



Regular meeting August 14, 2024

AGENDA

Regular Meeting

August 14, 2024 06:00 PM

35 Third Ave, Portola, CA 96122

<https://www.cityofportola.com/>

Mayor Pat Morton • Mayor Pro-Tem Jim Murphy • Councilmember Bill Powers • Councilmember Leah Turner • Councilmember Mikki Brown

REASONABLE ACCOMMODATIONS

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. at the City Hall Council Chambers. Your interest and participation is encouraged and welcome.

As a courtesy, the City Council meeting is also 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. **Online and telephonic access does not guarantee the public the ability to observe the meeting in the event there is a disruption or connectivity issues that affect broadcasting. Members of the public who want to be assured that they have the ability to observe the meeting and make comment during the meeting, should attend the meeting in-person.**

Any person desiring to address the City Council or any committee, commission or agency under the jurisdiction of the City Council, on any item not on the agenda may do so during public comment period. Public comment during the meeting will be accepted in person only.

Public Comment can be made by clicking on the "comment" section directly from the agenda, next to each agenda item.

Public comment will also be accepted via email sent to the Administrative Clerk, at admin@cityofportola.com which if received at least 24 hours prior to commencement of the meeting will be distributed to the Council and posted to the City's website prior to the meeting.

Meeting facilities are accessible to persons with disabilities. Reasonable efforts will be made to accommodate the 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.

1. Call to Order

A. Pledge of Allegiance

B. Roll Call

2. Public Comments

☒ Discussion  [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, stand; may give his/her name and address 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.

3. City Communications

☒ Discussion  [Comment](#)

A. City Council Communications

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

C. City Manager's Report

4. Consent Agenda

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

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. Claims - Adopt Resolution No. 2593 authorizing payment of claims for the period of July 19, 2024 through August 8, 2024.

AP Check Run 46085 – 46141 - \$105,236.01

AP UB Deposit Refund Check 46142 - \$183.44

AP Void Check 46000 - \$100.00

AP Void Check 45951 - \$813.00

Payroll Check 17397 – 17407 - \$32,962.58

Payroll Remit Check 17408 - \$129.03

B. Approval of City Council Minutes from the Regular meetings of 2-14-24, 3-13-24 and the Special Meeting of 7-25-24

5. Consider Approval of a Lot Merger

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

The City received a complete Lot Merger application package for 464 and 452 Cedar Ridge Road, APNs 126-184-016 and 126-184-017, to merge the two contiguous parcels. The application has been reviewed by Dan Bastian, City Engineer (review memo attached) and has been deemed to be complete and in conformance with City Code requirements for a Merger of Contiguous Parcels of

Land (Portola Municipal Code Chapter 16.45) and relevant development standards (PMC Chapter 17.16).

6. Landowner agreement for the Eastern Plumas County Wildfire Protection Project

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

Review the Landowner agreement and direct the Interim City Manager to execute the agreement

7. Update to the Pay schedule in compliance with CCR 570.5 for the Community Engagement Officer position

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

Consider a name change to the Community Engagement Officer position and update the Pay schedule with the name change and step increases.

8. Update on City Manager Recruitment

☒ Discussion ☒ Possible Action  [Comment](#)

Receive an update on the progress of the City Manager Recruitment - Discuss the Ad Hoc committee and Council member involvement and the process going forward.

9. Public Records requests

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

Review Public records requests and associated costs

10. Designate Elections Official

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

The Council will consider designating an Elections Official for the General Municipal Election Scheduled to be held on November 5, 2024.

11. Receive Certification of Insufficient Nominees and Schedule a Special Meeting

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

The Council will receive a Certification of Insufficient Nominees for the General Municipal Election Scheduled to be held on November 5, 2024 and consider scheduling a special meeting to appoint candidates to office.

12. Backhoe Purchase

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

Review the quote for the purchase of a backhoe and staff's recommendation.

13. Adjournment

RESOLUTION NO. 2593

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
AUTHORIZING PAYMENT OF CLAIMS FOR THE PERIOD
JULY 19, 2024, THROUGH AUGUST 8, 2024.**

**ACCOUNTS PAYABLE
CHECK RUN: 46085 – 46141
UB REFUND CHECK 46142
VOIDED CHECKS: 46000 and 45951**

**PAYROLL
CHECK RUN: 17397 - 17407
REMITTANCE CHECKS: 17408**

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: | \$ 105,419.45 |
| PAYROLL: | <u>\$ 33,091.61</u> |
| TOTAL: | \$ 138,511.06 |

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 14th day of August 2024 by the following vote:

AYES:

NOES

ABSTAIN:

ABSENT:

Pat Morton, Mayor

ATTEST:

Susan Scarlett, Interim City Manager

I, Susan Scarlett, Interim City Manager 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 August 14, 2024.

Susan Scarlett, Interim City Manager



City of Portola
Minutes
Regular Meeting
February 14, 2024 06:00 PM
35 Third Ave, Portola, CA 96122
<https://www.cityofportola.com/>

1. Call to Order

The meeting was called to order at 6:00 pm by Mayor Pat Morton.

A. Pledge of Allegiance

Led by Mayor Pat Morton

B. Roll Call

Present: Mayor Pat Morton, Mayor Pro-Tem Jim Murphy, Councilmember Leah Turner

Absent: Councilmember Bill Powers, Councilmember Stan Peiler

Staff Present: Interim City Manager - Jon Kennedy, Finance Officer - Susan Scarlett, Deputy City Clerk - Jason Shaw, City Engineer - Dan Bastian, City Planner - Karen Downs (remotely), City Attorney - Steve Gross (remotely)

2. Public Comments

Lindsey Shaw left a public comment.

3. CITY COMMUNICATIONS

A. City Council Communications / Committee Reports

Councilmember Leah Turner: Nothing to report.

Councilmember Bill Powers: Was absent.

Councilmember Stan Peiler: Was absent.

Mayor Pro Tem Jim Murphy: Attended the SCORE board meeting. Attended the latest FACO meeting and learned that Eastern Plumas Fire District had decided to submit to the new Beckwourth Peak Fire Protection District.

Mayor Pat Morton: Attended the Beckwourth Peak Fire Protection District meeting. They are working on getting everything setup and organized. Looking at holding meetings on the first Wednesday of the month.

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

Fire Report: There was no Fire report.

Sheriffs Report: There was no Sheriff's report.

Air Quality Report:

C. City Manager's Report

4. **Consent Agenda**

- A. **Claims-** Adopt Resolution No. 2567 authorizing payment of claims for the period of January 25th, 2024 through February 14th, 2024.

Accounts Payable: \$456,601.50

Payroll: \$23,533.86

Total: \$480,135.36

AP Check Run #45588 – 45637

Payroll Check Run #17330 – 17331

- B. Approval of the Minutes from 1-24-23

It was noted the date on the agenda for the minutes should be corrected to 1-24-24. Consent agenda and minutes approved as amended.

Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Leah Turner.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

5. **Contract 22 - Portola STIP - North Loop Phase 1 Progress Payment - Final Payment**

Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Leah Turner.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

6. **General Plan Review**

- A. Review and acceptance of the 2022 General Plan annual progress report.

Councilmember Leah Turner motioned to approve. A second was made by Mayor Pro-Tem Jim Murphy.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

- B. Review and acceptance of the 2023 General Plan annual progress report.

Councilmember Leah Turner motioned to approve. A second was made by Mayor Pro-Tem Jim Murphy.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

- C. Review the draft General Plan and direct staff to begin CEQA review and schedule a Public Hearing.

No Action

7. **Resolution No. 2568 - Authorized Agent for Public Assistance** Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Leah Turner.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

8. **City Attorney Rate Increase** Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Leah Turner.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Leah Turner Absent Councilmember Bill Powers Absent Councilmember Stan Peiler

9. **Midyear Budget Review**

10. **Adjournment**

Meeting adjourned by Mayor Pat Morton at 7:28 PM.



City of Portola
Minutes
Regular Meeting
March 13, 2024 06:00 PM
35 Third Ave, Portola, CA 96122
<https://www.cityofportola.com/>

1. Call to Order

The meeting was called to order at 6:00 pm by Mayor Pat Morton.

A. Pledge of Allegiance

Led by Mayor Pat Morton

B. Roll Call

Present: Mayor Pat Morton, Mayor Pro-Tem Jim Murphy, Councilmember Bill Powers, Councilmember Stan Peiler, Councilmember Leah Turner

Staff Present: :Interim City Manager, Jon Kennedy; Finance Officer, Susan Scarlett; Deputy City Clerk, Jason Shaw, City Attorney - Steve Gross (remotely)

2. Public Comments

Lindsey Shaw left public comment.

3. CITY COMMUNICATIONS

A. City Council Communications / Committee Reports

Councilmember Bill Powers:

Councilmember Leah Turner:

Councilmember Stan Peiler:

Mayor Pro Tem Jim Murphy:

Mayor Pat Morton:

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

Fire Report: There was no Fire report.

Sheriffs Report: There was no Sheriff's report.

Air Quality Report:

C. City Manager's Report

4. **Consent Agenda**

- A. **Claims-** Adopt Resolution No. 2569 authorizing payment of claims for the period of February 15th, 2024 through March 13th, 2024.

Accounts Payable: \$184,771.22

Payroll: \$47,625.56

Total: \$232,396.78

AP Voided Checks #45638 – 45639 (45612 – 45613)

AP Check Run #45588 – 45637

Payroll Check Run #17332 – 17335

- B. Approval of the Minutes from 2-21-24

Mayor Pro Tem Murphy had a correction to the 2-21-24 minutes on who was present. There was a correction to the claims agenda, the AP Check run should be 5640-45720, it is correct on the resolution. Motion to approve claims and minutes as amended.

Councilmember Bill Powers motioned to approve. A second was made by Councilmember Stan Peiler.

The roll call vote:

 Aye **Mayor Pat Morton** Aye **Mayor Pro-Tem Jim Murphy** Aye **Councilmember Bill Powers** Aye **Councilmember Stan Peiler** Aye **Councilmember Leah Turner**

5. **Renew State of Emergency Proclamation** Interim City Manager Jon Kennedy explained that this was the same State of Emergency Proclamation that has been renewed before. This has to be done for our public assistance applications from the past winter storm disaster. Councilmember Leah Turner motioned to approve. A second was made by Mayor Pro-Tem Jim Murphy.

The motion passed with the following vote:

 5 **In Favor** 0 **Opposed**
 0 **Abstained** 0 **Absent** **Recused**

6. **AT&T Letter** Councilmember Leah Turner motioned to approve. A second was made by Councilmember Bill Powers.

