

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 Dewsnup.

1. **COMMUNITY PARTICIPATION:** None

2. **PUBLIC HEARING: ORDINANCE TO IMPLEMENT APPLICATION OF UTILITY CHARGES TO ALL PROPERTY.**

- A. Staff Comments. City Administrator Pete Carr explained city practice has been to excuse owners of unoccupied commercial properties from incurring utility charges where utilities are not being actively utilized. The city council and a citizen's committee have both recommended the city correct this discrepancy and close the gap. The affected property owners have been notified and there was one verbal and one written negative response.
- B. Open the hearing to the public.
 - 1. Proponents. None
 - 2. Opponents. None
- C. Close hearing to the public.
- D. Council discussion. Council agreed utility charges should be applied to all property owners. Mr. Carr stated the adoption date in the draft ordinance should read 21st day of March, 2011 instead of 15th day of March, 2011.

Move for First Reading and Introduction by reading of title only with the stated change in date. ORDINANCE NO. 390 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING CHAPTER 10.30 OF THE BIGGS MUNICIPAL CODE." (Frith/Thompson, MCU)

3. **BUSINESS:**

- A. Chief Mike Brown and Battalion Chief David Hawks discussed fire dispatch services with council. Chief Brown stated the city paid \$3700 for fire dispatch service for three years with the first contract for fire service in 1998 with CDF. When the first agreement lapsed, the city no longer paid for dispatch service. can no longer continue to provide dispatch service at no cost.

Battalion Chief Hawks stated the city could pay \$50 per call. The long term plan includes a county wide fire dispatch provided by the ECC through a Joint Power Agreement (JPA) whereby the local governments would pay a proportional share of the cost of dispatch services on top of what funds.

Mayor Frith asked what the cost would be for the JPA. Battalion Chief Hawks stated this was still in the planning process. Cost could be proportional to a population base or a call volume base. No action was requested.

- B. Mr. Carr stated at the January meeting, council heard a report from the customer water rate advisory committee and directed staff to proceed with the committee's recommended adjustments. The council also suggested increasing the metered allotment to 7000 cubic feet.

Mr. Carr said this evening's proposed action represents the committee's and the city's effort to ensure operational costs and capital improvement debt service obligations of the city water utilities are covered, while establishing a more equitable share of the utility's

costs among customers. Mr. Carr stated tonight's action would not change the rates but would begin the Proposition 218 process which could result in a rate change. On page 14 of the packet was the proposed rate schedule, not the existing rate schedule. The three major components of this rate schedule would: 1. Increase the minimum service charge for metered customers and increase the allotment. 2. Change the flat rate for residential multi-family non-metered customers. 3. Increase capital improvement account charge for all customers from \$4.25 to \$13.15 per month.

Mr. Carr stated the recommendation from staff was to implement the rate increase as follows: 1. Direct staff to initiate the process. 2. Mail notices at least 45 days before public hearing. Those who wish to protest this action are invited to submit a written protest. 3. Hold public hearing. 4. First reading of ordinance. 5. Second reading and rate adjustment.

Mr. Carr reviewed the proposed rate schedule provided in the agenda packet. It was suggested to change the allotment for the 1.5" and 2" pipe size metered rates to 7000 cubic feet.

Resident Jim Holmes felt the 7000 cubic foot allotment was too high.

Resident Terry Lattemore felt this would unfairly burden the individual homeowners not using as much water and benefit those using far more water.

Mayor Frith stated the primary purpose of the water project was to improve the fire system service and one requirement was to install meters. Everyone benefits from this service.

Mr. Lattemore was concerned for those individual living on a fixed budget and was afraid a rate increase might push them over the edge.

Councilmember Arnold questioned the \$13.15 rate for the water improvement fund. He would like to see the water improvement collection increase at smaller increments.

Vice Mayor Thompson stated the \$13.15 plus the \$41.85 would equal the \$55 per month the water committee agreed on.

Councilmember Arnold questioned what percentage of negative responses would be needed to stop the increase and City Attorney Greg Einhorn said the amount was 50% plus one of the total water customers.

Motion/Second to direct staff to implement the rate increase process as suggested.
(Frith/Thompson, MC; Noes: Arnold)

4. CONSENT CALENDAR:

Mr. Carr stated item A should be removed due to three typographical errors where MCU should have been MC.

