



GRASS VALLEY

City Council Regular Meeting, Capital Improvements Authority and Redevelopment "Successor Agency"

Tuesday, September 26, 2023 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

**Mayor Jan Arbuckle, Vice Mayor Hilary Hodge, Councilmember Bob Branstrom,
Councilmember Haven Caravelli, Councilmember Tom Ivy**

MEETING NOTICE

City Council welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 2nd and 4th Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/@cityofgrassvalley.com>

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL - *The City Council reserves the right to hear items in a different order to accomplish business in the most efficient manner.*

REPORT OUT OF CLOSED SESSION

INTRODUCTIONS AND PRESENTATIONS

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after 5pm will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item. There is a time limitation of three minutes per person for all emailed, voicemail, or in person comments, and only one type of public comment per person. For any items not on the agenda, and within the jurisdiction or interest of the City, please come to the podium at this time. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item is announced. When recognized, please begin by providing your name and address for the record (optional).*

CONSENT ITEMS -*All matters listed under the Consent Calendar are to be considered routine by the City Council and/or Grass Valley Redevelopment Agency and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council and/or Grass Valley Redevelopment Agency votes on the motion to adopt, members of the Council and/or Agency, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action but Council action is required to do so (roll call vote). Unless the Council removes an item from the Consent Calendar for separate discussion, public comments are invited as to the consent calendar as a whole and limited to three minutes per person.*

1. Approval of the Regular Meeting Minutes of September 12, 2023.

Recommendation: Council approve minutes as submitted.

2. Amendment to Agreement for Legal Services - Colantuono, Highsmith & Whatley, PC

CEQA: Not a Project.

Recommendation: That Council adopt Resolution No. 2023-59 approving the Amendment to Legal Services between the City of Grass Valley and Colantuono, Highsmith & Whatley, PC effective October 1, 2023.

3. Chemical Bid - Award Contracts

CEQA: Not a project

Recommendation: That Council: 1) award a contract to Univar USA, Inc for caustic soda 30% and for sodium hydroxide; 2) award a contract to Chemtrade for liquid alum; and 3) award a contract to Northstar for calcium nitrate and for cationic emulsion polymer.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

ADMINISTRATIVE

- 4. Public meeting to continue the discussion of Fire Resiliency and Vegetation Management and an acceptable level of risk relating to wildfires and extreme weather conditions.

CEQA: Not a Project.

Recommendation: That Council 1) receive additional information from staff relating to Fire Resiliency and Vegetation Management including responses to some of the questions raised to date; 2) present and receive input on some very conceptual expenditure plans for a potential sale tax; 3) gain additional input from the community on Fire and Vegetation Management and a potential tax; and 4) review a schedule of next steps with City Council.

BRIEF REPORTS BY COUNCIL MEMBERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a meeting of The City Council, scheduled for Tuesday, September 26, 2023 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Wednesday, September 20, 2023.

Taylor Day, City Clerk



GRASS VALLEY

**City Council Regular Meeting, Capital Improvements Authority and
Redevelopment "Successor Agency"**

Tuesday, September 12, 2023 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

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MINUTES

**Mayor Jan Arbuckle, Vice Mayor Hilary Hodge, Councilmember Bob Branstrom,
Councilmember Haven Caravelli, Councilmember Tom Ivy**

CALL TO ORDER

Meeting called to order at 7:05pm.

PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Mayor Arbuckle.

ROLL CALL

PRESENT

Councilmember Bob Branstrom
Councilmember Haven Caravelli
Councilmember Tom Ivy
Vice Mayor Hilary Hodge
Mayor Jan Arbuckle

AGENDA APPROVAL

Motion made to approve the agenda as submitted by Councilmember Branstrom, Seconded by Councilmember Ivy.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

REPORT OUT OF CLOSED SESSION

No report. Items 3 and 4 were continued.

INTRODUCTIONS AND PRESENTATIONS

- 1. City Events Coordinator will give brief introduction and update on City events.

City Events Coordinator, Rachel Grivas, spoke to the Council about her role and events in the city.

PUBLIC COMMENT

In person: Robin Galvin-Davies, William,

Virtual: Matthew Coulter

CONSENT ITEMS

In person public comment: Matthew Coulter

Motion made to approve consent by Councilmember Branstrom, Seconded by Vice Mayor Hodge.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

2. Approval of the Regular Meeting Minutes of August 22, 2023.
Recommendation: Council approve minutes as submitted.
3. Public Works purchase of skid-mounted vacuum and valve turner at a Total Cost of \$87,075.00
CEQA: Not a project
Recommendation: Council to authorize the Utilities Director to purchase a WACHS skid-mounted vacuum and valve turning machine from WACHS.
4. Appointment of Councilmember Hodge's Nominee, Elizabeth Poston, for the Measure E Oversight Committee
CEQA: Not a Project
Recommendation: That the City Council appoint Measure E Oversight Committee member Poston to a term ending December 2026.
5. Extension of the agreement for School Resource Officer services between the City of Grass Valley and Nevada Joint Union High School District
CEQA: Not a project
Recommendation: Approve the extension of the agreement to provide School Resource Officer services for Nevada Joint Union High School District
6. Procurement of a Remote-Control Masticator and Flatbed Trailer, Sole Source Procurement Authorization funded by BSCC Proposition 64 Grant
CEQA: Not a Project
Recommendation: That Council adopt Resolution No 2023-56 declaring sole source procurement of a remote-controlled masticator and flatbed trailer for the preservation of health and property in accordance with municipal code section 3.08.140 Sole Source Procurement (requires 4/5 roll call vote).
7. Procurement of a 2023 Chevrolet Silverado PPV, fully outfitted, Patrol Vehicle (Park Resource Officer Patrol Vehicle) Sole Source Procurement Authorization, and 'Zero' Electric Motorcycle for the Parks Resource Officer funded by BSCC Proposition 64 Grant
CEQA: Not a Project
Recommendation: That Council take the following action: 1) adopt Resolution No 2023-58 authorizing the purchase of a fully outfitted Park Resource Officer Patrol Vehicle without a competitive bid process in accordance with the City's Municipal

Code Section 3.08.140 Sole Source Procurement (requires 4/5 roll call vote); and 2) approve the purchase of an Electric Motorcycle in accordance with the City's Municipal Code Section 3.08.130.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

