



Town Council Meeting Minutes

June 25, 2024, 5:00 PM

Town Hall – Administrative Center | 10183 Truckee Airport Road, Truckee, CA and 1600 N. Indian Canyon Drive, Palm Springs, CA 92262

1. **Call to Order**: Mayor Polivy called the meeting to order at 5:00 p.m.
2. **Roll Call**: Council Members; Romack, Klovstad, Henderson, Vice Mayor Zabriskie, Mayor Polivy, and Council Member Henderson appeared virtually via Zoom.

Staff Present: Melissa Atchison, Senior Accountant, Cindy Peterson, Finance Manager; Hilary Hobbs, Assistant to the Town Manager; Kelly Carpenter, Town Clerk; Chris Hardy, Chief Information Security and Technology Officer; Danny Renfrow, Chief of Police; Nicole Casey, Administrative Services Director; Sarah Ring, Deputy Town Clerk; Andy Morris, Town Attorney; Jenna Gatto, Town Planner; Mike Ross, Chief Building Official, Jen Callaway, Town Manager; Alex Workman, CivicSpark Fellow, Erin Brewster, Sustainability Program Manager; Denyelle Nishimori, Community Development Director; Alfred Knotts, Transportation Program Manager; Dan Wilkins, Public Works Director/Town Engineer; Becky Bucar, Assistant Public Works Director; Rosie Johnson, Program Analyst II; Katie McCartney, Code Compliance Officer; James Blattler, Emergency Operations Coordinator, and Kerry Taber, Code Enforcement Officer.

3. **Pledge of Allegiance**: recited in unison.

4. **Public Comment** -

Verbal comment received from: Peter Werbel, Marshall Williams, Chris Terrell, Harrison Beiehl, Katie Mancuso, and Caroline.

5. **Presentations**

- 5.1 **Alex Workman, CivicSparks Fellow, presented the Municipal Greenhouse Gas Inventories (presentation on file with Town Clerk).**

- 5.2 **Jen Callaway, Town Manager, presented the Town Manager Report.**

Mayor Polivy opened the presentation items to public comment.

Seeing none, Mayor Polivy closed public comment.

6. **Consent Calendar**

It was moved by Vice Mayor Zabriskie, and seconded by Council Member Romack, to approve the Consent Calendar Items as follows:

- 6.1 **Approved the minutes of the June 11, 2024, Regular Town Council Meeting.**
- 6.2 **Adopted Resolution 2024-33 updating Section 1.01 Purpose of the Public Improvement and Engineering Standards (PIES).**

- 6.3 Approved Resolution 2024-38 authorizing an amendment to the Gann Appropriations Limit for the 2024/2025 fiscal year to \$32,280,016.
- 6.4 Received the Truckee Home Access Program update and authorized the Town Manager to execute a contract amendment with HousingINC in the amount of \$87,000, for a total amended contract amount of \$244,147.50 to provide program administration for the Truckee Home Access Program and extend the contract term through June 30, 2025, pending approval of the FY24/25 budget.

Written public comment received by: Christy Deysher.

- 6.5 Reviewed and approved changes to the Rooted Renters Program Guidelines.
- 6.6 Approved the Memorandum of Understanding (MOU) with the Truckee Police Officer's Association (TPOA) for the period beginning July 1, 2024 to June 30, 2027; (2) Approved Resolution 2024-40 providing a 5.0% Cost of Living Adjustment (COLA) to Town Manager, Jennifer Callaway, resulting in an annual pay amount of \$244,907.48, and to Town Attorney, Andy Morris, resulting in an annual pay amount of \$244,943.79, effective the first full pay period in July 2024; (3) Authorized the Town Manager to amend the contracts with the Town's unrepresented employees (Department Heads); (4) Approved Resolution 2024-41 adopting the updated Town of Truckee Wage Matrix retroactively effective June 23, 2024, pursuant to the requirements of the California Code of Regulations, Title 2, Section 570.5; and (5) Approved Resolution 2024-46 adopting the Town of Truckee Wage Matrix effective July 1, 2024, pursuant to the requirements of the California Code of Regulations, Title 2, Section 570.5.
- 6.7 Approved Resolution 2024-45 adopting certain modifications to the Town of Truckee's Personnel Rules including Employer-Employee Relations pursuant to the Meyers-Milias-Brown Act, previously adopted via Resolution 2021-22 and amended via Resolution 2023-12.
- 6.8 Adopted Resolution 2024-42 approving the updated Town of Truckee Conflict of Interest Code.
- 6.9 Adopted Resolution 2024-44 approving and adopting the Town of Truckee Reserve and Designation policy for FY2024/25, effective July 1, 2024.
- 6.10 Approved the Town's participation in an opioid settlement agreement with Kroger and authorize the Town Manager to execute agreements confirming the Town's participation and directing that the Town's share of settlement funds be disbursed to Nevada County.
- 6.11 Received the first quarterly update for 2024 on the FY 2023-2025 Strategic Workplan progress through March 31, 2024.
- 6.12 Adopted Resolution 2024-47 authorizing the Town Manager to execute jointly with the Truckee Fire Protection District the Wildland Fire Agreement with CAL FIRE for Fiscal Year 2024-2025 to provide wildland firefighting resources within the Town of Truckee in the amount of \$412,578.12.