- A. Approval of Council Minutes for Regular Meeting of January 24, 2011 and Special Meeting of January 31, 2011.
- B. Approval of warrants: #24990 - 25079; #7846 - #7870; Z00406 - Z00414 for month of January 2011 in the amount of \$375,042.63.
- C. Acknowledge receipt of Monthly Cash and Investments Report for January 2011.
- D. Acknowledge receipt of Police Department Report for January 2011.

- E. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for January 2011.
- F. Acknowledge receipt of Biggs Fire Department Report for January 2011.
- G. *Second Reading and Adoption of Ordinance No. 389* by reading of title only "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."
- H. Adopt *Resolution No. 2011-06* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS TO ERECT AND MAINTAIN TEMPORARY STREET BARRICADES AT SECOND AND FOURTH STREETS IN BIGGS."
- I. Approval of draft 2011 city project priorities.

Motion/Second to approve the consent calendar minus item A. (Thompson/Frith, MCU)

Motion/Second to approve item A with said typographical errors corrected.
(Thompson/Bottorff, MCU)

5. DEPARTMENT REPORTS:

A. Planning:

- 1. Informational: City Planner Scott Friend reviewed the Department Activity Report – January 2011 / February 2011 included in the agenda packet.

Mr. Friend suggested scheduling General Plan Update meetings prior to the next two regular council meetings on March 21st and April 18th.

- 2. Mr. Friend stated the requirements of Assembly Bill 1881 and the State of California's Water Conservation in Landscaping Act (AB325) obligates the City of Biggs to adopt a water efficient landscape ordinance consistent with State law or to utilize the State's approved Model Ordinance.

Resident Steve Thompson asked the city to force the state to force this legislation on us. Try to give the act of protest. He felt this was infringing on property rights.

Mr. Lattemore asked how this would impact school districts. Mr. Friend stated there are exemptions for sport areas versus non-sports areas. This item would be discussed at a later meeting.

- 3. Vice Mayor Thompson asked to consider placement and location of fences. She stated this had nothing to do with reconsidering an earlier discussion of a fence located at the corner of Second and B Streets.

Mr. Einhorn stated there is a difference of opinion as to whether this is a reconsideration of a prior issue or not. He felt this was a reconsideration of the prior issue and suggested voting whether to hear this again. If four members of the council agree, then the discussion will move forward.

Vice Mayor Thompson stated again this was not reconsideration, rather asking for a change in the municipal code.

Vice Mayor Thompson made a motion to discuss the code as it pertains to aesthetic and picket-like fences in front and side yards in the city right-of-way.

Due to lack of second, motion died. Mayor Frith asked staff to identify all properties that are affected by segmental juts. City Engineer Mr. Swartz would provide a map noting these properties.

4. Mr. Carr showed a map indentifying truck routes and suggested deleting Ninth from B to Bannock and Eighth south of Bannock.

Councilmember Bottorff felt that Second Street between B and E was narrow and recommended changing this to a non-bus route due to safety. Council agreed.

Mr. Friend stated a truck can leave the truck route to make a delivery.

Mr. Carr would bring this item back next month with the changes suggested.

B. Engineering:

1. City Engineer Dave Swartz reviewed the Activity Report included in the agenda packet.
2. Mr. Swartz provided a detail memo on piping of valley gutters. He stated it would cost twice as much to pipe the gutters and more construction issues relating to ADA ramps would arise because they would need to be reconfigured, and there would also be the issue of pipe with an open end to deal with. He felt this would create more work for Public Works.

Mr. Carr stated the public works committee agreed to widen the existing gutter valleys. This would be the most cost effective and best final result.

3. Mr. Swartz provided an update on the WWTP – MUN Designation. He stated he received a phone call from Greg Cash of the Regional Water Control Board that the City of Live Oak was underway processing their permit, and that the Board during their February 4th meeting requested that board staff remove the MUN designation from the permit for the RD 777 Agricultural Drain discharge. The City of Biggs could receive the same consideration without having to spend the additional \$84,000 to provide the technical report and basin plan amendment.

After a conference call with Psomas, City Staff and the regional board staff to verify this information, Mr. Swartz asked Psomas to postpone their work on this matter.

Motion/Second to suspend the prior action to authorize the expenditure of \$84,000.
(Frith/ Bottorff, MCU)

Mr. Carr asked to hear item J. 1. before Mr. Swartz left since it affects his position. Mayor Frith agreed.

