

**PORTOLA CITY COUNCIL
MEETING MINUTES**

August 27th, 2014

7:00 p.m.

1. CALL TO ORDER

Mayor Oels called the meeting to order at 7:00 pm.

2. PLEDGE OF ALLEGIANCE

Mayor Oels led the Council in a moment of silence and the reciting of the pledge of allegiance.

3. ROLL CALL

Councilmembers Larrieu, Powers, and Morton, Mayor Pro Tem Gault and Mayor Oels responded to the roll call. City Manager Robert Meacher, City Planner Karen Downs, City Clerk Melissa Klundby, City Attorney Steve Gross and City Finance Officer Susan Scarlett and were also in attendance.

4. PUBLIC COMMENT

Audrey Ellis, Eastern Plumas Chamber of Commerce representative thanked the community, council, vendors and all of the volunteers and coordinators for their efforts in making the Friday Night Concert series in the Portola City Park a success.

Larry Douglas, concerned citizen, addressed the Council regarding his thoughts on the Community Service Officer and his concerns about the City staff. Mr. Douglas also commented on the picking up of his dog by Plumas County Animal Control and the CSO for being “at large and unlicensed”.

Leah Turner, City of Portola resident and Community Services Officer commented that she had picked up Mr. Douglas’s dog approximately 6 times for being “at large” and noted that Mr. Douglas had been notified that the dog would be taken to the Plumas Animal Shelter if it was found “at large” again. Mrs. Turner read the definition of harassment and stated that she feels that City Employees’ and the City Council are being harassed by Mr. Douglas.

5. CITY COMMUNICATIONS

A. City Council/Committee Reports

John Larrieu reported he had attended the Transportation Commission meeting and they are adding new bus routes.

Councilmember Powers’ reported that he had recently returned from vacation on the Oregon coast and that while there he had visited several small towns that used branding and cooperation between businesses to promote the local economy. Councilmember Powers reported that he would love to see the City of Portola move in this direction also.

Councilmember Morton also reported that she had been on vacation on the Oregon Coast, where she also witnessed local business supporting other local business. Councilmember Morton reported that she also had

been at the Transportation Commission meeting and was excited to hear that one of the new bus routes will be between Feather River Community College and the City of Portola to accommodate students attending night classes.

Mayor Oels reported that the fishing derby at Lake Davis was scheduled to happen this coming weekend and that funds from the Derby would be used to benefit the Plumas County Resource Center, Utility Assistance fund.

B. City Manager Communications

City Manager Robert Meacher reported/presented the following items:

- Presentation of a slide show, showing several of the “blight”/abatement properties that City Staff are currently working with.
- Presentation of a map outlining City of Portola water easements through Forest Service land. Mr. Meacher had a recent meeting with the Forest Supervisor from the Beckwourth Ranger District wherein positive discussion outlined the potential for the City to use the easements to create a recreational trail system.
- Positive support from the Forest Service in discussions concerning the City being an “outfitter” for the East End park, which would potentially allow camping and Forest Service support for moving forward to connect the Riverwalk with the West End park.
- Potential for kayaking and motorized boating on the Middle Fork Feather River.
- Upcoming meeting with TRAC and the USFS to discuss the above.
- Potential Federal funds that may be available inside the City limits as a Firewise Community.
- Mr. Meacher had met with the CEO of Eastern Plumas Hospital and will be working on an Emergency Operations Plan for future approval by the Council.
- Cal Recycle representatives had recently met with Mr. Meacher and Todd Roberts to review City recycling efforts.

6. CONSENT CALENDAR

- A. **Minutes** - Adopt the minutes of the Regular City Council meeting held on August 13, 2014 and the Special City Council Meeting of August 20th, 2014.
- B. **Claims** - Adopt Resolution No. 2219 authorizing payment of claims for the period of August 9th, 2014 through August 22nd, 2014.

Accounts Payable: \$ 51,263.38

Payroll: \$ 25,127.68

Total: \$ 76,691.06

Councilmember Morton requested that the minutes of the August 13th, 2014 agenda under item 8 C. be amended to include language noting that the surplus wood permits will be for a three cord maximum per person and for personal use only. Councilmember Larrieu made a motion to approve the amended minutes of the August 13, 2014 and the Special City Council Meeting of August 20th, 2014 and adopt Resolution No. 2219 authorizing payment of claims for the period of August 9th, 2014 through August 22nd, 2014. Councilmember Morton seconded the motion and it was unanimously approved.

7. PUBLIC HEARING

- A. Landfill Closure Construction Quality Assurance (CQA) Monitoring** - Review proposals submitted for CQA monitoring services by independent engineering firms for Portola Landfill closure project. Discussion and/or possible action.

Staff reported that in conjunction with the Portola City Council approval of final closure construction of Portola Landfill, independent third-party monitoring and documentation of the construction activities and adherence to construction specifications is required under state of California regulations.

Four firms submitted qualified bids to perform the CQA services. The cost proposals for each firm was presented. Based on the proposed services, experience and costs, staff recommended that the City Council award the Portola Landfill Final Closure Construction Quality Assurance and Documentation Services to Geo-Logic Associates of Grass Valley, CA and authorize the City Manager to execute the agreement for the services.

Mayor Oels asked for public comment. Terri Woods asked for clarification on the previously awarded bids and staff requested that she come into the office and Staff would present her with the information from the August 20th special meeting wherein the firm was chosen to do the Landfill work.

Councilmember Powers made a motion to authorize the City Manager to execute the agreement for the services for the Portola Landfill Final Closure Construction Quality Assurance and Documentation Services to Geo-Logic Associates of Grass Valley, CA in an amount not to exceed \$73,825. Mayor Pro Tem Gault seconded the motion and it was unanimously approved during a roll call vote.

