

Call To Order

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

1. COMMUNITY PARTICIPATION: None

2. CONSENT CALENDAR:

- A. Approval of Council Minutes for Regular Meeting of October 17, 2011 and Special Meetings of October 17, 2011 and October 24, 2011.
- B. Approval of warrants: #25672 - 25748; #8050 - 8076; Z00532 - Z00545 for month of October 2011 in the amount of \$243,288.71.
- C. Acknowledge receipt of Police Department Report for October 2011.
- D. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for October 2011.
- E. Acknowledge receipt of Biggs Fire Department Report for October 2011.
- F. Meter Maintenance Program Agreement and Metering Equipment Transfer Letter of Agreement and Bill of Sale.
Adopt Resolution No. 2011-22 by reading of title only.
RESOLUTION NO. 2011-22 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS, APPROVAL OF THE METER MAINTENANCE PROGRAM AGREEMENT AND METERING EQUIPMENT TRANSFER LETTER OF AGREEMENT AND BILL OF SALE."
- G. Approve Updated Salary Schedule reflecting adjustment approved in October.
- H. Approve establishment of Health Reimbursement Account (HRA), direct Mayor to execute plan agreement documents, City Administrator to implement and administer the HRA and prepare a warrant for \$24,000 for Mayor signature to provide initial investment into the trust account, and further direct Administrator to report at least quarterly to Council on account and plan status.
Adopt Resolution No. 2011-23 by reading of title only.
RESOLUTION NO. 2011-23 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ESTABLISHING A HEALTH REIMBURSEMENT ARRANGEMENT WITH ITS PLAN AGREEMENT AND INITIAL FUNDING."
- I. Approve Section 125 plan documents and adoption agreement as presented, authorize Mayor to execute agreement.
- J. Ratify Addendum to Labor MOU: Health Insurance.
- K. Approve proposed job descriptions for Public Works Crew I, II, III and IV/Wastewater Treatment Plant Operator by resolution.
Adopt Resolution No. 2011-24 by reading of title only:
RESOLUTION NO. 2011-24 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS REVISING JOB DESCRIPTIONS FOR PUBLIC WORKS FIELD POSITIONS AND REPLACING THOSE PREVIOUSLY APPROVED MARCH 2006."

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

3. DEPARTMENT REPORTS:

- A. Engineering: City Administrator Pete Carr reviewed the engineer's activity report and project update. He stated Bennett Engineering found a source of funds on account for Biggs at BCAG and Bennett asked BCAG to transfer the funds to a Local Transportation Funds account. The funds then can be used as part of the match on the Sixth Street Bridge project. This will offset the first \$10,000 in costs. Bennett

Engineering also identified a change in State law that allows for bridge replacements, in some cases, to be funded 100 percent. This is expected to save the City an additional \$70,000 in City-match costs.

B. Planning:

1. City Planner Scott Friend reviewed the October/November activity report included in the agenda packet.
2. Code Enforcement – 2011 Marijuana Abatement Effort. Mr. Friend stated the standard outdoor growing season had been concluded. The city had completed a major overhaul of section 6.25 of the municipal code and Mr. Friend was asking for comments and suggestions from council.

Councilmember Bottorff asked if the costs to the city were being covered by the fines imposed on offenders. Councilmember Sheppard felt the city should be stricter. Councilmember Arnold was concerned about growing marijuana close to schools.

Mayor Frith felt there are still holes in the code that needed to be addressed such as non-compliant structures, the odor of smoking marijuana outdoors, and the 1000 foot prohibition. The city did not have a handle on this issue yet.

Mr. Friend stated the city code does not address indoor grows yet. He would suggest staff work with the police department to tighten up the gaps in the code.

Mr. Friend would come back to council with suggested code changes.

3. Mr. Friend presented a follow-up on fence code provisions. A fence code had been adopted in recent years that prohibited fences in the right-of-way. He was asking if council would like to discuss this issue further.

Vice Mayor Thompson liked the current fence ordinance but it did not allow decorative front yard fences due to setbacks.

Councilmember Arnold was concerned with problems fences in the right-of-way would cause later on. It could cause problems for future council members.