The motion passed with the following vote:

 5 **In Favor** 0 **Opposed**
 0 **Abstained** 0 **Absent** **Recused**

7. **Designate Labor Negotiators**

Motion to approve Mayor Pat Morton and Mayor Pro Tem Jim Murphy as labor negotiators.

Councilmember Leah Turner motioned to approve. A second was made by Mayor Pat Morton.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Stan Peiler Aye Councilmember Leah Turner

8. Closed Session

- A. Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation - Interim City Manager

No reportable action was taken.

9. Closed Session

- A. Conference with Labor Negotiators: City Designated Representatives: (Those negotiators designated in item 8 above) and unrepresented employee Interim City Manager

No reportable action was taken.

10. Employment Agreement with Interim City Manager

No reportable action was taken.

11. Ad Hoc Committee Recommendation

Continue to move forward with the search for a Permanent City Manager. Further discussion will possible action will be placed on the next agenda.

12. Adjournment



City of Portola
Minutes
Special Meeting
July 25, 2024 05:30 PM
424 East Sierra, Portola, CA 96122
<https://www.cityofportola.com/>

1. Call to Order

The meeting was called to order at 5:30 pm by Mayor Pat Morton.

A. Pledge of Allegiance

Led by Mayor Pat Morton

B. Roll Call

Present: Mayor Pat Morton, Mayor Pro-Tem Jim Murphy, Councilmember Bill Powers, Councilmember Mikki Brown

Absent: Councilmember Leah Turner

Staff Present: City Attorney Steve Gross, Interim City Manager Susan Scarlett

2. Public Comments

Prior to the opening of public comment Mayor Morton requested the City Attorney comment on the legality of this special meeting which is being held at an alternate location due to fire evacuations within the City of Portola

Mr. Gross explained that the special meeting agenda had been properly posted and the meeting could be held using the posted agenda.

A woman who did not identify herself but is believed to be Deborah Bress (no address within the City provided) objected to the meeting being held and continued to voice concerns with the legality of the meeting after being repeatedly asked to allow the meeting to continue and being warned that she would be removed if her disruptive behavior continued. Law Enforcement was called because of her continued disruptive conduct.

Continuing with public comment.

Bruce Martin, USFS CA Team 10 Incident Management Team, provided an update on the Gold Complex Fire. He reported that the Plumas County Sheriff had just downgraded evacuation levels with mandatory evacuations being lowered to warnings and evacuation warning areas being lifted. He thanked all agencies involved in the fire fighting efforts.

Jack Rosevear, Beckwourth Peak Fire Protection District Chief, was introduced by Susan Scarlett. Chief Rosevear reported that during the fire conditions the new Beckwourth Peak Fire District was working in conjunction with all federal, state and local agencies providing services to the fire. He noted that it showed a good model of all the agencies working together and thanked everyone for their efforts.

Lindsey Shaw (no address within the City provided) stated that she formerly objects to this meeting being held due to posting, evacuations, time limits on agenda comments and lack of accessibility.

Deborah Bress requested the City Council reconsider the purchasing policy that was approved at a prior meeting.

3. City Communications

A. City Council Communications

Councilmember Brown stated that she hopes everyone is safe during this stressful time with the fire.

Councilmember Powers thanked the public responders and law enforcement personnel.

Mayor Pro Tem Murphy reported on his attendance at the Airport Land Use Commission meeting. He also requested an item be placed on the next agenda to allow for the Council to discuss public records requests and receive a report on the costs associated with those requests.

Mayor Morton reported that she had been going around talking with evacuees.

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

There were no reports from the Fire District or the Sheriff Department.

Mikki Brown reported that Air Quality had put out a health advisory for July 24-26 due to smoke.

C. City Manager's Report

Susan Scarlett reported that she had been attending the Gold Complex Fire briefings and due to the evacuation of City Hall it would take some time to bring City operations back to some form of normalcy. She explained the the Public Works crew had been working around the clock to assist with fire operations, and had been cooperating with Chief Rosevear.

4. Consent Agenda

A. Claims - Adopt Resolution No. 2591 authorizing payment of claims for the period of July 5, 2024 through July 18, 2024

AP CHK RUN 46056 – 46084 - \$265,798.49

AP VOID CHK 45967 - \$432.00

PAYROLL CHK 17386 – 17395 - \$28,706.80

PAYROLL REMIT CHK 17396 - \$129.03

TOTAL CLAIMS \$294,634.32

B. Approval of the City Council Minutes from 7-10-2024 Regular Meeting

C. Renew State of Emergency Proclamation

D. Ratify the City Council decision from July 10th regarding the CSG Short term Contract.

Items 4C & 4D were removed from the Consent Agenda and considered separately due to objections from the public relating to the posting of the agenda and scheduling of the special meeting due to fire evacuations. Consent Agenda items 4A & 4B were approved.

Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Bill Powers.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Mikki Brown Absent Councilmember Leah Turner

5. Renew State of Emergency Proclamation

Susan Scarlett explained that the State of Emergency Proclamation was required to be renewed by action of the City Council. The emergency contains issues related to the bridge scour mitigation project and is necessary to allow the City to acquire funds to support the project.

Deborah Bress objected on her stated grounds that the public was never given an update on the bridge.

Mayor Pro-Tem Jim Murphy motioned to approve. A second was made by Councilmember Bill Powers.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Mikki Brown Absent Councilmember Leah Turner

6. Ratify the City Council decision from July 10th regarding the CSG Short term Contract

Susan Scarlett explained that this item had on a previous Council agenda and had been approved by unanimous vote. The agenda failed to state that the Council would be taking action, so the item had been placed on this agenda to ratify the vote.

Deborah Bress questioned if the contract was put out to bid.

Lindsey Shaw questioned the fiscal impact of the contract and its ending date.

Councilmembers noted that there was no required bidding for this type of contract and the end date of the contract is December 31, 2024.

Councilmember Bill Powers motioned to approve. A second was made by Councilmember Mikki Brown.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Mikki Brown Absent Councilmember Leah Turner

7. Review the Emergency Proclamation for the Gold Complex Fire from July 24th and Adopt Resolution No. 2592 ratifying the Proclamation.

Susan Scarlett explained that this Proclamation is necessary for the City to receive funding for fire operations if needed. She noted that Plumas County had also passed an emergency proclamation relating to the Gold Complex Fire.

Mr. Gross explained that the City's Municipal Code gave authority to the Mayor to issue the proclamation with Council ratification coming at a later date.

Deborah Bress asked where the City's emergency plan is.

Lindsey Shaw objected to the proclamation due to various reasons.

Councilmember Bill Powers motioned to approve. A second was made by Mayor Pro-Tem Jim Murphy.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Mikki Brown Absent Councilmember Leah Turner

8. Amendment of Master License Agreement - EV charging stations

Susan Scarlett reviewed the EV Charging Station project and explained that Liberty Utilities would like start the project within 60 days. The amendment being requested would allow for two additional charging stations bringing the total to four.

Deborah Bress requested the City ensure that the current handicapped parking spaces remain in place. She also asked if this was an expense to the City and if the City would receive income from the project.

Lindsey Shaw noted that although she is excited for the charging station project she objected to this entire agenda.

After a brief discussion and review of the map it was noted that the City would retain the handicapped parking spaces and that the project will not cost the City nor will it provide income.

Councilmember Bill Powers motioned to approve. A second was made by Councilmember Mikki Brown.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill Powers Aye Councilmember Mikki Brown Absent Councilmember Leah Turner

9. Sheriff contract for 2024-2025

The contract was approved to be forwarded to Plumas County for consideration.

Councilmember Bill Powers motioned to approve. A second was made by Mayor Pro-Tem Jim Murphy.

The roll call vote:

Aye Mayor Pat Morton Aye Mayor Pro-Tem Jim Murphy Aye Councilmember Bill

Powers Aye **Councilmember Mikki Brown** Absent **Councilmember Leah Turner**

10. Backhoe Purchase

Susan Scarlett reviewed the request for funding of the purchase of a new backhoe. She explained that the City will be renting a backhoe at a cost of \$1500/week until a new one is purchased, or the old one is repaired.

Deborah Bress objected for various reasons stated.

Lindsey Shaw object for various reasons stated.

Councilmember Powers suggested the item should be delayed allowing for further research. It was the consensus of the Councilmembers present to place the item on a future agenda.

11. Closed Session

A. Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation Interim City Manager

The meeting was adjourned to Closed Session at 6:55 pm. The Council returned to open session at 7:51 and the Mayor reported that there was no reportable action taken in closed session.

12. Adjournment

The meeting was adjourned at 7:51



MEETING DATE: August 14, 2024

AGENDA ITEM: 5. Consider Approval of a Lot Merger

FROM: Karen Downs

RE: CONSIDER APPROVAL OF A LOT MERGER; RESOLUTION NO. 2594

BACKGROUND:

The City received a request for a lot merger. Attached you will find an agenda report from the City Contract Planner Karen Downs, a review from City Engineer Dan Bastian and Resolution NO. 2594

ATTACHMENTS:

- A. CC AGENDA REPORT- HARSTON LOT MERGER
- B. HARSTON MERGER REVIEW 2024.05.31
- C. RESOLUTION NO. 2594

CITY COUNCIL AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Karen Downs, Contract Planner
MEETING: August 14, 2024
SUBJECT: **CONSIDER APPROVAL OF A LOT MERGER; RESOLUTION NO. 2594**

