



CITY OF PORTOLA

CITY COUNCIL REGULAR MEETING AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 9, 2022
6:00 P.M.

CITY HALL COUNCIL CHAMBERS
35 THIRD AVENUE
PORTOLA, CA 96122

COUNCILMEMBERS ATTENDING VIA TELECONFERENCE AS PERMITTED BY CALIFORNIA GOVERNOR NEWSOM EXECUTIVE ORDER N-29-20

COUNCILMEMBERS

Mayor Pat Morton
Mayor Pro Tem Tom Cooley
Councilmember Phil Oels
Councilmember Stan Peiler
Councilmember Bill Powers

CITY STAFF

Interim City Manager Jon Kennedy
Public Works Director Todd Robert
City Attorney Steve Gross
Finance Officer Susan Scarlett
Deputy City Clerk Tara Kindall

The City Council welcomes you to its meetings which are regularly held the second and fourth Wednesday of each month at 6:00 p.m. Your interest and participation is encouraged and welcome.

As permitted by Executive Order N-29-20, proclaiming a State of Emergency in the State of California, the City Council Chamber at City Hall will **not** be accessible to the public for the City of Portola's March 9, 2022 Regular City Council meeting.

The City Council meeting is accessible to the public via live streaming at: <https://zoom.us/j/3583067836> or by phone at: Phone Number 1.669.900.6833; Meeting ID: 358 306 7836.

Any person desiring to address the City Council on any item not on the agenda may, after accurately identifying themselves, do so during public comment. Public comments made during a regular Council meeting may be recorded. Public comment will be accepted via email or chat on any item on the agenda at any time beginning at 6:00 p.m. and ending at the close of public comment on the item. Please direct your comments to Tara Kindall, Deputy City Clerk, tkindall@cityofportola.com or access the chat function on the Zoom meeting platform during the live stream. Members of the public may submit their comments in writing to be included in the public record. Comments submitted in writing may or may not be read during the meeting, but will be made available to the public if requested.

Any person with a disability may submit a request for reasonable modification or accommodation to the above-described means for accessing and offering comment at the meeting to Tara Kindall at tkindall@cityofportola.com who will swiftly resolve such request.

CONSENT CALENDAR: These items include routine financial and administrative actions. All items on the consent calendar will be voted on at the same time during the meeting under “Consent Calendar”. If you wish to have an item removed from the Consent Calendar, you may do so by addressing the presiding officer.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the Office of the City Clerk and are available for public inspection. If you have any questions on any agenda items, contact the City at 530.832.6801.

Meeting facilities are accessible to persons with disabilities. Reasonable efforts will be made to accommodate participation of the disabled in the City’s public meetings. If special accommodation for the disabled is needed, please notify the City at 530.832.6801 at least 48 hours prior to the meeting.

For additional information visit the City of Portola Web Page: www.cityofportola.com.

**CITY COUNCIL AGENDA
REGULAR MEETING
MARCH 9, 2022
6:00 P.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PUBLIC COMMENT**

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Please note that California law prohibits the City Council from taking action on any matter which is not on the posted agenda, unless it is determined to be an urgency item by the City Council. Any member of the public wishing to address the City Council during “PUBLIC COMMENT” shall first secure permission of the presiding officer and give his/her name to the Clerk for the record. Each person addressing the City Council shall be limited to three minutes ordinarily, unless the presiding officer indicates a different amount will be allotted.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

B. Staff Communications/Fire Department/Sheriff’s Department/Air Quality Reports

C. City Manager Report

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 meetings held on December 22, 2021, January 12, 2022, January 26, 2022, February 9, 2022, February 23, 2022, and the City Council Special Meeting held on December 29, 2021. [pages 1-23]

B. Claims – Adopt Resolution No. 2501 authorizing payment of claims for the period of February 17, 2022 through March 3, 2022. [pages 25-31]

| | |
|-------------------|---------------------|
| Accounts Payable: | \$194,455.59 |
| Payroll: | <u>\$ 19,224.57</u> |
| Total: | \$213,680.16 |

7. ORDER OF BUSINESS

A. City Engineer Employment Agreement.

Review new employment agreement with City Engineer, Dan Bastian for the North Loop STIP Project as per Cal Trans requirements. Authorize staff to execute agreement as per Council's direction. Discussion and possible action. [pages 33-39]

B. Music in the Park.

Consideration of a Budget Amendment to fund the 2022 Music in the Park Series. Discussion and possible action [page 40]

8. ADJOURNMENT

**REGULAR MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
DECEMBER 22, 2021 | 6:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Powers called the meeting to order at 6:00 p.m.

2. ROLL CALL

Councilmembers Tom Cooley, Phil Oels, Mayor Pro Tem Pat Morton, and Mayor Bill Powers responded to the roll call. City Manager Lauren Knox, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present. Councilmember Stan Peiler was absent.

3. PLEDGE OF ALLEGIANCE

Mayor Powers let the pledge of allegiance.

4. PUBLIC COMMENT

Mayor Powers called for any member of the public to comment. There was no public comment.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

Councilmember Oels reported that he attended a Transportation Commission meeting.

Councilmember Cooley reported that he spread wood chips on the Disc Golf Course, assisted the Firewise Committee with their annual report, attended several Local Emergency Services Study Group meetings, attended a LAFCo meeting, and participated in the EPCAN Holiday food basket distribution.

Mayor Pro Tem Morton reported that she worked putting up the Angel Tree Program tree at Leonard's, all the angels are up, she called and made appointments for packages and meals pickup.

Mayor Powers reported he attended a LAFCo meeting, a Transportation Commission meeting, and was honored to light the downtown Christmas tree this year.

B. Staff Communications/Fire Report/Sheriff’s Report/Air Quality Report

There is no Fire report tonight.

Sergeant Klundby emailed the following report: for the period of October 31st through December 22nd there have been a total of 198 calls for service in the City of Portola. 12 Property crime calls, 8 crimes against persons, 10 drug related, and 10 traffic related calls. There is an increase in the traffic calls this year so citizens are encouraged to lock their car doors, secure your residence, and please drive carefully in inclement weather.

There is no Air Quality report tonight.

