

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
November 7, 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 Mayor Kevin Stafford.

Staff present: Dan Newton, Interim City Administrator and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Motion by Mayor pro tem Franco, second by Councilmember Wilson, to approve the agenda as submitted; motion carried unanimously. Ayes: Franco, Wilson, Moore, Schuster 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 REAL PROPERTY NEGOTIATOR – pursuant to Government Code Section §54956.8

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| 1 | Property: | APN: 103-340-01-11 |
| | Agency Negotiator: | Dan Newton, Interim City Administrator |
| | Negotiating Parties: | CalNeva Towers |
| | Under Negotiation: | Terms of Lease |
| 2 | Property: | Memorial Park-Ball Park |
| | Agency Negotiator: | Dan Newton, Interim City Administrator |
| | Negotiating Parties: | Dr. Marlon Hall, Lassen Community College |
| | Under Negotiation: | Price/Conditions/Terms of Lease |

4 RETURN TO OPEN SESSION:

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

Staff present: Dan Newton, Interim City Administrator; James Moore, Fire Chief; Kelley Merritt, Acting Police Chief; Dan Gibbs, Acting Public Works Director; Deborah Savage, Finance Manager; Quincy McCourt, Project Manager; and Gwenna MacDonald, City Clerk.

Mr. Newton reported that prior to Closed Session, the agenda was approved as submitted and during Closed Session, the City Council provided direction but no reportable action was taken.

Councilmember Brian Wilson provided the Thought of the Day.

5 BUSINESS FROM THE FLOOR:

Gerald Nichols expressed his frustration with the City's laws against growing medical marijuana, and with the associated enforcement practices of the Susanville Police Department. He added that he attempted to contact the Mayor to discuss his concerns, but was unable to because of the response he received from staff at City Hall.

Nina Blum discussed the disparity between activities that the City allows and supports, such as the uptown wine walk, but that cannabis is unfairly banned and prohibited.

6 **CONSENT CALENDAR:**

- A Approve minutes from the City Council's September 4, October 11 and 17, 2018 meetings
- B Receive and file Finance Reports for September 2018

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

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

7 **PUBLIC HEARINGS:**

7A **Consider approval of Resolution No. 18-5587 extending Interim-Urgency Ordinance No. 17-1012 regulating Medical and Adult Use Cannabis Activities pending adoption of a permanent ordinance** Mr. Newton reviewed the City Council actions that implemented Ordinance No. 17-1012, adopted on December 6, 2017 and extended on January 19, 2018 by resolution for a December 5, 2018 expiration. The Government Code authorizes the City Council to enact the Interim-Urgency Ordinance by a four-fifths vote at a properly noticed public hearing. The Interim-Urgency Ordinance allows the City Council time to study, consider, and potentially adopt regulations pertaining to cannabis activities within the City. The Council is allowed one additional extension, and in light of the election it is likely that the sub-committee will be working towards exploring the variety of regulatory options that are available. If approved, the urgency ordinance will expire on November 7, 2019.

Mayor Stafford opened the public hearing at 7:23 p.m. and requested comments from the public.

David Teeter, District 3 Supervisor, discussed enforcement and regulatory actions that were being considered by the County Board of Supervisors.

There being no further comments, Mayor Stafford closed the public hearing at 7:26 p.m.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 18-5587; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Moore and Stafford.

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** Commission/Committee reports:

9 **NEW BUSINESS:**

Councilmember Schuster recused herself from consideration of Item 9A because of a family-owned business conflict.

9A **Consider approval of vendor warrants numbered 202159 through 202358 for a total of \$903,331.17 including \$221,999.99 in payroll warrants** Ms. Savage reviewed the vendor warrant report.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve the vendor warrant report; motion carried. Ayes: Wilson, Franco, Moore and Stafford. Abstain: Schuster.

9B Consider approval of Resolution No. 18-5582 authorizing cash transfer from General Fund to Golf Course Fund and Airport Fund Ms. Savage explained that the City is finalizing the books for fiscal year 2017-2018, and the Golf Course and Airport Enterprise Funds have negative cash balances. At the end of June, the Golf Course had an accumulated negative cash balance of \$48,692 and the Airport had an accumulated negative cash balance of \$52,780. The City has a policy to transfer cash to each of these funds at the end of the fiscal year to remove the negative cash and it gives the City Council an opportunity to discuss the funds that continue to operate on a deficit basis.