Synopsis

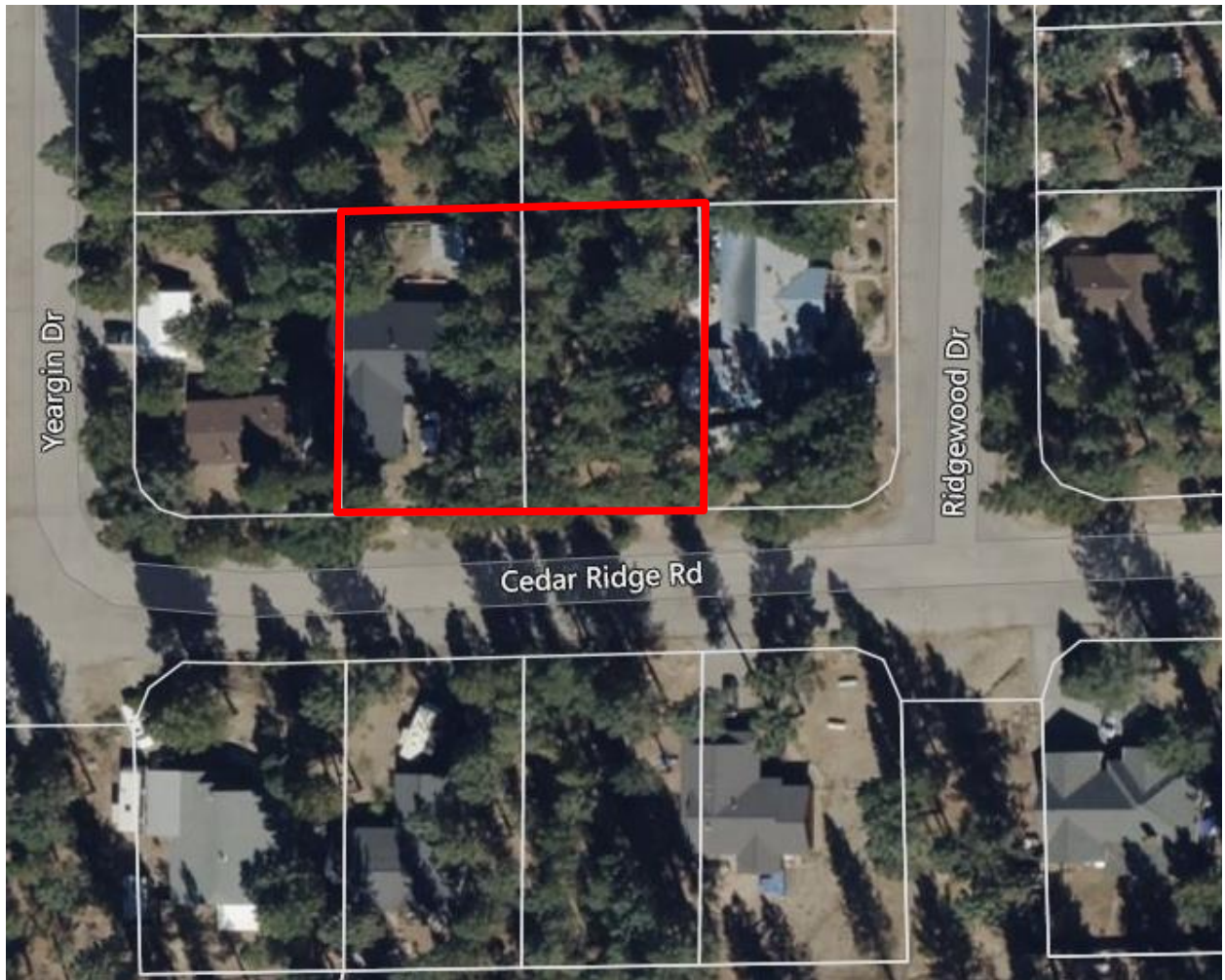
The City received a complete Lot Merger application package for 464 and 452 Cedar Ridge Road, APNs 126-184-016 and 126-184-017, to merge the two contiguous parcels. The application has been reviewed by Dan Bastian, City Engineer (review memo attached) and has been deemed to be complete and in conformance with City Code requirements for a Merger of Contiguous Parcels of Land (Portola Municipal Code Chapter 16.45) and relevant development standards (PMC Chapter 17.16).

As part of this application, a Parcel Map Waiver is requested and has been reviewed by the City Engineer, in accordance with PMC Section 16.45.040. As noted in the attached memo, the City Engineer has found a Parcel Map is not required and the Parcel Map Waiver is recommended for approval.

Location



Existing Parcel Configuration

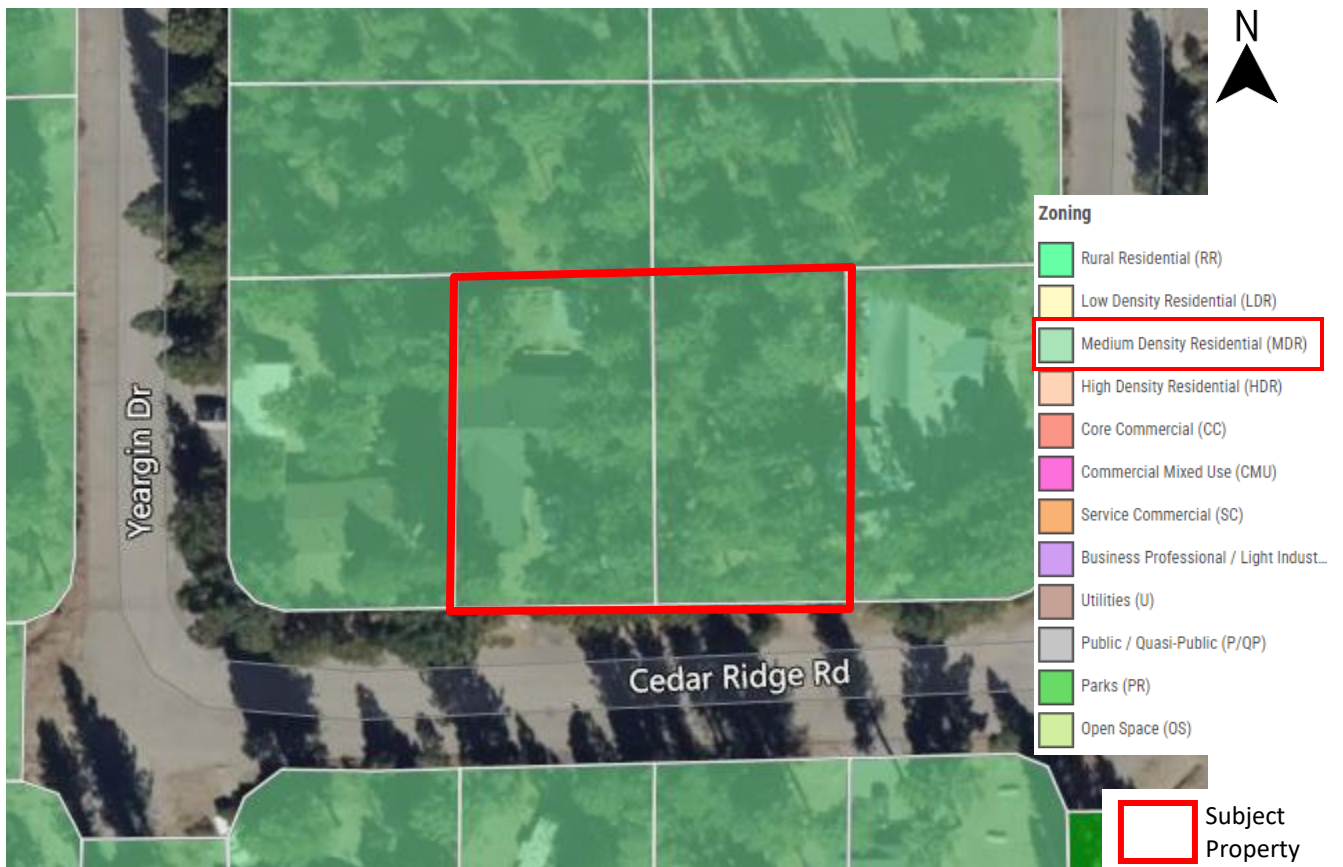


 Subject Property

Aerial of Existing Site



Land Use and Zoning Designation: Medium Density Residential



Application Review

The 2 parcels on the north side of Cedar Ridge Road, between Yeargin Drive and Ridgewood Drive, and are zoned Medium Density Residential (MDR). If merged, the combined lot size would be +/- .43 acres, which exceeds the minimum lot size in the MDR zoning designation.

The MDR development standards will apply to the resulting parcel, if merged:

| | MDR |
|-------------------------|---|
| Min. lot size | 6,000 s.f. |
| Min. lot size-clustered | 4,000 s.f. |
| Min. frontage | 50 ft. |
| Max. density per lot | 2 dwellings, 1 second unit From 1 to 8 units per gross acre |
| Front Setback | 20 ft. |
| Side Setback | 10 ft. if adjacent to the edge of a publicly or privately maintained street, right-of-way, and/or sidewalk (1), 5 ft. for an interior lot |
| Rear Setback | 10 ft. |
| Site Coverage | Maximum of 45% |
| Height Limit | 35 ft. |

The subject parcels are under common ownership and are contiguous. As detailed in the City Engineer's memo, there is an existing deed of trust on APN 125-084-017; a Modification or Reconveyance of the deed of trust must be prepared and recorded concurrently with the Notice of Merger to ensure that the loan documents encompass the properties to be merged. The recommended conditions below address these concerns.

Resolution No. 2594 and the City Engineer's memo are included for your review.

Recommended Conditions

The following conditions are recommended, and will need to be resolved before the Notice of Merger can be recorded:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45.050(B).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
5. The "Notice of Merger of Contiguous Lots under Common Ownership" shall be prepared and the applicant provides an acceptable Grant Deed to be included with the Notice of Merger. Said Grant deed shall be prepared with the words "FOR PURPOSES OF PARCEL MERGER."
6. A note shall be placed in the Grant Deed which indicates that the merger will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the parcel merger, including but not necessarily limited to security investments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations.

Recommendation

Staff recommends that the City Council:

1. Find that a Parcel Map is not required for this merger
2. Approve Resolution No. 2594 with conditions

BASTIAN ENGINEERING

R.C.E. 45489 L.S. 7045

ENGINEERING • SURVEYING • PLANNING • DESIGN

M E M O
May 31, 2024

TO: Portola City Council

FROM: Daniel B. Bastian, City Engineer

**RE: File No. 2K24-18 Harston/Robertson, 464 & 452 Cedar Ridge Road, Portola
CA. 96122 (APN 126-184-016 & 017) – Parcel Merger**

Pursuant to §16.45.030 of the Portola Municipal Code, the following information is required for a merger application (as it relates to my review):

- The name, address and telephone number of the applicant, and of any agent or representative authorized to act for the applicant.
- A description of the parcels to be merged, including both legal description and assessor's parcel numbers.
- A plat or map, drawn to scale, showing the location and boundaries of each parcel, the location and dimensions of buildings thereon, the location of roads and driveways thereon, and the location of all utility lines serving the same; and
- Such other information as the planning director or the city engineer may require.

Most of the noted information has been provided and is acceptable.

The following review comments are offered:

There is one reported deed of trust, per the provided Lot Book Guarantee (for Lot 57, which is APN 125-084-017). Below is a copy of the text from the lot Book Guarantee:

8. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount Dated Trustor

\$177,600.00

October 1, 2004

Gary B. Robertson and Christine Robertson, Husband and Wife as Joint Tenants

Trustee Cal-Sierra Title Company

Beneficiary INDYMAC Bank, F.S.B.