Mayor Frith stated there were inconsistent right-of-ways in the city. He questioned what the best use of the property was for homeowners who want to make improvements to their property. He said exceptions could be added to the code which would allow for certain things to happen. The fences being discussed were decorative fences, not security fences. If someone puts a fence in the right-of-way, there should be an understanding it could be removed.

Mr. Friend stated there would be a reasonable setback and those installing the fence would sign a document agreeing the fence could be removed. Council agreed to have Mr. Friend come back with suggestions for decorative fence installation.

4. NEW BUSINESS:

- A. Code Enforcement Staffing: Mr. Carr asked council to provide direction on how to staff the code enforcement position which became vacant October 1st this year. He reviewed the weekly duties of the code enforcement officer and explained the code enforcement officer backfills for customer service 2 to 8 hours per week. He suggested five different options for filling the code enforcement position:

Option A: Recruit and hire a part-time code enforcement person at entry level wage, 15-19 hours per week.

Option B: Same as A but for 25 hours a week, per the budget.

Option C: Contract with PMC exclusively for full service.

Option D: Utilize one or more unpaid interns and/or community volunteers.

Option E: Seek a code enforcement shared services agreement with another agency.

Mr. Carr recommended Option A.

City staff Marlee Mattos stated it was imperative to have a staff member that could fill in for staff. It is almost impossible to take vacation without an extra person. She asked council to please consider a backup person for customer service as one of their priorities.

Councilmember Bottorff agreed with the recommendation of Option A. Vice Mayor Thompson also agreed with option A and felt a volunteer could be used for code enforcement observation. She did not agree with using a volunteer for data entry – possibly a combination of A & D.

Councilmember Arnold liked Option A with the ability to increase the work hours as in Option B if needed.

Councilmember Sheppard concurred with Vice Mayor Thompson.

Mayor Frith did not agree with council. He felt the city should contract with PMC for the full service. He did not want to add more burdens to the city by expanding the staff. He did not like the idea of using volunteers for code enforcement but there were a number of volunteers in town that could help with the office staff.

Councilmember Bottorff changed his mind and agreed with contracting exclusively with PMC. Vice Mayor Thompson stated the city would not be increasing staff, there has always been a third person in the office.

Ms. Mattos felt council was over-simplifying customer service – it was not just answering the telephone. There were many questions that need to be answered or look ups in the system that need to be made. She felt it was a false idea to think an untrained person could come into the office and do much customer service.

Council members discussed Option A at 10 hours per week plus Option C.

Mr. Carr pointed out Option A was being done right now in the city and he felt it was working very well. Option A and C would cost the city an extra \$2,000 a month.

Motion/Second to contract with PMC exclusively for code enforcement and hire a part-time person for the customer service backfill at ten hours a week to start. (Bottorff/Frith, MC; Noes: Arnold & Thompson)

Vice Mayor Thompson asked if the part-time position would need to be advertised and City Attorney Greg Einhorn said no.

Council agreed to hire the current part-time temporary person to a part-time permanent position.

- B. Mr. Carr stated the city budgeted \$7500 for a School Resource Officer (SRO) this year but the school superintendent did not feel they needed an SRO. Mr. Carr said the \$7500 could be retained in the budget, modified or eliminated.

Vice Mayor Thompson felt it should be retained in the budget, Councilmember Sheppard felt it should be removed from the budget and Councilmember Arnold did not see an issue with leaving it in the budget.

Mayor Frith did not feel it should have been in the budget in the first place and since the school is not interested in using the funds, they should be returned to the general fund and eliminated from the budget. Councilmember Bottorff concurred.

Motion/Second to return the \$7500 allocation for the SRO back to the general fund, and if needed in the future, council will revisit it. (Frith/Sheppard, MC; Noes: Arnold)

3. DEPARTMENT REPORTS CONTINUED:

- C. Public Safety: Assistant Police Chief Dean Price would provide extra traffic patrol at the schools. There is a fee for the K-9 to go on campus.
- D. Councilmember Bottorff was not able to attend the Sutter Butte Flood Control Meeting.
- E. Mr. Carr stated Public Works had just completed the first gutter valley replacement and he was proud of the way it turned out.
- F. Mayor Frith gave a slide presentation on the Lodi Energy Center.
- G. Vice Mayor Thompson stated CalTrans gave a presentation at the last BCAG meeting.
- H. Councilmember Arnold had no report for Solid Waste.
- I. Councilmember Sheppard reported on Mosquito Abatement. He stated the mosquito population was diminishing and one more case of West Nile Virus was reported.
- J. City Administrator.

