

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice Mayor Thompson and Councilors Arnold, Bottorff and Sheppard were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Dave Swartz and City Clerk Roben Dewsnap.

1. **COMMUNITY PARTICIPATION:** None

2. **PUBLIC HEARING:** *MODIFICATION OF BIGGS NUISANCE CODE.*

- A. Staff Comments. City Administrator Pete Carr was asking council to consider the first reading of the Biggs Municipal Code 6.25. The purpose of the amendment is to eliminate code redundancy, to streamline enforcement timelines, establish new provisions for trash container storage and occupancy of structures that do not have functional utilities.
- B. Open the hearing to the public.
  - 1. Proponents. None
  - 2. Opponents. None
- C. Close hearing to the public.
- D. Council discussion.

Councilmember Bottorff suggesting including the marijuana fine in section 6.25.085.

Councilmember Arnold felt the proposed trash container wording should be a little more flexible.

Mr. Carr stated the intent is to move the containers back away from the curb. City Planner Scott Friend stated the code could be changed at any time if this became a problem.

Mayor Frith felt the language was not an issue.

*Move for First Reading and Introduction by reading of title only with noted change to include the marijuana fine in section 6.25.085. "ORDINANCE NO. 389 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING TITLE 6 – PUBLIC HEALTH AND SAFETY, TO COMBINE AND AMEND BIGGS MUNICIPAL CODE SECTIONS 6.25 – HEALTH AND SAFETY NUISANCE ABATEMENT AND SECTION 6.27 – NEIGHBORHOOD NUISANCE ABATEMENT." (Bottorff/Thompson, MCU)*

3. **UNFINISHED BUSINESS:**

- A. Mr. Carr reviewed the Water Rate Advisory Committee Report included in the agenda packet. The committee's recommendations were: 1. Install water meters to all commercial and industrial properties. 2. Apply monthly charges to commercial properties whether vacant or not. 3. Adjust water rates. 4. After implementation of first three items, review and consider senior discount. 5. Annual rate reviews also include operating cost reviews, noting that most operating cost is personnel cost.

Resident Sharleta Bassett stated her concerns with meter installation and questioned where the suggested allotment of 5000 cubic feet came from.

Mr. Swartz stated staff looked at four different groupings of usage data and tried to balance the allotment between the groupings.

Resident Mary Frith stated she was a member of the water committee. She stated there was not enough money in the water budget to cover expenses. She suggested installing water meters so there would be no question who uses how much water.

Resident Jim Rhoades stated he also served on the water committee would like to see operating costs cut.

Mayor Frith did not want to raise rates and suggested the base allotment be raised to 7000 cubic feet and revisit this in six months to see if a senior discount could be implemented. He also wanted to take a closer look at employee cost impacts.

Motion/Second to implement the recommendations of the committee with the exception of 5000 cubic feet per month and that that number be changed to 7000 cubic feet per month and have the committee revisit in six months. (Frith/Thompson, MCU)

Council discussed metering the schools and Mr. Carr would bring back recommendations in February.

B. Code Change to apply Utility Charges to All Property.

Mr. Carr stated he and the city attorney were proposing, consistent with council direction, a modification to the text of the city code to clearly provide that all properties share in the costs of maintaining utility systems, including vacant commercial buildings rather than just domestic property.

Mr. Einhorn stated the owners would receive a notice of the proposed change and a public hearing would be held.

Council agreed with the proposed text modification and advised Mr. Carr to move forward.

4. CONSENT CALENDAR:

- A. Approval of Council Minutes for Regular Meeting of November 15, 2010 and Special Meeting of December 13, 2010.
- B. Approval of warrants: #24930 - 24989; #7826 - #7845; Z00393 - Z00406 for month of December 2010 in the amount of \$324,794.39.
- C. Acknowledge receipt of Monthly Cash and Investments Report for November and December 2010 and Fund Transfers Report.
- D. Acknowledge receipt of Police Department Report for November and December 2010.
- E. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for November and December 2010.
- F. Acknowledge receipt of Biggs Fire Department Report for December 2010.
- G. Accept the architect's report and plans and authorize the city administrator to close out the Library ADA Improvements Plan grant.
- H. Approve Fiscal Year 2009 & 2010 Energy Efficiency Program Evaluation.
- I. Approve City Investment Policy annual review.
- J. Authorize the city administrator to write off old, uncollectible utility account billing in the amount of \$3,849.24.
- K. Adopt *Resolution No. 2011-01* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS EXPRESSING APPRECIATION AND RECOGNITION FOR SERVICE RENDERED BY WILLIAM THEBACH AS BUTTE COUNTY MOSQUITO AND VECTOR CONTROL BOARD REPRESENTATIVE FOR THE CITY OF BIGGS."

