

**PORTOLA CITY COUNCIL
MEETING MINUTES
August 22th, 2018
6:00 p.m.**

1. CALL TO ORDER

Mayor Morton called the meeting to order at 6:00 pm.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Councilmember Oels, Powers, Councilmember Reynolds, Mayor Pro Tem Cooley and Mayor Morton were present. Interim City Manager Leslie Chrysler, City Attorney Steve Gross, City Finance Officer Susan Scarlett, and City Clerk Melissa Klundby were also in attendance.

4. PUBLIC COMMENT

Larry Douglas made public comment about his previous recall from the City Council, the recession and economic development.

5. CITY COMMUNICATIONS

A. City Council/Committee Reports

Councilmember Phil Oels reported that fuel reduction had occurred on 20 acres of the Portola 192 project site and that he had completed construction of the swing set for raffle at the Railroad Days event. He also reported that proceeds from the raffle would go to the Carr Fire victims. and that he had attended a meeting of the Fire Safe Council.

Councilmember Oels also reported that he had attended a meeting of the Fire Safe Council and the Board meeting of the Eastern Plumas Fire Protection District; where it was recorded that they had 26 medical calls, 1 fire call, and 1 helicopter assistance call.

Councilmember Powers reported that he had attended a meeting of the Transportation Commission, the Fire Safe Council and that school had begun.

Mayor Pro Tem Cooley reported that he had attended the Plumas LAFCo meeting.

Mayor Morton reported that she had attended the Plumas LAFCo meeting and that Tom Cooley was appointed as the Chairperson and he would be attending the CALAFCo annual conference. Mayor Morton further reported that LAFCo had received an application for the merger of the Eastern Plumas Health Care

District and the Sierra Valley Hospital District and that the Commission is seeking an additional public member.

Mayor Morton then reported that Railroad days currently had 31 parade entries, 22 vendors registered and that the pool would be open for free swim and the Willie Tate Memorial Run was happening on Sunday the 26th, 2018.

B. Staff Communications

City Clerk, Melissa Klundby reported that the nomination period for the November 6th election closed on August 10th. She then reported that the candidates for the two, 2 year terms were: Max Bradshaw, Larry Douglas, Timothy Kreth, Pat Morton, BJ Pearson, and Stan Peiler. The City Clerk also reported that the candidates for the two, 4 year Council seats were: Phil Oels, Bill Powers, Kim Scott, Casey Williams, and Terri Woods.

C. City Manager Report

City Manager Leslie Chrysler reported on the following items:

- 40 weed abatement letters had been mailed and 23 parcels had been cleaned up, with an additional 5 in process.
- Leslie had meetings with representatives from Plumas County Community Development, the Plumas LAFCo Executive Office, the County Assessor and the Auditor.
- She had communications with the Senior Apartments regarding an evacuation plan and Leah Turner and Pat Fruchtenicht had completed the inventory on one fire truck.
- Leslie also reported that representatives from Chico State University would be visiting Portola on Friday to begin reviewing the sewer and water infrastructure project.

Leslie then asked who would be available to ride in the “people mover” during the Railroad Days Parade. All 5 Councilmembers confirmed that they would attend and City Attorney Steve Gross then briefly reviewed the Brown Act and reminded them to not discuss City issues while together.

6. CONSENT CALENDAR

These items are expected to be routine and non-controversial. The City Council will act upon them at one time without discussion. Any Councilmember, staff member or interested party may request that an item be removed from the consent agenda for discussion. Additional budget appropriations will require a four/fifths roll call vote.

A. Minutes – Adopt the minutes of the City Council regular meeting held on August 8th, 2018.

B. Claims – Adopt Resolution No. 2363 authorizing payment of claims for the period of August 4, 2018 through, August 17, 2018.

Resolution No. 2363
A Resolution of the City Council of the City of Portola
Authorizing Payment of Claims for the Period
August 4, 2018 through August 17, 2018

- C. **Resolution No. 2364** - Adopt Resolution No. 2364. A Resolution requesting that Plumas County collect the City of Portola Fire Tax on the Tax Roll.

Resolution No. 2364
A Resolution of the City Council of the City of Portola
Requesting Collection of Taxes on Tax Roll

Finding no Council or public comment Councilmember Powers made a motion to approve Resolution 2363 and 2364; and the minutes of the City Council regular meeting held on August 8th, 2018. Mayor Pro Tem Cooley seconded the motion and it was unanimously approved during a roll call vote.

7. PRESENTATIONS

None

8. ORDER OF BUSINESS

- A. **Planning Commission** – Review History and Status of the Planning Commission and make recommendation to Staff regarding status and advertising for Planning Commission members. Discussion and possible action.