Mayor pro tem Franco asked how rounds of golf played compared from 2017 to the 2018 golf season.

Ms. Savage responded that the rounds of play are lower than the prior year, and expenses are up because of the work that has gone into getting the course back into good shape.

Councilmember Wilson asked what happens to receivables that come in after the fiscal year is closed out.

Ms. Savage responded that cash is booked in the current year that it is received, and the revenue is booked in the correct year based.

Motion by Mayor pro tem Franco, second by Councilmember Moore, to approve Resolution No. 18-5582; motion carried unanimously. Ayes: Franco, Moore, Schuster, Wilson and Stafford.

9C Consider approval of Resolution No. 18-5592 setting new rates and fees for the Diamond Mountain Golf Course Mr. Newton reported that staff has worked to evaluate revenues and expenses at the golf course, and have determined that a fee increase is required. For the past several years, revenues have not completely covered expenses, and the fund is accumulating a negative balance. He has worked with the facility and operations managers at the course to develop the proposed increases and modifications. The modifications will result in a simplified rate structure and potentially result in more rounds of play. The fees are comparable to neighboring courses, and would result in an increase to annual membership revenue of \$4,000, an increase in rounds played revenue of \$18,345, an increase in play cards of \$7,450 additional revenue, for an overall estimated increase of \$29,795.

Mayor pro tem Franco asked if the weekend price break after 1:00 p.m. was being eliminated.

Mr. Newton explained that it is being replaced with a twilight rate after 2:00 p.m.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 18-5592; motion carried unanimously. Ayes: Franco, Schuster, Moore, Wilson and Stafford.

9D Consider approval of Resolution No. 18-5585 authorizing the closure of Riverside Drive on November 22, 2018 for the 6th Annual Thanksgiving Day Turkey Trot Mr. Newton reported that the Bizz Running Company is requesting the closure of Riverside Drive from Alexander Avenue to River Street on November 22nd from 8:00 a.m. to 9:00 a.m. for the 6th Annual Turkey Trot. The 5k fun run is held as a fund raiser, with contributions of food and monetary donations provide to Lassen Senior Services. The City Public Works Department would set up and remove traffic control signs during the event.

Motion by Councilmember Moore, second by Councilmember Schuster, to approve Resolution No. 18-5585; motion carried unanimously. Ayes: Moore, Schuster, Wilson, Franco and Stafford.

9E Consider approval of Resolution No. 18-5586 authorizing the closure of Main Street on December 1, 2018 for the Annual Magical Country Christmas event Mr. Newton reported that the City has received a street closure request for the annual Magical Country Christmas event. This year, it is scheduled for December 1st from 5:00 p.m. to 7:00 p.m. The event requires employees from Public Works, Police and Fire to facilitate the street closure, and an encroachment permit from Caltrans is required. The estimated cost for City support of the street closure is \$4,470.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 18-5586; motion carried unanimously. Ayes: Wilson, Franco, Schuster, Moore and Stafford.

9F Consider approval of Resolution No. 18-5593 authorizing the amendment of the Utility Service Agreement with Honey Lake Valley Recreation Authority Mr. Newton explained that the City provides water, natural gas and geothermal to the Community Swimming Pool. The utility services agreement was based on the estimated pumping costs for geothermal water, and established at \$2,100 for the months of June through October. Actual pumping costs have been less than \$2,100 per month, and the intent was to have HLVRA cover actual costs. Amending the Agreement as proposed will provide fair compensation for the City and HLVRA per the original intent of the Agreement. The discussion has also brought up other issues related to the system, since having the facility using the system as altered the normal operating practices. In previous years, the system was shut down from June through October. Having the system operating year-round provides other users the opportunity to benefit from the heat provided earlier in the fall than in previous years. It has been several years since the geothermal rates have been modified, and staff will need to analyze the utility rates to determine if any modifications should be recommended to Council at a future date.