- L. Adopt *Resolution No. 2011-02* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING A MUNICIPAL EMPLOYEE RELATIONS OFFICER AND ALTERNATES FOR THE CITY OF BIGGS."
- M. Adopt *Resolution No. 2011-03* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING THE REPRESENTATIVE AND ALTERNATE TO THE BOARD OF DIRECTORS OF SCORE (Small Cities Organized Risk Effort)."

Motion/Second to accept the consent calendar as is. (Thompson/Frith, MCU)

**5. DEPARTMENT REPORTS:**

A. Planning:

- 1. Informational: City Planner Scott Friend reviewed the Department Activity Report – December 2010 / January 2011 included in the agenda packet.
- 2. 3069 Eighth Street – Code Enforcement Case #07-2010BLDCOND: Status Update.

Mr. Friend stated the city entered into an abatement agreement that extended from October 19, 2010 to January 3, 2011. Staff does not believe a successful resolution has been achieved. Staff suggests moving forward with the levying of the full amount of the fine and to continue working with Mrs. Burke-Trent for the next 60 days. If a satisfactory resolution is not met in that time, the city attorney will file an abatement order with the court to have a court ordered abatement on the property.

Eileen Burke-Trent stated thought she had met the recommendations addressed in the abatement agreement. She said she was confused as to what has not been completed. She would have to declare bankruptcy if the city proceeded with this action. She said she was asking for consideration and would try to work with Mr. Friend in the next 60 days.

Mr. Friend stated progress has been made however there was still an open trench in the yard, tree branches in the yard, vegetation is growing taller, a door that is not secure, a large hole in the foundation and the integrity of the front porch is in question.

After much council discussion, council agreed to extend the contract.

Motion/Second to extend the contract for 90 days from January 3, 2011 or until March 21, 2011 with a detailed list of requirements and holding fines in abeyance. (Thompson/Bottorff, MCU)

- 3. Contract Code Enforcement Services: Mr. Carr stated the city's code enforcement had been handled in-house for years. With recent staffing changes, PMC was invited to act temporarily in this capacity. Mr. Carr requested council's approval of PMC code enforcement on an as-needed basis not-to-exceed \$13,950.

Councilmember Bottorff felt this was expensive for what was being done. Vice Mayor Thompson asked what the hourly rate for the salaried employee was and Mr. Carr stated it was about \$28 per hour, benefits and taxes included. He stated this position could go unfilled or re-negotiate the price.

Motion/Second to approve the six month agreement with PMC as proposed and as needed for code enforcement. (Frith/Thompson, MCU)

B. Engineering:

1. City Engineer Dave Swartz reviewed the Activity Report included in the agenda packet. He added he had received a list of environmental studies CalTrans was asking for and some assurances from CalTrans that they would increase the grant funding amount that would cover the cost of the studies. He expected to hear something within 30 to 45 days on an approval to increase that funding. He had a cost from PMC to do the work and as soon as this gets going, he would anticipate issuing PMC a notice to proceed and move forward with the environmental studies for the Sixth Street Bridge Box Culvert.
2. Waste Water Treatment Plant Upgrade. Mr. Swartz reviewed the staff report and added that Psomas had completed a report and broke the project into two phases. He recommended updating the treatment plant with critical or near critical items with a maximum amount of \$4,575,982 for USDA application and a \$1 million grant. He said this plan would go through the process of a Basin Plan Amendment to de-designate MUN from Lateral K in order for the WWTP to continue discharging into the agricultural drain.

Mr. Swartz referred to the requested item 1 which was to authorized up to \$84,720 to Psomas for conducting a MUN Use Attainability Analysis for Lateral K, main drainage canal and Cherokee Canal and facilitating the States basin plan amendment process to de-designate the MUN beneficial use for these drains. Mr. Swartz stated the \$84,720 was already included in item 2, which was resubmittal of the \$5 million application.

Mayor Frith reminded Mr. Swartz that Psomas had originally stated the MUN could be completed for \$70,000 and now they were asking for \$84,720. He asked what the additional amount was for. Mr. Carr asked if the cost for CEC to revise the application was in addition to the \$84,720 and Mr. Swartz stated no. Mayor Frith was not comfortable with the arbitrary amount of money and felt they should consult with Psomas to get more clarification. Vice Mayor Thompson stated this amount was addressed on page 130, 131 and 134 of the agenda packet.

Mr. Carr asked again if the re-submittal of the application was included \$84,720 and Mr. Swartz stated it is included in the \$4,575,982. He stated the re-submittal cost would cover copying and would be nominal.

Motion/Second to direct staff to move forward with the application as discussed and get clarification from Psomas on the additional \$15,000. The total for both actions from Psomas is not to exceed \$83,720. (Thompson/Arnold, MCU)

3. Family Park Hydro-Pneumatic Tank Project Closeout. Mr. Swartz was requesting council accept the completion of the Family Park Hydro-Pneumatic Tank Project.

