

**PORTOLA CITY COUNCIL
REGULAR MEETING
JANUARY 23, 2013
7:00 P.M.**

CALL TO ORDER

Mayor Larrieu called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

ROLL CALL

Councilmembers Gault, Mark, Mayor Pro Tem Oels and Mayor Larrieu responded to the roll call. City Manager Leslie Tigan, City Attorney Steve Gross, Finance Officer Susan Scarlett, Solid Waste Consultant Tom Valentino and Planner Karen Downs were also in attendance.

PUBLIC COMMENT

RV Park

Sunrise River Park owner Brad Bauer explained that he was interested in converting the mobile home park into an RV park and requested a new utility rate be considered for the park.

CITY COMMUNICATIONS

Councilmember Gault and Mayor Pro Tem Oels reported on their attendance at the League of California Cities Academy for New Councilmembers and Mayors. They explained that they had returned with a lot of information and have been able to meet with other Councilmember from all over the State.

CITY MANAGER'S REPORT

Ms. Tigan reported on the special meeting scheduled for February 9th and the probable cancellation of the February 13th meeting; the Public Works crew has been responding to numerous sewer backups and frozen pipe calls; the new web site is making progress and explained that the Mayor's committee appointments would be scheduled after a new Councilmember has been appointed.

CONSENT CALENDAR

It was moved by Councilmember Gault seconded by Councilmember Mark to approve the consent calendar as presented. All members present voted in favor.

- A. Minutes – Adopted the minutes of the regular meeting held on January 9, 2013.
- B. Claims – Adopted Resolution No. 2153 authorizing payment of claims for the period January 5, 2013 to January 18, 2013.

Accounts Payable:	\$ 91,606.69
Payroll:	<u>\$ 20,295.22</u>
Total:	\$ 111,901.91

Regular Meeting
January 23, 2013

ORDER OF BUSINESS

A. City Council Vacancy

City Manager Leslie Tigan reported that the City had received four letters of interest for the vacant Council seat from the following individuals: William Weaver, Larry Douglas, Mike Rush and Pat Morton.

Councilmember Gault explained that she did not feel the letters of interest received from the four potential Councilmembers provided the members seated with enough information to make a fair selection. She suggested that the Council should consider spending more time making their selection and draft questions for each potential member to respond to. She provided a list of six questions that she had developed for the rest of the Council to review.

Councilmember Mark stated that she to felt the Council should take more time to make a decision and supported Ms. Gault's suggestion.

It was then moved by Councilmember Gault, seconded by Councilmember Mark to ask the public for comments tonight and postpone the selection to a special meeting.

Audience member Dennis Doyle stated that he thought if there was more than one candidate a special election needed to be held.

Candidate Larry Douglas explained that he would be out of town from February 4 – 19 and would like to have the action taken tonight.

Plumas County Supervisor Jon Kennedy stated that he didn't see the need to postpone the selection and the candidates were all in attendance and could respond to questions.

Plumas County Supervisor Terry Swofford stated that when the Supervisor's were in this situation they don't provide the questions to the candidates first, they have them answer on the spot.

Mr. Kennedy noted the long agenda coming up and suggested that a full Council should be seated to vote on the upcoming items.

Portola resident Ken Tibbedeaux suggested that the candidates should at least make statements at this meeting.

Portola business owner Michelle Bauer suggested the Council should follow Roberts Rules of Order and that she would like to hear from the candidates.

Mayor Pro Tem Oels explained that he would also like to see the public present questions for the candidates, a type of candidate forum.

Councilmembers Gault and Mark then withdrew the previous motion and second.

Mayor Larrieu invited each potential Councilmember to make a brief statement. After the four candidates provided brief introductory statements Mayor Pro Tem Oels again requested the public be invited to provide questions for the candidates.

Finance Officer Susan Scarlett suggested the public could submit questions to the City Manager

Candidate Mike Rush noted that in the past appointments had been made with only letters of interest and requested the appointment be made as it was discussed at the December meeting.

City Attorney Steve Gross explained that it would seem the City Council would need to have a special meeting to develop and approve a list of questions and then hold another meeting to present the questions receive responses and make a selection.

The City Council continued to discuss various times that were available for special meetings.

It was then moved by Councilmember Gault, seconded by Councilmember Mark to hold a special meeting on Monday January 28, 2013 at 8:00 am to develop a list of questions. At this time the public may submit questions for consideration. After the meeting staff will provide each candidate with the list of questions and then a special meeting will be scheduled for Wednesday January 30, 2013 at 7:00 p.m. to allow for candidate responses and appointment of a Councilmember. Councilmembers Gault, Mark and Mayor Larrieu voted in favor. Mayor Pro Tem Oels voted against.

Since the appointment process wasn't completed item B was removed from the agenda.

C. City Treasurer Vacancy

City Manager Leslie Tigan explained that the City had received two letters of interest for the vacant Treasurer position, one from Elizabeth Ferguson and one from Shelly Yockey.

Mayor Larrieu requested each candidate make a brief introductory statement. When this was accomplished Councilmember Gault asked if Ms. Yockey had any experience as a treasurer.

Councilmember Mark questioned how much time would be involved for the position.

Ms. Tigan explained that the City Treasurer hold the position as more of a ceremonial duty, with the day to day finance operations being conducted by the Accounting Technician and the Finance Officer. She noted that there were some signatory functions required by the Government Code.

It was then moved by Mayor Pro Tem Oels, seconded by Councilmember Gault to appoint Elizabeth Ferguson as the City Treasurer. All members present voted in favor.