ADMINISTRATIVE

8. Updating the City's Code of Conduct and Meeting Agendas to reflect Civility Pledge
CEQA: Not a Project.
Recommendation: That Council consider and provide direction to staff on updating the City's Code of Conduct and meeting agendas to include a Civility Pledge.
City Manager, Tim Kiser, gave brief introduction. Mayor Arbuckle gave background on where this idea came from and how other cities are implementing it.
Councilmembers expressed their support of adding a pledge.
Public comment: Matthew Coulter.
9. Street Rehabilitation Funding and Expenditures - Informational Update
CEQA: Exempt - Not a Project
Recommendation: That Council 1) receive an informational update on the sources and amounts of funding available for use on street rehabilitation projects and 2) review an accounting of expenditures on street maintenance projects over the past 20 years and street improvements projects under development.
City Engineer, Bjorn Jones, gave a informational report and presentation to Council.
Council asked about adopting standards for bike lanes, how it is decided which roads will be rehabbed, asked for clarification on sidewalk responsibilities, acknowledged the importance of Measure E funding and asked about any additional funding sources. Council also asked about criteria for which streets get rehabbed.
Public Comment: Matthew Coulter
10. Public meeting to discuss Fire Resiliency and Vegetation Management concerns and consider approving Resolution No. 2023-57 of the City Council of the City of Grass Valley declaring a Fiscal Emergency relating to combating wildfires and extreme weather conditions.
CEQA: Not a Project.
Recommendation: That Council 1) declare a fiscal emergency due to the lack of necessary funding for fire personnel and land management required to combat wildfires and extreme weather conditions as stated in Resolution No. 2023-57; 2) conduct a public meeting to gain additional input from the community on Fire and Vegetation Management and a potential tax; and 3) develop a schedule of next steps with City Council.
City Manager, Tim Kiser, gave introduction to Council.

Council asked for clarification on why the City would need to declare a fiscal emergency and what this means for the upcoming elections. Council asked for a strategic plan and more community involvement before moving forward with declaring a fiscal emergency. Councilmember Branstrom asked staff to continue working towards the Nov 1st, deadline to make the March 2024 ballot.

Public Comment: Paula Newman, Bill Robinson, Gary Smith, Nicole Arbough, Robin Galvin-Davies, Buckley Armaker, Tom Last, Greg Bulanti, Matthew Coulter.

Virtual Public Comment: Chris Ring.

Council decided to continue item 1 and asked staff to work towards scheduling more community meetings.

11. Grass Valley Downtown Association Request for 2023 Business Improvement District Allotment

CEQA: Not a Project.

Recommendation: That Council 1) receive a presentation from the Grass Valley Downtown Association (GVDA) request for the distribution of \$60,000 of Business Improvement District (BID) Assessment funds; 2) review and approve the proposed distribution of BID Assessment funds; and 3) authorize City to pay the proposed invoice from the GVDA.

Grass Valley Downtown Association members Lillie Robertson, Debbe Blakemore and Robin Galvin-Davies gave presentation to Council.

Council asked about the music on Mill St, asked if vendors were obligated to promote the GVDA to participate in events, and asked about creating Grass Valley postcards. Council asked GVDA to continue to separate end of year accomplishments and budget meetings.

Public Comment: Tony, Matthew Coulter.

Motion made to authorize the City to pay the proposed invoice from the GVDA by Councilmember Caravelli, Seconded by Vice Mayor Hodge.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

12. Direction to staff to prepare a Request for Proposals (RFP) to conduct a feasibility study and a traffic study to support the drafting of an ordinance to incentivize the conversion of under-utilized upper and basement level spaces to residential use within the Town Core (TC) zoning designation.

CEQA: Not a project under CEQA; If directed to prepare an ordinance, the appropriate CEQA review will be completed at that time

Recommendation: That Council direct staff to prepare an RFP for a feasibility study and traffic study to support the drafting of an ordinance that would incentivize conversion of under-utilized upper and basement level spaces to residential use within the TC zoning designation.

City Planner, Amy Wolfson, gave presentation to staff.

Public Comment: Craig Hamilton, Matthew Coulter

Council asked about parking requirements.

Motion made to direct staff to prepare an RFP for a feasibility study and traffic study to support the drafting of an ordinance that would incentivize conversion of under-utilized upper and basement level spaces to residential use within the TC zoning designation by Councilmember Ivy, Seconded by Councilmember Branstrom.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

BRIEF REPORTS BY COUNCIL MEMBERS

Councilmember Caravelli attended the ERC executive and board meeting, will be attending an AI events, connected with artists at Burning Man. Councilmember Branstrom went to the GVPD Swearing in ceremony, the In Concert Sierra ground breaking, the 9-11 Ceremony on Mill St, and the CalCities meeting. Mayor Arbuckle attended the love walk and the In Concert Sierra ground breaking ceremony, hosted Monday with the Mayor, attended the GVPD awards and the 9-11 memorial.

ADJOURN

Meeting adjourned at 10:06PM.

Jan Arbuckle, Mayor

Taylor Day, City Clerk

Adopted on: _____



City of Grass Valley City Council Agenda Action Sheet

Title: Amendment to Agreement for Legal Services - Colantuono, Highsmith & Whatley, PC

CEQA: Not a Project.

Recommendation: That Council adopt Resolution No. 2023-59 approving the Amendment to Legal Services between the City of Grass Valley and Colantuono, Highsmith & Whatley, PC effective October 1, 2023.

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: September 26, 2023

Date Prepared: September 19, 2023

Agenda: Consent

Background Information: Colantuono, Highsmith & Whatley, PC (“CHW”) has provided legal services to the City of Grass Valley since October 2011. Over the course of the last twelve years, CHW has continued to deliver a high level of responsive legal services and advice to the City.

CHW last raised the fees charged to the City in September of 2021. In recognition of the fact that over the last couple of years aggregate inflation has been more than 12%; coupled with the recent 3% increase afforded all employees in the City, staff recommends Council approval of a commensurate 3% increase to hourly rates charged by CHW. Effective October 1, 2023, rates are recommended to be updated as follows:

Level of Service	Current Rate	New Rate
Legal Retainer (monthly)	\$6,300.00	\$6,500.00
4% for Costs (monthly)	\$250.00	\$260.00
Special Projects	\$250.00 / hr	\$260.00 / hr
Labor & Litigation Services	\$275.00 / hr	\$285.00 / hr
Reimbursed	\$300.00 / hr	\$310.00 / hr

Additionally, non-retainer hourly billing rates will be updated as follows:

Shareholders & Senior Contract Attorneys	\$310.00 / hr
6 th Year and More Senior Associates	\$310.00 / hr
5 th year Associates	\$300.00 / hr
4 th year Associates	\$285.00 / hr
3 rd Year Associates	\$275.00 / hr
2 nd Year Associates	\$265.00 / hr

1 st Year Associates	\$255.00 / hr
Paralegals	\$190.00 / hr
Legal Assistants	\$145.00 / hr

As previously discussed, these updated rates will become effective October 1, 2023.