C. City Manager Report

City Manager Knox reported that the Renegade Light Parade and Old Town Christmas event downtown went very well. Staff has been involved in Incode software training/testing. Snow plowing and removal operations await the next storm; the LESSG consultant group was in town; the Little League approached the City after Thanksgiving about some items they would like to do at the ballfield so they are looking into some grants to accomplish those items and City Manager Knox suggested that when they have a better idea of the grant situation in regards to the items they want to have, such as better lighting, bleachers, etc. they bring that back to City Council with a plan. The Sheriff’s contract is still in negotiations. She touched base with Tim Rhode about what is left to do at the Disc Golf Course. He mentioned putting the wood chips down for erosion control and future needs such as watering the trees and plants. She also reviewed the holiday schedule for City Hall.

6. CONSENT CALENDAR

Mayor Pro Tem Morton moved and Councilmember Cooley seconded a motion to approve the consent calendar as amended:

- A. **Claims** – Adopt Resolution No. 2491 authorizing payment of claims for the period of November 2, 2021 through December 16, 2021.

| | |
|-------------------|---------------------|
| Accounts Payable: | \$146,721.92 |
| Payroll: | <u>\$112,179.77</u> |
| Total: | \$258,901.69 |

Roll call vote, yes: Cooley, Oels, Morton, and Powers. So carried.

Roll call vote, no: none.

Roll call vote, absent: Peiler.

7. ORDER OF BUSINESS

A. Mayor and Mayor Pro Tem Appointment.

The selection of Mayor and Mayor Pro Tem were made.

Councilmember Oels moved and Councilmember Cooley seconded a motion to appoint Pat Morton as Mayor for the upcoming year.

Roll call vote, yes: Cooley, Oels, Morton, and Powers. So carried.

Roll call vote, no: none.

Roll call vote, absent: Peiler.

Mayor Morton moved and Councilmember Oels seconded a motion to appoint Tom Cooley as Mayor Pro Tem for the upcoming year.

Roll call vote, yes: Cooley, Oels, Morton, and Powers. So carried.

Roll call vote, no: none.

Roll call vote, absent: Peiler.

City Council then traded seats and Mayor Morton presided over the remainder of the meeting.

B. Resolution No. 2492 Concerning COVID Remote Meetings.

Deputy City Clerk Kindall presented for Council's consideration Resolution No. 2492 which re-ratifies the proclamation of a state of emergency and re-authorizing remote teleconference meeting of the legislative bodies of the City of Portola. Councilmember Powers moved and Mayor Pro Tem Cooley seconded a motion to adopt Resolution No. 2492:

A Resolution of the City Council of the City of Portola proclaiming a local emergency persists, re-ratifying the proclamation of a state of emergency by the Governor of California Executive Order N-29-20, and re-authorizing remote teleconference meetings of the legislative bodies of the City of Portola for the period of December 13, 2021 to January 12, 2022 pursuant to Brown Act provisions.

Roll call vote, yes: Oels, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

Roll call vote, absent: Peiler.

C. Community Development Block Grant MOU with Plumas County.

City Manager Knox reviewed that on April 28, 2021 Council agreed to allow the County to apply for the City's allocation of the Community Block Development Grant CV 2 & 3 funds. These funds would be available for City businesses to apply for use of these funds for Small Business Grant Program. Many Counties and Cities are working together to secure this grant funding for their respective communities. An application was made by the County and requires a Memorandum of Understanding (MOU) between the County and the City. Included in Council's packet in the MOU for Council's consideration tonight.

Councilmember Powers moved and Mayor Pro Tem Cooley seconded a motion to approve the MOU with Plumas County for CDBG-CV 2 & 3 Funded Economic Development Micro-enterprise (operations) and authorize staff to execute the agreement.

Roll call vote, yes: Oels, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

Roll call, absent: Peiler.

D. Intermountain Disposal 2022 Refuse Collection Rate Increase – Public Hearing for Resolution No. 2493.

City Manager Knox stated that this is done yearly. Tom Valentino the City's Solid Waste Consultant has reviewed the rates and notices were sent out to customers informing them of the proposed increases in refuse collection rates. Mayor Morton opened the public hearing at 6:22 p.m. for public comment. Deputy City Clerk Kindall read into the record three protests that she received prior to tonight's meeting. They were from Ed Laurie, R. Hillgrass, and Daniel Harvey. Mayor Morton asked for anymore public comment, hearing none she closed the public hearing at 6:28 p.m. Discussion ensued.

Councilmember Powers moved and Councilmember Oels seconded a motion to approve Resolution No. 2493 for a rate increase to IMD Franchise agreement.

A Resolution of the City Council of the City of Portola adopting waste collection and residential recycling rates.

Roll call vote, yes: Oels, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

Roll call vote, absent: Peiler.

E. Sewer and Water Connection Fees.

Mayor Powers requested this item for the Council to discuss infrastructure related items, such as water and sewer connection fees and mechanisms to finance them. Discussion ensued. Consensus was to have the Infrastructure Committee begin reviewing and discussing this item in more detail.

8. Closed Session – Public Employee Performance Evaluation.

Closed session pursuant to Government Code section §54957, City Manager.

Mayor Morton recessed the Regular meeting at 6:44 p.m. to go into closed session.

Mayor Morton reopened the Regular meeting at 7:12 p.m. and stated that there was no action taken in the Closed Session.

9. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 7:12 p.m.

Tara Kindall, CMC
Deputy City Clerk

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**SPECIAL MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
DECEMBER 29, 2021 | 2:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Morton called the meeting to order at 2:00 p.m.

2. ROLL CALL

Councilmembers Phil Oels, Stan Peiler, Bill Powers, Mayor Pro Tem Tom Cooley, and Mayor Pat Morton responded to the roll call. City Manager Lauren Knox, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

3. PUBLIC COMMENT

There was no public comment.

4. ORDER OF BUSINESS

A. City Manager Knox read her official letter of resignation into the record. Councilmember Oels moved and Councilmember Powers seconded a motion to accept City Manager Knox's resignation.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

Councilmember Peiler thanked City Manager Knox for all her help to him as a new councilmember. The Council held a brief discussion stating that they would like to engage an Interim City Manager by February 1st.

Councilmember Oels moved and Councilmember Peiler seconded a motion to engage an Interim City Manager by February 1, 2022.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

5. CLOSED SESSION

Mayor Morton recessed the regular session at 2:11 p.m. to go into a closed session pursuant to Government Code §54957 Interim City Manager.

Mayor Morton recessed the closed session and reopened the regular session at 3:33 p.m.

Mayor Morton stated that there was no action taken during the closed session.

6. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 3:33 p.m.

Tara Kindall, CMC
Deputy City Clerk

**REGULAR MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
JANUARY 12, 2022 | 6:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Morton called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Morton let the pledge of allegiance.