Recorded October 13, 2004

Instrument No. 2004-0011020 of Official Records

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information.

NOTE: NOTE: An instrument purporting to modify the terms of said deed of trust as therein provided

Executed by F.S.B.,

Dated Recorded Instrument No.

Christine Robertson, Gary G. Robertson and INDYMAC Bank, a Federally Chartered Savings Bank

November 8, 2005

November 16, 2005

2005-0012461 of Official Records

NOTE: The beneficial interest under said deed of trust was assigned.

By Assignment Dated Recorded

**File No. 2K24-18 Harston/Robertson, 464 & 452 Cedar Ridge Road, Portola
CA. 96122 (APN 126-184-016 & 017) – Parcel Merger**

5/31/2024

Page 2

Instrument No.

- : Deutsche Bank National Trust Company as Trustee for Residential Asset Securitization Trust Series 2005-A15
Mortgage Pass-Through Certificate Series 2005-0
- : March 13, 2018
- : April 5, 2018
- : 2018-0001691 of Official Records

No legal description was provided. The applicant needs to provide a legal description for the resultant property suitable for recording.

A waiver of parcel map is implied. The property corners related to this merger are not shown on the Tentative Lot Merger plat; however, I find no compelling reason to require a Parcel Map or Record of Survey (in this case).

It is recommended that the Conditions of Approval for the Parcel Merger include the following:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45050 (8).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
5. The "Notice of Merger of Contiguous Lots under Common Ownership" shall be prepared and the applicant provides an acceptable Grant Deed to be included with the Notice of Merger. Said Grant deed shall be prepared with the words "FOR PURPOSES OF PARCEL MERGER."
6. A note shall be placed in the Grant Deed which indicates that the merger will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the parcel merger, including but not necessarily limited to security investments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations.

Harston Merger Review 2024.05.30.docx

RESOLUTION NO. 2594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA APPROVING A LOT MERGER for APNs 126-184-016 and 126-184-017

Applicant: Harston
464 Cedar Ridge Road
Portola, CA 96122

General Description of Property: 452 Cedar Ridge Road, APN 126-184-016
464 Cedar Ridge Road, APN 125-184-017

WHEREAS, an application has been filed for a lot merger pursuant to Section 66421(d) on the Government Code; and

WHEREAS, said lot merger will not result in any additional parcels than originally existed; and,

WHEREAS, said lot merger is categorically exempt in accordance with the California Environmental Quality Act Section 15315, Minor Land Divisions; and,

WHEREAS, the City Council has determined, in accordance with applicable provisions of the Subdivision Map Act and local ordinances, that such application should be granted, based on the following findings:

1. The Lot Merger is Categorically Exempt under Section 15315 of the California Environmental Quality Act and will have no significant environmental impacts.
2. The Lot Merger complies with all applicable requirements of State Law and City Ordinances.
3. The Lot Merger will not be materially detrimental to the general welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.
4. The Lot Merger is in conformance with the code requirements of the Portola Municipal Code.

NOW THEREFORE, be it resolved by the City of Portola City Council that this lot merger is hereby approved as follows.

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. After reviewing the entire project record, the City Council hereby determines the approval of the proposed lot merger is Categorically Exempt under Class 15 (Minor Land Divisions) Section 15315 of the California Environmental Quality Act. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use onto four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

SECTION 3. This approval is subject to the conditions of approval in Exhibit 1.

SECTION 4. If any one or more of the provisions contained in this Resolution shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Resolution shall be construed as if such invalid, illegal, or unenforceable term or provision had never been contained herein.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 14th day of August, 2024 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Pat Morton, Mayor

ATTEST:

Susan Scarlett, Interim City Manager

I, Susan Scarlett, Interim City Manager 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 August 14, 2024:

Susan Scarlett, Interim City Manager

Exhibit 1

Resolution 2594 Conditions of Approval

The following conditions of approval shall be met and/or resolved prior to recordation of a Notice of Lot Merger with Plumas County:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45.050(B).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
5. The "Notice of Merger of Contiguous Lots under Common Ownership" shall be prepared and the applicant provides an acceptable Grant Deed to be included with the Notice of Merger. Said Grant deed shall be prepared with the words "FOR PURPOSES OF PARCEL MERGER."
6. A note shall be placed in the Grant Deed which indicates that the merger will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the parcel merger, including but not necessarily limited to security investments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations.



MEETING DATE: August 14, 2024

AGENDA ITEM: 6. Landowner agreement for the Eastern Plumas County Wildfire Protection Project

FROM: Susan Scarlett

RE: Landowner agreement for the Eastern Plumas County Wildfire Protection

BACKGROUND:

The City of Portola has five parcels enrolled in one of the Fire Safe Council's hazardous fuels reduction projects known as the Eastern Plumas Wildfire Protection Project. This is a grant funded program designed to help reduce losses from wildfire and better prepare homeowners and their property.

-Cal Fire awarded the Plumas County Fire Safe Council \$6 million to help fund this project.

-It encompasses the communities of Lake Davis, Portola, Gold Mountain, Grizzly Ranch and parts of Clio.

-The Council approved the landowner agreement for part of the project on April 24, 2024

-This agreement includes the wording from the City Attorney that was added to the first agreement.

-Attached is an overview map of the full project

RECOMMENDATION:

Review the Landowner agreement and direct the Interim City Manager to execute the agreement.

FISCAL IMPACT:

There is no cost share

ATTACHMENTS:

- A. CITY OF PORTOLA LANDOWNER AGREEMENT
- B. EPWP OVERVIEW 20240319 (1)-1



P.O. Box 3880
418 N Mill Creek Rd
Quincy, CA 95971
(530)-283-3739
www.plumascorp.org

July 26, 2024

Dear Project Participant,

The Plumas County Fire Safe Council is pleased to tell you the Eastern Plumas Wildfire Protection Project is progressing. There are a number of important things for you to know as we get underway:

1. You may have already been in contact with the lead forester on the project, Danielle Bradfield. If you have any questions regarding the project specifications or boundary, you may contact Danielle at: danielle@frforestry.org or (530) 927-7095.
2. Katie Quinn is the project manager at the Fire Safe Council. If you have any questions regarding the landowner agreement or next steps, her contact information is: katie@plumasfiresafe.org or (530) 927-5281.
3. Plumas Corp is the fiscal agent for the project, meaning that all financial matters are handled by the Plumas Corp staff. Scott Corey is the primary contact at Plumas Corp: scott@plumascorp.org or (530) 927-5293.
4. An operator contract is scheduled to be awarded this summer. The contractors will be working closely with the forester to complete work no later than March 15, 2025. The forester and contracted operator will determine the workflow. The operator is required to contact you 48 hours prior to commencing work on your property.

Thank you for your patience as we have worked through the layout and environmental compliance portions of the project. Your participation is valuable in making our communities more fire-resilient. We are very excited to get work started.

Sincerely,

Matt West

Interim Program Director, Plumas County Fire Safe Council

LANDOWNER AGREEMENT
EASTERN PLUMAS WILDFIRE PROTECTION PROJECT
“FIRE SAFE” FUEL REDUCTION PROJECT

This contract is entered into by Plumas Corporation and City of Portola (hereinafter “Landowner.”) Landowner owns property, **APN #126-158-002, 126-159-002** the location at which work will be performed. Facsimile copies and signatures shall be binding on all parties.

WHEREAS, the Plumas County Fire Safe Council has received a grant to conduct “fire safe” projects in which excess timber and vegetation is removed and thinned from the property of local landowners to increase the ability to control and suppress forest fires that may occur in the future; and,

WHEREAS, the Plumas County Fire Safe Council retains Plumas Corporation to provide administrative services to the project; and,

WHEREAS, Landowner desires this work to be performed on his/her property in order to both decrease the risk of fire and the severity of fire damage.

NOW THEREFORE, the parties agree to the following terms and conditions:

SECTION 1 – CONTRACT TERM OF AGREEMENT

1.0 Work shall begin as soon as is feasible upon execution, and be completed prior to 03/15/2025.

SECTION 2 - RESPONSIBILITIES OF PLUMAS CORPORATION

- 2.1 Plumas Corporation will ensure compliance with the California Forest Practice Act, California Environmental Quality Act (CEQA), as well as all other federal, state and local laws and regulations.
- 2.2 Plumas Corporation will ensure completion of all tasks necessary to complete the project including (1) obtaining bids and entering into contracts with contractors to perform work on Landowner’s property, (2) obtaining all necessary permits, and (3) performance of any archaeological or biological surveys determined necessary.
- 2.3 Plumas Corporation shall have final authority about how the work described by this contract will be performed, including who will perform the work and when and how the work shall be performed. Plumas Corporation and its contractors will make every reasonable effort to accommodate Landowner interests.
- 2.4 Plumas Corporation is financially responsible for all labor, including independent contractors, required to complete the work subject to this contract, all permit fees, and any archaeological or biological surveys or necessary data base reviews. Plumas Corporation shall provide all equipment and materials that may be required to complete this project, except as specified in “Responsibilities and Duties of Landowner.”

- 2.5 Plumas Corporation shall ensure that timber operators and foresters have appropriate insurance and sign written contracts containing an indemnification provision that indemnifies the Plumas County Fire Safe Council, Plumas Corporation, and the Landowner.
- 2.6 During the term of this Contract and at all times when work is performed on the project, Plumas Corporation and the Plumas County Fire Safe Council will carry at its own expense, and require each contractor, and subcontractor that performs work on the project to carry at its own expense, workers' compensation insurance as required by the State of California and commercial general liability insurance and automobile insurance, including coverage for bodily injury, personal injury, property damage, and medical payments – each occurrence \$1,000,000, general aggregate for each, \$2,000,000. The commercial general liability and automobile insurance policies shall be endorsed to provide coverage for the Landowner, its elected and appointed officials, officers, employees, agents, and authorized volunteers as additional insureds and to state that their insurance shall be primary to any insurance or self-insurance maintained by Landowner, its elected and appointed officials, officers, employees, agents, or authorized volunteers shall not contribute to it. Plumas Corporation shall provide Landowner a minimum of thirty (30) days' prior notice before any policy required here is canceled. Prior to performing any work on the project pursuant to this contract, Plumas Corporation will provide Landowner with certificates and endorsements to the policies required pursuant to this contract evidencing such coverage.

