

**PORTOLA CITY COUNCIL
MEETING MINUTES
January 24, 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 then led the Council in the reciting of the pledge of allegiance.

3. ROLL CALL

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

4. PUBLIC COMMENT

Larry Douglas read a statement to the Council covering numerous topics.

Mike Matus requested that staff print on both sides of the paper for agenda packets to conserve paper.

5. CITY COMMUNICATIONS

A. City Council/Committee Reports

Councilmember Oels reported on his attendance at a meeting of the Transportation Commission.

Mayor Pro Tem Cooley reported that he had attended several Fire Department Ad Hoc Committee meetings and on his attendance at the New Mayors and Councilmembers workshop sponsored by the League of California Cities.

Councilmember Powers commented on his attendance at a meeting of the Transportation Commission and his meeting with local merchants and the Chamber of Commerce.

Mayor Morton reported she had attended several Fire Department Ad Hoc Committee meetings.

B. City Manager Report

City Manager Robert Meacher reported that staff has still not heard an affirmative from FEMA regarding payments for the 2016 winter storm damages. He also reported on his meeting with the Lost and Found Bike Race coordinators who will give a presentation to the Council at a later meeting date.

C. Staff Communications

Chuck Brashear, Community Service Officer, reported that he has been following up on abatement cases including animal control issues and abandoned vehicle cases.

City Clerk, Melissa Klundby, reported on the recent SCORE meeting.

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 Councilmembers, 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 January 10th, 2018.
- B. **Claims** – Adopt Resolution No. 2338 authorizing payment of claims for the period of January 5, 2018 through January 19, 2018.

Finding no further public or Council comment, Councilmember Powers made a motion to adopt the consent calendar as amended and presented. Councilmember Reynolds seconded the motion and it was unanimously approved with a roll call vote.

7. PRESENTATIONS

None

8. ORDER OF BUSINESS

- A. **Ordinance 348**- Introduction and waiver of the second reading of Ordinance 348, An Ordinance of the City of Portola, County of Plumas Amending Chapter 8.04 of the City of Portola Municipal Code Providing for regulation of Solid Waste Collection and Recycling. Discussion, possible action.

City Manager Robert Meacher presented the Council with a report from Tom Valentino on Ordinance 348, which amended the current Solid Waste Collection and Recycling Ordinance to bring it into compliance with the current negotiated contract with Intermountain Disposal for solid waste collection and recycling.

Following a brief review Councilmember Powers made a motion to introduce and waive the second reading of Ordinance 348, An Ordinance of the City of Portola, County of Plumas Amending Chapter 8.04 of the City of Portola Municipal Code Providing for regulation of Solid Waste Collection and Recycling. Mayor Pro Tem Cooley seconded the motion and it was unanimously approved during a roll call vote.

- B. **City Engineer Employment Agreement Amendment**– Review City Engineer Employment Contract Amendment. Discussion, possible action.

Dan Bastian reviewed his current employment contract with the Council. Mr. Bastian reviewed the work done to date under this contract and noted that the contract is paid for through the State of California, A-15 STIP project, which requires that the City Engineer be a City Employee as opposed to an independent contractor. Dan reported that he is the contract Engineer for the City but acts under the proposed employment agreement for the defined A-15 project only. Dan noted that his contract is going to expire and that it needs renewed so that he can continue work on the project.

Following a brief discussion Councilmember Oels made a motion to approve the contract amendment as presented. Mayor pro tem Cooley seconded the motion and it was unanimously approved.

- C. **Conflict of Interest Waiver** – Consider authorizing the City Manager to execute a Conflict of Interest Waiver for City Attorney Steve Gross, Porter Simon, P.C., which would permit him to work with the City of Portola and Feather River Rail Society for purposes relating to the project currently defined as Portola 192. Discussion, possible action.

Attorney Steve Gross left the meeting. City Manager Robert Meacher presented the Council with a Conflict of Interest Waiver for City Attorney Steve Gross, Porter Simon, P.C., which would permit him to work with the City of Portola and Feather River Rail Society for purposes relating to the project currently defined as Portola 192. Mr. Meacher noted that Mr. Gross also represented the Feather River Rail Society as an attorney. Mr. Meacher reported that the project owners at Portola 192 are considering entering into agreements with the railroad concerning property adjacent to the project and that since the City has jurisdiction over certain elements of the development of that project, Mr. Gross would need the conflict of interest executed. City Manager Robert Meacher stated that the Conflict of Interest Waiver was at the request of City staff.

Larry Douglas expressed concerns with using attorney Steve Gross. Chris David noted that all the waiver does is identify as a disclosure that Mr. Gross represents both entities and that he supports the City signing the waiver.

Finding no Council discussion Councilmember Oels made a motion authorizing the City Manager to execute a Conflict of Interest Waiver for City Attorney Steve Gross, Porter Simon, P.C., which would permit him to work with the City of Portola and Feather River Rail Society for purposes relating to the project currently defined as Portola 192. Councilmember Reynolds seconded that motion and it was unanimously approved.

- D. **Conflict of Interest Waiver** – Consider authorizing the City Manager to execute a Conflict of Interest Waiver for City Attorney Steve Gross, Porter Simon, P.C., that would permit him to work with the City of Portola and Eastern Plumas Health Care District for purposes relating to a California State Parks Off-Highway Motor Vehicle Recreation Division Grant and Cooperative Agreements Program, Planning Grant and potential lease/purchase of Property Described as Plumas County Assessor's Parcel Number 126-050-052. Discussion, possible action.