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goal #5 - High-Performance Government and Quality Service.

Fiscal Impact: Based on annual legal costs budgeted for FY 2022-23, the estimated incremental ongoing annual costs of approximately \$10,000 will be funded by available fund balances and contingencies; and adjusted into the budget update presented at mid-year. Budget amendment(s), to the extent necessary, will be recommended with the FY 2022-23 mid-year update to be considered by the City Council in early 2024.

Funds Available: Yes

Account #: General Fund
Water Fund
Sewer Fund

Reviewed by: Tim Kiser, City Manager

Attachments: Resolution & Contract Amendment

RESOLUTION NO. 2023-59

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
ADOPTING AN AMENDED AGREEMENT FOR LEGAL SERVICES BETWEEN THE
CITY OF GRASS VALLEY AND COLANTUONO, HIGHSMITH & WHATLEY, PC**

WHEREAS, on October 4, 2011, the City of Grass Valley (“City”) approved a Professional Services Agreement (“Agreement”) with Colantuono & Levin, PC to discharge the duties of the office of City Attorney and to designate a member of the Firm as City attorney, and

WHEREAS, Colantuono & Levin, PC later changed its name to Colantuono, Highsmith & Whatley, PC (“CHW”); and

WHEREAS, the City and CHW amended the Agreement to increase the rates of compensation to the Firm as of July 1, 2016, January 1, 2017 and August 25, 2021; and

WHEREAS, the City has granted its management employees a 3 percent increase in compensation and wishes to commensurately adjust compensation to its contract City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. The above recitals are true and correct and are a substantive part of this Resolution.
2. The City Council of the City of Grass Valley approves the Amendment to update Agreement and Exhibits A and B attached herein, effective for services provided on or after October 1, 2023.

PASSED AND ADOPTED as a Resolution of the City Council of Grass Valley at a meeting thereof held on the 26th day of September 2023 by the following vote:

AYES: Councilmember
NOES: Councilmember
ABSENT: Councilmember
ABSTAINING: Councilmember

ATTEST:

Jan Arbuckle, Mayor

Taylor Day, City Clerk

AMENDMENT TO AGREEMENT FOR SERVICES

THIS AMENDMENT ("Amendment") is made and entered into on the 26th day of September 2023 by and between the City of Grass Valley ("City") and COLANTUONO, HIGHSMITH & WHATLEY, PC ("Firm"). City and Firm are referred to as "Parties" in this Amendment and, each, as a "Party."

RECITALS

WHEREAS, on October 4, 2011, the City approved a Professional Services Agreement with COLANTUONO & LEVIN, A Professional Corporation to discharge the duties of the office of City Attorney and to designate a member of the Firm as City Attorney; and

WHEREAS, COLANTUONO & LEVIN, A Professional Corporation, later changed its name to COLANTUONO, HIGHSMITH & WHATLEY, PC; and

WHEREAS, the Parties amended the Agreement to increase the rates of compensation to the Firm as of July 1, 2016, January 1, 2017, and August 25, 2021; and

WHEREAS, the City has granted its management employees a 3 percent increase in compensation and wishes to commensurately adjust compensation to its contract City Attorney.

NOW, THEREFORE, THE CITY AND FIRM AGREE AS FOLLOWS:

- 1. Exhibits A and B to the Agreement are hereby amended to read as stated in the attachments to this Amendment.
2. All other terms, conditions, and provisions of the Agreement as amended to date, to the extent not modified by this Amendment, shall remain in full force and effect.
3. The increased rates provided here shall be effective for services provided on or after October 1, 2023.

TO EFFECTUATE THIS AMENDMENT, the Parties have caused their duly authorized representatives to execute this Amendment on the dates set forth below.

"CITY"
City of Grass Valley. California

"FIRM"
Colantuono, Highsmith & Whatley, PC

By: Signature

By: Signature

Jan Arbuckle, Mayor
Date:

Michael G. Colantuono, President
Date:

ATTEST:

By: _____
Signature

Taylor Day, City Clerk

EXHIBIT "A"
SCOPE OF SERVICES AND APPLICABLE BILLING RATES

I. GENERAL LEGAL SERVICES

A. *Retainer Services.* The general legal services to be provided by the Firm to the City are based on the Request for Proposal issued by the City and the Proposal provided by the Firm, and include the following:

1. Provide routine legal assistance, advice and consultation to the City Council and to City staff relating to general public law issues, potential tort liability, and risk management.
2. Prepare and review legal opinions, ordinances, resolutions, agreements, and related documents.
3. Attend all meetings of the City Council. Attend additional such meetings of the Planning Commission and other Boards and Commissions of the City as may from time to time be requested by the City, not to exceed two per month.
4. Monitor pending state and federal legislation and regulations, and new case law, as appropriate.
5. Perform legal work pertaining to property acquisition and disposal, public improvements, utilities, rights of way, and easements.
6. Assist the City in the development of legal and judicial remedies and processes as to code compliance issues, including assisting the City in implementing provisions of its Administrative Penalty Ordinance. Services do not include litigation or filing of judicial actions.
7. Prepare and / or review correspondence to be sent by City staff on legal matters such as public records requests, open meeting provisions, ethics questions, conflict of interest issues, municipal code violations, and Municipal Code or state law interpretations.
8. Perform such other or additional general legal services as may be requested by the City, acting by and through the City Council or the City Manager.
9. Administer contracts that the City may have with other legal counsel, as directed by the City.
10. Provide attorneys on-site for regular office hours a minimum of twice per month for a total of 8 hours per month as requested by the City Manager or the City Council. Additional office hours will be provided as requested by the City Manager or the City Council and compensated pursuant to paragraph B. below.
11. Perform all duties of the office of City Attorney as provided in State law, the Grass Valley Municipal Code and Charter, except to the extent such duties are provided for in Sections II or III below.

The general legal services specified in this Paragraph A shall be provided at the rate of \$6,500 per month except as provided in paragraph B. below plus a 4 percent fee in lieu of out-of-pocket costs (\$260 per month). The City acknowledges that this sum is expected to fund approximately 25 to 30 hours per month, on average, of retainer services and City Manager and City Attorney shall cooperate and establish priorities for work to limit the City's demand for retainer services to that amount and to require the City Attorney to work efficiently to provide for the City's general legal service needs within that retainer.