The Consent Calendar carried with the following vote:

Ayes: Vice Mayor Zabriskie, Council Member Romack, Council Member Henderson, Council Member Klovstad, and Mayor Polivy.

Noes: None.

Absent: None.

Abstained: None.

The motion passed unanimously.

7. Discussion Items

- 7.1 Appeal of Pioneer Commerce Center Building K-4, Boat Storage Building (Planning Application 2024-00000078); APN 019-700-025 (10730 Pioneer Trail).

Recommended Action: That Council adopt Resolution 2024-43 thereby taking the following

actions: (1) Determine the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 (Projects which are Disapproved); (2) Deny the appeal of the Community Development Director/Code Enforcement Director's determination that land use permit Planning Application No. 2016-00000035/DP is expired and that there are no valid land use permits, thereby upholding the Community Development Director/Code Enforcement Director's determination that approval of a new land use permit by the Planning Commission is required; (3) Deny the appeal of the Community Development Director/Code Enforcement Director's decision to issue a Notice of Violation and Notice and Order to Abate, and deny the request for Council to withdraw the May 1, 2024 Notice of Violation and May 28, 2024 Notice and Order to Abate, thereby upholding the Community Development Director/Code Enforcement Director's determination that demolition/deconstruction of unpermitted construction is required; (4) Deny the appellant's request to permit construction of Building K-4 to continue without delay, upholding the Community Development Director/Code Enforcement Director's determination that demolition/deconstruction of unpermitted construction, new land use permit approval and building permit approval are required; (5) Direct staff to issue a revised Notice and Order to Abate, extending the compliance deadline to July 25, 2024 and reaffirming the Community Development Director/Code Enforcement Director's determination that unpermitted work occurred without land use or building permit approval and that a building permit for demolition/deconstruction is required prior to July 25, 2024; and (6) Deny the appeal based on the findings contained in Resolution 2024-43.

Denyelle Nishimori, Community Development Director; presented from the staff report. (presentation on file with Town Clerk).

Josh Nelson, Best Best and Kreiger, Kellan Martz, Best Best and Krieger (via Zoom) and Mike Ross, Chief Building Official, were in attendance for questions.

Ciro Mancuso, Appellant, provided appellant's presentation (presentation on file with Town Clerk).

Council Discussion:

- Proof of core testing was not received by staff; normally this would be received by a deputy engineer on-site during the concrete pour
 - No engineer was on site during the concrete pour.
 - Photographic evidence during the concrete pour was provided by appellant to the structural engineer, Brenden Helms.
- Town's Chief Building Official requested documentation reflecting the actions done by a deputy inspector; the action was not documented and was performed by the appellant himself.
- Town requested the appellant dismantle the steel and conduct core testing.
- Concrete test reports were provided for the pour by T&T materials; however, the appellant did not perform core testing.
- Construction sequencing would have been started during a standard plan check and review process.
 - No construction sequencing was done with this or any of the appellant's projects in Truckee.
- Torque sequencing has not been performed on the building yet due to the nature of how these types of structures are assembled, torquing is performed after the building is erected, and inspections are not done until the full assembly is completed and is ready for torquing.
- Appellant introduced Brenden Helms, P.E., Structural Engineer, Maplebrook Engineering, present for questions on behalf of the appellant for questions.
 - Mr. Helms was not a witness to the entire pour.
 - Mr. Helms was not aware that there was no permit in place at the time of the pour.
- Bill Quesnel, Acumen Engineering, only witnessed the cranes erecting the steel.

- A land-use permit can be extended if an extension is done prior to expiration.
 - The Community Development Director does not have the authority to extend a land-use permit once expired; it must go before Planning Commission to be re-reviewed as if it were a new project for renewal.
 - The land-use application was approved with the prior General Plan, therefore the new application would need to meet the current General Plan and any new changes in the Development Code.
- A building permit is good for two years once issued.
- The Excessive Waste Policy does not apply to unpermitted construction.

