

The regular council meeting was called to order at 6:00 p.m. by Mayor John Busch. Vice Mayor Frith and Councilors Crawford and Arnold were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, Engineering Staff Pauline Palmer and Mike Vasquez, and City Clerk / Finance Director Deanna Carbajal.

1. **COMMUNITY PARTICIPATION:** None
2. **UNFINISHED BUSINESS:** Apparatus Agreement with Cal Fire. Chief Mike Brown and Captain Todd Tindall updated council regarding use of the fire engine by other jurisdictions. The engine use would be reimbursed at \$71 per hour.

Motion/Second to approve the proposed cooperative agreement and authorize Mayor Busch to execute it. (Crawford/Arnold, MCU)

3. **CONSENT CALENDAR:** Vice Mayor Frith asked to have item E pulled for later discussion. Motion/Second to approve the consent calendar except for item E. (Frith/Arnold, MCU)

4. **NEW BUSINESS:**

A. Consider Biggs-Gridley Memorial Hospital Status. Pete stated the Hospital JPA Board had not approached the City of Biggs for anything other than advocacy to State leaders.

Mayor Busch presented a letter which was an overview of the current situation of the hospital. He stated the hospital would close if enough funds were not raised. If negotiations fail, the money would be returned to the donors. Councilor Crawford stated the short term goal of the JPA was to save the hospital's license and the long term goal was to build a new hospital.

Motion/Second directing the city administrator to write a letter of support to the Biggs-Gridley Memorial Hospital Foundation Board for their efforts to secure the funds necessary to save the hospital and be able to enter into negotiations, and have it signed by the mayor on behalf of the council. Send a copy to legislators, supervisors, and the attorney general. (Frith/Crawford, MCU)

Pete stated no one indicated interest in the open position on the JPA Board of Directors. Mayor Busch stated he would find someone to serve on the board. City Attorney Greg Einhorn stated council could delegate to the mayor the authority tonight to make the appointment.

Motion/Second to delegate Mayor Busch to appoint a resident to the JPA Board of Directors. (Arnold/Crawford, MCU)

B. Consider City Construction Standards. Councilor Arnold asked what standards had already been approved by the city. Engineering Staff Mike Vasquez stated the city currently had a set of specifications. There were also some standard plans that are detail sheets which include the type of materials allowed. These standards have been approved

by the city council. There is not a set of construction standards or design standards. He stated these types of standards are associated with larger municipalities.

City Planner Scott Friend felt additional standards would be a useful tool.

Mike stated CDBG PTA Grant funds could be used to prepare these standards.

Vice Mayor Frith asked Councilor Arnold what type of standards he was requesting. Councilor Arnold said he was looking at infrastructure such as curb, gutter, sidewalk, road widths, sewer manholes, DI's, etc. He stated he would like to see these standards on the city website.

Mike estimated the cost for a full set of standards would be \$30,000 to \$35,000. Pete stated he could add this to the city's "wish list"; the capital improvements' and programs' list that the city's draws from when there is a grant opportunity. Council agreed.

- C. Consider protection of new road construction. Councilor Arnold asked staff about standards for disrupting new pavement. Mike Vasquez stated language could be added to the construction standards dealing with newly paved roads, saying if someone cuts through the road within a year of construction, they would be required to repave the road.

City Planner Scott Friend stated many cities have a pavement cut surcharge which is an amortized cost, a developer would have to pay to cut into a street, based on the life of the pavement. This could be a short term requirement until a full set of guidelines are created.

Vice Mayor Frith asked if an ordinance should be created to cover this issue until it could be included in the construction standards, so there would be some language at this time.

Mayor Busch directed Pete and the engineer to draft an ordinance or resolution for the pavement cut standards and pavement cut surcharge.

5. DEPARTMENT REPORTS:

- A. Public Safety: Mayor Busch had noticed better police presence in the city. He thanked Officer Roberts for being in attendance at the council meeting
- B. Public Works: Pete reported that the transducer went down on Friday and the sewer lift station pumps stopped working. The transducer was replaced. Gridley public works came and helped with the problem. The city is running on one pump until the other pump can be repaired. The city's gas detector failed to work, so the city will order a backup that runs on regular batteries. Pete acknowledged public works employees worked well together.

C. Planning Department:

1. Scott reviewed the Planning Department Activity Report – August 2008 / September 2008 with council which was included in the agenda packet.

Councilor Arnold asked for clarification as to the site location for the Melashenko project. Scott stated Seventh Street between E and G. The county gave a final sign-

off before the city gave a final inspection and the home is already occupied. Councilor Arnold asked if we should consider hiring our own inspector to receive better service. Scott stated in the short term (the next five years) it would not make economic sense to hire an inspector, but after we grow, that would be a good change.

2. September 2008 Code Enforcement Activity Report was presented to council in the agenda packet. Scott stated two of the three biggest code enforcement offenders have made significant strides in cleaning up their property.