City Manager Leslie Chrysler presented that Council with a Staff report which gave a history of the Planning Commission, an overview of their duties and a report that due to resignation and lack of re-appointment there was no current Planning Commission.

The Council discussed the option to allow for a three member planning commission, with an option for 5 members. The Council also discussed options for a zoning administrator or their designee to process permits, with an option for appeal to the City Council in the event that there was no active Planning Commission.

Following further discussion the Council requested that staff bring back an Urgency Ordinance amending chapter 2.36 of the Portola Municipal Code that would amend the code to allow for a three or five member Commission, and giving authority to the City Manager or his or her designee to act on applications in the event that there was no active commission.

- A. **Conditional Use Permit** – Consider a request by property owner Charles Gardyn, 108 Commercial Street, APN 126-082-007 for a Conditional Use permit to allow a residential use in a Core Commercial zone. Discussion and possible action.

Resolution No. 2365
A Resolution of the City Council of the City of Portola
Granting a Conditional Use Permit for
Assessor Parcel Number 126-082-007

Leslie Chrysler reported that Staff had received an application for a Conditional Use Permit to allow residential use in a Core Commercial zone at 108 Commercial Street, APN 126-082-007. Leslie reported that along Commercial Street there are numerous residential uses; generally as mixed use with apartments

above commercial space. The property in question was formerly used as a business on the ground floor with a residential unit located above. The applicant is proposing to utilize the upstairs unit as residential and to renovate the downstairs area to include one residential unit in the back and to allow for a commercial space in the front.

Mayor Morton opened the Public Hearing and asked for public comment. Larry Douglas commented that the \$420 processing fee was exorbitant. Terri Woods asked if surrounding property owners had been notified and Leslie reported that owners within 300 feet had been mailed notification and that notice of the public hearing had been placed in the paper.

Property owner Charles Gardyn requested that the Council make determination to allow the CUP to stay with the property.

Attorney Steve Gross recommended that the condition of approval that the CUP was only valid for the current property owner be maintained so that the Council or Planning Commission had the opportunity to review the use in the future. Steve Gross noted that to allow the condition of approval to stay with the property and not the owner would constitute a de facto zoning change.

Finding no further comment Mayor Morton closed the public hearing and Councilmember Powers made a motion to approve Resolution No. 2365, A Resolution of the City Council of the City of Portola Granting a Conditional Use Permit for Assessor Parcel Number 126-082-007, maintaining the condition that the CUP remain with the current property owner only. Councilmember Oels seconded the motion and it unanimously carried with a roll call vote.

B. Code Compliance Officer - Review the Job Description, Compensation and discuss Advertising for the Code Compliance Officer. Discussion and possible action.

Leslie Chrysler presented that staff report and reviewed the job description and proposed pay scale for a full time Code Compliance Officer. The Council engaged in a general discussion regarding the pay scale and concurred it was acceptable. Attorney Steve Gross recommended the removal of reference to federal law in the job description and Mayor Morton requested a grammatical error be corrected. The Council and Staff concurred with the changes to the job description.

The Council discussed the budgetary funding for this position and staff noted it would be funded from COPS funds and the general fund.

Finding no public comment Councilmember Oels made a motion to approve the job description with the above noted changes, the compensation rate and the advertising timeline for the Code Compliance Officer position. Councilmember Powers seconded the motion and the motion carried unanimously.

- C. **Personnel Policy - Review** Amendments and updates to the City of Portola Personnel Policy and Consider Resolution 2366. Discussion and possible action.

Resolution No. 2366
A Resolution of the City Council of the City of Portola
Amending the City of Portola Personnel Policy

Susan Scarlett, the City Finance Officer presented the Council with an amended City of Portola Personnel Policy. Susan reviewed all of the changes incorporated and noted the entire policy had been updated for internal consistency and current applicable employment law. Susan also noted that the policy had been reviewed by Employment Risk Management Authority (ERMA) a component of the cities Risk Management group and that ERMA's suggestions had also been incorporated.

Susan outlined two changes that needed to be incorporated to make the document consistent and after a brief discussion by the Council and finding no public comment; Councilmember Powers made a motion to adopt Resolution 2366, A Resolution of the City Council of the City of Portola Amending the City of Portola Personnel Policy. Councilmember Oels seconded the motion and it was unanimously approved during a roll call vote

- D. **League of California Cities Request for Letter of Support-** Review a request from the League of California Cities to support a letter opposing certain regulations proposed by the Bureau of Cannabis Control. Discussion and possible action.

