

SUSANVILLE CITY COUNCIL
Regular Council Meeting Minutes
WEDNESDAY, AUGUST 7, 2024 – 5:00 PM

Mayor Schuster called the meeting to order at 5:00pm.

Roll Call of Councilmembers Present: Schuster, Bortle, Parrish, Miller

Absent: Brown

1. APPROVAL OF AGENDA:

Moved by Miller; seconded by Bortle to approve the agenda.

Motion: 4 - 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

2. PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any): No closed session.

3. CLOSED SESSION: No business.

4. RETURN TO OPEN SESSION: Mayor Schuster stated that the meeting was starting at 5:00pm due to there being no closed session.

The Pledge of Allegiance and Invocation were provided.

5. BUSINESS FROM THE FLOOR:

Jim McCarthy, public, reported that the abatement areas previously brought forward are now showing progress. He expressed that he was happy to see it moving forward.

William Tezak, public member and stated agent and heir to the estate of the Tezak Trust, addressed the Council to state his dissatisfaction with the abatement process and the process that the city is taking regarding the properties addressed in the public hearings.

6. CONSENT CALENDAR:

Moved by Bortle; seconded by Parrish to approve.

Motion Carried: 4 - 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

6.A Minutes of the City Council July 16, 2024 special meeting.

Motion to waive the reading of and approval to receive and file the City Council's minutes from the July 16, 2024 special meeting.

240716.cc.spec.min.draft.pdf

6.B Vendor and payroll warrants

Motion to receive and file

[06-27-24.pdf](#)

[06-28-24.pdf](#)

[07-05-24.pdf](#)

[07-10-24.pdf](#)
[07-11-24.pdf](#)
[07-18-24.pdf](#)
[07-25-24.pdf](#)

- 6.C Consider **Resolution No 24-6344**, approving and authorizing the modification and conditions to the Memorandum of Understanding with the Susanville Police Officers Association Bargaining Unit

Motion to approve Resolution No. 24-6344, approving and authorizing the modification and conditions to the Memorandum of Understanding with the Susanville Police Officers Association Bargaining Unit

[Side Letter No. 2.pdf](#)
[24-6344.pdf](#)

7. **PUBLIC HEARINGS:**

- 7.A Consider **Resolution No. 24-6335**, approval the issuance of a Nuisance Abatement Order for 1409 Fourth Street (APN 105-045-004-000), declaring dogs owned by John Murray to be a Nuisance.

Mayor Schuster opened the Public Hearing at 5:07pm.

Kelly Mumper, City Planner, provided an explanation of the item and requested approval of Resolution No. 24-6335.

John Murray, public and property owner, responded to the item on the hearing.

William Tezak, public, provided his understanding of what a public nuisance was to the Council and stated that he did not believe the item was valid.

Council Member Parrish inquired as to whether or not Mr. Murray made any attempts to remedy the situation to which Mr. Mumper responded that, while he made some changes, there was never an attempt made to secure a use permit. He added that additional complaints have been submitted regarding the dogs since the process has started due to the noise and the smell coming from the property.

Council Member Bortle inquired as to whether or not an abatement order such as this has been approved before to which Mr. Mumper responded.

Public Hearing closed at 5:30pm.

[Public Notice_Post_ 1409 Fourth St.docx](#)
[1409 4th St. Nuisance Abatement Order.docx](#)
[Notice of Intent to Declare Public Nuisance-Public Hearing.docx](#)
[Partially Redacted Complaint Form.pdf](#) [24-7-15 Inspection Report.docx](#)
[24-7-9 Inspection Report.docx](#)
[7-9-24 Inspection Photo.jpg](#)
[Public Notice-Physical Posting to Residence.jpg](#)
[7-24-24 Inspection Photo.jpg](#)
[7-26-24 Site Inspection Photo.jpg](#)
[24-6335.pdf](#)

Motion to approve Resolution No. 24-6335, approving the issuance of a Nuisance Abatement Order for 1409 Fourth Street (APN 105-045-004-000), declaring dogs owned by John Murray to be a Nuisance.

Moved by Bortle; seconded by Parrish to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

- 7.B Consider **Resolution No. 24-6336**, considering a Cost Report for Administrative Penalties in the amount of \$10,000.00 to the owners of 811 Cottage Street APN (103-323-015-000).

Mayor Schuster opened the Public Hearing at 5:31pm.