D. Engineer:

1. Project Updates.
 - a. Westside Storm Drain Rehabilitation Project. Engineering Staff Pauline Palmer stated the transformer should be delivered in late October or the beginning of November.
 - b. USDA Waterline Rehabilitation Project. There are two stop work notices that need to be cleared before the project will be final.
 - c. USDA Well Rehabilitation Project. Construction is expected to begin in November.
 - d. Willard Well. The permit has been approved by the Department of Health Services. Vice Mayor Frith asked where permits are kept. He felt all originals should keep at City Hall in a safe with copies on site.
 - e. North Biggs Estates. The sewer system is currently being installed.
 - f. Safe Routes to School/TEA/Prop 1B/West Biggs Gridley Road. The lowest responsive and responsible bidder was Sierra Nevada Construction and the notice of award was issued to them. Construction is expected to be complete by Thanksgiving.
 - g. Sixth Street Bridge Rehabilitation. Environmental documents are complete and will be submitted to the State this month with construction scheduled to begin in the spring of 2009.
 - h. Biggs in the FEMA Flood Plain. In regards to the new FEMA Flood Plain Mapping, FEMA had recently performed some studies and has begun to re-designate certain zones throughout the state. Preliminary word received from this mapping meeting was that Biggs would be placed in a flood zone. Mike did not know what type of flood zone it was.

E. Electric Department. Vice Mayor Frith stated Pete was working on alternative energy fuel and the power purchase approach for 2012.

F. BCAG/Air Quality. Councilor Arnold attended the Air Quality Meeting. School buses will be required to install expensive exhaust filters.

G. Finance Department. Informational – A Department Activity Report – August 2008 / September 2008 was included in the agenda packet. Deanna reported \$967.75 of revenue was generated from the new 8% admin fee.

H. City Administrator:

1. Alternative energy projects. Pete stated the biomass developer was still working on his concept and there were costly studies that need to be completed. A different

developer had a concept of a backup power generator. Another developer was putting a proposal together for a solar plant. A biodiesel developer was interested in starting a plant in Biggs. The Neal Road landfill gas project has already contracted with Bay Area Municipal Utilities.

Mayor Busch stated he had a short term contract with a group of individuals and he would have to abstain from certain biomass discussions.

2. Electric rate cost adjustment tool. Pete stated during the budget process this year there was discussion of a need for a tool to allow electric rates to keep pace with the market. A general rate increase had not been passed in the city since 2003 until last month. The city's cash reserves had been depleting.

Pete stated long term prices are now very stable. Due to the Market Purchase Program, the city is able to buy power farther out into the future. We are using our general operating reserves at NCPA as security. Ninety-one percent of our needs have been purchased for the rest of this year and 80% of our needs for 2010, and price forecasts are favorable. However, there are three assumptions for price forecasts: 1. A stable global supply. 2. Normal hydro years. 3. Stable local demand.

Vice Mayor Frith asked if we have looked at the possibility of over purchasing and then selling the surplus and Pete said yes, we do that some months.

Pete asked council if they would like him to watch the market, put a rate adjustment tool in place now, or set up some principles and have the city administrator manage within those principles. Council preferred the rate adjustment tool.

3. Consider cost-of-living adjustments for city employees. Pete stated it was council's discretion to award a COLA or not and what the amount will be for non-bargaining unit employees. However, the MOU with the union states there will be a COLA of 1 to 3.5%. The City of Biggs salaries are about 80% of other cities in the area.

There was discussion of the MOU with the union and it was decided by council to bring this item back at the next council meeting. It was recommended to use the California CPI.

4. Consider marijuana local issues. Pete asked council if they would be interested in enacting ordinances limiting marijuana cultivation and defining nuisances. Council discussed the problems of marijuana growth in the City of Biggs.

City Attorney Greg Einhorn suggested council determine what caused marijuana growth in the city to be a nuisance. He said the nuisance could be the odor or the issue of it being in the view of minors.

Mayor Busch tasked the city administrator to write an ordinance setting guidelines for marijuana growth in the city and make it as binding as possible.

Greg stated this would be a zoning code issue and the responsibility would fall on the city to enforce the code.

3. CONSENT CALENDAR:

E. Council was asked to consider changes to grievance procedures replacing City Council with Council Personnel Commissioner as final hearing step for non-bargaining unit employees. Pete stated this same change was being made at NCPA right now. This change is to avoid the “circus like” atmosphere that happens when disciplinary grievances elevate to the public body.

The union is not in favor of any changes to the grievance procedures.

Motion/Second to accept item E of the consent calendar. (Councilor Arnold asked if there could be further arbitration and Greg said the employee could challenge the process in court. The court can ensure that “due process” was taken.) (Frith/Busch, MC, Noes: Arnold)

6. PROCLAMATION: “Proclaiming The Week Of September 17 Through 23 As Constitution Week.” (Frith/Busch, MCU)

7. RESOLUTION: *Resolution 2008-19* “Resolution Of The City Council Of The City Of Biggs Authorizing Access To State And Federal Criminal History Information For Employment, Licensing Or Certification Purposes.” (Busch/Arnold, MCU)

8. INFORMATIONAL: Vice Mayor Frith stated the annual car show would be held October 25th on B Street. Councilor Crawford stated there would be an emergency preparedness activity at the LDS Church on September 16.

9. EXECUTIVE SESSION: Adjourned to Executive Session at 10:12 p.m.

10. RESUME REGULAR SESSION: Resumed Regular Session at 10:37 p.m. No announcement.

Motion/Second to increase City Administrator’s salary 8%, including CPI, effective 9-16-08. (Frith/Arnold, MCU)

11. ADJOURNMENT: Meeting adjourned by mutual consent at 10:38 p.m.

ATTEST:

APPROVED:

Deanna Carbajal
City Clerk

John G. Busch
Mayor, City of Biggs