Leslie Chrysler presented the Council with a request from the League of California Cities to submit a letter opposing certain regulations proposed by the Bureau of Cannabis Control. Steve Gross reviewed how the proposed regulations would authorize cannabis businesses to deliver in any jurisdiction and reduce the amount of time cities have to determine the validity of a cannabis business license. Steve noted that the proposed regulations would undermine the local controls that were assured in Proposition 64.

Mayor Pro Tem Cooley reported that the Finance and Administration Committee had reviewed this request and recommended that the Council approve submittal of the letter opposing certain regulations proposed by the Bureau of Cannabis Control. Following public comment and Council discussion, Mayor Pro Tem Cooley made a motion to approve submittal of the letter opposing certain regulations proposed by the Bureau of Cannabis Control be signed by the Mayor and mailed to the appropriate agency. Councilmember Powers seconded the motion and the motion carried unanimously.

- E. **Off Highway Vehicle Grant** – Review a Grant for acquisition of property for an Off Highway Vehicle Staging Area. Discussion and possible action.

Leslie Chrysler presented that Council with information outlining the history of the OHV grant application and the current status. Leslie noted that this grant was the first phase of many proposed grants to complete

this project and that each phase of the grant process included a 20% match in funds from the City. Leslie reported that the City had three years to accept the grant and if the City accepted the Grant the Council would need to make an appropriate budget amendment in the amount of \$72,676. Leslie also reported that the property would be deed restricted and must be maintained as an OHV staging area indefinitely. Steve Gross asked for further clarification on this noting he thought the property would only be deed restricted for 25 years. Leslie reported she had spoken to representative from the State but would confirm this information for the next meeting.

Leslie also reported that if the City were to acquire the 30 acres of forested property the City would need to maintain the property indefinitely to insure that there were no fire hazards, illegal dumping, or other unpermitted activity on the 30 acres of land.

Councilmember Powers stated that he is not in support of the City acquiring such a large financial and liability burden.

Mayor Morton reported that Susan Jacobson from Sports Success had previously reported to the City Council that volunteer time and money spend pre award would be counted toward the City match of 20% of the grant. Leslie reported that this was incorrect, the City could only count funds spent after award and the match would be made from the City budget and not volunteer efforts.

Mayor Morton asked for public comment. Larry Douglas said he also does not support acceptance of this grant as the acquisition of the property does not support the General Plan goals of noise reduction and an OHV staging area will not raise revenue for the City.

Elaine Frank, Eastern Plumas Fire Protection District, commented that acquisition of such a large piece of property would raise serious issues for medical response.

Bob Morton commented that he does not think the City should take on such a huge liability.

Joleen Cline commented that she is in support of an OHV staging area and that she owns property nearby and her family uses OHV's recreationally.

Lela Mallory commented that she was a retired Park Ranger and that an OHV staging area would not draw new visitors to the area or bring in additional money.

Larry Douglas commented that he does not support the use of General fund monies for a project that would have no financial return for the area.

Kevin Walsh, Attorney at Law, commented that he has worked with other projects creating OHV areas and that this issue is very complex; and that the City should review fire issues and user conflict issues.

Leslie Chrysler noted that Susan Jacobson had reported that the USFS was in support of this project; however Leslie noted that scoping letters indicated that the USFS property adjacent to the land would be non-motorized and that following her conversations with the USFS it was her understanding that the USFS was not in support of an OHV staging area.

Tom Cooley asked Kevin Walsh if in his experience motorized and non-motorized uses can co-exist in a positive way. Kevin noted that in his experience these two uses do not exist well together.

Following further discussion the Council requested that staff research the below items and re-agendize this item for further discussion:

- 1) A map depicting ownership of the adjacent properties.
- 2) Length of deed restriction
- 3) Clarification on if funds already expended by the City be reimbursed by the grant?
- 4) Written opinion from the USFS on an OHV staging area on adjacent property to federal lands
- 5) A written opinion from Sierra Buttes Trail Stewardship on the property being used as an OHV staging area.

9. CLOSED SESSION

The Council took a brief recess.

Leslie Chrysler recused herself from the closed session because she has a relationship with Jan Breitwieser. Steve Gross noted that Leslie did not have a statutory conflict but was recusing herself due to a perceived conflict.

- A. Breitwieser claim** - Closed Session Pursuant to Government Code Section 54957(d)(2), Exposure to Litigation, Breitwieser claim.

The Council reconvened in closed session. There was no reportable action.

10. ADJOURNMENT

The meeting was adjourned at 8:25 pm.

Respectfully Submitted,

Melissa Klundby, City Clerk