3. ROLL CALL

Councilmembers Phil Oels, Stan Peiler, Bill Powers, Mayor Pro Tem Tom Cooley, and Mayor Pat Morton responded to the roll call. City Manager Lauren Knox, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

4. PUBLIC COMMENT

Mayor Morton called for any member of the public to comment. Deputy City Clerk Kindall stated that she received seven email this afternoon before the meeting requesting that the Pledge of Allegiance be read into the public record, however, since the Pledge was just recited, she only read the names of the individuals who sent in the emails: Member of the public; Jennifer Chace; Chadwick Sheets; Roger Ostrander; Christopher Claywell; Herbert Freeman; and Jacob Smith. Mr. Freeman and Mr. Smith also included the same script concerning City Council, the budget, maintenance, and the Pledge of Allegiance so she read that comment into the record as well. She also informed Council that she did respond to each of these individuals' emails and included a copy of the Council Agenda for tonight with the Pledge of Allegiance highlighted to show that it has not been removed from the City Council Regular meetings as they were led to believe.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

Councilmember Oels reported that he has been working on the Interim City Manager Ad Hoc committee.

Councilmember Powers reported that he received the FEMA Flood Control Insurance maps which he brought tonight, he looked into new laws that are going

into effect and was concerned about the green waste collection mandates that will be going into effect, he also attended a Juvenile Justice Commission.

Councilmember Peiler had nothing to report.

Mayor Pro Tem Cooley attended a Cal LAFCo training session and has also been working on the Interim City Manager Ad Hoc committee.

Mayor Morton has nothing to report except they had the last Angel Tree Program is over with for the season.

B. Staff Communications/Fire Report/Sheriff’s Report/ Air Quality Report

Gay with Beckwourth Fire conveyed that the Chief thought that the Renegade Light Parade was great a great experience and well planned and Beckwourth Fire Department was happy to be involved. Washoe County regional training center was a huge success, Beckwourth Fire is starting an EMR class and has issued a county wide invitation for participation.

There was no Sheriff’s or Air Quality Report.

C. City Manager Report

City Manager Knox reported that the American Rescue Plan Act funding final guidelines have been released and this will come before Council at a later date to receive guidance from Council as to how they would like that COVID money to be spent.

6. CONSENT CALENDAR

Councilmember Powers moved and Councilmember Oels seconded a motion to approve the consent calendar as presented:

A. Claims – Adopt Resolution No. 2494 authorizing payment of claims for the period of December 17, 2021 through January 5, 2022.

| | |
|-------------------|---------------------|
| Accounts Payable: | \$141,190.02 |
| Payroll: | <u>\$ 37,207.19</u> |
| Total: | \$178,397.21 |

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

7. ORDER OF BUSINESS

A. Audit.

Finance Office Susan Scarlett presented and reviewed in detail the 2020-2021 Fiscal Year Audit.

Councilmember Oels moved and Councilmember Powers seconded a motion to accept the 2020-2021 Fiscal Year Audit as presented.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

B. Committee Appointments.

Council reviewed the various current committee appointments and discussed if anyone would like to make any changes at this time. Councilmember Oels requested to dissolve the Firewise Ad Hoc Committee. There were no other changes requested.

C. Conditional Offer of Employment and Employment Agreement for Interim City Manager.

Mayor Morton stated that this item is to consider approving a conditional offer of employment and an employment agreement for an interim City Manager and authorizing the Mayor to execute both on behalf of the City. She then called for public comment. Ashlee Sims and “Future Council Member” made comments. Deputy City Clerk Kindall then read emailed comments. The comments were from Leah Turner, Steve Heskett, Ben and Paige Folchi, and Jim Murphy. City Attorney Gross then responded to some of the remarks made during public comment to clarify them for Council. Mayor Pro Tem Cooley then presented the Ad Hoc Committee’s report. Discussion ensued.

Councilmember Oels moved and Councilmember Peiler seconded a motion to offer Jon Kennedy a conditional offer of employment for Interim City Manager and authorize the Mayor to execute the employment agreement.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

8. Closed Session – Conference with Legal Counsel.

Mayor Morton recessed the Regular meeting at 7:15 p.m. and opened the Closed Session pursuant to Government Code section 54956.9(d)(1); Conference with Legal Counsel regarding California Labor Commissioner, State Case Number WE-CM-846897.

Mayor Morton recessed the Closed Session at 8:03 p.m. and reopened the Regular meeting. She stated that there was no action taken during the Closed Session.

9. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 8:04 p.m.

Tara Kindall, CMC
Deputy City Clerk

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**REGULAR MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
JANUARY 26, 2022 | 6:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Morton called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Morton let the pledge of allegiance.

3. ROLL CALL

Councilmembers Phil Oels, Stan Peiler, Bill Powers, Mayor Pro Tem Tom Cooley, and Mayor Pat Morton responded to the roll call. City Manager Lauren Knox, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

4. PUBLIC COMMENT

Mayor Morton called for any member of the public to comment. Josh Hart shared with Council new information concerning the Verizon Cell Tower CUP. Carol Mero voiced agreement with Mr. Hart concerning the Cell Tower. “Real Name” made a comment. Heidi Hart indicated her full support for the road diet improving the traffic flow through Portola.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

Councilmember Oels had nothing to report.

Councilmember Powers reported that he attended a Transportation Commission meeting and a Cal Trans meeting.

Councilmember Peiler had nothing to report.

Mayor Pro Tem Cooley had nothing to report.

Mayor Morton had nothing to report.

B. Staff Communications

Finance Officer Susan Scarlett stated that the new Incode financials have a different format for the check register.

C. City Manager Report

City Manager Knox reported that Tom Valentino, our Solid Waste Consultant, has put in an application for a five-year waiver for SB1383, the organics waste senate bill that was just passed, there is a non-competitive grant that will provide some funding to help us implement the changes necessary to comply with SB1383 that is being looked into, she is working on making the transition for the interim City Manager as smooth as possible.

Melissa Klundby with Air Quality reminded that we are now in the wintertime curtailment period. This week there is a curtailment in effect.

6. CONSENT CALENDAR

Councilmember Powers moved and Councilmember Oels seconded a motion to approve the consent calendar as presented:

- A. **Minutes** – Adopt the minutes of the City Council Regular meeting held on October 13, 2021.
- B. **Claims** – Adopt Resolution No. 2495 authorizing payment of claims for the period of January 6, 2022 through January 21, 2022.

| | |
|-------------------|---------------------|
| Accounts Payable: | \$114,833.27 |
| Payroll: | <u>\$ 36,836.56</u> |
| Total: | \$151,669.83 |

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

7. ORDER OF BUSINESS

A. Resolution No. 2496 Concerning COVID Remote Meetings.

Councilmember Oels moved and Councilmember Powers seconded a motion to adopt Resolution No. 2496.

