

SUSANVILLE CITY COUNCIL
Regular Council Meeting Minutes
WEDNESDAY, MAY 4, 2022 – 4:30 PM

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

Roll Call of Councilmembers Present: Thomas Herrera, Quincy McCourt, Kevin Stafford, Brian Moore, Mendy Schuster

1. APPROVAL OF AGENDA:

Moved by Brian Moore; seconded by Kevin Stafford to Approve.

Motion Carried: 4 - 0

Voting For: Quincy McCourt, Kevin Stafford, Brian Moore, Mendy Schuster

Voting Against: None

2. PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any): No public comment.

3. CLOSED SESSION:

The City Council met in closed session at 4:31 p.m.

Thomas Herrera arrived at 4:44 p.m.

4. RETURN TO OPEN SESSION:

At 5:04 p.m. the City Council reconvened in open session.

Mayor Schuster started the pledge of allegiance and offered the Invocation.

Mr. Newton stated that the council met in closed session to discuss the following:

A. 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.

Mr. Newton stated that direction was provided to staff with no reportable action taken.

5. BUSINESS FROM THE FLOOR:

William Tezak, public, inquired as to whether or not the council has received the email that he sent to each councilmember, as well as the City Clerk earlier in the day to which Mayor Schuster confirmed.

Mr. Tezak continued that he is providing legal notice that he felt a racketeering scheme was going on against him through the administrative citation process and called out individuals in the process.

6. CONSENT CALENDAR:

6.A Minutes of the City Council's April 20, 2022 meeting.

Motion to waive oral reading and approve minutes of City Council's April 20, 2022, meeting.
220420.cc.min.draft.pdf

6.B Approved Position List

Approve Modification of Approved Position List removing the Retired Annuitant-Maintenance Specialist Position and replacing it with the Pool Maintenance Position at a lower pay range.

- 6.C Consider **Resolution No. 22-5994**, Amending the 2021-22 Airport 7201 fund budget. Motion to approve Resolution No. 22-5994, Amending the 2021-22 Airport 7201 fund budget.
[22-5994.pdf](#)

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

Motion Carried: 5 - 0

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

Voting Against: None

Mr. Newton requested, due to time available prior to the time certain item, that 9A be heard next as it should be a rather straight forward item.

7. **PUBLIC HEARINGS:** *Heard after item 12A*

8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:** *Heard after 7A*

Councilmember McCourt offered the Land Acknowledgement Statement and the City's Mission Statement.

Councilmember Herrera stated that he loved to see that there were so many events to partake in this weekend. Wemple's had an event, Little League Opening Day and parade, the City of Susanville has the River adoption, the Spring Show and the Walk a Mile event.

Mayor Schuster wanted to thank the Lassen College Baseball team and the work that they have done in the community this year. They have helped people stack wood, helped put the city's Christmas tree up, etc... and requested that if staff sees Frank Avilla, their coach, to thank him.

9. **NEW BUSINESS:**

- 9.A Consider **Resolution No. 22-5992**, approving agreement between the City of Susanville and Lassen County for safety, security, fire and emergency medical response services at the Lassen County Fairgrounds for the period of July 1, 2022 through June 30, 2023.

Motion to approve Resolution No. 22-5992, approving agreement between the City of Susanville and Lassen County for safety, security, fire and emergency medical response services at the Lassen County Fairgrounds for the period of July 1, 2022 through June 30, 2023.

Ms. Arredondo presented the item and why it was being presented.

Kaitlyn Downing, fair manager, also provided information on the item.

[Lassen County Fair Services Agreement.pdf](#)
[22-5992.pdf](#)

Moved by Quincy McCourt; seconded by Kevin Stafford to Approve.

Motion Carried: 5- 0

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

Voting Against: None

Item 12A was heard as it was TIME CERTAIN at 5:15 p.m.

- 12.A Consider **Ordinance No. 22-1033**, Regulation of Commercial Cannabis Activities

Waive second reading and adopt Ordinance No. 22-1033, Regulation of Commercial Cannabis Activities

Mr. Newton provided the history of the item as previously provided and stated that the Ordinance was introduced at the April 20, 2022, meeting and it is being presented tonight for adoption.

The Ordinance includes, no outdoor cultivation, does include indoor cultivation in correct zoning districts only, dispensaries, distribution, manufacturing and testing activities possible.