1. Mr. Carr gave background on the Solar Program for the City of Biggs. The program is for 10 years and started in 2008 with a total of \$18,000 available for rebate each fiscal year. The first two applications were made this year by one customer for two properties. The current application rebate was determined to utilize the year-one incentive rate. The City has discretion to structure its program to advance rebate incentives by year or by project or by % completion of the kilowatt objective.

Mr. Carr stated he was looking for direction on updates to the solar rebate program, the net metering rate, and council's interest in a City-owned system. Should the system installation benefit everyone or benefit just a few?

Ms. Mattos spoke to council about the city's solar program.

Council agreed to leave the city's solar program as it is – solar rebates that benefit individuals rather than a public project.

Mr. Carr reviewed the proposed Solar Incentive Program. NCPA advised Ms. Mattos to use the January 2008 rate of \$2.80 for the two new solar installations. Mr.

Carr suggested moving to the 2011 incentive rate for the next installation. Council needs to determine what incentive individuals would receive.

Ms. Mattos stated most municipalities use steps for their programs and as goals are reached, they step down one step. Ms. Mattos had already quoted a third applicant they would be at step two and she felt this quote should be honored.

Motion/Second to direct staff to make the changes in the solar program and also reflect that any future applications will be paid at the rate of the particular year the application is accepted. (Frith/Thompson, MCU)

RESOLUTION NO. 2011-25 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ESTABLISHING A RATE FOR RESIDENTIAL AND COMMERCIAL NET METERING OF SOLAR SYSTEMS." (Thompson/Bottorff, MCU)

2. Use of city facilities for storage. Mr. Carr stated the city-owned house at Family Park was rented to a city employee without a garage or storage facility. The tenant was told he could use the old jail as a garage. He relocated the Christmas decorations to the main jail office area.

Mr. Carr reported the Biggs Lions Club is in need of a space to store their equipment and there is a lockable storage area at Biggs Community Hall that would work for them or upstairs at the Public Works shop.

Mayor Frith felt allowing the tenant to use the entire jail as a garage is completely wrong and was not approved by council. The tenant rented the house knowing there was no storage. He would like all the stuff put back in the jail and allow the tenant to store his motorcycles there also.

Councilmember Bottorff felt the tenant should be charged rent for the use of the old jail.

Councilmember Arnold felt the city administrator should be allowed to handle this without it coming to council.

Motion to direct staff to charge \$25 for the use of the jail. (Bottorff) Motion died for lack of Second.

Motion to put the garage back the way it was and allow tenant to store motorcycles and remove locks. (Sheppard) Motion dies for lack of Second.

Motion/Second to leave the jail the way it is, let tenant keep his belongings in there now, and if it becomes a problem, let the city administrator deal with it. (Arnold/Thompson, MC; Noes: Frith & Sheppard)

Motion/Second to direct the city administrator to allow the Biggs Lions Club to use the space recommended. (Bottorff/Arnold, MC; Noes: Frith & Sheppard)

3. Mr. Carr presented the Contract Employment Extension for the city administrator's position based on previous council discussion. Council had the option to go into closed session to discuss employee evaluation.

Mayor Frith wished to eliminate the support for Rotary. He said Rotary was not giving the City of Biggs any value.

Mayor Frith turned the meeting over to Vice Mayor Thompson at 10:12 and left the meeting.

Councilmember Bottorff asked if Mr. Carr would accept a reduction in the Rotary fees paid and Mr. Carr said yes. Councilmember Arnold said we should either support Rotary or not.

Motion/Second to accept this term of employment and leave the \$705 for Rotary.
(Bottorff/Arnold, MC; Noes: Sheppard; Absent: Frith)

5. INFORMATIONAL:

6. ADJOURNMENT: Meeting was adjourned at 10:19 p.m.

ATTEST: Roben Dewsnup
Roben Dewsnup, CITY CLERK

APPROVED: Roger L. Frith
Roger L. Frith, MAYOR