted by the Judicial Council of California stating that there was a need to execute an updated lease. The lease allows the City to access the well to perform testing and maintenance as needed.

Councilmember Wilson asked if the only way to access the well was across the Court's property.

Mr. Newton responded that it was.

Mayor pro tem Franco asked if the access to the well was frequent in nature.

Mr. Newton responded that it is an auxiliary well, which does not run very often, so it may be checked on a weekly basis.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 18-5533; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Moore and Stafford.

9B Consider Resolution No. 18-5534 authorizing execution of ground lease with Gary and Judy Davis for Hangar #27 at the Susanville Municipal Airport Mr. Newton explained that the City is typically presented with the option for right of first refusal for a hangar sale, prior to execution of the sale and ground lease with the new owner. In this instance, Gary and Judy Davis sold their hangar and have repossessed the property due to non-payment, and have requested the execution of a new land lease agreement. It is recommended that the ground lease with Mr. Henry be terminated, and a new lease executed with Gary and Judy Davis.

Motion by Councilmember Schuster, second by Mayor pro tem Franco, to approve Resolution No. 18-5534; motion carried unanimously. Ayes: Schuster, Franco, Wilson, Moore and Stafford.

9C Consider Resolution No. 18-5535 approving Job Placement Programs and authorizing City Administrator to sign the agreements Mr. Newton reported that the City Council has approved the utilization of free labor programs to complete various projects, and multiple resolutions have been adopted based upon specific programs. The Alliance for Workforce Development operates a Job Placement Program whereby they would hire staff as available and needed to perform jobs related to the projects, and at no cost to the City. All wages, workers compensation costs and taxes are to be paid by funding available through the Alliance for Workforce development.

In order to participate in the program, the City would be required to provide accurate time and attendance records for the employee, work direction, task requirements and a safe work location, and supervision, safety instruction and safety-related equipment. In addition to regular crew members, a project leader can also be assigned to each work crew. Mr. Newton stated that the flood damage repairs have been completed by Alliance for Workforce Development crews, and approval of the resolution would allow participation in the program, and authorize the City Administrator to sign the individual employment agreements required for each employee.

Mayor pro tem Franco asked if there were a list of projects that would be completed utilizing this labor.

Mr. Newton responded that an official list may not be maintained, however the employees have been utilized for various tasks in the past, including creation of a file index system at Public Works, data entry, the streets crew has utilized the employees from time to time and the Parks Superintendent has relied heavily on the labor force in the City's parks.

Mayor Stafford commented that the parks look great, and that they are doing a good job.

Mayor pro tem Franco agreed, adding that it is a good opportunity for the City as well as the workers who are gaining job skills and experience.

Councilmember Wilson requested that staff update the Council when the programs are authorized.

Motion by Mayor pro tem Franco, second by Councilmember Wilson, to approve Resolution No. 18-5535; motion carried unanimously. Ayes: Franco, Wilson, Schuster, Moore and Stafford.

9D Consider Resolution No. 18-5536 adopting a proposed list of street maintenance projects for Fiscal Year 2018-19 per the Road Repair and Accountability Act (RMRA) to submit to the State

Mr. Gibbs reported that funding requirements of the Road Repair and Accountability Act require agencies to submit a list of approved projects every year on or before August 1, 2018 to receive funds. These funds are associated with any funding that may be available under the Road Maintenance and Rehabilitation Account (RMRA) associated with SB1. The funds available for pavement work in the City is currently estimated at \$300,289 for fiscal year 2018-2019. Mr. Gibbs reviewed a list of proposed streets within the City limits that staff is recommending for various types of maintenance to include fog seal for recently paved streets, crack sealing for streets in good condition but exhibiting signs of transverse cracking, and slurry seals. Many of the streets proposed for maintenance will receive a combination of crack and slurry sealing, and other projects that require more extensive work or rehabilitation have been proposed for the 2018 STIP cycle programming.

Councilmember Schuster noted that her street was listed, and asked if it would be appropriate to recuse herself from voting on this item.

Ms. Ryan responded that if a City Councilmember lives on a street where there is a street project, as long as the Councilmember is receiving the same benefit as others on the street, and not something more, then they are able to participate in the discussion and vote.

Councilmember Wilson asked if the fog seal will extend the life of the pavement.

Mr. Gibbs responded that for optimum benefit, the fog seal should be applied between year 3 and 5 of a new pavement overlay.

Councilmember Wilson stated that he is happy to see the proactive approach to street maintenance, and commended staff for all of the work that has been completed on City streets over the past few years.

Motion by Councilmember Wilson, second by Councilmember Moore, to approve Resolution No. 18-5536; motion carried unanimously. Ayes: Wilson, Moore, Schuster, Franco and Stafford.

9E Consider Resolution 18-5537 authorizing the Public Works Department to close a portion of Cornell Street west of Foss Street to the public that is used for exclusive access to Lassen High School

Mr. Gibbs explained that the Lassen School District is requesting permission to install a gate across Cornell Street, immediately west of Foss Street, to restrict students and the public from using the bridge to access the high school campus by car. The street is a vacated portion of public right of way and is owned equally by the City and School District. It crosses Paiute Creek by a wooden bridge that is damaged by vehicle traffic, and the District is concerned for the safety of students and general public who are crossing the bridge to access the eastern portion of the campus. They would like to utilize the gate to restrict access. Since the street has been abandoned, all rights revert to each property owner who are responsible for sharing maintenance, responsibility, and liability, so restricting the access is up to the City and District. The District does not require this portion of Cornell as an access point and would prefer that

students and others not access the area or park there. The City has natural gas and water piping present, however a gate would not have any adverse impact on the City's ability to maintain the facilities.

Councilmember Schuster commented that she used to work at the school, and students would utilize that street to cut through the back of campus to access main street businesses.

Motion by Councilmember Schuster, second by Mayor pro tem Franco, to approve Resolution No. 18-5537; motion carried unanimously. Ayes: Schuster, Franco, Wilson, Moore and Stafford.

9F Consider Resolution No. 18-5538 authorizing the Mayor to execute Cooperative (CO-OP) Agreement 02-0143 A2 with Caltrans for the Susanville Southeast Gateway Project Mr. Gibbs reported that this was a housekeeping item related to the agreement between Caltrans and the City of Susanville for the Susanville South East Gateway Project. Caltrans and the City of Susanville then entered into the agreement in November 2014, amended it in December 2016 which replaced the original agreement entirely, and this amendment is needed to memorialize the funding increases granted to the City for the next phase of the project. The next phase of the project is for plans, specifications and estimates (PS&E) and is being increased from \$120,000 to \$200,000. The next phase of the project will detail the enhancements to the southeast entrance to the City including widening the street to accommodate bicycles, new curb, gutter and sidewalk installation with ADA compliant ramps, and the installation of pedestrian and intersection lighting. There was a general discussion regarding funding opportunities for the construction phase of the project.

Motion by Mayor pro tem Franco, second by Councilmember Wilson, to approve Resolution No. 18-5538; motion carried unanimously. Ayes: Franco, Wilson, Schuster, Moore and Stafford.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS: No business.

13 CITY ADMINISTRATOR'S REPORTS: No business.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

15 ADJOURNMENT:

Motion by Councilmember Schuster second by Mayor pro tem Franco, to adjourn; motion carried. Ayes: Schuster, Franco, Wilson, Moore and Stafford.

Meeting adjourned at 7:56 p.m.

Kevin Stafford, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on September 5, 2018