Resolution No. 2011-04 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING COMPLETION OF THE FAMILY PARK HYDRO-PNEUMATIC TANK PROJECT." (Frith/Thompson, MCU)

4. Community Hall Update. Mr. Swartz stated USDA has stated the City should plan on receiving only a loan for the Community Hall Funding Application, no grant. The City was currently requesting \$467,000.

Mr. Carr stated this 30 year loan would cost the city \$30,325 a year and could not recommend proceeding with this project. Council concurred.

J. City Administrator.

1. Employee Leave. Mr. Carr stated Erin Dougherty requested a six-week leave of absence on October 28, 2010; the request was approved the same day. A clinic physicians note dated December 9, 2010 stated Ms. Dougherty would be unable to work until the 13<sup>th</sup>. The next day the city received correspondence from UC Davis Medical Center stating she would not be returning by the 13<sup>th</sup> and then a note saying she would not be returning for at least three months. On December 14, 2010, Mr. Carr sent Ms. Dougherty a letter asking her to advise the city as to her intentions and alerting her to the city's leave policy and that the leave would otherwise be concluded on January 31, 2011. Mr. Carr recommended following the city policy which would extend employment benefits until January 31, 2011.

Ms. Dougherty stated at the request of her doctor she took a leave of absence and intended on returning on December 13, 2010. On December 1 she was admitted to the hospital with brain and uterine tumor. She was transferred to UC Davis on December 5 for surgeries. She said the cost for COBRA would be \$1400 per month, an amount she cannot afford. She did not know if she would be back to work March 31<sup>st</sup> but it was her intent to return to work. She was asking council to extend her leave.

Councilmember Sheppard felt Ms. Dougherty should explore others options.

Councilmember Bottorff questioned if extending the leave would set a precedence in the future.

Vice Mayor Thompson also felt this might set a pattern for future employees and didn't think the city should get in the habit of extending leave of absence.

Councilmember Arnold felt each employee situation was different and should be handled differently. He felt employees were very important and the city should do what they can to help employees.

Mr. Einhorn stated under state law an employee's job is protected up to 12 weeks. This is all Mr. Carr has authority to grant. He stated Ms. Dougherty was asking for an extension of leave and benefits.

Motion/Second to extend leave of absence through March 31, 2011.  
(Thompson/Bottorff, MC; Opposed, Frith)

2. Mid-Year Budget Review. Mr. Carr reviewed the mid-year budget and informed council the city budget was in good shape. This did not speak to fund balances or project accounts. He was asking for additional appropriation of \$42,000 for the city attorney, planner and the engineer.

Motion/Second to approve the requested appropriations (\$8,000 for City Attorney, \$14,000 for PMC – Code Enforcement, \$14,000 for PMC – City Planner, and \$8,000 for City Engineer). (Thompson/Arnold, MC; Oppose, Frith & Bottorff)

3. Update to Personnel Policies. Mr. Carr reviewed the changes being made to the personnel policy manual.

*Resolution No. 2011-05 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS REPEALING THAT CERTAIN CITY OF BIGGS PERSONNEL MANUAL DATED FEBRUARY 2006 AND ADOPTING A REVISED CITY OF BIGGS PERSONNEL MANUAL DATED JANUARY 2011."*  
(Thompson/Bottorff, MCU)

4. Staff Compensation Issue. Mr. Carr asked for direction on compensation for recently created city accounting analyst/technician positions. In the spring of 2010 employees agreed to take on new challenges with an estimated value of 10-15%. Council agreed to a 10% pay increase for employees and to consider the additional 5% increase after six months which would have been about November 2010.

Council discussed this issue at length.

Motion/Second to keep the 10% increase and not award the additional 5% increase.  
(Bottorff/Thompson, MC; Opposed, Frith & Arnold)

5. Verbal Report. Mr. Carr informed council the city owned house did not have adequate heating and air conditioning and recommended installing a new HVAC unit at a cost of \$4,500. The unit could later be used elsewhere, such as at Community Hall. Council agreed

Mr. Carr stated there was a problem at North Biggs Estates with traffic in and out of the area. Mr. Carr had discussed installing temporary barricades with Mayor Frith, the police, the city engineer and planner, CHIP and the public works superintendent and all agreed to install the temporary barricades. It was suggested to ask CHIP to help fund the cost of the barricades.

Due to the late hour, Mayor Frith suggested foregoing the commission reports.  
Council agreed.

- C. Public Safety. None
- D. Flood Control. None
- E. Public Works. None
- F. Electric. None
- G. BCAG/Air Quality. None
- H. Solid Waste. None
- I. Other commission reports. None

6. **INFORMATIONAL:** Vice Mayor Thompson asked to add to a future agenda the fence ordinance regarding right-of-way. Mayor Frith agreed.

7. **ADJOURNMENT:** Meeting was adjourned at 11:30 p.m.

ATTEST:

  
Roben Dewsnap, CITY CLERK

APPROVED:

  
Roger L. Frith, MAYOR