A Resolution of the City Council of the City of Portola proclaiming a local emergency persists, re-ratifying the Proclamation of a State of Emergency by Governor of California March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of the City of Portola for the period of January 12, 2022 to February 11, 2022 pursuant to Brown Act provisions.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

Mayor Morton stated that item 7.C and 7.B on the agenda would switch.

B. NSAQMD MOU

City Manager Knox reviewed the renewal of the Memorandum of Understanding with the Northern Sierra Air Quality Management District that relates to the wood stove change out program.

Councilmember Oels moved and Mayor Pro Tem Cooley seconded a motion to approve the renewal of the NSAQMD MOU and authorize staff to execute on behalf of the City.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

C. Mid-Year Financial Update 2021-2022 and Draft Budget Schedule.

Finance Officer Susan Scarlett gave Council a review and update of the financials and budget schedule.

D. COVID-9 Update.

City Manager Knox stated that this is the time for Council to review its' response to COVID-19 and discuss any changes that would like to see made. The Emergency Proclamation was ratified by the Council on March 20, 2020 and needs to be reviewed regularly by Council for its' continuance.

Councilmember Powers moved and Mayor Pro Tem Cooley seconded a motion to continue the Emergency Proclamation.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

8. Closed Session – Conference with Legal Counsel.

Mayor Morton recessed the Regular meeting at 7:07 p.m. and opened the Closed Session pursuant to Government Code section 54956.9(d)(1); Conference with Legal Counsel regarding California Labor Commissioner, State Case Number WE-CM-846897.

Mayor Morton recessed the Closed Session at 7:29 p.m. and reopened the Regular meeting. She stated that there was no action taken during the Closed Session.

9. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 7:30 p.m.

Tara Kindall, CMC
Deputy City Clerk

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**REGULAR MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
FEBRUARY 9, 2022 | 6:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Morton called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Morton let the pledge of allegiance.

3. ROLL CALL

Councilmembers Phil Oels, Stan Peiler, Bill Powers, Mayor Pro Tem Tom Cooley, and Mayor Pat Morton responded to the roll call. City Manager Lauren Knox, Interim City Manager Jon Kennedy, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

4. PUBLIC COMMENT

Mayor Morton clarified the difference between this section of the agenda public comment and any public comment made during the action items of the meeting as well as conduct by the public during the meeting. Mayor Morton called for any member of the public to comment. Ashlee Sims and “Informed Voter” made comments.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

Councilmember Oels went to the Disc Golf Course sign presentation.

Councilmember Powers reported that he is starting to book bands for the summer concerts that will start after the 4th of July, break for the fair, and resume after the fair. The swim team will do concessions again as a fundraiser and there will also be a food truck. He would also like to discuss the purchase of a sign over the bridge at the next meeting.

Councilmember Peiler reported he had no meetings but has fielded questions about standardizing the color of buildings and homes throughout the city and the addition of a mural on the New Hub Gym wall.

Mayor Pro Tem Cooley reported that he attended an Infrastructure Committee meeting, the unveiling of signage at the Disc Golf Course. He also wanted to report on behalf of the Ad Hoc Committee on the Interim City Manager Employment agreement the pre-employment background screening/report has been received by the committee and is pleased to report that it is a clean report. This includes financial, criminal, and DMV records.

Mayor Morton had nothing to report.

B. Staff Communications/Fire Department Report

Gay Miller with Beckwourth Fire reported that Chief Russell attended three-day seminar for fire arson to maintain his certification as a Fire Arson Investigator. The department sold a surplus water tender for \$10K. The department has approved the issuance of take-home vehicles to improve in response times. She will only be joining us once a month at the first meeting of the month going forward.

Susan Scarlett that we are continuing to work on the check register formatting, and Chancy Weaver is back with the city as the Accounting Technician and we are very happy to have her back.

There are no Sheriff’s Department or Air Quality reports tonight.

C. City Manager Report

City Manager Knox reported that there was a water main break yesterday in the area of Portola Heights. Notices went out door to door on the area that was affected, however water testing has come back and there were no contaminates or problems with the water, but the required notice did go out. IMD and has been meeting with the Infrastructure Committee, working with Jon on the transition and it has been going very smoothly.

Mayor Morton presented City Manager Knox with a Certificate of Appreciation for all her hard work and dedication to the city. She will be greatly missed.

6. CONSENT CALENDAR

Councilmember Powers moved and Councilmember Oels seconded a motion to approve the consent calendar as amended.

A. Minutes – Adopt the minutes of the City Council Regular meeting held on October 27, 2021.

B. Claims – Adopt Resolution No. 2499 authorizing payment of claims for the period of January 22, 2022 through February 4, 2022.

| | |
|-------------------|---------------------|
| Accounts Payable: | \$ 93,647.90 |
| Payroll: | <u>\$ 29,061.96</u> |
| Total: | \$122,709.86 |

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

7. ORDER OF BUSINESS

A. Resolution No. 2498 – Authorizing Submittal of a Notice of Intent to Comply with SB 1383 – Mandatory Organics Recycling Regulations.

City Manager Knox stated that SB 1383 calls for a reduction of organics waste going to the landfill that includes redirecting disposed edible food to those in need. On November 10, 2021 Council approved Resolution No. 2490, which exempts the city from the organic waste collection requirement through December 31, 2026, however there are other requirements that the City is not exempt from such as recovering edible foods, amended building codes, outdoor water use ordinances, purchasing recycled paper, and educational and outreach programs to name a few. If deadlines are not met the city can be heavily fined. Because so many California cities are struggling with meeting all of the requirements, SB 619 was passed that allows jurisdictions to apply for a waiver of administrative fines in 2022. Discussion ensued.

Councilmember Oels moved and Councilmember Peiler seconded a motion to approve Resolution No. 2498 and authorize Interim City Manager Kennedy to sign the application to obtain the waiver from administrative fines.