B. Special Projects. Additional office hours requested by the City Manager or the City Council, and services on any single project or matter which would otherwise be within the scope of paragraph A (Retainer Services) that the City Attorney and City Manager mutually agree is reasonably likely to require more than 12 hours of professional services, shall be compensated at the rate of \$260 per hour in addition to the retainer provided for in paragraph A. above.

C. Task Billing. Upon request by City, Firm will propose flat-fee amounts to cover specific tasks under paragraph B. of this Section and under Sections II – IV below. When such task, flat-fee arrangements have been agreed upon, they shall control over the rates provided by this Agreement.

II. LITIGATION SERVICES

A. The Firm will provide litigation services to the City in any and all matters assigned by the City, except as delegated pursuant to paragraph 11 of the Agreement, or as otherwise agreed in writing by the Firm and the City. Litigation oversight services such as review of invoices, coordination of activities, communication of City Council direction, and similar administrative tasks will be included in General Legal Services at the rates set forth in Section I.

B. The litigation services specified in paragraph II. A. shall be billed at the regular hourly rates of the attorneys and other professionals providing such services at the time those services are provided to a maximum of \$285 per hour, or as otherwise agreed pursuant to paragraph I.C. above. The non-retainer rates in effect on the Effective Date of this Agreement are set forth in Exhibit B.

III. LABOR AND EMPLOYMENT LEGAL SERVICES

A. The Firm will provide labor, employment and personnel legal services before initiation of litigation to the City in any and all matters assigned by the City, except as delegated pursuant to paragraph 11 of the Agreement, or as otherwise agreed in writing by the Firm and the City. This paragraph excludes attendance at Council closed sessions and basic review of agreements as prepared as part of the normal course of work of the City Council, which routine services are covered under Section I above.

B. The labor, employment and personnel services specified in paragraph A shall be billed at the regular hourly rates of the attorneys and other professionals providing such services at the time those services are provided to a maximum of \$285 per hour, except as otherwise agreed pursuant to paragraph I.C. above.

IV. OTHER SPECIALIZED LEGAL SERVICES

The specialized legal services (excluding those described above) to be provided by the Firm to the City shall include the following:

1. Other than routine advice regarding taxes, assessments, fees and other financial advice.
2. Environmental Legal Services other than routine review of negative declarations, environmental impact reports and other project-level environmental documentation.
3. Real Estate and Eminent Domain Services other than routine review of escrow documents, title reports, and contracts of sale.
4. Insurance Coverage Services, such as advice and representation regarding disputes with a risk pool or another insurance provider other than routine advice to tender claims to insurers.
5. Post-Redevelopment Services to the City and its Successor Agency.
6. Water Law Services.
7. Such other specialized services as the City may require which are not generally provided by an in-house City Attorney's office.

The specialized legal services specified in this paragraph shall be billed at the regular hourly rates of the attorneys providing such services at the time those services are provided up to a maximum of \$285 per hour. The non-retainer rates in effect on the Effective Date of this Agreement are set forth in Exhibit B.

IV. REIMBURSED SERVICES

When the City is to be reimbursed for the Firm's services, as by a developer for work on a land use issue, the Firm may bill at the regular hourly rates of the attorneys providing such services at the time those services are provided up to a maximum of \$310 per hour.

Exhibit B

Non-Retainer Hourly Billing Rates as of October 1, 2023:

Shareholders and senior contract attorneys	\$310
6 th year and more senior associates	\$310
5th year associates	\$300
4th year associates	\$285
3rd year associates	\$275
2nd year associates	\$265
1st year associates	\$255
Paralegals	\$190
Legal assistants	\$145



City of Grass Valley City Council Agenda Action Sheet

Title: Chemical Bid - Award Contracts

CEQA: Not a project

Recommendation: That Council: 1) award a contract to Univar USA, Inc for caustic soda 30% and for sodium hydroxide; 2) award a contract to Chemtrade for liquid alum; and 3) award a contract to Northstar for calcium nitrate and for cationic emulsion polymer.

Prepared by: Trever Van Noort, Utilities Director

Council Meeting Date: 9/26/2023

Date Prepared: 9/20/2023

Agenda: Consent

Background Information: On September 12th proposals were opened for caustic soda 30%, sodium hydroxide, liquid alum, calcium nitrate, and cationic emulsion polymer. Four bids were received, a bid summary is attached.

Staff recommends that Council award a contract to the lowest bidder for each chemical: caustic soda 30% and sodium hydroxide to Univar USA, Inc.; liquid alum to Chemtrade; calcium nitrate and cationic emulsion polymer to Northstar.

Council Goals/Objectives: This action promotes the goals of Public Safety and Water and Wastewater Systems and Underground Infrastructure.

Fiscal Impact: All of the listed chemicals are regularly purchased for their respective applications/locations and all are fully funded as annual operating expenses.

Funds Available: Yes

Account #: Various

Reviewed by: ___ City Manager

Attachments: Grass Valley Bid Tabulation Summary

CITY OF GRASS VALLEY - BID TABULATION
 For Chemical Suppliers - Gauranteed pricing through September 2025

	Consultant	Caustic Soda 30% Annual Cost (40k gallons)	Sodium Hypochlorite 12.5% Plants Annual Cost (10k gallons)	Sodium Hypochlorite 12.5% Pool Annual Cost (2.2k gallons)	Liquid Alum Annual Cost (6k gallons)	Calcium Nitrate Annual Cost (8k gallons)	Cationic Emulsion Polymer Annual Cost (8x250 gal totes)
1	Chemtrade	NO BID	NO BID	NO BID	\$6,928.20	NO BID	NO BID
2	Northstar	NO BID	NO BID	NO BID	NO BID	\$27,256.00	\$51,888.00
3	Sanco	NO BID	NO BID	NO BID	\$10,020.00	NO BID	NO BID
4	Univar	\$120,652.00	\$36,000.00	\$8,593.20	NO BID	NO BID	NO BID



City of Grass Valley City Council Agenda Action Sheet

Title: Public meeting to continue the discussion of Fire Resiliency and Vegetation Management and an acceptable level of risk relating to wildfires and extreme weather conditions.

CEQA: Not a Project.

Recommendation: That Council 1) receive additional information from staff relating to Fire Resiliency and Vegetation Management including responses to some of the questions raised to date; 2) present and receive input on some very conceptual expenditure plans for a potential sales tax; 3) gain additional input from the community on Fire and Vegetation Management and a potential tax; and 4) review a schedule of next steps with City Council.