Attorney Steve Gross left the meeting. City Manager Robert Meacher reported that City staff also requested that the Council consider authorizing the City Manager to execute a Conflict of Interest Waiver for City Attorney Steve Gross, Porter Simon, P.C., that would permit him to work with the City of Portola and Eastern Plumas Health Care District for purposes relating to a California State Parks Off-Highway Motor Vehicle Recreation Division Grant and Cooperative Agreements Program, Planning Grant and potential lease/purchase of Property Described as Plumas County Assessor's Parcel Number 126-050-052.

Larry Douglas again stated that he is against such a waiver. Terri Woods questioned who would pay for Steve Gross's time and City Manager Meacher noted that each corresponding agency would appropriately pay Steve for his time on any proposed project relating to this waiver.

Finding no Council discussion Councilmember Oels made a motion authorizing the City Manager to execute the waiver as presented and discussed. Mayor Pro tem Cooley seconded the motion and it was unanimously approved.

- E. **Sports Success Review of work to date and prioritization of Grant Opportunities**- Receive a presentation from Susan Jacobson on the current work done by Sports Success and review and discuss Council prioritization of future work and grant opportunities. Discussion and/or possible action.

Mr. Gross, City Attorney, returned to the meeting.

Susan Jacobson gave the Council an extensive PowerPoint presentation on the current work done by Sports Success.

Larry Douglas commended her work.

Susan then presented that Council with future grant opportunities.

The Council concurred unanimously that Susan should continue work on the kayak launch, the disc golf project and continue working on grants for an OHV staging area.

- F. **Resolution 2339**- A Resolution of the City Council of the City of Portola Authorizing the City of Portola to Apply for a Grant from the Division of Boating and Waterways, Harbors and Watercraft Revolving Fund. Discussion and/or possible action.

Susan Jacobson presented that Council with Resolution 2339 and requested approval as a condition of submitting the grant for the establishment of a kayak launch at the West End Park.

Finding no discussion Councilmember Powers made a motion to approve Resolution 2339, a Resolution of the City Council of the City of Portola Authorizing the City of Portola to Apply for a Grant from the Division of Boating and Waterways, Harbors and Watercraft Revolving Fund. Councilmember Oels seconded the motion and it was unanimously approved.

- G. **Sports Success Contract Renewal** - Review and discuss proposed renewal of Independent Contractor Agreement for services by Sports Success. Discussion and/or possible action.

City manager Robert Meacher reported that the City has had Sports Success under contract for 12 months over the past 2 years to work with the Council and staff on a variety of projects that the city council prioritized last year. Mr. Meacher reported that the current contract ends on February 1, 2018, and that staff is requesting that the Council consider a month by month arrangement that extends out to the end of the 2017/18 budget cycle. Changes to the exiting contract included moving from an "up front" payment to a \$500.00 a month retainer for a total of 50 hours of work between now and the end of the fiscal year.

Mr. Meacher reported that work will include the OHV planning grant, Frisbee Disc Golf Course(s), the new Union Pacific Foundation Grant, coordination of the KaBoom Grant playground at the ballpark, and other projects as they become available.

After a brief discussion Councilmember Powers made a motion to approve renewal of Independent Contractor Agreement for services by Sports Success as presented and outlined above. Councilmember Reynolds seconded the motion and it was unanimously approved.

- H. **Ordinance 349**- Introduction and waiver of the second reading of Ordinance 349, An Ordinance of the City of Portola, County of Plumas Amending Chapter 2.24 of the City of Portola Municipal Code creating the Fire Department. Discussion, possible action.

Attorney Steve Gross reviewed Ordinance 349 and Mayor Morton reported that the ad hoc committee had extensively reviewed and worked on the Ordinance and recommended it for approval. The Council reviewed the red-lined changes to the current Ordinance and Mayor Pro tem Cooley noted that changes to the duties of the Fire Chief reflect the volunteer nature of the position. Staff also noted that the Ordinance removes reference to volunteers as “employees” of the City, which bring the ordinance in line with current employment law, definitions and practices.

Following a brief review, Councilmember Oels made a motion to introduce and waive the second reading of Ordinance 349, An Ordinance of the City of Portola, County of Plumas Amending Chapter 2.24 of the City of Portola Municipal Code creating the Fire Department. Mayor Pro Tem Cooley seconded the motion and it was approved during a roll call vote.

- I. **Finance Review** – Review of Finances from City Finance Officer Susan Scarlett. Discussion, possible action.

This item was continued to the next regular Council meeting, as the Fiance Officer was not able to attend due to weather and road conditions

- J. **City Finance Officer Contract Agreement** - Review City Finance Officer Contract and consider amending and extending it. Discussion, possible action.

This item was continued to the next regular Council meeting, as the Fiance Officer was not able to attend due to weather and road conditions.

- K. **Resolution 2337 Revised** – Review revised Portola 192-Resolution of joint application to Affordable Housing and Sustainable Communities Strategic Growth Council for workforce housing/sustainable transportation funds. Discussion, possible action.

City Clerk, Melissa Klundby, reported that Resolution 2337 was being presented as revised and requested for Council review to reflect changes in the Engineering cost associated with the project. Ms. Klundby reported that there were no substantive changes to the Resolution, however changes were made to the figures associated with construction costs. These figures were updated to reflect increases projected by the project Engineer.

Finding no discussion Councilmember Powers made a motion to approve Resolution 2337 as revised and presented. Councilmember Oels seconded the motion and it was approved unanimously during a roll call vote.

9. CLOSED SESSION

A. Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1), Michael Rush vs. City of Portola, Plumas County Case No. SC18-Q0001

B. Public Employee Performance Evaluation - Closed session pursuant Government Code section 54957, Mid-Year City Manager performance review.

There was no reportable action from the closed session

10. ADJOURNMENT

The meeting was adjourned at 7:50 pm.

Respectfully Submitted,

Melissa Klundby, City Clerk