Mayor pro tem Franco asked if the year-round use is resulting in more wear and tear on the system.

Mr. Newton responded that it has normally been the summer months when the system is off that staff would perform maintenance and repair.

There was a general discussion regarding the geothermal system, system expansion and the benefit to having a backup heat source that geothermal would provide.

Councilmember Wilson stated that what the HLVRA is asking, and the intent is to pay the raw cost of pumping geothermal. What we are seeing after one and a half seasons, is that the cost is less than the original estimate of \$2,100. It does not make sense for the City to charge more money when it shares in the cost of facility operations.

It was the consensus of the Council to modify the agreement, adding the language that the effective date would be July 1, 2018.

Motion by Councilmember Schuster, second by Mayor pro tem Franco, to approve Resolution No. 18-5593; motion carried unanimously. Ayes: Schuster, Franco, Wilson, Moore and Stafford.

9G Consider approval of Resolution No. 18-5589 authorizing the execution of a contract between Lassen Union High School District and the Susanville Fire Department for instruction services provided at Lassen High School Chief Moore explained that Lassen High School has obtained a grant to fund an Emergency Responder course for their students. The lead instructor assigned to the course left the District prior to implementation of the program, so for the first year, Lassen Community

College facilitated the course. The school has requested that the Susanville Fire Department provide instructors for the 2018-2019 school year, and staff worked with the School District to develop a contract that would reimburse the City for staff time that is allocated to instructing the Emergency Responder course. Chief Moore described the learning outcomes for the course which include CPR instruction, a 2-week emergency medical services module, a 2-week law enforcement module, and at the end of the program, the student would be able to be a volunteer for the Department. The reimbursement agreement would be one hundred percent reimbursement, weighted for staff time based upon the instructor, and Jim Reichle is the staff teacher who is assigned to work with the Fire Department and fill in during times when staff may be pulled away for an emergency.

Motion by Mayor pro tem Franco, second by Councilmember Moore, to approve Resolution No. 18-5589; motion carried unanimously. Ayes: Franco, Moore, Wilson, Schuster and Stafford.

9H Consider approval of Resolution No. 18-5590 authorizing execution of Letter of Agreement with NorCal EMS for Epi-Auto Injector/ Epi-Safe Kit Project Chief Moore reported that the Lassen County Emergency Medical Care Committee recommended and the Nor-Cal EMS Board of Directors endorsed the recommendation that \$2,000 be allocated to the Epi Auto-Injector for Emergency Medical Responders and Epi-Safe Kits for the Emergency Medical Technician-OS Project in Lassen County. The program will train Emergency Medical Technicians and Responders throughout Lassen County how to administer EPI to a patient. The program is also funded to provide an initial EPI Safe Kit to any trained department or agency that desires one. Chief Moore explained the difference between the Epi-safe kit utilizes a vial and syringe which are cheaper than the epi-pen, which is an average of \$600 each. If a patient has a pen, the responder is only allowed to assist the patient, and if the pens get hot they are not effective. The Fire Chief has volunteered to implement the Epi-Auto Injector Program, with the Susanville Fire Department providing the training and purchasing Epi-Safe kits for the program.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 18-5590; motion carried unanimously. Ayes: Franco, Schuster, Moore, Wilson and Stafford.

9I Consider approval of Resolution No. 18-5591 authorizing execution of Agreement with Energy Project Solutions LLC for the preparation of Transmission Integrity Management Plan for City's Natural Gas System Mr. Gibbs explained that the City received notification from the Office of Pipeline Safety for the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation (PHMSA) to take action on several violations. The violations are based on PHMSA's interpretation of the Code of Federal Regulations that a ten mile segment of City Natural Gas Pipeline is a transmission line and not a distribution line. The City had appealed the violations based on the City's position that the pipeline segment is a distribution line. A transmission pipeline requires additional management and reporting than is required for a distribution pipeline, and the violations pertain to the City not meeting the mandates for a transmission pipeline. The City has been working through an appeals process, but staff recommends that it is in the City's best interests to move forward and proceed the development of a Transmission Integrity Management Plan (TIMP). The TIMP process would identify the additional work and cost associated with maintaining a transmission line and until the plan is completed, staff will not know exactly what will be required.