Mayor Polivy called for a brief recess at 7:03 p.m.

Mayor Polivy reconvened the meeting at 7:10 p.m.

Mayor Polivy opened the public hearing asking for anyone wishing to speak in support or opposition to the action stated above.

Written comment received from: Edward Bento, Contractor's Association of Truckee Tahoe (CA-TT).

Verbal comment received from: Dustin Hurley, Jeff Sicluna, Stephen Siig, Lydia, Raymond de Vré, Josh Ruppert, Edward Bento, Tom Watson, Brendan Helms, Brian Walker, Katie Mancuso, Heather Rankow, Caroline, Mike Richardson, and Siobhan Smart.

Mayor Polivy closed public comment.

- At the request of appellant's counsel, Michael B. Brown of Steel Rives, Mayor Polivy allowed appellant an additional three minutes to present his response.

Ciro Mancuso, Appellant, provided his response.

- Appellant is willing to do a core test.
- The Chief Building Official is comfortable with allowing core testing, but not comfortable with the safety of the steel structure.
- All other approvals as well as testing and forensics x-ray still need to occur.

Council Member Henderson signed off from the meeting at 8:30 p.m. to relocate to an alternative location within the same address.

Mayor Polivy called for a brief recess at 8:33 p.m. to allow Council Member Henderson time to rejoin the meeting.

Council Member Henderson re-joined the meeting, and Mayor Polivy reconvened the meeting at 8:42 p.m.

- Andy Morris, Town Attorney, proposed calling a brief recess to discuss a principal agreement with the appellants' and Town staff's counsel.
- Council agreed to take Item 7.3 out of order to allow time for appellant, appellant's attorney, Town Attorney and Town staff's attorney to meet in a closed session.

7.3 Adoption of the Fiscal Year 2024/25 Annual Operating Budget and Five-Year Capital Improvement Project Budget.

Recommended Action: That Council approves Resolution 2024-49 to adopt the Town of Truckee Fiscal Year (FY) 2024/25 Operating and Capital Improvement Plan Budget, including proposed personnel changes, and adopt the estimated actuals for FY 2023/24 Capital Improvement Projects (CIP) as amended budget amounts.

Melissa Atchison, Senior Account, presented from the staff report (presentation on file with Town Clerk).

- Town's general fund is contributing \$37.2 million dollars to the Town's Capital Improvement Projects over the next five years, and \$16.5 million is coming from various designation funds to assist in funding different aspects of the Town's CIP projects.
- The operating budget reflected a decline in fiscal year 24/25 due to impacts of negotiations.

Mayor Polivy opened the item for public comment.

Seeing none, Mayor Polivy closed public comment.

Council Direction:

The staff recommendation was moved by Council Member Romack, seconded by Council Member Klovstad, and adopted with the following roll call vote:

Ayes: Council Member Romack, Council Member Klovstad Vice Mayor Zabriskie, Mayor Polivy, and Council Member Henderson.

Noes: None.

Absent: None.

Abstained: None.

The motion passed unanimously.

Item 7.2 was heard out of order.

7.2 Appeal of Notice of Determination at 10161 Palisades Drive Unit 1.

Recommended Action: That Council conduct a Public Hearing and make a finding of non-compliance of the Truckee Municipal Code and uphold the Notice of Determination and judgment amount of \$4,500, or, alternatively, if Council determines that the findings to approve the appeal can be made, take action to grant the appeal and overturn the Notice of Determination.

Rosie Johnson, Program Analyst II, and Katie McCartney, Code Compliance Officer, presented from the staff report (presentation on file with Town Clerk).

Jana Tomasello, Appellant, provided the appellant's presentation (Presentation on file with Town Clerk).

- Staff confirmed the notices of violation were sent to Vacasa.
- The Town's software system, GovOS, only allows for one local contact to respond to complaints within 60 minutes of notification.
 - Staff has since expanded its process and is now contacting all parties prior to administrative citation.
- The three strikes rule is tracked on a one-year (365 day) time frame.
- Extra measures were taken by staff to make contact before issuing the second administrative citation.

Mayor Polivy opened the public hearing asking for anyone wishing to speak in support or opposition to the action stated above.

Verbal comment received from: Katie Mancuso.

Mayor Polivy closed public comment.

Jana Tomasello provided the appellant's response.

The parties in closed session from Item 7.1 returned to the meeting at 9:25 p.m.

Council Direction:

The staff recommendation was moved by Council Member Romack, seconded by anna Council Member Klovstad, and adopted with the following roll call vote:

Ayes: Council Member Romack, Council Member Klovstad, Council Member Henderson and Mayor Polivy.