A Resolution of the City Council of the City of Portola authorizing the submittal of a notice of intent to comply with SB 1383 – Mandatory Organics Recycling Regulations.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

B. Budget Amendment – CSG Contract.

City Manager Knox reviewed this item for Council. This item is a request for additional funding for Code Enforcement Services. At the time of the initial contract, we were unsure what it would take to get the Code Enforcement program reorganized. The initial figure included in the contract was for an amount no to exceed \$45,000. At the time it was discussed that the figure may be low. Staff is requesting that the figure be raised an additional \$20,000 for a total of \$65,000. This still does not exceed the amount that would have been necessary if the restructuring had not taken place. That amount would have been \$73,791 and that figure does not include all the expenses that would be associated with the former position, such as training, vehicle maintenance, supplies, materials, fuel, etc. If those costs were included a conservative figure of \$80,000 would be projected. Discussion ensued.

Councilmember Powers moved and Mayor Pro Tem seconded a motion to approve an additional \$20,000 for the CSG Consultants contract and an associated budget amendment.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

C. Budget Item.

Discussion of goals for the fiscal year 2022-2023 budget. Interim City Manager Kennedy suggested that instead of listing goals now, Council revisit this item in a few months for additional goals needed. Council was in agreement with Mr. Kennedy.

8. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 6:51 p.m.

Tara Kindall, CMC
Deputy City Clerk

**REGULAR MEETING MINUTES
PORTOLA CITY COUNCIL
35 THIRD AVENUE | PORTOLA, CA 96122
FEBRUARY 23, 2022 | 6:00 P.M.**

1. CALL TO ORDER

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Morton called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Morton let the pledge of allegiance.

3. ROLL CALL

Councilmembers Phil Oels, Stan Peiler, Bill Powers, Mayor Pro Tem Tom Cooley, and Mayor Pat Morton responded to the roll call. Interim City Manager Jon Kennedy, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

4. PUBLIC COMMENT

Mayor Morton called for any member of the public to comment. Josh Hart spoke about the Verizon Cell Tower. Ashlee Sims addressed what happened at the last meeting regarding privacy rights.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

Councilmember Powers had nothing to report.

Councilmember Peiler had nothing to report.

Mayor Pro Tem Cooley had nothing to report.

Mayor Morton reported that she attended a Beckwourth Fire Department meeting.

Councilmember Oels reported that he attended a Firesafe meeting.

B. Staff Communications

There were no staff communications.

C. City Manager Report

Interim City Manager Kennedy reported that he has been working to update himself on the following projects: the IMD Franchise agreement, code enforcement issues, AARPA funds use, Disc Golf Course, state revolving fund for upgrade water and sewer, met with Beckwourth Fire Chief, public records requests.

6. CONSENT CALENDAR

Councilmember Oels moved and Councilmember Peiler seconded a motion to approve the consent calendar as presented:

- A. Minutes** – Adopt the minutes of the City Council Regular meeting held on November 10, 2021 and the City Council Special Meeting held on November 19, 2021.
- B. Claims** – Adopt Resolution No. 2499 authorizing payment of claims for the period of February 5, 2022 through February 16, 2022.

| | |
|-------------------|---------------------|
| Accounts Payable: | \$ 76,771.90 |
| Payroll: | <u>\$ 43,410.45</u> |
| Total: | \$120,182.35 |

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

7. ORDER OF BUSINESS

A. Lost and Found Gravel Grinder.

Greg Williams with Sierra Buttes Trail Stewardship reviewed the request for the Lost & Found Gravel Grinder 2022. Interim City Manager Kennedy reviewed the camping fees from the previous years that continue to increase year by year. Discussion ensued. Mayor Pro Tem Cooley moved and Councilmember Oels seconded a motion to approve the Lost & Found Gravel Grinder Festival 2022 for an amount not to exceed \$16,847.00.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.
Roll call vote, no: none.

B. Financial update to mid-year information.

Finance Officer Susan Scarlett updated Council with the information that was not available when she did the mid-year review.

C. Resolution No. 2500 Concerning COVID Remote Meetings.

Resolution No. 2500, which re-ratifies the proclamation of a state of emergency and re-authorizing remote teleconference meeting of the legislative bodies of the City of Portola, was presented to Council for their consideration Councilmember

Powers moved and Councilmember Oels seconded a motion to adopt Resolution No. 2500:

A Resolution of the City Council of the City of Portola proclaiming a local emergency persists, re-ratifying the proclamation of a state of emergency by the Governor of California Executive Order N-29-20, and re-authorizing remote teleconference meetings of the legislative bodies of the City of Portola for the period of February 12, 2022 to March 11, 2022 pursuant to Brown Act provisions.

Roll call vote, yes: Oels, Peiler, Powers, Cooley, and Morton. So carried.

Roll call vote, no: none.

8. ADJOURNMENT

There being no further business Mayor Morton adjourned the meeting at 7:02 p.m.

Tara Kindall, CMC
Deputy City Clerk

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RESOLUTION NO. 2501

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
AUTHORIZING PAYMENT OF CLAIMS FOR THE PERIOD
FEBRUARY 17, 2022 THROUGH MARCH 3, 2022.**

**ACCOUNTS PAYABLE
CHECK NUMBERS: 43669-43721**

**PAYROLL
CHECK NUMBERS: 17054-17061**

WHEREAS, the City Council of the City of Portola has been fully advised that all such claims and demands are legal obligations of the City; and,

WHEREAS, the City Council has fully considered the claims and money demands and payment thereof as set forth below and in "Exhibit A" attached hereto and incorporated herein.

| | |
|--------------------------|----------------------------|
| ACCOUNTS PAYABLE: | \$ 194,455.59 |
| PAYROLL: | <u>\$ 19,224.57</u> |
| TOTAL: | \$ 213,680.16 |

NOW THEREFORE BE IT RESOLVED THAT all claims and demands represented are just and proper and legal demands or claims against the City of Portola, and the payment of any such demands is approved and authorized.

PASSED, APPROVED AND ADOPTED this 9th day of March, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pat Morton, Mayor

ATTEST:

Tara Kindall, Deputy City Clerk

I, Tara Kindall, Deputy City Clerk of the City of Portola, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the City Council at the City of Portola Regular meeting thereof held on March 9, 2022.