Mr. Mumper provided an explanation of the item for Council and requested approval of Resolution No. 24-6336. Mr. Mumper added that, based on his knowledge, there is no one present who is qualified to talk on behalf of the property.

William Tezak stated that he is the president and can talk regarding the property.

Margaret Long, City Attorney, reviewed the state of Nevada listing and stated that there was nothing showing that Mr. Tezak had authority. Mr. Tezak responded that it was moved to Wyoming. Ms. Long reviewed the Wyoming listing and found that he is the president although the taxes are delinquent.

William Tezak, president of Caribbean Investments, Inc., provided his opinion on the city's ordinance being unconstitutional and stated what would be filed if the Council moved forward with placing the lien on the title. He then briefed the Council on what was submitted to staff earlier in the week. He added that he was a victim of bad tenants. He continued that he is ready to go to court for employee misconduct and will be litigating the slander of his property. He concluded that this has been going on for three years and will now end.

Council Member Miller inquired as to when the Nevada Corporation was terminated to which Ms. Long responded 2016 and the Wyoming one was started in 2016 as well.

Public Hearing closed at 5:57pm.

Ms. Long reminded the Council that this item has already been heard and approved through the Planning Commission. At this time, the only item looking for review and comment is the cost report.

[24-6336.pdf](#)

[Cost Report - 811 Cottage Street.docx](#)

[Nuisance_Abatement_Order_After_Hearing_NA2023-002_811_Cottage.pdf](#)

Motion to approve Resolution No. 24-6336, approving the Cost Report for Administrative Penalties in the amount of \$10,000.00 to the owners of 811 Cottage Street APN (103-323-015-000). Moved by Bortle; seconded by Parrish to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

7.C Consider **Resolution No. 24-6337**, considering a Lien for Administrative Penalties in the amount of \$10,000.00 to the owners of 811 Cottage Street APN 103-323-015-000.

Mayor Schuster opened the Public Hearing at 5:58pm.

Mr. Mumper provided an explanation of the item for Council and requested approval of Resolution No. 24-6337.

Mr. Tezak stated that he has never been notified and that Mr. Mumper knows where his business address is and never sent mail to that address.

Mr. Mumper responded that he sent notices to the legal address provided.

Mr. Tezak continued to respond to the item.

Penny Shanahan property owner next to Mr. Tezak's Cottage Street property, stated that it needs addressing and that Mr. Tezak should take some accountability.

Richard Barker, public, stated that he has assisted Mr. Tezak board up the building and, as far as he knows, there is no one in the building, but they will be checking.

Public Hearing closed at 6:15pm

[24-6337.pdf](#)

Motion to approve Resolution No. 24-6337, approving a Lien for Administrative Penalties in the amount of \$10,000.00 to the owners of 811 Cottage Street APN 103-323-015-000.

Moved by Miller; seconded by Bortle to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

7.D Consider **Resolution No. 24-6338**, considering a Cost Report for Administrative Penalties in the amount of \$10,000.00 to the owners of 713 Cottage Street APN (103-321-020-000).

Mayor Schuster opened the public hearing at 6:15pm.

Mr. Mumper provided an explanation of the item for Council consideration and requested approval of Resolution No. 24-6338. He added that this property is represented by Tezak Family Trust, not Caribbean Investments, and William Tezak is not an authorized person to discuss this property.

Discussion occurred on whether or not Mr. Tezak could discuss this property. Ms. Long stated that, based on the nuisance abatement items, Peter Talia, attorney, and David Tezak are those who can discuss Tezak Trust property and not William Tezak. However, Mr. Tezak was welcome to still provide public comment for 3 minutes.

William Tezak stated that he is supposed to get the 10 minutes as he is the rightful person.

Public Hearing closed at 6:23pm.

[24-6338.pdf](#)

[Nuisance_Abatement_Order_After_Hearing_NA2023-001_713_Cottage.pdf](#)

[Cost Report - 713 Cottage Street.docx](#)

Motion to approve Resolution No. 24-6338, approving a Cost Report for Administrative Penalties in the amount of \$10,000.00 to the owners of 713 Cottage Street APN (103-321-020-000).

Moved by Miller; seconded by Bortle to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

- 7.E Consider **Resolution No. 24-6339**, considering a Lien for Administrative Penalties in the amount of \$10,000.00 to the owners of 713 Cottage Street APN 103-321-020-000.