Councilmember Herrera thanked everyone for showing up at tonight's meeting.

Councilmember McCourt inquired as to how long of a process it would be if someone wanted to open a business here.

Mr. Newton responded that it depended on the type of activity as some activities will have a longer process than others.

Amy Holley, public, requested that the council vote no on the item and offered other ideas to promote the city.

Ashley Dale, public, also offered additional ideas and requested that it get placed on the ballot instead of voted on today.

Cecil Dale, public, stated that if the council wanted to listen to the public, put it on the ballot.

Lisa Myers, public, shared her story and her experiences in other towns and cities and requested the Ordinance not be passed tonight but put on the ballot.

Tim Lundblade, public, discussed his experience with addicts and conversations had which included 50%-90% of addicts stating that they started with marijuana, then went to alcohol, then cocaine, then meth and requested the council understand that marijuana is a gateway drug.

John Chan, public, provided statistics that he found regarding the correlation between marijuana being permitted in cities and their crime rates. He also provided his personal story and shared that Susanville needs to create a story that they are proud of and not to be known as a drug city.

Kyle Meadows, stated the preamble of the Constitution of the United States of America and draws attention to "We the People". We, which included him, and he does not want to hear about any more of his friends being affected by marijuana.

Glen Yonan, public, stated he was not here to discuss whether it is good or bad but stated that it should be voted on by the people.

Tracy Langslet, public, stated that she is opposed to the ordinance and stated that it should be placed on the ballot. She also added that Dr. Braatz provided a letter to her in opposition to the Ordinance.

Kirby Lively, public, expressed her displeasure with the ordinance and requested that it go on the ballot.

Debra Mansia, public, requested that it not be approved tonight, that it be placed on the ballot and also stated that it is okay for the Council to change their minds.

Jerry Askey, public, also requested that it go on the ballot as he does not want to see three people make the decision that affects his and everyone else's families.

Carolyn Unterrieiner, public, talked about how she remembers when the lotto came to California and how it was supposed to help the schools and stated that they should be great but, look at them now. This will be the same thing.

Leann Vanderly, public, reviewed items from the council meetings and stated that it looked one sided. She added that not all questions had answers and she would like to have a different ad hoc committee that focused on positive things and requested that it just go to the ballot.

Jessica Davis, public, stated her displeasure with how people have reacted to her previous comments from April 20, 2022, she approves of the Ordinance but, is also for putting it on the ballot.

Rita Health, public, stated that she does not want to see us turning away legal businesses if they are doing it correctly. She is sure there was adequate research completed by the committee as she read the report but, in the end, put it to a vote.

Tony Ardito, public, completed his thoughts that were started at the last council meeting regarding language he believed should be included in the Ordinance to avoid anyone from making a profit or benefitting from this item being passed. He suggested that language should be included that prohibited council members, board or commission members, or their family members, to directly or indirectly benefit from any activities related to the marijuana industry while holding that position and including five years after they have left said position.

Mary Piowaty, public, stated that whether or not it is a gateway drug should not be considered as the item is regarding a warehouse business, not the use of marijuana.

Gary Bridges, Board of Supervisors, inquired as to whether or not the Council had thought about the banking.

Councilmember Herrera stated that the City is dying, he did not believe it when he was a community member, but, he knows it now. However, if the City goes bankrupt, that means no police or fire department, and city needs those. But yes, he sees it a way to start getting industry and then maybe more will come.

Councilmember Herrera left the chambers at 6:51 p.m. and returned at 6:54 p.m.

Mayor pro tem Moore thanked everyone for coming in and sharing their comments.

Councilmember Stafford also thanked the community for coming and voicing their concerns but stated that some research could be done as he did not feel that it would bring more crime, etc.... He concluded by stating that if the city does nothing, the police will go away.

Councilmember McCourt also thanked the community for the great conversations and stated he cares more about the conversation than the yes or no.

Mayor Schuster stated that she is still against it as she took an oath to defend the constitution of the United States and California. Federal law prohibits it therefore, she is against it.

She stated that there was a grant that could only go towards cities that had legalized marijuana but, she has now heard it can go for any city and she would like staff to find out what that grant is.