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: September 26, 2023

Date Prepared: September 19, 2023

Agenda: Administrative

Background Information: The purpose of this gathering is to discuss mitigating the risks of wildfires and extreme weather events in Grass Valley through fire and vegetation management. This meeting is part of a series of discussions that the City Council and staff will have in the coming weeks.

Staff has received consistent inquiries about fire resiliency, and has found two papers written by Eric Saylor, a firefighter with a Master's Degree in Security Studies from the Naval Post Graduate School. The first paper, "Fire Department and Response Models, Not Production Models," published in Elite Command Training in December 2016, discusses how fire departments should prioritize resilience over fragility. The second paper, "How much is additional Firefighter on an engine worth? About \$600,000," published in Elite Command Training in May 2017, shows that a firefighter may cost around \$120,000 in total costs, but saves the community nearly \$600,000 from fire loss. Both papers have been attached for Council consideration and general information.

In addition, the staff has developed two preliminary expenditure plans to continue the conversation about a potential sales tax and placing a tax on the ballot for March 2024. The first step is to determine what is an acceptable level of risk for the community regarding fires and extreme weather conditions. The goal of these draft tax expenditure plans is to facilitate a productive conversation and reach a decision on these issues. The staff will review the draft plans and provide more information at the Council meeting.

After receiving additional input and comments, the staff will talk about upcoming meetings (including the Town Hall Meeting scheduled for October 3rd at 6 p.m. at Sierra College) and the next steps to meet the deadline for putting something on the ballot in March 2024.

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goal #5 - High Performance Government and Quality Service.

Fiscal Impact: At this point, there is very little fiscal impact. The Fiscal Impact will come about if the Council decides to move forward with a Special Election in March 2024, which could easily exceed \$100,000, but there are sufficient funds in City reserves if the City Council deems this issue to be a fiscal emergency.

Funds Available: Yes

Account #: General Fund Reserves

Reviewed by: Tim Kiser, City Manager

Attachments:

- "Fire Department and Response Models, Not Production Models," published in Elite Command Training in December 2016 written by Eric Saylor
- "How much is additional Firefighter on an engine worth? About \$600,000," published in Elite Command Training in May 2017 written by Eric Saylor
- Two sample/draft tax expenditure plans



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Fire departments are response models, not production models



Eric Saylor · Following

Published in elitecommandtraining

8 min read · Dec 31, 2016



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You are not meant to maximize efficiencies; you are meant to be resilient. Efficiency results in fragility; resilience results in survival.



Refinery fire. A rare event that needs a resilient response model

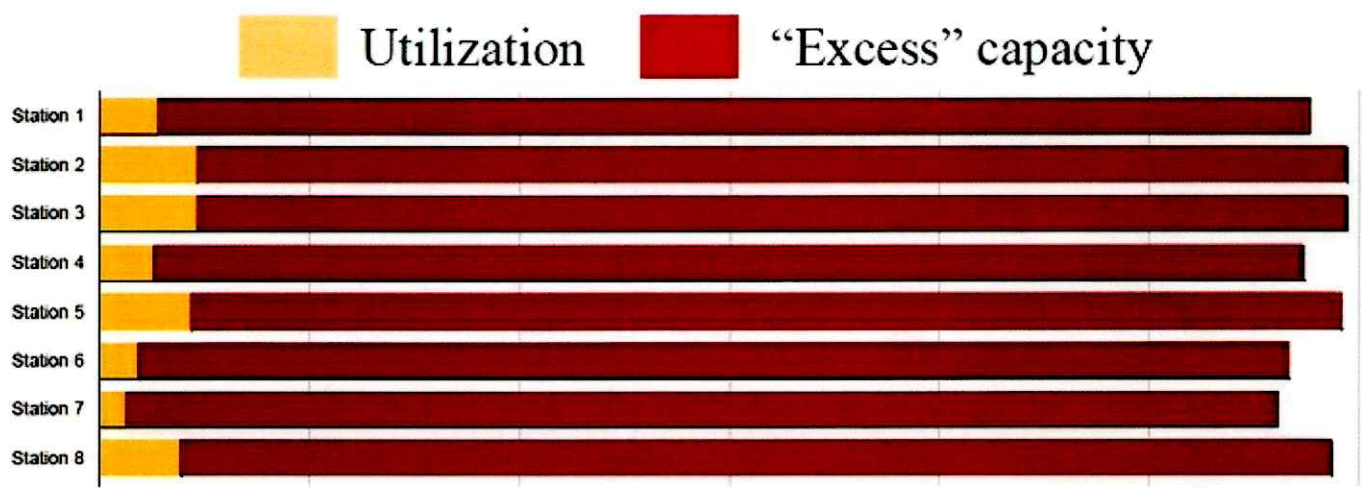
The metaphor

Item # 4.

Imagine your family doctor suggests the eradication of your white blood cells. You have not been sick for a year. The logic is reasonable when the doctor compares the production of your white blood cells to your red blood cells, which are at 98% capacity when measured by oxygen saturation. However, your white blood cells have done minimal work over the last year when measured by time spent fighting disease. The conclusion is your red blood cells are at maximum efficiency while your white blood cells are a waste of “excess capacity.” Prudence suggests the elimination of your white blood cells for more efficient red blood cells.

Fortunately, for the survival of all humans, your doctor’s logic is deeply flawed. Obviously, red blood cells are not like white blood cells; one is a production model, and one is a response model. And response models cannot be measured as production models.

However, metrics meant for production models are frequently applied to response models such as the fire service. Consider the IBM report on the San Jose Fire Department in 2012. The report claims fires have dropped by 45% in San Jose since 1999, resulting in a “significant level of excess capacity.” The report concludes that due to this excess capacity, the fire department could increase efficiency by reducing staffing and fire stations.



Excess Capacity by fire engine from the 2012 IBM report “City of San Jose Operations Efficiency Diagnostics” P 73

This argument is the same as your doctor claiming excess capacity in your white blood cells since you have not contracted a cold recently. But fire departments and white

blood cells are response models, and we cannot measure their “capacity” by traditional metrics of production, such as efficiency.

Efficiency

The definition of “technical efficiency”^[1] is “Performing or functioning in the best possible manner with the least waste of time and effort^[2] .” In other words, efficiency maximizes the output of a system with minimal input. (Maximum productivity = max. Output/ min. Input). For example, the “technical efficiency” of an automobile is miles per gallon (MPG). MPG is simply the output of the vehicle in miles traveled over the input of resources in gallons of fuel.