Noes: Jan Zabriskie

Absent: None.

Abstained: None.

The motion passed 4 - 1.

Mayor Polivy reconvened Item 7.1 at 9:50 p.m.

Council Direction:

- **Deny the appeal.**
- **Uphold all staff determinations.**
- **Uphold the Notice of Violation.**
- **Uphold the order to abate, extending the deadline in the Order to Abate to October 14, 2024.**
- **Direct staff to work with Appellant in determining a solution that will satisfy the Chief Building Official and potentially allow the slab and/ or the structure to be maintained.**
- **Appellant will be financially responsible to pay for the third-party consultant required; consultant would be under contract with the Town but paid by Appellant.**
 - **Appellant will pay a deposit to Town and Town will bill against deposit for third-party services.**
- **Amend dates in Section 5 of the Resolution, modify the compliance date to October 14, 2024, in Findings 7 & 8 in Exhibit A.**
- **Authorize the Town Manager to execute a Tolling Agreement with Appellant.**
- **Staff and Appellant will select a mutually acceptable third-party consultant.**
- **All permits would still be required.**
- **Third-party testing must be done to the satisfaction of the Chief Building Official ensuring the building and/or slab was constructed to code.**

The staff recommendation, as modified to include the details above, was moved by Mayor Polivy, seconded by Council Member Romack, and adopted with the following roll call vote:

Ayes: Mayor Polivy, Council Member Romack, Council Member Klovstad, Vice Mayor Zabriskie, and Council Member Henderson.

Noes: None.

Absent: None.

Abstained: None.

The motion passed unanimously.

7.4 Adoption of Resolution 2024-48 Calling for the Placement of a General Sales Tax on the November 2024 General Election Ballot.

Recommended Action: That Council adopt Resolution 2024-48 authorizing a transactions and use tax measure, also informally described as a sales tax, to be placed on the November 5, 2024 ballot at a rate of one-half percent generating an estimated \$3.5 million annually.

Alfred Knotts, Transportation Program Manager; presented from the staff report. (presentation on file with Town Clerk).

- The aggregate sales tax for Truckee will total nine percent.

Council Discussion:

- Council can repeal this tax or decide to stop collecting the tax at any time.

Mayor Polivy opened the item for public comment.

Verbal comment received from: Edward Bento (CA-TT), and Chris Terrell.

Mayor Polivy closed public comment.

Council Direction:

- Add 15-year sunset language into the resolution.

The staff recommendation, as modified above, was moved by Council Member Klovstad, seconded by Vice Mayor Zabriskie, and adopted with the following roll call vote:

Ayes: Council Member Romack, Vice Mayor Zabriskie, Vice Mayor Zabriskie, and Mayor Polivy.

Noes: Council Member Henderson.

Absent: None.

Abstained: None.

The motion passed 4 - 1.

7.5 High Altitude Fitness (HAF) Parcel Housing Concepts.

Recommended Action: That Council reaffirm the preferred Land Use Plan Alternative for the High Altitude (HAF) parcel, the ownership approach (rental vs. for-sale), land valuation that optimizes and leverages a housing project, and to provide direction for staff to proceed with a Request for Information (RFI) from qualified firms to provide direction with respect to financing, design, and construction of the land 4-use plan alternative for the HAF parcel housing project.

Adam Petersen, Senior Planner, presented from the staff report (presentation on file with Town Clerk).

Council Discussion:

- RFI process will begin right away with responses to be received 30 days after.
 - The anticipated project completion date will depend on the responses received to the RFI.

Mayor Polivy opened the item for public comment.

Verbal comment received from: Chris Terrell.

Mayor Polivy closed public comment.

Council Direction:

- **Reaffirm the Staff's Recommended Action.**

9. Council Reports:

- Continued to the August 13, 2024, Town Council meeting.

8. Closed Session

8.1 Conference with Real Property Negotiators. Property: 019-130-004-000; 10257 West River Street; Agency Negotiators: Jen Callaway, Town Manager; Andy Morris, Town Attorney; Denyelle Nishimori, Community Development Director; and Dan Wilkins, Town Engineer/Public Works Director; Negotiating price and terms; Government Code section 54956.8.
Reportable Action: None taken.

10. Adjournment: 11:17 p.m.

To the regular meeting of the Truckee Town Council, August 13, 2024, 5:00 p.m. at Town Hall, 10183 Truckee Airport Road, Truckee, CA.

Respectfully submitted by:

Approved:

Sarah Ring, Deputy Town Clerk

Dave Polivy, Mayor