Councilmember Herrera supported it being on the ballot but does not like the idea of kicking the can down the road.

Councilmember McCourt inquired as to whether or not it needed to go back to the voters for the taxes even if this passes now. He added that the tax could be determined how dry of a city we would want to be. He inquired of Mr. Newton how much a ballot measure costs.

Mr. Newton responded that, in our experience, it appears that a ballot measure is approximately \$15,000 but added that he is not sure if it is for each ballot or not but that he would look into it.

Councilmember McCourt continued that, based on the input from the community, the youth in the community need to be prioritized and inquired as to whether or not the council should think about offering more.

Mayor Schuster inquired as to whether or not she could request changes to the ordinance.

Margaret Long, attorney, stated that it would have to be changed to the first reading and then it would have to come back for the second reading and adoption at a date no less than 5 days after this meeting.

Councilmember McCourt inquired about the process of someone starting the process and how they get proposal, if it goes to planning commission and if so, does the council get to see it too, etc... to which Mr. Newton responded with the process.

Mayor pro tem Moore left at 7:21 p.m. and returned at 7:24 p.m.

Motion by Councilmember McCourt, second by Councilmember Stafford to approve to ordinance as drafted.

Mayor Schuster stated the changes that she has been requested to make by the community.

Ms. Long repeated the requested changes including:

1. Addition of churches to section 12
2. Make both dispensaries and businesses setback 600 feet not 200 feet
3. Include preschools and charter schools in the definition of schools
4. Eliminate the uptown area
5. Eliminate Cypress Street due to Bizz Johnson Trail

Mayor Schuster requested a subsequent motion to adopt with the changes requested above.

Mayor pro tem Moore requested a second subsequent motion requesting the that the ordinance not be approved and that it goes to the voters.

Roll Call Vote on all three motions:

Second subsequent motion: Herrera, no; Moore, aye; Schuster, aye; Stafford, no; McCourt, no. Motion failed.

First subsequent motion: Herrera, no; Moore, aye; Schuster, aye; Stafford, no; McCourt, no. Motion failed.

First Motion: Herrera, yes; Moore, no; Schuster, no; Stafford, aye; McCourt, aye. Motion carried.

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

7 PUBLIC HEARING:

7.A Consider **Ordinance No. 22-1034**, amending section 8.48 of the Susanville Municipal Code. Motion to waive the first reading and introduce Ordinance No. 22-1034, amending section 8.48 of the Susanville Municipal Code

Chief Moore discussed the item and provided an explanation of why the item was being presented for consideration.

Councilmember McCourt inquired as to whether or not it would enable the Chief to be more successful in stopping the illegal fireworks to which he confirmed.

Councilmember Stafford requested that the new language gets to all the stands, etc... as soon as possible.

Chief Moore stated that it may not be enforced this year but starting next year it can be in full effect to allow time to give ample notice to the community.

Mayor pro tem Moore inquired as to whether or not the firework stands would be prohibited to which he responded no but, it is in the California Fire Code if banning the stands would be needed.

[22-1034 - Fireworks.pdf](#)

Mayor Schuster opened the public hearing at 7:47p.m.

No comments.

Mayor Schuster closed the public hearing at 8:01p.m.

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

Motion Carried: 5- 0

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

Voting Against: None

8 COUNCIL DISCUSSION/ANNOUNCEMENTS:

Councilmember McCourt offered the Land Acknowledgement Statement and the City's Mission Statement.

Councilmember Herrera stated that he loved to see that there were so many events to partake in this weekend. Wemple's had an event, Little League Opening Day and parade, the City of Susanville has the River adoption, the Spring Show and the Walk a Mile event.

Mayor Schuster wanted to thank the Lassen College Baseball team and the work that they have done in the community this year. They have helped people stack wood, helped put the city's Christmas tree up, etc... and requested that if staff sees Frank Avilla, their coach, to thank him.

- 9.B Consider **Resolution No. 22-5993**, Approving and authorizing the Fire Chief to execute a cooperative agreement for the loan of excess Firefighter Property Program (FPP) Agreement #883505.

Motion to approve Resolution No. 22-5993, Approving and Authorizing the Fire Chief to execute a cooperative agreement for the loan of excess Firefighter Property Program (FPP) Agreement #883505.