Mayor Schuster opened the public hearing at 6:23pm.

Mr. Mumper provided an explanation of the item for Council consideration and requested approval of Resolution No. 24-6339.

Mr. Tezak again stated that he had been denied his due process by not being allowed his 10 minutes. He added that Mr. Mumper has made an error as there is an incorrect APN number listed on the document.

Public Hearing closed at 6:29pm.

[24-6339.pdf](#)

Motion to approve Resolution No. 24-6339, approving a Lien for Administrative Penalties in the amount of \$10,000.00 to the owners of 713 Cottage Street APN 103-321-020-000.

Moved by Bortle; seconded by Parrish to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

- 7.F Consider **Ordinance No. 24-1044**, amending Title 17 of the Susanville Municipal Code to add sections which regulate and streamline density bonus and affordable housing incentives, accessory dwelling units (ADU's), reasonable accommodations, multifamily design standards, and establishing standards for their uses.

Mayor Schuster opened the public hearing at 6:29pm.

Mr. Mumper presented the item to Council for consideration and requested Ordinance No. 24-1044 be brought back at the next meeting for adoption.

William Tezak, public, inquired as to why the city would want to duplicate state law since it already exists. He stated that he will be submitting many public records requests and stated that if the attorney fails to provide the documents requested writs will be filed.

Eileen Richard, public, stated her concerns with the administrative reports and how much control the state is now trying to have on their properties.

Jacqui Henry, public, stated that she wanted to actually address Mr. Tezak. However, she stated that she does not appreciate the language that he uses and that it appears to just be a lot of innuendos and not a lot of legal jargon.

Council Member Bortle inquired as to what happens if the city decides not to adopt the state's standards. Is it adopted by default as it is state law?

Mr. Mumper stated that yes, typically, the city will also adopt the new regulations as they have to go by them.

Mayor Schuster closed public hearing at 6:47pm.

[PC Recommendation to CC Resolution No. 24-1175.pdf](#) [Public Hearing Notice ADU-OD-RO Ord. .docx](#) [Administrative Report and CEQA Determination.docx 24-1044.pdf](#)

Motion to waive the first reading and introduce Ordinance No. 24-1044, amending Title 17 of the Susanville Municipal Code to add section which regulate and streamline density bonus and affordable housing incentives, accessory dwelling units (ADU's), reasonable accommodations, multifamily design standards, and establishing standards for their uses.

Moved by Miller; seconded by Parrish to approve.

Motion Carried: 4- 0

Voting For: Bortle, Parrish, Miller, Schuster

Voting Against: None

Absent: Brown

Council Member Bortle requested a recess at 6:48pm.

8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:** The Council reconvened in open session at 6:57pm.

Council Member Bortle provided the Land Acknowledgement Statement.

9. **NEW BUSINESS:**

- 9.A Consider **Resolution No. 24-6340**, authorizing the Public Works Director to execute standard agreement with the State of California Office of California Energy Commission and accepting \$40,000 in grant funding from the California Automated Permit Processing Program(CalAPP).

Bob Godman, Public Works Director, provided an explanation of the item and requested Council approval of Resolution No. 24-6340.

No comments.

[24-6340.pdf](#)

[APP-22-266 CEC Grant 1.pdf](#)

[2024 SolarAPP.Agreement 1.pdf](#)

Motion to approve Resolution No. 24-6340, authorizing the Public Works Director to execute standard agreement with the State of California Office of California Energy Commission and

accepting \$40,000 in grant funding from the California Automated Permit Processing Program(CalAPP).

Moved by Miller; seconded by Parrish to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

- 9.B Consider **Resolution No. 24-6341**, Authorizing the Public Works Director to enter into a Lease Agreement with LEAF and maintenance agreement with Forest Office Equipment for a new Kyocera 4054ci printer located at 606 Nevada Street, City's Engineering Division and authorize the Finance Director to make necessary budget amendments to the 7620 budget if needed for the agreements.

Director Godman provided an explanation of the item and requested Council approval of Resolution No. 24-6341.

[24-6341.pdf](#)

[Proposal City Of Susanville Public Works \(Engineering\) 5054ci 7-5-24.pdf](#)

Motion to approve Resolution No. 24-6341, Authorizing the Public Works Director to enter into a Lease Agreement with LEAF and maintenance agreement with Forest Office Equipment for a new Kyocera 4054ci printer located at 606 Nevada Street, City's Engineering Division and authorize the Finance Director to make necessary budget amendments to the 7620 budget if needed for the agreements.