SECTION 3 – SALE OF LOGS AND CHIPS

- 3.1 Plumas Corporation may sell or arrange for the purchase of forest products (saw logs, biomass chips, and/or firewood) removed from the property. All merchantable forest product material (i.e. saw logs biomass, chips and firewood) removed from Landowner's property shall be sold to defray the costs of the project. Legal ownership and title of merchantable forest products resulting from the project shall be vested with Plumas Corporation. Landowner will not receive any compensation from the sale of merchantable forest products.
- 3.2 Plumas Corporation will be responsible for the California Timber Yield Tax; if/when any forest products are sold.

SECTION 4 – RESPONSIBILITIES AND DUTIES OF LANDOWNER

- 4.1 Landowner shall allow access to Landowner's property consistent with the scope of this contract, including but not limited to the following purposes: (1) to implement methods to make the property more fire resistant, (2) to plan and perform work contemplated by this contract, (3) to educate the public regarding the project, (4) to monitor results of grant-funded work, and (5) as otherwise necessary to complete this contract.
- 4.2 Landowner shall provide a way to enter and access the property, access roads and methods of crossing streams, as necessary to complete the project.

- 4.3 Landowner shall locate, by survey if necessary, the boundaries of the property.
- 4.4 If Landowner desires a contractor to perform any work not related to this contract, Landowner shall reach a separate written contract with the contractor. Landowner shall be financially responsible for any work performed that is not included in the project specifications as indicated by the Project Forester.
- 4.5 Landowner shall be financially responsible for any improvements needed to complete the project. The needed improvements and estimated costs are:
_____ None _____.
- 4.6 Landowner agrees with and approves the proposed specifications developed by the Registered Professional Forester for treatment and thinning on their property, outlined on the final page of the Landowner Agreement. Landowner shall have an opportunity to review any changes of the treatment and thinning to be done on their property with the Registered Professional Forester (RPF) within a 10- day period after the proposed changes are developed.
- 4.7 Landowner shall not be financially responsible for a cash contribution. Landowner allows contractor selected by Plumas Corporation to treat up to **2.4 acres** of the subject ownership. If acreage is revised, Landowner will acknowledge revision with a subsequent signature and date.
- 4.8 Landowner agrees to maintain the property in a fire safe condition after the Fire Safe Council project is complete.

SECTION 5 – OWNERSHIP OF PROPERTY

- 5.1 Landowner warrants that he/she is the owner of record of the property identified in this contract. Notice shall be provided to Plumas Corporation by Landowner prior to the Landowner ceasing to have a legal interest in the property that is to receive the improvements under this Contract, and such transfer will constitute a voluntary termination of the Contract by Landowner.

SECTION 6 – PROPERTY BOUNDARIES

- 6.1 Plumas Corporation may locate the fuel reduction treatment and/or timber harvest boundary along the approximate or actual property line as determined by the Landowner, Plumas Corporation or previous surveyor. Plumas Corporation is not a licensed surveyor and fuel reduction/timber harvest boundaries are not considered true property lines even if they follow the correct line location. Any error in determining the property line or property corner location or in establishing timber harvest boundaries along property lines is the Landowner's sole responsibility per section 4.3 above.

SECTION 7 – HOLD HARMLESS PROVISION

- 7.1 The Landowner shall defend, indemnify, and hold harmless the Plumas County Fire Safe Council and Plumas Corporation (and their elected and appointed councils, boards, commissions, officers, agents and/or employees) from any claim or lawsuit arising or resulting from this contract and the Landowner's willful misconduct or sole negligence, except those arising or resulting from Plumas Corporation and/or Plumas County Fire Safe Council's willful misconduct or negligence.
- 7.2 Landowner agrees to hold harmless and waives the right to bring any claim or legal action based upon any damage to Landowner roads, driveways or ground resulting from the equipment moving across Landowner property. Landowner shall mark any areas which equipment may not cross, such as septic areas. This hold harmless provision does not apply to damage to structures, improvements on the property or which leave any road or driveway in an impassable condition.
- 7.3 Plumas Corporation and Plumas County Fire Safe Council shall defend, indemnify, and hold harmless Landowner, its elected and appointed officials, officers, employees, agents, and authorized volunteers from any claim, action, lawsuit, liabilities, damages, fines, penalties, costs and expenses arising or resulting from or related to this contract and Plumas Corporation's and/or Plumas County Fire Safe Council's willful misconduct or negligence, except those arising or resulting from Landowner's willful misconduct or sole active negligence.

SECTION 8 – NO EMPLOYEE/AGENT RELATIONSHIP CREATED BY THIS CONTRACT

- 8.1 Plumas Corporation, and each and every employee, agent or independent contractor of Plumas Corporation, shall not be for any purpose an employee of Landowner. Plumas Corporation shall perform its work as an independent contractor. Plumas Corporation at all times shall determine the method, details, and means of performing the work of this contract. Landowner consultation and agreement will be verified prior to fuel reduction treatment implementation.

SECTION 9 – DESIGNATED REPRESENTATIVES

- 9.1 Jim Wilcox is the Plumas Corporation's representative in this matter. Susan Scarlett is the authorized representative for Landowner. Notice shall be provided prior to any change in the designated representatives or any change in the address at which notices must be provided. All notices required by this contract shall be provided to the following addresses:

Plumas Corporation

Landowner(s)

Jim Wilcox
P. O. Box 3880
Quincy, CA 95971

Susan Scarlett
City of Portola
PO Box 1225
Portola, CA 96122

SECTION 10 – DAMAGE CLAUSE

- 10.1 In the event that trees are cut that were not designated for removal or the work causes excessive damage to remaining trees on Landowner's property, Plumas Corporation shall pay Landowner a penalty of the delivered log value(s), as paid by the purchasing mill per species, for the gross volume of the felled or damaged timber. Landowner accepts this penalty amount as a fair value for compensation for any wrongfully harvested or damaged trees.

SECTION 11 – MISCELLANEOUS

- 11.1 Attorney's Fees & Venue. Venue shall be in Plumas County, and in any legal action relating to this contract, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which such party may be entitled.
- 11.2 Waiver. A waiver by any party of any breach of any term, covenant or condition contained in this contract, or a waiver of any right or remedy of such party available at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition contained herein or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.
- 11.3 Entire Contract. This contract, together with its specific references and attachments, constitutes all of the contracts, understandings, representations, conditions, warranties, and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied. This Contract shall supersede any prior contracts, discussions, and commitments, representations, written or oral, between the parties.
- 11.4 Modification. No modification of any provision of this Contract, or its attachments, shall be effective unless such modification is in writing, signed by all parties, and then shall be effective only for the period and on the conditions(s) and for the specific instance(s) for which the parties have agreed.
- 11.5 Partial Invalidity. If any term, covenant, condition or provision of this Contract is held by a Court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 12 – TERMINATION

- 12.1 Either party may terminate this contract upon ten (10) working days notice to either party.

SECTION 13 – AUTHORITY & EXECUTION

- 13.1 All parties to this Contract warrant and represent that they have the power and authority to enter into this Contract in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s),

person(s), estate(s), trust(s) or firm(s) are in full compliance and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Contract have been fully complied with. Furthermore, by their signature below, the parties acknowledge that they understand and agree to all provisions of this contract.

PLUMAS CORPORATION

LANDOWNER

Signed: _____

Signed: _____

Jim Wilcox, Executive Director

Susan Scarlett, City of Portola

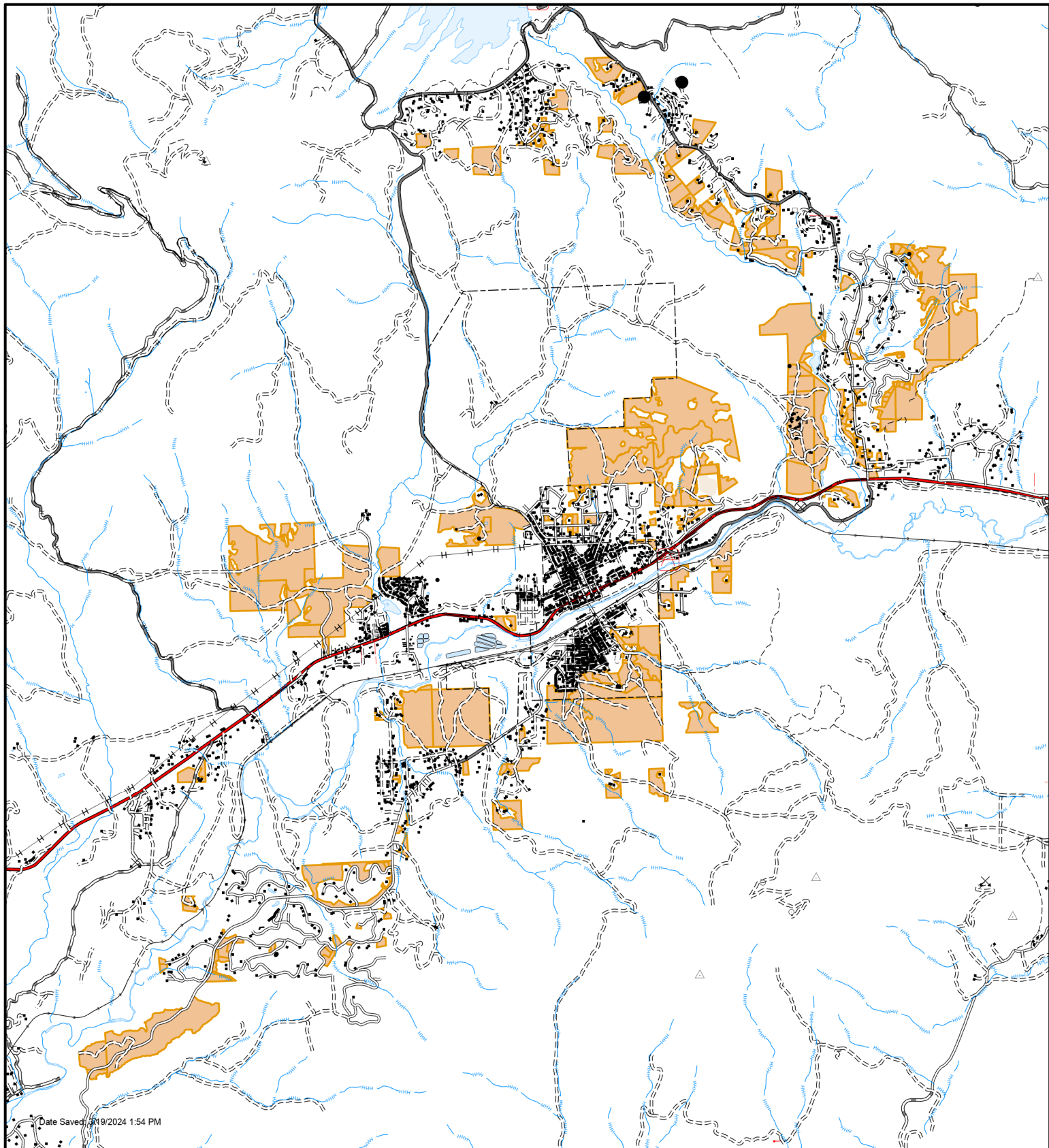
Date: _____

Date: _____

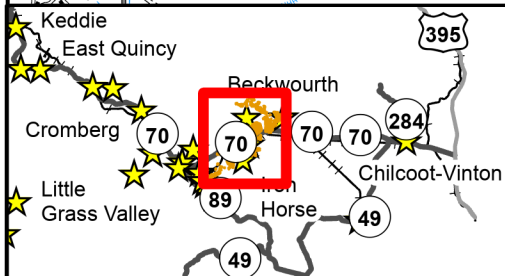
The primary specifications have been developed by the Registered Professional Forester to meet hazardous fuel reduction goals of the Eastern Plumas Wildfire Protection Project and are summarized as follows:

1. Protect hardwoods; retain all native oaks >4" DBH and all live, aspen, alders, and willows, regardless of size, unless removal is required for operations. Prioritize species: 1) Sugar Pine, 2) Incense Cedar, 3) Ponderosa/Jeffrey Pine, 4) Douglas Fir, 5) White Fir.
2. The silvicultural treatment within the project will be a thinning from below of conifers up to and including 12 inches diameter at breast height (DBH). Implementing this prescription will create a general horizontal and vertical discontinuity of fuels.
3. Slash and woody debris will be treated through commercial thinning, mechanical mastication, or broadcast chipping to achieve a maximum post-harvest chip depth of 6 inches.
4. Standing and down dead trees up to 16 inches DBH will be treated.
5. The project forester will be developing a more comprehensive prospectus prior to implementation that will be available upon request.

Total Treatment Acreage: 2.4 acres mastication

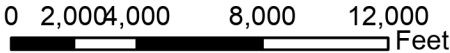


Date Saved: 3/19/2024 1:54 PM



Easter Plumas Wildfire Protection Project Overview Map

 Treatment Area



1 inch equals 1 foot

1:73,346



Date: 3/19/2024



MEETING DATE: August 14, 2024

AGENDA ITEM: 7. Update to the Pay schedule in compliance with CCR 570.5 for the Community Engagement Officer position

FROM: Susan Scarlett

RE: Update to the Pay schedule in compliance with CCR 570.5

BACKGROUND:

The City Council approved the hiring of a "Community Engagement Officer". At this time, it is recommended that the City change the title to "Public Engagement Officer". In addition, step increases were not included for this position in the original CCR 570.5 that was adopted. While this position, as a permanent part time position, is not eligible at this time for longevity it is eligible for steps.

RECOMMENDATION:

Approve the name change to Public Engagement Officer and adopt the updated required Publicly Available Pay Schedule

ATTACHMENTS:

A. PAY SCHEDULE FOR CCR 570.5 COMPLIANCE

California Code of Regulations 570.5 - Publicly Available Pay Schedule

| POSITION | HOURLY RATES | | | | | | | |
|---|--------------|--------|--------|--------|--------|-------|-------|-------|
| | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | L 1 | L 2 | L 3 |
| City Manager (1) | 64.02 | 0 | 0 | 0 | 0 | 67.22 | 70.58 | 74.11 |
| Administrative Services Manager (Not currently filled) | 37.85 | 0 | 0 | 0 | 0 | 39.74 | 41.73 | 43.82 |
| Public Works & Building Services Manager (1) | 52.03 | 0 | 0 | 0 | 0 | 54.63 | 57.36 | 60.23 |
| Public Engagement Officer Part-time | 30.00 | 31.50 | 33.08 | 34.73 | 36.47 | 0.00 | 0.00 | 0.00 |
| Water/Sewer Utility Technician (or Public Works Supervisor) (2) | 31.74 | 33.33 | 35 | 36.75 | 38.58 | 40.51 | 42.53 | 44.66 |
| Public Works Maintenance (1) | 24.09 | 25.29 | 26.55 | 27.88 | 29.27 | 30.73 | 32.27 | 33.88 |
| Accounting Technician (1) | 29.34 | 30.81 | 32.35 | 33.97 | 35.67 | 37.45 | 39.33 | 41.29 |
| Administrative Clerk (1) | 24.76 | 26.00 | 27.30 | 28.67 | 30.10 | 31.61 | 33.19 | 34.84 |
| Office Clerk (1) | 21.12 | 22.18 | 23.29 | 24.45 | 25.68 | 26.96 | 28.31 | 29.73 |

Management does not have steps
There are 5 Steps and are every two years
Longevity is 5% at 15, 20 and 25 years Full-time employees with continuous service measured from date of hire

Revised August 5, 2024 and Adopted by the City Council August 14, 2024



MEETING DATE: August 14, 2024

AGENDA ITEM: 9. Public Records requests

FROM: Susan Scarlett

RE: Public Records Requests

BACKGROUND:

Mayor Pro-tem Murphy requested this item be on the agenda to discuss the reporting of public records requests as part of the City Manager's report and to review costs associated with the requests.

FISCAL IMPACT:

Review some of the public records requests and the costs associated.

ATTACHMENTS:

- A. PUBLIC RECORDS REQUESTS FROM JULY 2024
- B. PUBLIC RECORDS REQUEST EXAMPLES

City of Portola

AGENDAS & MINUTES

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| Date Request | Last Updated | Status | Opened by | Request Overview |
|------------------------------|-----------------------------|--------|----------------|--------------------------------|
| Aug 8, 2024, 2:30:40 PM | N/A | Open | Ashlee | Request Detail |
| Aug 5, 2024, 2:41:36 PM | N/A | Open | Leo Karcz | Request Detail |
| Jul 29, 2024, 12:43:45 PM | Aug 8, 2024, 1:20:00 PM | Closed | Ashlee | Request Detail |
| Jul 29, 2024, 12:42:18 PM | Aug 4, 2024, 11:28:00 AM | Closed | Ashlee | Request Detail |
| Jul 25, 2024, 11:36:08 PM | Aug 5, 2024, 3:34:00 PM | Open | Ashlee | Request Detail |
| Jul 24, 2024, 2:43:33 PM | Aug 5, 2024, 3:34:00 PM | Open | Scrintch | Request Detail |
| Jul 24, 2024, 1:37:43 PM | Aug 5, 2024, 3:33:00 PM | Open | Scrintch | Request Detail |
| Jul 24, 2024, 9:25:58 AM | Aug 8, 2024, 12:32:20 PM | Closed | Tatiana Harden | Request Detail |
| Jul 20, 2024, 11:34:55 PM | Aug 5, 2024, 3:32:00 PM | Open | Ashlee | Request Detail |
| Jul 18, 2024, 9:49:36 PM | Aug 5, 2024, 3:32:00 PM | Open | Curious George | Request Detail |

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|------------------------------|------------------------------|--------|----------------|---|--------------------------------|
| Jul 18, 2024, 9:14:22 PM | Aug 5, 2024, 3:31:00 PM | Open | Scrintch | | Request Detail |
| Jul 17, 2024, 11:04:00 PM | Aug 5, 2024, 3:31:00 PM | Open | Ashlee | | Request Detail |
| Jul 17, 2024, 10:52:05 PM | Jul 19, 2024, 4:30:00 PM | Closed | Ashlee | | Request Detail |
| Jul 16, 2024, 10:59:00 PM | Aug 5, 2024, 3:30:00 PM | Open | FOIA Buddy | Copy of invoices, bills & subscription... | Request Detail |
| Jul 16, 2024, 5:27:00 PM | Jul 20, 2024, 11:55:00 AM | Closed | Sunshine Law | Public records request for public records... | Request Detail |
| Jul 16, 2024, 4:44:00 PM | Aug 4, 2024, 10:28:00 AM | Closed | Municipalities | Employee Compensation | Request Detail |
| Jul 15, 2024, 4:21:11 PM | Aug 5, 2024, 3:30:00 PM | Open | Lindsey Shaw | | Request Detail |
| Jul 15, 2024, 3:17:18 PM | Jul 20, 2024, 11:34:00 AM | Closed | Anonymous | | Request Detail |
| Jul 15, 2024, 12:49:44 PM | Aug 5, 2024, 3:29:00 PM | Open | Ashlee | | Request Detail |
| Jul 15, 2024, 11:11:55 AM | Aug 5, 2024, 3:29:00 PM | Open | Anonymous | | Request Detail |

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| Date Request | Last Updated | Status | Opened by | Request Overview |
|------------------------------|------------------------------|--------|--------------|--|
| Jul 15, 2024, 7:53:29 AM | Jul 11, 2024, 11:01:00 AM | Closed | Linda Judge | Request Detail |
| Jul 15, 2024, 7:50:27 AM | Aug 5, 2024, 3:29:00 PM | Open | Linda Judge | Request Detail |
| Jul 12, 2024, 10:42:33 PM | Jul 20, 2024, 2:55:00 PM | Closed | Lindsey Shaw | Request Detail |
| Jul 12, 2024, 8:48:17 PM | Aug 5, 2024, 3:28:00 PM | Open | Lindsey Shaw | Request Detail |
| Jul 11, 2024, 11:00:42 PM | Aug 5, 2024, 3:27:00 PM | Open | Scrintch | Request Detail |
| Jul 11, 2024, 10:59:31 PM | Aug 5, 2024, 3:27:00 PM | Open | Scrintch | Request Detail |
| Jul 11, 2024, 9:24:54 PM | Jul 24, 2024, 12:33:00 PM | Closed | Scrintch | Request Detail |
| Jul 11, 2024, 7:00:30 PM | Jul 20, 2024, 3:40:00 PM | Closed | Scrintch | Request Detail |
| Jul 11, 2024, 4:52:00 PM | Jul 19, 2024, 10:57:00 AM | Closed | Anonomous | Emails request Request Detail |
| Jul 11, 2024, 4:42:00 PM | Jul 19, 2024, 11:02:00 AM | Closed | Anonymous | Email and communication request Request Detail |

Showing 21 to 30 of 134 entries

Previous 1 2 3 4 5 ... 14 Next

Name:

Scrntch

City:

N/A **State:** N/A **ZIP:** N/A

Request Details

I am requesting all communication between city employees, contracted employees, insurance, and other agents, related to the Mills Fire, Gold Complex Fire, Smith Fire, and all other fire incidents in 2024. Include all emails, text messages, messengers, and all other communication forms with a written or voice recording used for city business. Send me this information in PDF format. If there is a cost associated with this request contact me first. I understand that City Hall is currently closed. However, this information can be accessed remotely.