Chief Moore provided an explanation of the item and requested the approval of the resolution. He added that, unlike the other program that the department utilizes, they can keep the items after a year.

[2. Susanville City FD FFP App Form.docx](#)

[4. Susanville City FD FFP Screener Rqst Form TH.docx](#)

[4. Susanville City FD FFP Screener Rqst Form CR.docx](#)

[3. Susanville City FD FFP Agrmt.pdf
22-5993.pdf](#)

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

Motion Carried: 5- 0

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

Voting Against: None

- 9.C Consider sponsorship of the June 4, 2022 Susanville Airfair with the Experimental Aircraft Association (EAA) Chapter #794

Motion to authorize the EAA Chapter #794 to sponsor the 2022 Susanville Airfair event at the Susanville Municipal Airport on June 4, 2022 and approve payment of half of the insurance premium in an amount not to exceed \$500.00, use of Public Works barricades, water truck and facility.

Director Godman provided an explanation of the item and requested the city sponsor the Susanville Airfair to be held on June 4, 2022.

Susan Baxter, public, inquired as to where the money will come from if the city has no money, to which Bob Godman responded that it will get paid out of the Airport Enterprise fund which has its own budget.

Jerry Askey, public, suggested a remote control airplane show be considered as well.

William Tezak, public, stated that he is always in favor of the Airport activities. Being a member of the EAA he strongly requested the approval.

[Airfair Letter 2022.pdf](#)

Moved by Brian Moore; seconded by Kevin Stafford to Approve.

Motion Carried: 5- 0

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

Voting Against: None

9.D Presentation from Ducks Unlimited on possible waterfowl habitat improvements on the Barry Creek Reservoir property.

Mr. Godman provided the history of the Barry Reservoir purchase and introduced Amy Holman, Lassen Land & Trails Trust (LLTT), and Amelia Raquel, Ducks Unlimited, to provide a presentation regarding potential projects for the property.

Amy Holman provided an explanation of the grant the LLTT received to perform outreach for a project that was proposed as they were talking to the previous owner regarding the purchase of the property.

Michael Blaschak, public, stated his pleasure with the project as it would be growing the types of trails that could be available.

Rita Health, public, stated that this is not what she was envisioned when she was at the meeting where the city purchased the property as she would like it to be easily accessible and where kids and the elderly could go for walks etc....

Both Ms. Raquel and Holman responded that that is exactly what they would try to do, to make it more accessible for everyone and to where kids can learn about and watch animals.

Mr. Newton requested clarification for direction to include work with LLTT and Ducks Unlimited to review the proposed plans included in the first phase. However, there should be a lot of discussion on the field as it is hard to remove a wetland once added however, phase one will remain a reservoir as that was the reason for the initial purchase.

Ms. Raquel provided more details on the phases of the potential project and requested that the City partner with them and continue the project.

Ms. Holman added that she hoped this project was already in line with what the City was looking to do at that property especially since there could be potential grant money to assist with it however, there is not a lot of groundwork that the city would be required to do.

Mayor Schuster stated that a lot of conversation has not yet taken place since it was just purchased but, she would like to see the field flooded to freeze for iceskating and then bringing in dirt to build a hill to sled on since she would like more things for kids to do.

Councilmember McCourt inquired as to whether or not the city could move forward with it but mentioned that staff time is limited and inquired as to what that stafftime would look like.

Ms. Raquel responded that it would depend on how the city would want to use their staffing as Ducks Unlimited could do a lot of the work themselves.

Mr. Newton responded that he appreciated the phased approach but he would like to ensure that it could still be used for its intended purpose to benefit the community. However, he felt that the reservoir component would need some involvement to ensure it meets our needs and purpose and then the project could be turned over to Duck's Unlimited to complete.

Additional discussion occurred on the item.

[Barry_LLTT-DU_4-22-22.pdf](#)

[Barry_Res_Overview.pdf](#)

- 9.E Consider **Resolution No. 22-5995**, Approving recommendation of the Planning Commission regarding the issuance of Administrative Citation

Approve Resolution No. 22-5995, to uphold the issuance of administrative citations COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, and COS2022-0011, and to cancel the issuance of administrative citations COS2022-0003, COS2022-0010, and COS2022-0012.

Mayor Schuster called for a 2-minute comfort break. 8:45 p.m.