Moved by Bortle; seconded by Miller to approve.

Motion Carried: 4- 0

Voting For: Schuster, Bortle, Parrish, Miller

Voting Against: None

Absent: Brown

- 9.C Consider **Resolution No. 24-6342**, Authorizing Mayor to sign Agreement between the City of Susanville (City) and Placer Labs, Inc., for data analytic software annual subscription.

Tamra Spade, Economic Development Director, provided an explanation of the item and requested Council approval of Resolution No. 24-6342.

Council Member Bortle inquired as to what it analyzed, and Ms. Spade responded foot traffic, where customers are coming from, traffic counts, etc...

Mayor Schuster inquired as to where this comes out of in the budget.

Ms. Spade responded that it would come out of the Economic Development Department 's professional services budget line.

[24-6342.pdf](#)

[Order Form - City of Susanville - 07.17.2024.docx](#)

Motion to approve Resolution No. 24-6342, Authorizing Mayor to execute Agreement between the City of Susanville (City) and Placer Labs, Inc., for the data analytic software annual subscription.

Moved by Miller; seconded by Parrish to approve.

Motion Carried: 4- 0
Voting For: Schuster, Bortle, Parrish, Miller
Voting Against: None
Absent: Brown

- 9.D Consider **Resolution No. 24-6343**, authorizing the purchase of a back up pump motor with the purchase split between Water, Geothermal and the Golf Course, and authorize the Finance Director to adjust the Water, Geothermal and Golf Course budgets, as necessary.

Director Godman provided an explanation of the item and requested Council approval of Resolution No. 24-6343.

[24-6343.pdf](#)
[Back up motor quote.pdf](#)

Motion to approve Resolution No.24-6343, authorizing the purchase of a back-up pump motor with the purchase split between Water, Geothermal and the Golf Course, and authorize the Finance Director to adjust the Water, Geothermal and Golf Course budgets, as necessary.
Moved by Bortle; seconded by Parrish to approve.

Motion Carried: 4- 0
Voting For: Schuster, Bortle, Parrish, Miller
Voting Against: None
Absent: Brown

- 9.E Consider appointing an ad hoc committee for the purpose of developing sub-recipient agreements for distributing the American Rescue Plan Act (ARPA) funds.

Margaret Long, City Attorney, provided an explanation of the item and requested Council direction.

Council Member Bortle made a motion to appoint Mayor pro tem Brown and Council Member Miller. Parrish seconded.

Mayor Schuster made a subsequent motion for Council Member Miller and Council Member Parrish. Parrish seconded.

Discussion occurred regarding why the appointments were made.

Council Member Parrish made a second subsequent motion for Council Member Bortle and Council Member Miller to serve on the ad hoc committee. Bortle seconded.

Mayor Schuster requested a polled vote for the most recent motion. Parrish - aye; Miller - no; Schuster - no; Bortle - no. Motion failed.

Mayor Schuster requested a polled vote for Council Member Miller and Council Member Parrish. Parrish - aye, Miller - aye, Schuster - aye., Bortle - aye. Motion carried unanimously.
Moved by Schuster; seconded by Parrish to approve.
Motion Carried: 4- 0
Voting For: Schuster, Bortle, Parrish, Miller
Voting Against: None
Absent: Brown

10. **SUSANVILLE COMMUNITY REDEVELOPMENT AGENCY:** No business.

11. **SUSANVILLE MUNICIPAL ENERGY CORPORATION:** No business.

12. **CONTINUING BUSINESS:** No business.

13. **CITY MANAGER'S REPORTS:**

13.A Department Reports

Information only.

The attending department heads provided updates on the current happenings within their departments.

14. **FUTURE COUNCIL ITEMS:**

14.A Future Council Items

Council Member Miller requested information to be brought regarding the Silver Sneakers group for the pool.

Council Member Bortle stated that community members are requesting trash service at Inspiration Point as there are people who pick up trash and need a place to put it.

Council Member Parrish stated that there should be discussion regarding the gas prices in town.

[240807.FutureItemsList.pdf](#)

15. **ADJOURNMENT:** Adjourned at 7:40pm.

Heidi Whitlock, City Clerk

Mendy Schuster, Mayor

Approved on: August 21, 2024