Name:

Scrntch

I am requesting all communication between city employees, contracted employees, insurance, and other agents, related to the Mills Fire, Gold Complex Fire, Smith Fire, and all other fire incidents in 2024. Include all emails, text messages, messengers, and all other communication forms with a written or voice recording used for city business. Send me this information in PDF format. If there is a cost associated with this request contact me first. I understand that City Hall is currently closed. However, this information can be accessed remotely.

Name:

Scrntch

I would like PDF copies of the following public records: 1) All phone call records, including call logs and transcripts, of city council members related to their public duties between June 1, 2024 and July 18, 2024. 2) All text messages, including message logs and content, sent or received by city council members and the interim city manager related to their public duties between June 1 and July 18, 2024. 3) All emails sent or received by city council members and interim city manager related to their public duties between June 1 and July 18, 2024. This includes emails sent from both official and personal email accounts if they pertain to city business. 4) Records of any in-person meetings attended by city council members and interim city manager related to their public duties between June 1 and July 18, 2024. This includes meeting agendas, minutes, attendee lists, and any notes or summaries generated from these meetings.



MEETING DATE: August 14, 2024

AGENDA ITEM: 10. Designate Elections Official

FROM: Steve Gross, City Attorney

RE: Designation of Elections Official

EXECUTIVE SUMMARY:

See Memorandum - attached

RECOMMENDATION:

Appoint Melissa Klundby as the Elections Official

ATTACHMENTS:

- A. MEMORANDUM - DESIGNATION OF ELECTIONS OFFICIAL
- B. CITY CLERK APPOINTMENT

Ethan J. Birnberg*◇
Kelley R. Carroll*†
Sara D. Davidson
Pamela M. Everett
Steven C. Gross*
Brian C. Hanley*
Traci S. Mason
James E. Simon
Ravn R. Whittington*
David W. Wolfe*



James L. Porter, Jr., Of Counsel
Louis A. Basile, Of Counsel

* Also licensed in Nevada
◇ Also licensed in Colorado and Wyoming
† Certified Specialist in Estate Planning, Trust & Probate Law (California Board of Legal Specialization)

MEMORANDUM

To: City Council, City of Portola
From: Steven C. Gross, City Attorney
Date: August 8, 2024
Subject: Designation of Elections Official

I. Recommended Action

I recommend that the City Council designate Melissa Klundby, former Portola City Clerk, to be the City's Election Official who is charged with conducting the General Municipal Election scheduled to be held on Tuesday, November 5, 2024.

II. Background

A General Municipal Election is scheduled to be held on Tuesday, November 5, 2024. The deadline for candidates seeking to be elected to City offices to file nomination papers is during regular business hours as posted not later than the 88th day before the election (Elections Code § 10224). The 88th day before the election is Friday, August 9, 2024. However, the City's regular business hours, as posted at City Hall and on the City's website, are Monday – Thursday 9am-5pm. Therefore, the deadline for filing nomination papers is 5pm on August 8, 2024.

As of the close of the nomination period today, only one person was nominated as a candidate for each of three (3) City Council Member At-Large offices, the City Clerk office, and the City Treasurer office. All three (3) candidates for the City Council Member At-Large offices are incumbent officers. There is no incumbent that holds the City Clerk office or City Treasurer office.

Because all incumbent office holders filed nomination papers prior to 5 pm on August 8, 2024, there is no extended filing period. The deadline to file nomination papers was 5pm on August 8, 2024. (Elections Code §§ 10224 and 10225). Therefore, the Council may appoint the incumbents who filed nomination papers to fill the three (3) City Council

Member At-Large offices and Linda Cooley to fill the vacant City Clerk office and City Treasurer office in accordance with Elections Code 10229, discussed below.

III. Law and Analysis

Pursuant to California Elections Code § 10229, when the above conditions exist, the City Council is allowed to take one of the following actions:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

In order for the Council to be able to take one of the actions, the City Elections Official must certify that there are insufficient nominees for the offices and post a notice of insufficient nominees. The posting cannot occur until the nomination period has closed (August 8, 2024) and the notice must be posted for a minimum of five (5) days and state when the Council will meet. However, if the City Council is going to make any appointments, it must do so by the 75th before the election. Each of these requirements is set forth in Elections Code § 10229. Assuming that the notice is filed on August 15, 2024, the Council must select a date for a special meeting that is on either August 21 or 22, 2024.

Elections Code § 320, copied below, provides that the city clerk is the elections official unless the City Council or its authorized agent designates another person. Currently, the City has no City Clerk. While the former City Clerk appointed two (2) Deputy City Clerks, neither person was specifically appointed to serve as the elections official. Therefore, the Council should designate someone to serve as the elections official. Former City Clerk Melisa Klundby has agreed to be designated and serve as the City's election official for the General Municipal Election scheduled to be held on Tuesday, November 5, 2024.

Based on the above, I believe it prudent for the City Council to designate Melissa Klundby to be the City's Election Official who is charged with conducting the General Municipal Election scheduled to be held on Tuesday, November 5, 2024. She will be able to provide the required certification of insufficient nominees and post the notice of insufficient nominees as required. Doing so will ensure that the City Council can make the appointments to the City's offices if it so desires as soon as possible. Once the City Council appoints a City Clerk, that person will then serve as the City's election official.

The Election Code sections referenced above are copied below.

Elections Code § 10224

All nomination papers shall be filed with the city elections official during regular business hours as posted, not later than the 88th day before the election. Until that time, but not after, a candidate may withdraw his or her nomination paper after it is filed with the elections official as provided in this section.

Elections Code § 10225

(a) Notwithstanding Sections 10220 and 10224, if nomination papers for an incumbent officer of the city are not filed by or on the 88th day before the election, during normal business hours, as posted, the voters shall have until the 83rd day before the election during normal business hours, as posted, to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent's elective office.

(b) This section is not applicable where there is no incumbent eligible to be elected. If this section is applicable, notwithstanding Section 10224, a candidate may withdraw his or her nomination paper until the 83rd day before the election during normal business hours, as posted.

Elections Code § 10229

If, by the 88th day, during normal business hours as posted, prior to the day fixed for a regularly scheduled municipal election or the 83rd day before the election, during normal business hours as posted, if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours as posted, before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

(1) Appoint to the office the person who has been nominated.

(2) Appoint to the office an eligible elector if no one has been nominated.

(3) Hold the election, if either no one or only one person has been nominated. The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

After the fifth day following the date of posting or publication, the governing body of the city may make the appointment or direct an election to be held in the affected territory. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Notwithstanding Section 10403, if, by the 75th day before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.

(b) Subdivision (a) shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election.

(c) Notwithstanding Chapter 1 (commencing with Section 8600) of Part 3 of Division 8, or any other provision of the law to the contrary, if the governing body of a city makes an appointment pursuant to subdivision (a), the elections official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

(d) Nothing in this section shall be construed to prevent a city from enacting an ordinance pursuant to Section 36512 of the Government Code, requiring that a special election be held, or from enacting an ordinance pursuant to Section 36512 of the Government Code, providing that a person appointed to fill a vacancy on the city council shall hold office only until the date of the special election, or both. Any ordinance or ordinances may allow for appointment consistent with subdivision (a) without requiring or providing for a special election.

If an appointment to office is made in a particular legislative district pursuant to subdivision (a), that appointment shall not affect the conduct of the municipal election in other legislative districts of the city.

Elections Code § 320

“Elections official” means any of the following:

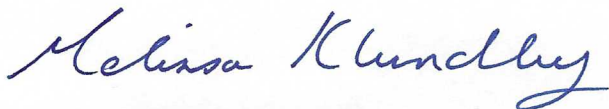
- (a) A clerk or any person who is charged with the duty of conducting an election.
- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

August 6th, 2024

SUSAN SCARLETT, INTERIM CITY MANAGER, CITY OF PORTOLA
35 THIRD AVENUE, PORTOLA CA 96122

As the former City Clerk for the City of Portola, I understand the current situation regarding the vacancy in the City Clerk position. I would like to submit my interest and willingness to accept the appointment for the position and the duties that come with it, for a short period of time, and for no compensation. Thank you for this opportunity.

SINCERELY,

A handwritten signature in blue ink that reads "Melissa Klundby". The signature is written in a cursive, flowing style.

MELISSA KLUNDBY



MEETING DATE: August 14, 2024

AGENDA ITEM: 11. Receive Certification of Insufficient Nominees and Schedule a Special Meeting

FROM: Steve Gross, City Attorney

RE: Receive Certification of Insufficient Nominees and Schedule a Special Meeting

EXECUTIVE SUMMARY:

The Council will receive a Certification of Insufficient Nominees for the General Municipal Election Scheduled to be held on November 5, 2024 and consider scheduling a special meeting to appoint candidates to office.

RECOMMENDATION:

ATTACHMENTS:

- A. CERTIFICATION OF INSUFFICIENT NOMINEES
- B. NOTICE OF INSUFFICIENT NOMINEES



City of Portola

35 Third Avenue P.O. Box 1225

Portola, California 96122

Fax: (530) 832-5418

(530) 832-4216

www.ci.portola.ca.us

**CERTIFICATION OF INSUFFICIENT NOMINEES
FOR THE OFFICES OF CITY COUNCIL MEMBER,
CITY CLERK, AND CITY TREASURER**

FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 5, 2024

To the Honorable City Council.

I, Melissa Klundby, Elections Official for the City of Portola do hereby certify that pursuant to § 10229 of the Elections Code of the State of California the following facts relating to the General Municipal Election scheduled to be held on Tuesday, November 5, 2024.

As of the close of the nomination period on August 8, 2024, only one person has been nominated as a candidate for each of the following City offices: City Council Member At-Large (three positions), City Clerk, and City Treasurer.

The persons so nominated are:

- Pat Morton - City Council Member At-Large
- Jim Murphy - City Council Member At-Large
- Mikki Brown - City Council Member At-Large
- City Clerk – Linda Cooley
- City Treasurer – Linda Cooley

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council or each office:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be posted in three (3) places in the City as required. After the fifth day following the date of posting, the City Council will meet to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and serve exactly as if elected at a municipal election for the office. If by the 75th day before the municipal election no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229 of the Elections Code, the Elections Official shall not accept for filing any statement of write-in candidacy which is made after the appointment is made.