Tara Kindall, Deputy City Clerk

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| VENDOR | I.D. | NAME | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT | CHECK NO# | CHECK AMOUNT |
|--------|----------------|------------------------------------------------------|------------|------------|----------|----------|-----------|--------------|
| 0008 | I-202203030090 | ALWAYS ANSWER FAX E-MAIL DELIVERY SERVICES | R | 3/09/2022 | | 47.49 | 043669 | 47.49 |
| 0015 | I-202203030091 | AMERIGAS PUBLIC WORKS PROPANE | R | 3/09/2022 | | 298.20 | 043670 | 298.20 |
| 0015 | I-202203030092 | AMERIGAS CITY HALL PROPANE | R | 3/09/2022 | | 896.82 | 043671 | 896.82 |
| 0022 | I-202203030083 | AT&T LONG DISTANCE CALLS | R | 3/09/2022 | | 36.36 | 043672 | 36.36 |
| 0025 | I-202203030107 | ATLAS COPCO COMPRESSORS, LLC WATER EQUIP MAINT | R | 3/09/2022 | | 1,321.75 | 043673 | 1,321.75 |
| 0027 | I-22-03-2083 | BASTIAN ENGINEERING STREETS PROFESSIONAL SERVICES | R | 3/09/2022 | | 231.00 | 043674 | 231.00 |
| 0039 | I-20220068 | BULLET INFORMATION TECHNOLOGY IT SERVICES | R | 3/09/2022 | | 700.00 | 043675 | 700.00 |
| 0062 | I-41809 | CSG CONSULTANTS CODE ENFORCEMENT | R | 3/09/2022 | | 4,940.00 | 043676 | 4,940.00 |
| 0063 | I-202203030089 | CURRENT ELECTRIC & ALARM, INC SYSTEM MONITORING | R | 3/09/2022 | | 1,110.00 | 043677 | 1,110.00 |
| 0072 | I-202203030110 | DOBROS PARTS-LLC SNOW VEH MAINT | R | 3/09/2022 | | 1,685.50 | 043678 | 1,685.50 |
| 0078 | I-263048 | ENCOMPASS XEROX COPIES | R | 3/09/2022 | | 70.57 | 043679 | 70.57 |
| 0086 | I-202203030111 | FOLCHI LOGGING & CONSTR., INC. ROAD BASE | R | 3/09/2022 | | 819.82 | 043680 | 819.82 |
| 0090 | I-202203030106 | GRAINGER MATERIALS & SUPPLIES | R | 3/09/2022 | | 306.01 | 043681 | 306.01 |
| 0101 | I-202203030114 | HUNT & SONS, INC. FUEL CHARGES | R | 3/09/2022 | | 2,595.87 | 043682 | 2,595.87 |
| 0103 | I-23685 | IEDA LABOR RELATIONS CONSULTING | R | 3/09/2022 | | 237.00 | 043683 | 237.00 |

| VENDOR | I.D. | NAME | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT | CHECK NO# | CHECK AMOUNT |
|--------|----------------|------------------------------------------------------------|---------------|---------------|----------|------------|--------------|-----------------|
| 0104 | I-1654 | INTEGRITY HEATING AND AIR HVAC SERVICE | R | 3/09/2022 | | 1,225.29 | 043684 | 1,225.29 |
| 0111 | I-202203030108 | JEFFERSON SUPPLY COMPANY MATERIALS & SUPPLIES | R | 3/09/2022 | | 1,671.82 | 043685 | 1,671.82 |
| 0118 | I-202203030086 | KANSAS LIFE INSURANCE CO EMPLOYEE LIFE INSURANCE | R | 3/09/2022 | | 43.20 | 043686 | 43.20 |
| 0122 | I-9627140 | KIMBALL MIDWEST SNOW EQUIP REPAIR | R | 3/09/2022 | | 78.83 | 043687 | 78.83 |
| 0133 | I-202203030096 | LIBERTY UTILITIES ELECTRIC BILLS | R | 3/09/2022 | | 7,048.61 | 043688 | 7,048.61 |
| 0141 | I-202203030095 | MCI MEGA PREFERRED 800 LONG DISTANCE LINE | R | 3/09/2022 | | 43.46 | 043689 | 43.46 |
| 0148 | I-202203030118 | NAPA SIERRA SUPPLIES | R | 3/09/2022 | | 494.20 | 043690 | 494.20 |
| 0153 | I-63127 | NEVADA SMALL ENGINES VEHICLE REPAIR MAINT | R | 3/09/2022 | | 131.51 | 043691 | 131.51 |
| 0154 | I-546997 | NORTHERN CALIFORNIA GLOVES SNOW SUPPLIES | R | 3/09/2022 | | 219.28 | 043692 | 219.28 |
| 0159 | I-202203030087 | OFFICE DEPOT OFFICE SUPPLIES | R | 3/09/2022 | | 520.97 | 043693 | 520.97 |
| 0162 | I-202203030119 | OPERATING ENGINEERS EMPLOYEE HEALTH INSURANCE | R | 3/09/2022 | | 9,230.00 | 043694 | 9,230.00 |
| 0175 | I-202203030093 | PLUMAS ACE HARDWARE MATERIALS & SUPPLIES | R | 3/09/2022 | | 666.14 | 043695 | 666.14 |
| 0181 | I-202203030085 | PLUMAS COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT CONTRACT | R | 3/09/2022 | | 130,000.00 | 043696 | 130,000.00 |
| 0185 | I-202203030113 | PLUMAS SIERRA TELECOMMUNICAT INTERNET SERVICES | R | 3/09/2022 | | 382.00 | 043697 | 382.00 |
| 0220 | I-202203030088 | SINDEX PRINTING & GRAPHICS BILLS & ENVELOPES | R | 3/09/2022 | | 1,530.00 | 043698 | 1,530.00 |