Measuring efficiency

The definition of efficiency poses a problem for the fire service instantly if one considers the equation of maximizing Output vs Input. The input of the fire service is easy to quantify; the annual budget. But how is the output of the fire service quantified? Lives saved? Property saved? Catastrophes mitigated? In fact, the challenge of quantifying the output of the fire service has a validated methodology^[3] ; unfortunately, only the most advanced fire departments use it. Most fire departments only focus on lowering input by cutting their budgets.

Simply lowering input is not increasing efficiency

Only lowering the input of a system without considering the output may decrease the efficiency. Consider the automobile example. If I offered to sell you a car that uses 40 gallons of gasoline per month, you might protest that it is not efficient enough. Will you be content if I simply change the metric so that the car only uses 20 gallons of gasoline per month?

I hope not; because I have concealed the most important part of the metric. How many miles will the car travel a month? What if in the “40 gallons a month” scenario the car travels 400 miles, resulting in an efficiency of 10 MPG. And in the “20 gallons a month” scenario, the car only travels 100 miles, resulting in an efficiency of 5 MPG. By just lowering input without considering output you have decreased efficiency.

While measuring efficiency is a challenge in fire service, maximizing efficiency breeds something much more sinister. Fragility.

Efficiency breeds fragility

Efficient systems are not designed to be resilient or redundant, but rather to be profitable, optimized, and low cost. And systems stretched to the max become fragile. In the words of the scientist Ted Lewis, “by eliminating surge capacity that allows a system to deal with any overload, optimized systems have evolved into fragile, error-prone systems. We have reaped the benefits of short-term efficiency but now are suffering from it[4].” In other words, efficient systems don’t handle shocks or unexpected events well. And when shocks come, efficient systems unravel like a string being pulling from a sweater.

Think of a truss roof; an incredibly efficient system of cords, webs, and ties designed to use the minimal materials for the maximum effect. Every component of the truss is optimized to handle as much force as possible. But truss roofs are fragile; remove one element, and the entire roof falls like a house of cards.



The catastrophic collapse of a truss roof during a fire

In contrast, older roofs that used heavy timber had a lot of extra material in them, making them just as effective but much less efficient than a truss roof. However, heavy-timber roofs are very resilient; remove one member and the force just shifts to the adjacent members. Heavy-timber roofs can withstand a lot of punishment before a failure happens, and a single failure does not cause a cascading failure of the entire roof.

The science behind fragile, optimized systems

In 1987 the physicist Per Bak published “The sand pile experiment,” an illuminating study of the fragility of optimized systems in which he coined a theory called “self-organized criticality,” or “SOC[5] .” SOC describes a process where a system, be it a city, business process, software program, or a sand pile grows until it eventually collapses. In SOC, as the overall system expands, the minor parts of the system shift like grains of sand in a sand pile to accommodate the additional load[6] . The grains of sand continue to shift to the point of maximum capacity and optimized efficiency, reaching a critical stage when any additional stress causes a cascading failure that spreads across the entire system.

SOC is now a prevailing theory used to describe the collapses of financial markets, cascading power outages, political upheaval, and the spread of FIRES[7] .



Fire moves from building to building in a connected city

And just like the sand piles in Per Bak's experiments, cities have self-organized in their growth, squeezing maximum utility out every inch of space.



Cities are optimized systems subject to SOC's massive, cascading collapses due to the spread of fire. We have known this intuitively for centuries; Per Bak just proved it mathematically for us in 1987.

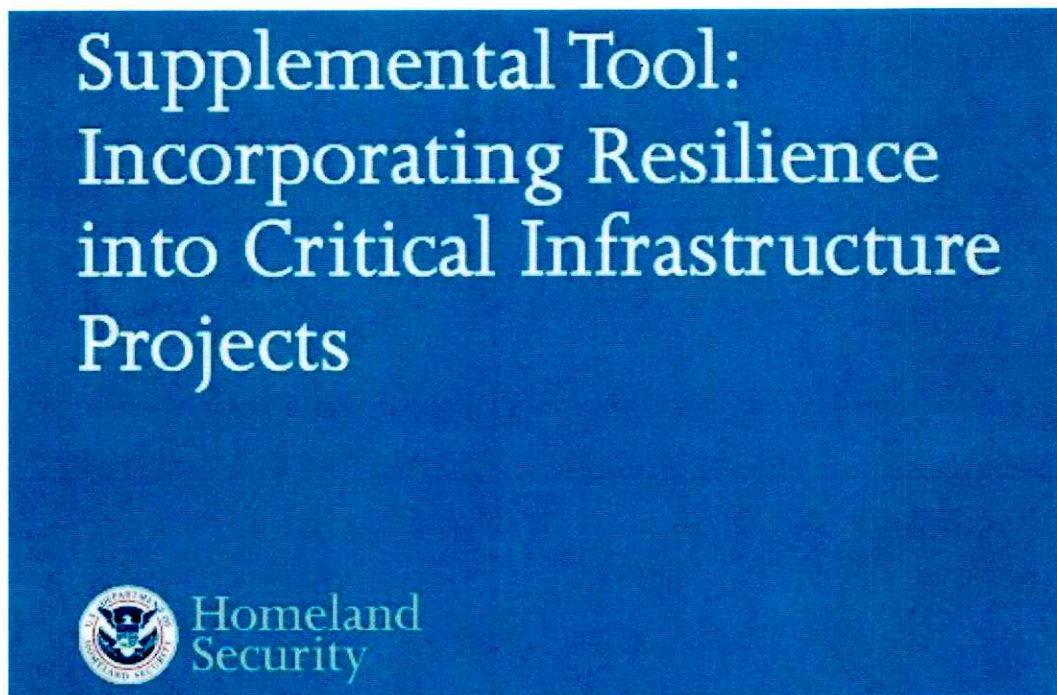
What the Federal Government knows about SOC, resilience, and response models

The federal government has long known that much of the nation's infrastructure is subject to SOC and cascading collapse due to efficient systems becoming connected and optimized over time.

The Northeast blackout of 2003 affected regions from New York to Ontario. A software bug in the alarm system of a control room in Ohio started a cascading failure of the power grid leaving roughly fifty-five million people without power for two days[8] .

After a long evolution, in 2012 the Department of Homeland Security (DHS) created an overall strategy for critical infrastructure protection (CIP) called "resilience-informed decision making[9]," based on the understanding that much of our modern world is connected, efficient, fragile, and prone to collapse. DHS's strategy is to stop the chain of destructive events and recover as soon as possible. This rapid recovery is based

resilient “response capability; such as emergency management services, law enforcement, and firefighting capacity.” The DHS expects and relies on the fire service to be resilient[10] .



