

**SUSANVILLE CITY COUNCIL
Regular Council Meeting Minutes
WEDNESDAY, APRIL 20, 2022 – 4:30 PM**

Mayor Schuster called the meeting to order at 4:30pm.

Roll Call of Councilmembers Present: Herrera, McCourt, Stafford, Schuster
Absent: Moore

1. APPROVAL OF AGENDA:

Mr. Newton requested to move item 9F immediately after item 9B due to the amount of people who may be in attendance.

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4 - 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

2. PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any):

William Tezak addressed the Council to inquire as to why item 3A was being heard in closed session and stated that Govt. Code 54957(b) does not require it to be heard in closed session.

3. CLOSED SESSION:

The council convened in closed session at 4:34pm to discuss the following:

A. PUBLIC EMPLOYMENT - pursuant to Government Code §54957

1. City Administrator - Evaluation

B. CONFERENCE WITH LEGAL COUNSEL - existing litigation pursuant to Government Code Section 54956.9 (d)(1): Case number 63745, California Department of Corrections and Rehabilitation, Kathleen Allison, Gavin Newsom Vs. city of Susanville.

4. RETURN TO OPEN SESSION:

The Council reconvened in open session at 5:00 pm.

Mayor Schuster started the pledge and offered the Invocation.

Mr. Newton stated that the council met in closed session regarding the two above listed items and stated that no reportable action was taken.

5. BUSINESS FROM THE FLOOR:

William Tezak, public, stated that on February 24, 2022, he was issued ten illegal administration citations. He added that he has filed ten government torts with the city as well as getting ready to file ten lawsuits against the city including three specific individuals. Mr. Tezak also stated that various public records requests have been submitted to which he has not received any information.

Kendra Zaengle provided information regarding sexual assault cases.

6. CONSENT CALENDAR:

6.A Minutes of the City Council's April 6, 2022 meeting.

Motion to waive oral reading and approve minutes of City Council's April 6, 2022, meeting.

[220406.cc.min.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

6.B Monthly Financial Reports for October 2021 - February 2022 Motion to receive and file monthly financial reports

[Fund Balances Report 10_2021.pdf](#)

[Cash Report 10_2021 US Bank.pdf](#)

[Cash Report 10_2021.pdf](#)

[DAILY DEPOSIT REPORT US Bank 10_2021.pdf](#)

[DAILY DEPOSIT REPORT TriCounties 10_2021.pdf](#)

[Fund Balances Report 11_2021.pdf](#)

[Cash Report 11_2021 US Bank.pdf](#)

[Cash Report 11_2021.pdf](#)

[DAILY DEPOSIT REPORT US Bank 11_2021.pdf](#)

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[Fund Balances Report 12_2021.pdf](#)

[Cash Report 12_2021 US Bank.pdf](#)

[Cash Report 12_2021.pdf](#)

[DAILY DEPOSIT REPORT US Bank 12_2021.pdf](#)

[DAILY DEPOSIT REPORT TriCounties 12_2021.pdf](#)

[Fund Balances Report 01_2022.pdf](#)

[Cash Report 01_2022 US Bank.pdf](#)

[Cash Report 01_2022.pdf](#)

[DAILY DEPOSIT REPORT TriCounties 01_2022.pdf](#)

[DAILY DEPOSIT REPORT US Bank 01_2022.pdf](#)

[Fund Balances Report 02_2022.pdf](#)

[Cash Report 02_2022 US Bank.pdf](#)

[Cash Report 02_2022.pdf](#)

[DAILY DEPOSIT REPORT TriCounties 02_2022.pdf](#)

[DAILY DEPOSIT REPORT US Bank 02_2022.pdf](#)

[Income Statement 2.28.22.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

7. **PUBLIC HEARINGS:** No business.

8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:**

Councilmember Herrera commended Ms. Zaengle for continuing to bring the sexual assault issues to light in our community.

Councilmember McCourt agreed with Councilmember Herrera as well as offered both the Council's Mission Statement and the Land Acknowledgement Statement.