The council reconvened at 8:47 p.m.

Mr. Newton provided an explanation of the item including the administrative citation process and the steps that had been taken prior to it coming before the Council. He explained that an administrative appeal hearing was requested and heard by the Planning Commission where they are recommending the dismissal of 3 of the 10 citations but to uphold the other 7 citations. He stated that it is staff's recommendation to uphold the Planning Commission recommendation. He added that this is not another hearing and evidence is not here to be presented however, he reviewed the citations being requested to be dismissed.

William Tezak, public, stated that this entire process is a sham and accused the city of not knowing what a public nuisance is. He stated that the Planning Commission is a kangaroo court and was not allowing him his due process. He added that there were no facts presented for the Planning Commission to even make a decision and threatened massive litigation.

Councilmember Stafford told Mr. Tezak that all he had to do was clean up his property.

[Planning Commission Staff Report - Tezak Appeal Hearing.pdf](#) [Planning Commission Exhibits.pdf](#)

[Tezak Family Trust Admin Appeal Exhibit H.pdf](#)

[Planning Commission Resolution 22-1097.pdf](#)

[Appellant Photographs.pdf](#)

[22-5995.pdf](#)

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

Motion Carried: 5- 0

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

Voting Against: None

- 9.F Consider **Resolution No. 22-5997**, approving a budget increase to the Golf Course Budget in the amount of \$7,000.

Approve Resolution No. 21-5997, approving a budget increase to the Golf Course Budget in the amount of \$7,000.

Ms. Arredondo provided an explanation on the item including the shape of two of the mowers to see if they were in need of replacement or just professional maintenance as they are issues are starting to occur. She continued that it was a good report as they are in good shape and just needing maintenance. She concluded by stating that the cash balance is currently over \$100,000 and 83 punch cards have already sold as well as 34 annual memberships.

Mr. Teeter, public, shared his approval of the golf course being in the black this year but reminded the council that there are 20 years of payments that the general fund paid to the golf course and hopes that that is not forgotten.

Michael Blashak, public, annual membership holder and punch card holder stated his approval for the course.

[S_BIZHUB_C3220426094000.pdf](#)
[S_BIZHUB_C3220426093100.pdf](#)
[22-5997.pdf](#)

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

Motion Carried: 5- 0

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

Voting Against: None

- 9.G Consider approval of Councilmember Stafford's request to use civic contribution funds from his discretionary allocation of \$1,000 to purchase signs for the Susanville Community Garden.

Approval of Councilmember Stafford's request to use civic contribution funds from his discretionary allocation of \$1,000 to purchase signs for the Susanville Community Garden.

Mr. Newton provided an explanation of the item and requested the approval of the item. He then inquired as to how much he wanted to spend towards the course to which he said all of it could be used.

Mr. Godman provided some info on the sign size and demensions to which Councilmember Stafford stated they can be bigger.

Councilmember McCourt stated that if it goes over \$1,000 he would offer some of his funds as well.

[18-5548 Civic Contribution Policy.pdf](#)

Moved by Thomas Herrera; seconded by Quincy McCourt to Approve.

Motion Carried: 5- 0

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

Voting Against: None

10. SUSANVILLE COMMUNITY REDEVELOPMENT AGENCY:

11. SUSANVILLE MUNICIPAL ENERGY CORPORATION:

12. CONTINUING BUSINESS: *Item heard after 9A*

13. CITY ADMINISTRATOR'S REPORTS:

13.A Department Reports Information only

Chief Moore stated that they have a verified win for the Golden State challenge and \$1,000 will be donated to Best of Broadway.

14. FUTURE COUNCIL ITEMS:

14.A Future Council Items

Councilmember Herrera requested an item to discuss the prioritization of the youth in our community. Stafford, McCourt.

Mayor pro tem Moore requested adding a community recognition and appreciation. McCourt, Stafford.

[20220504 BUSINESS FROM THE FLOOR.pdf](#)

15. ADJOURNMENT:

Moved by Thomas Herrera; seconded by Quincy McCourt to Approve adjourn at 9:20 p.m.

Motion Carried: 5 - 0

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

Voting Against: None

Mendy Schuster, Mayor

Respectfully submitted by:

Approved on: May 18, 2022

Heidi Whitlock, City Clerk