| VENDOR | I.D. | NAME | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT | CHECK NO# | CHECK AMOUNT |
|--------|----------------|-------------------------------------------------------|------------|------------|----------|----------|-----------|--------------|
| 0231 | I-202203030112 | SUCCEED.NET WEB HOSTING | R | 3/09/2022 | | 67.85 | 043699 | 67.85 |
| 0233 | I-128263 | SUNRISE ENVIRONMENTAL SEWER MAINT | R | 3/09/2022 | | 1,829.74 | 043700 | 1,829.74 |
| 0239 | I-202203030109 | THATCHER COMPANY WATER/SEWER SUPPLIES | R | 3/09/2022 | | 9,516.50 | 043701 | 9,516.50 |
| 0240 | I-2034 | THOMAS G. VALENTINO SOLID WASTE CONSULTING SERVICE | R | 3/09/2022 | | 2,160.00 | 043702 | 2,160.00 |
| 0246 | I-202203030084 | TYLER TECHNOLOGIES, INC SB2 GRANT SOFTWARE | R | 3/09/2022 | | 1,980.00 | 043703 | 1,980.00 |
| 0252 | I-202203030094 | UNITED STATES POSTAL SERVICE ANNUAL PERMIT FEES | R | 3/09/2022 | | 530.00 | 043704 | 530.00 |
| 0253 | I-202203030121 | US BANCORP CITY CREDIT CARD CHARGES | R | 3/09/2022 | | 955.66 | 043705 | 955.66 |
| 0253 | I-202203030122 | US BANCORP CITY CREDIT CARD CHARGES | R | 3/09/2022 | | 5,087.33 | 043706 | 5,087.33 |
| 0256 | I-933657 | USA BLUE BOOK SEWER SUPPLIES | R | 3/09/2022 | | 495.10 | 043707 | 495.10 |
| 0260 | I-202203030097 | VERIZON WIRELESS LANDLINES | R | 3/09/2022 | | 485.58 | 043708 | 485.58 |
| 0260 | I-202203030098 | VERIZON WIRELESS LDWTP DATA PLAN | R | 3/09/2022 | | 108.05 | 043709 | 108.05 |
| 0260 | I-202203030099 | VERIZON WIRELESS WIRELESS CELL PHONES | R | 3/09/2022 | | 460.75 | 043710 | 460.75 |
| 0273 | I-202203030115 | CUTTING EDGE SUPPLY SNOW EQUIP REPAIR | R | 3/09/2022 | | 966.59 | 043711 | 966.59 |
| 0274 | I-202203030117 | GOLDSTAR PRODUCTS INC CONC WEED SPRAY | R | 3/09/2022 | | 455.40 | 043712 | 455.40 |
| 0275 | I-202203030116 | EIP HOLDINGS II LLC BECKWOURTH TOWER RENT | R | 3/09/2022 | | 189.00 | 043713 | 189.00 |

| VENDOR | I.D. | NAME | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT | CHECK NO# | CHECK AMOUNT |
|--------|----------------|--------------------------------|------------|------------|----------|--------|-----------|--------------|
| 1 | I-202203030100 | ROSEMARIE DAY UB REFUND | R | 3/09/2022 | | 9.57 | 043714 | 9.57 |
| 1 | I-202203030101 | WILLIAM HENWOOD UB REFUND | R | 3/09/2022 | | 52.49 | 043715 | 52.49 |
| 1 | I-202203030102 | KEN PIERSON UB REFUND | R | 3/09/2022 | | 14.33 | 043716 | 14.33 |
| 1 | I-202203030103 | AUBREY LYHNE UB REFUND | R | 3/09/2022 | | 92.98 | 043717 | 92.98 |
| 1 | I-202203030104 | PATRICIA MEDICI UB REFUND | R | 3/09/2022 | | 144.80 | 043718 | 144.80 |
| 1 | I-202203030105 | ALEXUS MORS REGIS UB REFUND | R | 3/09/2022 | | 68.92 | 043719 | 68.92 |
| 1 | I-202203030120 | CONNIE GARZA PERS REFUND | R | 3/09/2022 | | 72.77 | 043720 | 72.77 |
| 1 | I-202203030123 | WAYNE HARVEY UB REFUND | R | 3/09/2022 | | 130.48 | 043721 | 130.48 |

| * * B A N K T O T A L S * * | NO# | DISCOUNTS | CHECK AMT | TOTAL APPLIED |
|-----------------------------|-----|-----------|------------|---------------|
| REGULAR CHECKS: | 53 | 0.00 | 194,455.59 | 194,455.59 |
| HANDWRITTEN CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| PRE-WRITE CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| DRAFTS: | 0 | 0.00 | 0.00 | 0.00 |
| VOID CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| NON CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| CORRECTIONS: | 0 | 0.00 | 0.00 | 0.00 |
| BANK TOTALS: | 53 | 0.00 | 194,455.59 | 194,455.59 |

** REGISTER GRAND TOTALS *

| * * T O T A L S * * | NO# | DISCOUNTS | CHECK AMT | TOTAL APPLIED |
|---------------------|-----|-----------|------------|---------------|
| REGULAR CHECKS: | 53 | 0.00 | 194,455.59 | 194,455.59 |
| HANDWRITTEN CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| PRE-WRITE CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| DRAFTS: | 0 | 0.00 | 0.00 | 0.00 |
| VOID CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| NON CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| CORRECTIONS: | 0 | 0.00 | 0.00 | 0.00 |
| REGISTER TOTALS: | 53 | 0.00 | 194,455.59 | 194,455.59 |

** POSTING PERIOD RECAP **

| FUND | PERIOD | AMOUNT |
|-------|--------|--------------|
| 100 | 3/2022 | 147,300.69CR |
| 207 | 3/2022 | 3,932.62CR |
| 208 | 3/2022 | 6,423.82CR |
| 501 | 3/2022 | 9,582.97CR |
| 710 | 3/2022 | 13,020.18CR |
| 720 | 3/2022 | 11,932.76CR |
| 730 | 3/2022 | 2,262.55CR |
| ===== | | |
| ALL | | 194,455.59CR |

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

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CITY COUNCIL AGENDA STAFF REPORT

DATE: March 03, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Jon Kennedy, City Manager
MEETING: March 09, 2022
SUBJECT: City Engineer Employment Agreement

Background

The City's Engineer has a current employment agreement in place for the STIP North Loop Phase I PS&E component. He is requesting a separate agreement to comply with the Construction and Engineering component of the same project. The Engineer's increased hourly rate and duration for this project is outlined in the proposed new agreement included in the backup material.

Recommendation:

Approve new agreement as presented.

Attachments:

Attachment 1 Proposed new agreement

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**CITY OF PORTOLA
CITY ENGINEER
REVISED AND AMENDED
EMPLOYMENT AGREEMENT**

This Agreement made this 8 day of March 2022, between the CITY OF PORTOLA, Plumas County, California, herein referred to as “Employer”, and DANIEL B. BASTIAN, herein referred to as “Employee”. Employer and Employee may also be referred to herein as “Party” or “Parties”.

Employee is willing to be employed by Employer, and Employer is willing to employ Employee, on the terms, conditions, and in consideration of the mutual covenants and promises of the Parties, as hereafter set forth.

1. TERM.

Employer hereby employs Employee as City Engineer of the City of Portola and Employee hereby accepts and agrees to the employment and agrees to serve and perform in that capacity as directed by the City Council or the City Manager of the City of Portola. This Agreement shall be in effect for a period of 20 months, beginning on the 8th day of March 2022, the “Effective Date” and ending on the 31st day of October 2023. This Agreement may be extended or renewed by mutual agreement of the Parties.

2. TERMINATION OF EMPLOYMENT.

(a) Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employer to terminate the services of Employee or this Agreement, at any time for any reason.