City Clerk Leslie Tigan administered the oath of office to Elizabeth Ferguson.

D. Quarterly Finance Update

Finance Officer Susan Scarlett presented the City Council with an update on the City's finances for the first half of the fiscal year through December 31, 2012. She explained that when reviewing revenues and expenses the numbers were following right along with the projected budget. She briefly discussed the funds allocated to temporary employees, the overage in

insurance costs, the Fire Department OSHA compliance expense and the Water Treatment Plant expenses.

Ms. Scarlett invited the Councilmembers to contact her whenever they had questions and reviewed the 2013/2014 Budget Schedule with the Council.

E. Solid Waste Franchise Agreement Amendments

City Manager Leslie Tigan and Consultant Tom Valentino explained that City staff had conducted numerous meetings with the City's franchise waste hauler, Intermountain Disposal (IMD) and the Council Infrastructure Committee to review various proposed amendments to the Franchise agreement. They explained that they would like to have the City Council review the issues one at a time to see if there could be consensus on moving forward with changes to the franchise agreement and associated ordinance.

IMD owner Ricky Ross addressed the Council and provided them with responses to the various proposed changes that outlined his agreement or disagreement.

City staff and IMD presented a list of multiple issues to the City Council, each explaining pros and cons to the proposed changes. Items prompting lengthy discussion related to the following; definition of mandatory service; definition of occupied; past due period before shut off; free clean-up day procedures; ERC hours of operation; requirement for twice weekly collection and the use of the CPI for rate increase requests.

After lengthy discussion it was the consensus of the City Council to send the matter back to the Infrastructure Committee in an attempt to gain consensus.

F. Use of City Property

City Manager Leslie Tigan explained that this agenda item had been requested at the last Council meeting. The City had received a request from John Pato to use a City owned trailer at his Ice Fishing Derby event. She presented a brief agreement that she recommended be executed by Mr. Pato to ensure that the City receives proper insurance certification and ensures the event complies with Federal, State and local regulations. Ms. Tigan also explained that the Portola Rotary Club had requested use of the trailer for their Snowmobile Poker Run event and recommended the same agreement be utilized.

Mr. Pato and Steve O'Neil representing the Rotary each addressed the Council.

Councilmember Mark suggested that a clause should be added to the agreement to allow for collection of a cleaning fee if the trailer is returned dirty.

City Attorney Steve Gross explained that he could add that to the agreement.

After a brief discussion it was moved by Councilmember Gault, seconded by Mayor Pro Tem Oels to approve use of the trailer by Mr. Pato and the Rotary Club following execution of the agreement in substantially the form presented. All members present voted in favor.

G. 2013 Community Development Block Grant (CDBG) Application

Planner Karen Downs explained that the CDBG application period was open and if the City wished to prepare and submit an application a project would need to be selected. She outlined a list of eligible uses for the CDBG funds and explained that she would be holding a public hearing on January 28, 2013 to receive input from the public.

Ms. Downs continued to explain that the application was lengthy and time consuming and requested the Council consider if they were to apply for funds whether it would be best to utilize a consultant or staff.

Councilmember Gault noted that she had some ideas she would present at the hearing.

After a brief discussion it was moved by Councilmember Gault, seconded by Mayor Pro Tem Oels to authorized staff to move forward with an application and perform the application process in house. All members present voted in favor.

H. Prayer Policy

Councilmember Mark explained that she had requested this item be placed on the agenda but noted that due to the late hour it could be delayed until the next meeting.

I. On-Call Snow Removal

City Manager Leslie Tigan reported that staff had discussed the need for a more formal process for engaging the services of outside contractors for on-call snow removal. After researching the process used in other areas staff prepared Resolution No. 2154 to formalize the City's reasons for dispensing with competitive bidding for the service and a contract to be executed by each contractor.

After a brief discussion it was moved by Councilmember Mark, seconded by Councilmember Gault to adopt Resolution No. 2154 and approve the contract for On-Call Snow Removal Services. All members present voted in favor.

Resolution No. 2154

***A Resolution of the City Council of the City of Portola
Dispensing with Competitive Bidding for Snow Removal Services***

J. Surplus Property

City Manager Leslie Tigan explained that the Public Works Department had been using an old water tender that had been retired by the Fire Department for the past few years. New emissions regulations are now in effect and the vehicle is not in compliance prohibiting its use by the Public Works Department. She explained that emergency service vehicles are exempt from the regulations but that the City's Fire Department did not need the vehicle.

Ms. Tigan requested the Council consider declaring the vehicle as surplus property and authorizing transfer of the vehicle to the Eastern Plumas Rural Fire Protection District to be used for a public purpose.

It was then moved by Mayor Pro Tem Oels, seconded by Councilmember Mark to declare the vehicle surplus and authorize the transfer as requested. All members present voted in favor.

K. Continuing Emergency

City Manager Leslie Tigan explained that on January 22, 2013 the City Council had adopted Resolution No. 2152 declaring an emergency and dispensing with competitive bidding for the Colorado Street Sewer Main project. She noted that the Government Code requires the City Council to consider continuation of the emergency at each regular meeting.

It was then moved by Councilmember Gault, seconded by Mayor Pro Tem Oels to declare the need to continue the emergency. All members present voted in favor.

ADJOURNMENT

There being no further business it was moved by Councilmember Mark, seconded by Mayor Pro Tem Oels to adjourn the meeting at 9:51 p.m. All members present voted in favor.

Leslie Tigan, CMC
City Clerk