Dated: August 14, 2024

Melissa Klundby, Elections Official



City of Portola

35 Third Avenue P.O. Box 1225

Portola, California 96122

Fax: (530) 832-5418

(530) 832-4216

www.ci.portola.ca.us

**NOTICE OF INSUFFICIENT NOMINEES
FOR THE OFFICES OF CITY COUNCIL MEMBER,
CITY CLERK, AND CITY TREASURER**

FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 5, 2024

NOTICE IS HEREBY GIVEN, that pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election scheduled to be held on Tuesday, November 5, 2024.

As of the close of the nomination period on August 8, 2024, only one person has been nominated as a candidate for each of the following City offices: City Council Member At-Large (three positions), City Clerk, and City Treasurer.

The persons so nominated are:

- Pat Morton - City Council Member At-Large
- Jim Murphy - City Council Member At-Large
- Mikki Brown - City Council Member At-Large
- City Clerk – Linda Cooley
- City Treasurer – Linda Cooley

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council for each office:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

The City Council will meet on August 21, 2024, to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and serve exactly as if elected at a municipal election for the office. If by the 75th day before the municipal election no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229 of the Elections Code, the Elections Official shall not accept for filing any statement of write-in candidacy which is made after the appointment is made.

Dated: August 14, 2024

Melissa Klundby, City Elections Official



MEETING DATE: August 14, 2024

AGENDA ITEM: 10. Backhoe Purchase

FROM: Susan Scarlett

RE: Backhoe Purchase - Caterpillar

BACKGROUND:

In 2011 the City purchased a backhoe which has lasted 13 years. At this time Public Works is in need of a new backhoe. A backhoe is critical to the functions of Public Works. The old backhoe is being repaired and will serve as a backup if the repair is successful.

The quote is attached and is from a company that is part of the Omnia partners as are we and our contract number is 212816. This provides government procurement without going out to bid. Even so, Public Works director Todd Roberts checked out a John Deere backhoe which came in at a higher price.

Staff requested lease information which was reviewed. The interest rate on a lease through Cat Financial would be 8.49% or higher and lease options also cap the number of hours allowed per year on the machine.

RECOMMENDATION:

Approve the purchase of a Caterpillar 420 Backhoe Loader and approve a budget amendment to split the purchase price as follows:

45 % Water

45% Sewer

10% Snow Removal

FISCAL IMPACT:

\$166,768.48 (includes tax). \$75,045.82 to Water, \$75,045.82 to Sewer and \$16,676.84 to Snow Removal of which 1/2 will be reimbursed through Highway User Tax Funds.

ATTACHMENTS:

A. CATERPILLAR QUOTE



7/23/2024

CITY OF PORTOLA
35 THIRD AVENUE
PORTOLA, CA 96122
ATTN: TODD ROBERTS

Dear TODD,

On behalf of Empire Machinery and Caterpillar Inc., we are pleased to quote the following.

2024 New Caterpillar 420 Backhoe Loader w/ 4WD, IT Coupler, E-Stick, Cab, AC, Plumbed, MP Bucket, Thumb, and 24" Rear Bucket.

Standard Equipment

BOOMS, STICKS, AND LINKAGES

BACKHOE

- 14'4" Center pivot backhoe
- 4.3 Meters
- Boom and swing transport locks
- Pilot operated backhoe and electro hydraulic stabilizer controls
- Street type stabilizer shoes
- Anti-drift hydraulics (boom, stick, and E-stick)
- Cat Cushion Swing(tm) system

LOADER

- Single Tilt Loader
- Lift cylinder brace
- Self-leveling loader with single lever control
- Return-to-dig (automatic bucket positioner)
- Transmission neutralizer switch
- Bucket level indicator

POWERTRAIN

- Water separator
- Thermal starting aid system
- Dry type axial seal air cleaner with integral precleaner
- Automatic dust ejection system
- Filter condition indicator

HYDRAULICS (continued)

- Pilot control shutoff switch
- Flow-sharing hydraulic valves
- Hydraulic suction strainer

ELECTRICAL

- 12 volt electrical start
- Horn, front and rear
- Backup alarm
- Hazard flashers/turn signals
- Halogen head lights (2)
- Halogen rear flood lights (2)
- Stop and tail lights
- Audible system fault alarm
- Key start/stop system
- 850 CCA maintenance free battery
- Battery disconnect switch
- External Power Receptacle (12v)
- Diagnostic ports for engine and machine Electronic Control Modules

OPERATOR ENVIRONMENT

- Interior rearview mirror
- ROPS canopy, Rear Fenders
- 2-inch (50mm) retractable seat belt
- Tilt steering column
- Steering knob
- Hand and foot throttle

POWERTRAIN (continued)

- Hydraulically boosted multi-plate wet disk brake with dual pedals & interlock
- Differential lock
- Torque converter
- Transmission-four speed manual shift
- Neutral safety switch
- Spin-on filters for Fuel
- Engine oil
- Transmission oil
- Outboard Planetary Rear Axles
- Diesel particulate filter
- Hydrostatic power steering

HYDRAULICS

- Pilot hoe and mechanical loader controls
- Load sensing, variable flow system with 43 gpm (162 L/min) axial piston pump
- 6 micron hydraulic filter
- Caterpillar XT-3 hose
- Hydraulic oil cooler

OPERATOR ENVIRONMENT (continued)

- Automatic Engine Speed Control
- One Touch Low Idle
- Floor mat and Coat Strap
- Lockable storage area
- Air suspension seat

FLUIDS

- Antifreeze - Extended Life Coolant
- 20F (-30C)

OTHER STANDARD EQUIPMENT

- Standard Storage Box
- Transport tie-down points
- Ground line fill fuel tank with 42.3 gal (160L) capacity & 5 gal (19L) diesel exhaust fluid
- Rubber impact strips on radiator guard
- Safety Manual
- Operations and Maintenance Manual
- Lockable hood
- Tire Valve Stem Protection

Additional Configuration Included in the Sales Price:

| Ref # | Description | Price |
|---------|-------------------------------|-----------|
| 5427992 | 420 BACKHOE LOADER | \$112,330 |
| 6429588 | TRIM PACKAGE 3 | \$51,190 |
| | TRIM PACKAGE 3 INCLUDES | \$0 |
| 5440883 | CAB, DELUXE | \$0 |
| 5427774 | HYDRAULICS, MP, 6FCN/8BNK, ST | \$0 |
| 5441066 | PT, 4WD/2WS, POWERSHIFT | \$0 |
| 5434284 | STICK, EXTENDABLE, 14FT | \$0 |
| 5455048 | DISPLAY, TOUCH SCREEN | \$0 |
| 4916736 | WORKLIGHTS (8) LED LAMPS | \$0 |
| 6110339 | SEAT, DELUXE FABRIC | \$0 |
| 5427810 | AIR CONDITIONER, T4F | \$0 |
| 3379696 | COUNTERWEIGHT, 1015 LBS | \$0 |
| 5516453 | RIDE CONTROL | \$0 |
| 5481231 | LINES, COMBINED AUX, E-STICK | \$0 |
| 5402298 | STANDARD RADIO (12V) | \$0 |

Additional Configuration Included in the Sales Price (continued):

| | | |
|-------------------------------|--------------------------------|------------------|
| 5516940 | COLD WEATHER PACKAGE, 120V | \$0 |
| 5675090 | AUTO-UP STABILIZERS | \$0 |
| 4237607 | PLATE GROUP - BOOM WEAR | \$0 |
| 3531389 | GUARD, STABILIZER | \$0 |
| | END OF TRIM PACKAGE INCLUDES | \$0 |
| 5419540 | ENGINE, 74.5KW, C3.6 DITA, T4F | \$12,360 |
| 2061748 | SEAT BELT, 3" SUSPENSION | \$187 |
| 6394880 | PRODUCT LINK, CELLULAR, PLE643 | \$0 |
| 3792161 | TIRES, 12.5 80/19.5L-24, GY | \$3,070 |
| 9R6007 | STABILIZER PADS, FLIP-OVER | \$435 |
| 5458548 | LOADER BUCKET PINS | \$0 |
| 5968446 | KIT, LOADER FRONT COUPLER | \$5,924 |
| 2322698 | BUCKET-MP, 1.4 YD3, IT, BOCE | \$8,306 |
| 9R5320 | CUTTING EDGE, TWO PIECE,WIDE | \$329 |
| 5590872 | INSTRUCTIONS, ANSI | \$0 |
| 4218926 | SERIALIZED TECHNICAL MEDIA KIT | \$0 |
| 0P0210 | PACK, DOMESTIC TRUCK | \$0 |
| 4616839 | SHIPPING/STORAGE PROTECTION | \$263 |
| 4621033 | RUST PREVENTATIVE APPLICATOR | \$141 |
| 5441901 | REAR COUPLER, PIN LOCK, BL F | \$1,528 |
| 0P9002 | LANE 2 ORDER | \$0 |
| 2825409 | THUMB, HYDRAULIC, NO TINE, BHL | \$6,431 |
| 2214284 | THUMB, TINE, A 2 | \$488 |
| 2471950 | BUCKET-HD, 24", 7.3 FT3 PL | \$2,160 |
| CATERPILLAR LIST PRICE | | \$205,142 |

Pricing Summary

| | |
|---|---------------------|
| Caterpillar List Price: | \$205,142.00 |
| Less OMNIA PARTNERS Cooperative Contract #212816 (22%): | (\$45,131.24) |
| Less Additional Empire Discount (4%): | <u>(\$8,205.68)</u> |
| Sub Total: | \$151,805.08 |
| Labor to Install IT Coupler: | \$2,200.00 |
| Extended Warranty (see details below): | \$1,490.00 |
| Total Sale Price: | \$155,495.08 |

Warranty: Caterpillar Power Train Plus Hydraulic Warranty for 60 months or 3,000 hours, whichever occurs first. Includes twelve (12) months of travel time and mileage cost for warrantable repairs.

Training: On-site operating and safety training provided by CAT certified product specialist to ensure machine is run properly to reduce operating costs, reduce unnecessary machine wear and tear, maximize productivity, and increase safety awareness.

If you have any questions regarding this information please let me know. Thank you for allowing Empire Machinery to assist with your Caterpillar equipment needs.

Sincerely,

Dylen Getz
Empire Southwest
Account Manager
(775)835-7470
Dylen.Getz@empire-cat.com

This quote is good for thirty days and prices are subject to change. All finance options are subject to credit approval. By purchasing goods or services from Empire, you agree to Empire's Terms (www.empire-cat.com/sales serviceterms), which are incorporated into this quote. Due to market issues outside of Empire's control, any tires listed on this quote may not be available at time of shipment. All tire makes, models and costs are subject to change.