(b) Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign, at any time, from his position with the City.

(c) The Parties acknowledge that applicable laws, statutes, ordinances, policies and regulations may prescribe specific procedures to be followed by either Party in the event a decision is made to terminate the employment relationship.

(d) In the event Employee voluntarily resigns his position with Employer, the Employee shall give Employer sixty (60) days' notice, in advance.

3. SEVERANCE PAY.

Employee is not entitled to any severance pay upon termination of the employment relationship, regardless of whether the Employer or Employee terminated the employment or whether the termination was for cause or without cause.

4. DESCRIPTION OF EMPLOYEE' S DUTIES.

Subject to the supervision and pursuant to the orders, advice, and direction of the City Council and City Manager, Employee shall perform the duties prescribed by the Employer, those set forth in the Portola Municipal Code and those prescribed by the laws of the State of California and shall perform such other duties as are customarily performed by one holding such position of the same or similar nature as that engaged in by Employer. Employee shall additionally render such other and unrelated services and duties as may be assigned to Employee from time to time by Employer.

5. MANNER OF PERFORMANCE OF EMPLOYEE' S DUTIES.

Employee shall at all times faithfully, industriously, and to the best of his ability, experience, and talent, perform all duties that may be required pursuant to the express and implicit terms hereof, to the satisfaction of Employer. Such duties shall be rendered at Portola and at such other place or places as Employer shall in good faith require or as the interests, needs, business, and opportunities of Employer shall require or make advisable.

6. COMPENSATION; REIMBURSEMENT.

(a) Employer shall pay Employee and Employee agrees to accept from Employer, in full payment for Employee' s services as described herein, a maximum compensation of Two hundred

seventy six thousand dollars (\$276,000) during the 20 month term at the rate of eleven thousand sixty two dollars (\$13,800) per month (gross) payable on the first scheduled pay day of each month at the same time other monthly salaried City employees are paid, starting April 2022. At approximately quarterly intervals during the term of this Agreement, the City's City Manager may increase or decrease the amount of the monthly compensation, provided that the total compensation paid to Employee during the term of this Agreement does not exceed the maximum amounts as set forth above

(b) Employer shall pay Employee and Employee agrees to accept from Employer compensation at the rate of One Hundred Fifty-Five and 00/100 Dollars (\$155.00) per hour for special services beyond those described herein as directed by Employer.

(c) Regardless of any City policy, Employee shall not earn or accrue and benefits except for those expressly set forth in the Agreement.

7. PERFORMANCE AND SALARY EVALUATION.

The Employer shall review and evaluate the performance and salary of the Employee at least once annually on or before the anniversary date of this Agreement. Said review and evaluation shall be in accordance with criteria developed by the Employer.

8. MISCELLANEOUS COVENANTS AND CONDITIONS.

Employee shall devote as much of his time, attention, knowledge, and skill to the City and interests of Employer necessary to fully and faithfully perform and discharge the duties of the City Engineer, and Employer shall be entitled to all benefits, emoluments, profits, and other issues arising from an incident to any and all work, services, and advice of Employee.

9. NON-DISCLOSURE OF INFORMATION CONCERNING BUSINESS.

Employee will not at any time, in any fashion, form, or manner, either directly or indirectly divulge, disclose, or communicate to any person, firm, or corporation in any manner whatsoever any information of any kind, nature, or description concerning any matters detrimentally affecting or

relating to the business of the City without regard to whether any or all of the foregoing matters would be deemed confidential, material, or important.

10. EMPLOYEE'S COMMITMENTS BINDING ON EMPLOYER ONLY ON WRITTEN CONSENT.

Employee shall not have the right to make any contracts or other commitments for or on behalf of the City of Portola without the written consent of Employer.

11. CONTRACT TERMS TO BE EXCLUSIVE.

This written Agreement contains the sole and entire agreement between the Parties. It supersedes any and all other employment agreements between the Parties. The Parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this Agreement or any representations inducing the execution and delivery hereof except such representations as are specifically set forth herein, and each Party acknowledges that the Party has relied on its own judgment in entering into the Agreement. The Parties further acknowledge that any statements or representations that may have heretofore been made by either of them to the other are void and of no effect and that neither of them has relied thereon in connection with the dealings of the other.

12. WAIVER OF MODIFICATION.

No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the Party to be charged therewith. Furthermore, no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this Agreement, or the rights or obligations of any Party hereunder, unless such waiver or modification is in writing duly executed as aforesaid. The provisions of this paragraph may not be waived except as herein set forth.

13. AGREEMENT GOVERNED BY LAWS OF THE STATE OF CALIFORNIA.

This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of California. In any action, special proceeding, or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted. Any action to enforce or interpret the terms of this Agreement shall be commenced and maintained in the County of Plumas, California.

14. GENERAL PROVISIONS.

If any provision, or any portion thereof, contained in this Agreement is held unlawful, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect. The Parties agree to immediately renegotiate any part or provision in this Agreement rendered or declared invalid.

15. BINDING EFFECT.

This Agreement shall be binding on and inure to the benefit of the respective Parties and their respective heirs, legal representatives, successors, and assigns.

Executed at Portola, California, on the date first above written.

Employer
CITY OF PORTOLA

Employee

By: _____
Jon Kennedy, City Manager

Daniel B. Bastian

Dated: _____

Dated: _____

Approved as to Form:

Dated: _____

Steven C. Gross, City Attorney

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CITY COUNCIL AGENDA STAFF REPORT

DATE: **March 2, 2022**
TO: Honorable Mayor and Members of the City Council
FROM: Susan Scarlett, Finance Officer
MEETING: **March 9, 2022**
SUBJECT: Music in the Park

The current FY 2021/2022 budget includes funding in the amount of \$7,000 for the series of summer concerts in the park which covered the summer of 2021. Back in 2010 the Council made the decision to fund in advance for the summer concert series so that whoever was managing the concerts would be able to secure contracts for that next summer. Due to Covid and the elimination of the Concerts in 2020, our timing of that decision is currently off by a year. In order to provide the guarantee that the City will fund the concerts for the summer of 2022 the decision for a budget amendment is needed in this fiscal year.

This item is being placed on the agenda to allow the City Council the opportunity to discuss funding the concert series and provide direction.

Recommendation:

If it is the Council's desire to continue to fund the concerts, staff recommends a budget amendment be approved for this fiscal year that will cover the concerts to be held in the summer of 2022. The Council can then review the program during the 2022/2023 budget workshop for inclusion of concerts to be held in the summer of 2023.