<https://www.dhs.gov/sites/default/files/publications/NIPP-2013-Supplement-Incorporating-Resilience-into-CI-Projects-508.pdf>

Response models need to be resilient

Efficient, optimized systems fail from unanticipated shocks. Resilient systems survive shocks because they are overbuilt and redundant. Response models need to be resilient to survive the shock that overturns the efficient system. When efficient systems fail, they rely on a fast, resilient response model to survive the collapse and mitigate the damage. Therefore, the mission of the fire service is to be resilient and fast, not necessarily efficient. The superseding quest to maximize efficiency in the fire service removes surge capacity, making the fire service fragile.

Like the white blood cells in a human body, the fire service is a response model measured by a different standard. The red blood cell is a production model, constantly churning at max capacity, transporting oxygen throughout the body. Whereas the white blood cell is a response model, waiting for the catastrophic intrusion of a virus. Without the white blood cells, exposure to the common cold is deadly. And no models

of efficiency used to measure the production of the red blood cell can ever apply to white blood cell. Item # 4.

Measuring efficiency in the fire service is challenging, and obtaining maximum efficiency may be counterproductive. Like the heavy-timber roof, the fire service needs to be resilient to survive the stress of cascading failures prone to an optimized society.

I am not advocating wasteful spending by not seeking efficiency. I promote sustainability. Don't spend your communities' money on an optimized, fragile system that unravels at the first shock. Invest in a resilient, sustainable system that will be there when your community needs it the most.

Eric Saylor teaches courses on this topic for Elite Command Training

And can be followed on Twitter at @saylorssays

<https://medium.com/@esaylor/command-not-control-the-4th-generation-of-firefighting-9952322e1ee1>

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What's Next for the Fire Service — Qualitative Measures vs Quantitative Measures

“fires should never be displayed on a quantitative graph with other events”

medium.com

[1]Timothy J. Coelli et al., “*An Introduction to Efficiency and Productivity Analysis*” (New York: Springer Science+Business Media, 2005), 2–4

[2]Gareth Goh, “*The Difference Between Effectiveness And Efficiency Explained*” (Insight Squared, 2013), 1–3

[3]Saylor, Eric. “*Quantifying a negative: how homeland security adds value.*” PhD diss., Monterey, California: Naval Postgraduate School, 2015.

[4]Lewis, Theodore Gyle. *Bak's sand pile: Strategies for a catastrophic world*. Agile Press, 2011.

[5]Bak, Per, Chao Tang, and Kurt Wiesenfeld. “Self-organized criticality: An explanation of the 1/f noise.” *Physical review letters* 59, no. 4 (1987): 381.Harvard

[6]Lewis, Theodore Gyle. *Bak's sand pile: Strategies for a catastrophic world*. Agile Press, 2011.

[7]Lewis, Theodore Gyle. *Bak's sand pile: Strategies for a catastrophic world*. Agile Press, 2011.

[8]Minkel, J. R. “The 2003 Northeast Blackout — Five Years Later.” *Scientific American* 13 (2008).Harvard

[9]DHS, “*Incorporating Resilience Into Critical Infrastructure Projects*”

<https://www.dhs.gov/sites/default/files/publications/NIPP-2013-Supplement->

[Incorporating-Resilience-into-CI-Projects-508.pdf](#)

[10]Lewis, Ted G. *Critical infrastructure protection in homeland security: defending a networked nation*. John Wiley & Sons, 2014. Harvard

Homeland Security

Government

Fire

Fire Fighters



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Firefighter, futurist, instructor, Doctoral Candidate, and 3rd gen firefighter with a Masters degree in security studies from the Naval Post Graduate School

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How much is each additional Firefighter on an Engine worth? About \$600,000.



Eric Saylor · Following

Published in elitecommandtraining

4 min read · May 19, 2017



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A single firefighter may cost \$120,000 in total costs, but saves the community over a half million from fire loss.

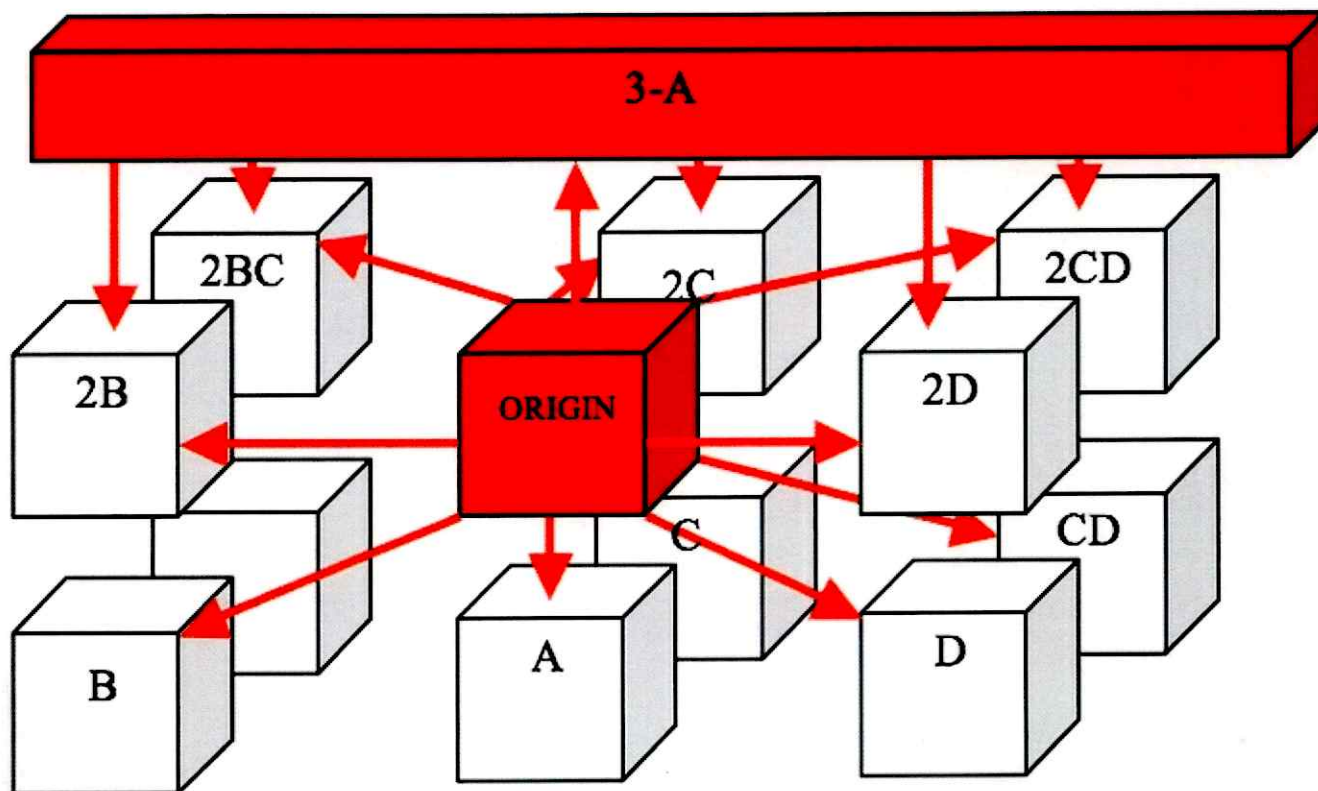
Item # 4.