9. **NEW BUSINESS:**

9.A Vendor and payroll warrants

Motion to receive and file

[20220411101805.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

- 9.B Consider **Resolution No. 22-5991**, supporting Lassen and Plumas County Emergency Communications Integration Project and authorize the Mayor to sign a letter in support. Motion to approve Resolution No. 22-5991, supporting Lassen and Plumas County Emergency Communications Integration Project and authorize the Mayor to sign a letter in support.

Mr. Newton provided an explanation of the project and Dean Growden, Sheriff, added additional information.

[22-5991 Lassen and Plumas Emergency Communications Project.pdf](#) [Support Letter Lassen Plumas Communication Integration Project.pdf](#)

Moved by Kevin Stafford; seconded by Thomas Herrera to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

Mayor Schuster requested a ten-minute recess at 7:18 pm for everyone who wants to clear to do so.

City Council reconvened at 7:29 pm.

- 9.C Consider **Resolution No. 22-5989**, approving budget amendment for the Water Division. Motion to approve Resolution No. 22-5989, approving budget amendment for the Water Division.

Mr. Godman, Public Works Director, provided an update on the item and requested council approval of Resolution No. 22-5989.

[22-5989.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

- 9.D Consider **Resolution No. 22-5990**, Modifying the Natural Gas budget

Motion to approve Resolution No. 22-5990, Modifying the Natural Gas budget.

Mr. Godman provided an explanation of the item and stated that both December and January had the highest use in history and, because of this, more gas must be purchased.

[22-5990.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to Approve.

Motion Carried: 4- 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

9.E 2022 Weed Abatement Program

Chief Moore provided a brief history of the weed abatement program and stated that the dates are being reestablished for this season. The item is for informational purposes only.

9.F Consider **Ordinance No. 22-1033**, Regulation of Commercial Cannabis Activities Waive first reading and introduce Ordinance No. 22-1033, Regulation of Commercial Cannabis Activities

Mr. Newton provided an explanation of the Ordinance and why it was being discussed to regulate cannabis activities within the city limits. He added that there will be no outdoor cultivation permitted in this ordinance.

He added that, due to this item being related to land use, it went before the Planning Commission on April 18, 2022, where it was supported unanimously.

He stated what activities would be permitted as well as where those activities would be permitted to take place. He then presented the maps of where those areas are located.

Kelly Mumper, City Planner, offered information regarding buffer areas as well as the 4 permitted zoning areas including the historic uptown area, C-2 (commercial), light industrial and heavy industrial as well as clarification regarding areas where zoning areas and the buffer areas overlapped.

Mayor Schuster inquired as to whether or not the Bizz Johnson Trail would be considered a park, thus requiring a buffer as well as the existing represented buffer areas.

Mr. Newton responded that staff could look into the trail to see if it would be considered a park area.

Carol Clark, public, provided her concerns regarding the proposed ordinance.

Tammy Jones, public, stated their concerns with the ordinance and that the possible grow areas are right next to her property. Ms. Jones also stated her disappointment with the lack of communication regarding the public meetings that were held.

Leann Vanderley, public, offered her concern with the ordinance as well and shared her story regarding why she is against it. She stated that the city should not sell out.

Russ Brown, public, shared his concerns regarding grow sites and how that could affect the water supply as he is the previous water supervisor for the city. He inquired as to whether or not there would be an increased cost for supplying the services.

James Merchant, public, stated that he is not against allowing cannabis as it is an option that could assist the city with additional revenues that could help maintain city services such as public safety. He added that there are concerns with certain drugs but, not this one, and it is a start in the right direction.

Tony Ardito, public, stated he did not believe that enough research, studies, etc... had been completed on this item. He offered other areas that should be looked into prior to moving forward, including putting the item on the ballot. He added that there should be language added to the ordinance that would prohibit any council member, board/commission member, city employee or their families from participating in anything related to the potential gain from moving this item forward.

Debra Marsino, stated that she was against the ordinance and provided her opinion on how it would affect the health and welfare of the community. She stated that the city should look at what other successful cities are doing that are not permitting marijuana. She also voiced her concern on the possible water shortages.