J. City Administrator.

1. Mr. Carr stated the city would be considering an RFQ for the city engineer. A sample RFQ was included in the agenda packet. Mr. Carr said the city had been served by California Engineering Company (CEC) for 16 years and suggested CEC be considered for this position without submitting a formal proposal.

Mr. Swartz stated he was disappointed the city was going to an RFQ for engineering services. He had dedicated much of his time to the city. He had put over \$15 million into the city in various projects. He did not know of any other jurisdictions removed from the FEMA Flood Plain Map. Mr. Swartz stated he took this issue personal and won and this caused a savings of \$1500 a year per resident. He has enjoyed working with the City of Biggs and wanted to continue this working relationship.

Mayor Frith stated the city had an obligation to the citizens to go out for an RFQ.

Mr. Swartz stated this was not the law and Mr. Einhorn confirmed there was no law in the government code but this was a policy issue.

Motion/Second to direct staff to move forward with the RFQ to be submitted and suggest it be sent out within a week with the returns as stated with a 30 day lead time. (Frith/Sheppard, MC; Noes: Bottorff)

- C. Public Safety. Fire dispatch service was discussed earlier in the meeting. Assistant Chief Price would return March 20th.
- D. Flood Control. Councilmember Sheppard stated studies were being done for the environmental impact report before any work can be complete. Engineers have done an inspection of the levees.
- E. Public Works. Councilmember Arnold stated water pressure and gutter valleys were discussed earlier in the meeting.
- F. Electric. Mayor Frith stated the commission voted to meet the terms for Turlock's withdrawal from NCPA JPA.
- G. BCAG/Air Quality. Vice Mayor Thompson said BCAG would be holding a public hearing regarding the bus routes and changes that have been made. Dial-a-ride was discussed.
- H. Solid Waste. Nothing to report.
- I. Other commission reports. Councilmember Sheppard attended the Butte County Mosquito Abatement Control Meeting and gave a brief report. He also attended the Butte County Disaster Council Meeting.

Vice Mayor Thompson will attend the school board meeting to discuss possible road closure near the school.

- J. City Administrator.
 - 2. Mr. Carr reviewed six options for the city's membership in NCPA for council to consider: Stay in NCPA at current level of service and cost, stay in NCPA at a modified level of service and cost, become a Western Area Power Administration direct customer, become a Plumas-Sierra Rural Electric Cooperative member, become a direct PG&E wholesale customer or become a Power and Water Resources Pooling Authority member. No action was requested.
 - 3. Mr. Carr requested authority to allow recreation programs on a limited and trial basis, utilizing city facilities. Mayor Frith stated the policy the city had was for the community hall and there were exemptions for certain groups. Council discussed the

liability and use of city resources to publicize recreational program events. Vice Mayor Thompson and Mr. Carr would continue discussions on this issue.

4. Mr. Carr stated he and public works had signed up for an online employee safety program. Mayor Frith felt it was important to have council involvement in the employee safety recognition program.
5. Mr. Carr introduced discussion points for a draft policy for use of social media to avoid violating the Brown Act.

Mr. Einhorn suggested rules and regulations so it is clear where the boundary of work life and social life are. Mayor Frith stated a policy needs to be determined for the City of Biggs. Mr. Carr suggested finding a model ordinance to use. Council recommended incorporating this policy into the city's internet policy.

6. Mr. Carr introduced a draft policy for use of volunteers for council consideration. Mayor Frith asked council to consider what they felt was appropriate use of volunteers in the city and give this information to Mr. Carr.
6. **INFORMATIONAL:** Mr. Carr stated he was in discussions with his counterpart in Gridley about the police contract.

The city has a budget for replacing trees in the city. Mr. Carr stated the school was interested in allowing children to help plant the trees. Council agreed to involve the school in the tree replanting as part of Arbor Day/Week observance.

7. **EXECUTIVE SESSION:** Council adjourned to executive session at 10:50 p.m.

Discussion: Employee Leave Update.

8. **RESUME REGULAR MEETING:** Council resumed the regular council meeting at 10:55 p.m. Nothing to report.
9. **ADJOURNMENT:** Meeting was adjourned at 10:55 p.m.

ATTEST:


Roben Dewsnap, CITY CLERK

APPROVED:


Roger L. Frith, MAYOR