Staff has contacted consultants that specialize in the preparation and successful adoption of integrity management plans and requested quotes to prepare a TIMP. Two companies have responded to the request and submitted quotes. Energy Project Solutions LLC was deemed to be the lowest responsible bidder at \$12,585. Staff has contacted PHMSA regarding the TIMP specifically and is pursuing clarification

on whether having a consultant under contract prior to that date keeps the City in compliance based on the deadline established in the June 1, 2018 violation notice. Staff has not received a response from PHMSA.

There was a general discussion regarding the difference between transmission and distribution lines, the consequence area, radius of impact and property density and other factors that make an area higher risk for a transmission line. Mr. Newton stated that the City is maintaining its position that we do not agree with the PHMSA determination, however it is the recommendation to move forward in order to avoid being fined. The system has been performing well, the system is fairly new, and the plan developed by Energy Project Solutions will assist the City in its management of the utility.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 18-5591; motion carried unanimously. Ayes: Wilson, Franco, Moore, Schuster 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:

A Annual Leaf Collection Program Mr. Gibbs explained that the City facilitates an annual Leaf Collection Program with the assistance of the California Correctional Center and C&S Waste Solutions. Two dumpsters will be located at the intersection of Numa Road and Skyline, and at Riverside Park and Sunkist. The program is scheduled to begin November 9th and continue through Friday, December 7th and it may be extended if necessary.

B Riverside Park Name Change Update Mr. Newton stated that during the public outreach for Riverside Park, staff received comments and input from the community that the Park was called Fruit Growers Park at one time. Councilmember Schuster requested that the item to consider renaming the park be brought to Council for consideration. Direction was given to staff to solicit feedback from the public and perform limited research regarding the history of the park. Staff discovered that the 20 acre millpond property was purchased by Fruit Growers in 1919, and they opened a three story clubhouse on the site called the Fruit Growers Story Club. The clubhouse was destroyed by fire in 1944, and Fruit Growers opted to make the grounds a park instead of rebuilding. In 1963, Fruit Growers sold the mill to Eagle Lake Lumber Company, which was later called Sierra Pacific Industries and in 1976, the City purchased Riverside Park for \$23,000.

Mr. Newton continued that staff circulated a survey to the community, and received 150 responses from the public. Fifty-five percent of the responders voted to change the name of the park to Fruit Growers, and staff is seeking direction from the Council regarding how they would like to proceed.

Councilmember Wilson commented that he does not have a strong opinion for changing the name.

Councilmember Schuster stated that she is very much in favor of changing the name to Fruit Growers Park.

Mayor Stafford added that he is fine if the Council votes to change the name.

Councilmember Wilson suggested that if the Council decides to change the name, they should wait until the park rehabilitation project is finished, and include the name change with the ribbon cutting ceremony.

David Teeter suggested sending a letter to Fruit Growers to invite them to the event.

It was the consensus of the Council to bring back a resolution changing the name, with the effective date to correspond with the park rehabilitation project.

C Fire Department Update Chief Moore provided an update regarding the activities of the Susanville Fire Department for the period of April 19 through October 24, 2018. He reviewed the current staffing levels, and statistics. During the reporting period, the Department responded to 613 incidents: 17 wildland/vegetation fires, 6 building fires, 3 vehicle fires, 1 dumpster fire, 389 medical assists, 8 motor vehicle accidents with injuries, 6 motor vehicle accidents with no injuries, 2 extrications, and 22 gas and leaks.

Chief Moore provided an update regarding OES activities, the Volunteer program and facility repairs. He discussed training efforts, business inspections, and community outreach and public education activities including the Community CPR and First Aid class conducted in partnership with SEMSA and the Lassen County Health Department. Chief Moore concluded his report by reviewing Code Enforcement and Weed Abatement effort, and fire apparatus maintenance.

The Council thanked Chief Moore for his update.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

Mayor pro tem Franco discussed concerns with trash and homeless encampments along the river.

15 ADJOURNMENT:

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted by

Kevin Stafford, Mayor

Gwenna MacDonald, City Clerk

Approved on: December 19, 2018