Jacqui Henry, public, shared her story and how moving this ordinance forward will open pandora's box. She stated that the city should worry about more important subjects, like food shortages, and put this one to rest. She added that the council should grow the community garden, the farmers market, grow lavender and other crops that would help with revenues.

Darla Brown, public, voiced her concern with comments made by councilmembers during the February 24, 2022, meeting as well as the city's water supply and requested that it go to the voters.

Gary Bridges, Board of Supervisor, stated that it is not up to the Council to determine whether or not to permit the ordinance and stated that it needed to go to the voters. He stated that it should be on the upcoming ballot and inquired as to whether or not any of the councilmembers would financially gain from this ordinance.

Benny Morrow, public, voiced his concern with the ordinance and stated that the mission statement for the city states "the highest quality" and allowing cannabis in the city would not represent the mission statement.

Mary Piowaty, public, stated that she is in favor of this ordinance.

Curtis Bortle, public, stated that he believed that fear is the driving factor on why the members of the community here are against it and offered information to address some of the concerns brought forward.

Jesse Davis, public, stated that she has not yet conducted research on this topic but will be doing so.

Rita Health, public, stated her disapproval with comments made regarding councilmembers possibly having a potential financial gain with no evidence.

Michael Beal, public, stated he understood the issues being brought up regarding drug use however, cannabis should not be included with other drugs.

Ken Unterreiner, public, stated his concern with some comments being made. He added that, after teaching for 30 years, he is afraid for the kids that may now go home to parents under the

influence of marijuana. He added that children are already having a hard enough time getting out of the pandemic and that they need to be thought of.

Thomas Wasson, public, suggested that maybe the community itself should have a committee and not just a biased city committee. He added that there are people placed on committees and those chosen may be placed on it to move a particular agenda forward.

Councilmember Herrera responded to comments made by the public.

Councilmember Stafford stated that there is confusion between the legal and illegal grows. He added that the County needed to get the illegal grows. He added that the committee is appointed by the Mayor, the meetings have been made public and it has been discussed since he was elected on the council. He added that there needed to be more education on cannabis as it has changed a lot and he feels that Susanville is ready and he is available to answer any questions that anyone has.

Mayor Schuster stated that she does not believe this is good for the children of the community and stated that she took an oath to uphold the law. She added that it is still illegal federally and she will not vote for something that is illegal federally. She shared concerns with Susanville's way of life and stated that smells can extend for one mile and, from the Elk's lodge to McDonald's is just over 2 miles so it would be half of our town. She requested that Council table the item and not vote on it until after the election.

Councilmember McCourt stated that any decision made right now could potentially be repealed. He requested that the item not be tabled and asked the public to pick the team they want on the dais at the upcoming election.

[Ordinance 22-1033 Regulations Governing Commercial Cannabis.pdf](#)

Moved by Thomas Herrera; seconded by Kevin Stafford to approve introducing the ordinance and bring it back for adoption at the May 4, 2022 meeting.

Motion Carried: 3-1

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford

Voting Against: Mendy Schuster

Absent: Moore

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

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

13. **CONTINUING BUSINESS:** No business.

14. **CITY ADMINISTRATOR'S REPORTS:**
13.A Department Reports Information only.

Mr. Newton apologized as he did not bring back the little league parade at this meeting however, he stated that they are moving forward on the item.

14. **FUTURE COUNCIL ITEMS:**
14.A Future Council Items

Councilmember Stafford requested support to place some city of Susanville signs down at the community garden. He and Councilmember McCourt offered the use of discretionary funds if needed.

[20220420 Items from the Podium.pdf](#)

15. ADJOURNMENT:

Moved by Herrera; seconded by Stafford to Approve Motion to adjourn at 7:37pm.

Motion Carried: 4 - 0

Voting For: Thomas Herrera, Quincy McCourt, Kevin Stafford, Mendy Schuster

Voting Against: None

Absent: Moore

Mendy Schuster, Mayor

Respectfully submitted by:

Approved on: May 4, 2022

Heidi Whitlock, City Clerk