- B. City Engineer Employment Agreement** – Review and consider approval of the employment contract extension for City Engineering Services. Discussion, possible action.

City Attorney Steve Gross reported that the City is required by Caltrans to comply with state regulations relating to the selection process for design consultants working on state and federal funded projects and that in response to these regulations the City entered into an employment agreement with Mr. Bastian. Mr. Dan Bastian is a certified Engineer who is compensated as a City employee when working on projects that fall under Caltrans regulations, and that the City is then reimbursed for the engineer's salary as a cost of the project from Caltrans.

Staff made recommendation that the City Council amend and reenter into an employment agreement with Mr. Bastian to a term commencing the 1st day of September 2013 and ending on the 31st day of August 2015. He will be paid per month payable on the first scheduled payday of each month at the same time other monthly salaried City employees are paid, a maximum compensation of one hundred thirty eight thousand dollars (\$138,000.00).

Mayor Oels opened the discussion for public comment and Larry Douglas made comment, noting that he thinks that the City should not be paying an outside Engineer.

Susan Scarlett noted that Caltrans requires the use of a City employed certified Engineer, and that Mr. Bastian's salary is reimbursed by Caltrans.

Finding no further discussion, Councilmember Larrieu made a motion to reenter into employment agreement with Mr. Bastian to a term commencing on beginning on the 1st day of September 2013 and ending on the 31st day of August 2015 and to approve all of the terms outlined in the Contract. Councilmember Morton seconded the motion and it was unanimously approved.

- C. **Water Drought Report**- Review and discuss California Water Conservation and Drought Concerns, update from the State of California, and review letter sent from the City to residents. Discussion and/or possible action.

City Manager Robert Meacher reported that the City was in receipt of a letter from Plumas County notifying them that they have over used the Cities allotment of water from Lake Davis. He also presented the Council; with a letter from the Department of Water resources notifying Counties in California that DWR was increasing the allocation of 2014 State Water project water from zero to 5%.

Mr. Meacher also reported that per Council authorization, a hydrologist has reviewed Willow Springs and is submitting letters regarding findings to the State Water Resources Control Board noting that Willow Springs is not surface water and therefore the City should be authorized to return to its use as a municipal water supply.

Mr. Meacher also reported that he will be setting up a meeting with the USFS representative in charge of water rights regarding the USFS's Grizzly Creek Allotment to discuss possible riparian exchanges in times of future drought for the City's ongoing water security efforts.

Mr. Meacher further reported that DWR is going to be doing maintenance work on the Lake Davis treatment plant and is planning to shut off that water source 9/14/14 and 9/15/15. Mr. Meacher will be attending the next Drought Task Force meeting on 9/8/14 and will be working on a Water Security package to present and discuss with the City Council at a future meeting date.

- D. **Abatement Lien** -Review and discuss request by property owner at 543 West Sierra Avenue to review property lien. Discussion, possible direction to staff, and/or possible action.

City Attorney Steve Gross discussed the staff report to the Council concerning the history of the lien placed on Mr. Smith's property at 543 W. Sierra Avenue. Mr. Gross reported that Mr. Smith is currently in escrow for the sale of this property and that Mr. Smith has requested that the City Council consider releasing all or a portion of this lien. Mr. Gross noted that issues with the property began in 2001 and in early 2003 the City spent \$28,862.86 of tax payer funds to abate the nuisance. On April 21, 2003 the City recorded a lien against the property located at 543 W. Sierra Street to secure the obligation to repay the City.

Mr. Gross reported that to avoid making an unlawful gift of public funds, the City's release of a lien must be for a public purpose that benefits the City within its authorized mission, and only incidentally benefit private persons. Mr. Gross noted that the City's release of the lien against Mr. Smith's property in whole or in part would likely constitute an unlawful gift of public funds because releasing the lien would primarily benefit a private person, Mr. Smith, and there is no certainty that the release of the lien would benefit the City. To avoid making an unlawful gift of public funds, the City's release of a lien must be

for a public purpose that benefits the City within its authorized mission, and only incidentally benefit private persons.

Mayor Oels opened the discussion for public comment and Toby Smith, Mr. Roger Smith's brother, also provided the City with a history of the lien process against the property. Roger Smith also commented that the cost to the City was associated with the removal of a retaining wall, which was not part of the original nuisance abatement request.

The Council discussed the history of the lien and issue relating to releasing the lien. Councilmember Gault made a motion not to act on the request of Roger Smith and not to release the lien at 543 W. Sierra Avenue. Councilmember Larrieu seconded the motion and it was unanimously approved.

9. CLOSED SESSION

- A. **Public Employee 90 Day Performance Evaluation** - Closed session pursuant to Government Code Section 54957, regularly scheduled 90 day evaluation of performance, City Manager, City of Portola. Discussion/Possible action
- B. **Conference with Legal Counsel**- Closed Session pursuant to subdivision (d) (1) Government Code Sec. 54956.9, Planning and Conservation League et al. v. CA Dept. of Water Resources et al, Superior Court of Sacramento County, Super. Ct. No. 95CS03216 and/or significant exposure to litigation pursuant to subdivision (d) (2) of Government Code Section 54956.9
- C. **Existing Litigation** - Pursuant to Government Code Section 54956.9(d)(1), City of Portola vs. State of California Department of Fish & Game, Case No. CV09-00065.

There was no reportable action from the closed session.

10. ADJOURNMENT

There being no further business to discuss, Mayor Oels adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

Melissa Klundby, City Clerk