Imagine you have two cities, side by side with similar population size, population density, square mileage, and near identical fire departments. The only difference is fire department “A” staffs three people per engine and “B” staffs two people per engine. Could one quantify the added value or cost of the third firefighter on department “A’s” engines? And if so what would the number be?

In 2016, the comparison of two sister cities with three stations each produced an added value of \$581,549 per firefighter[1] .

The critical reader will first ask, what is “added value,” how is it calculated, and can I replicate the study?

When I refer to the “added value” of a fire department, I am referring to a published study in a peer-reviewed journal called “Quantifying a Negative, how homeland security adds value (QtN[2]).” The study published in 2015 asserted that the value added of a fire department is how much is saved on each fire. The study developed at methodology using network science[3] , inductive replace cost[4] , and economic impact models[5] to calculate the amount saved on each fire in a dollar amount.



Network Science Describes how a fire spreads through an apartment building with a common attic

The publication describes each step of the methodology and presents four case studies as examples so any department can replicate the study, which is what the California cities of Lincoln and Rocklin did.

In 2016, the sister cities of Lincoln and Rocklin applied the QtN methodology to each fire, totaling the amount saved, the ratio of saved versus at risk, and the return on investment for each department^[6]. The results are staggering.

The department staffed with two people per engine saved \$6.8 million in value, or roughly 66% of everything at immediate^[7] risk of burning during fires, resulting in a 125% return on investment when compared to their 4.4-million-dollar budget. Impressive results on any level!

Table 11

Total Value Saved	\$ 5,571,826.96
Average Value Saved per Fire	\$ 992,253.37
Number of Building fires in 2016	7
Annual Budget	\$ 4,422,826.00
Annual ROI	125.98%

But the department staffed with three people per engine saved \$16.5 million in value, or roughly 92% of everything at immediate risk of burning during fires, resulting in a 225% return on investment when compared to their \$7.1 million budget. Incredible results!

Table 18

Item # 4.

Total Value Saved	\$16,274,504.88
Average Value Saved/Structure Fire	\$1,479,500.44
Number of Building fires in 2016	11
Annual Budget 2016	\$7,128,200.00
Annual ROI	228.31%

So this begs the question, what is the individual value of each addition firefighter to department “A”? If we take the difference of the amount saved in department “A” verse department “B,” the result is \$10.4 million. Or in other words, the department staffed with three people saved an addition \$10.4 million. Then, if we take the difference in total employees between “A” and “B,” the result is 18[8] . Or rather, the department that saved an additional \$10.4 million had 18 additional employees. Finally, if we simply divide the extra amount saved by the additional employees we get the incremental value added of each additional employee; \$581,549. Every additional firefighter department “A” hired over department “B” added \$581,549 to the amount saved each year.

So, *what is the value of one additional firefighter?* In 2016, in the booming suburbs of northern California is was about \$600,000.

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[1]These are full time professional firefighters

[2]<https://www.hsaj.org/articles/9307>

[3]Network science uses nodes, links, and contagions to map out the spread of fire

[4]Inductive replace cost is same methodology insurance companies use to estimate the cost replacing a structure due to fire loss.

[5]Economic impact models are used by federal, state, and local governments to estimate the cost of creating or losing businesses.

[6]The study only included 18 fires for the year, a mix of residential and commercial. Hopefully a study of more fires will be completed in the future.

[7]Immediate risk is any building within ten feet of the building burning. It is a very conservative measure and does not include the entire blocks, or cities, ect.

[8]Department A has 36 employees; three 3 person engines and one 4 person truck while department B 18 employees; three 2 person engines.

Fire Fighters

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Firefighter, futurist, instructor, Doctoral Candidate, and 3rd gen firefighter with a Masters degree in security studies from the Naval Post Graduate School

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Draft Expenditure Plan

1/2 Percent (.005) Sale Tax increase

Option 1 – 50%/50% Split between Veg. Mitigation and Resiliency (\$3.4 Million+/- to be generated annually)

- Resiliency – 50% of \$3.4 M or \$1.7 M Annually
 - Add additional Engine Company every day of the year (\$800K+/-)
 - Move Closer to National Standards by increasing from two to three Firefighters per engine (\$900K+/-)
- Vegetation Mitigation - 50% of \$3.4 M or \$1.7 M
 - \$300k to Operate a Veg. Management, Education & Inspection Program (3 Personnel)
 - \$1 M – Fuel Reduction (100 Acres of Fuel Reduction around the City \$700K*, \$300K in Grants to residences/businesses for assistance in Fuel Reductions)
 - \$400K Creating TRAs and Harding Critic Infrastructure (i.e. Schools, hospitals, care facilities)

** 20% per year could be allocated to collaborative agency fire breaks within 5 miles of the center of the City. 10% per year could address illegal camping issues within the City's sphere.*

Draft Expenditure Plan

1/2 Percent (.005) Sale Tax increase

Option 2 – 25%/75% Split between Veg. Mitigation and Resiliency (\$3.4 Million+/- to be generated annually)

- Resiliency – 25% of \$3.4 M or \$900+/- M Annually
 - Move Closer to National Standards by increasing from two to three Firefighters per engine (\$900K+/-)
- Vegetation Mitigation - 75% of \$2.5 M
 - \$300k to Operate a Veg. Management, Education & Inspection Program (3 Personnel)
 - \$1.8 M – Fuel Reduction (200+/- Acres of Fuel Reduction around the City \$1.5M*, \$300K in Grants to residences/ businesses for assistance in Fuel Reductions)
 - \$400K Creating TRAs and Harding Critic Infrastructure (i.e. Schools, hospitals, care facilities)

** 20% per year could be allocated to collaborative agency fire breaks within 5 miles of the center of the City. 10% per year could address illegal camping issues within the City's sphere.*