

MINUTES OF THE CITY OF BIGGS
REGULAR COUNCIL MEETING
COUNTY OF BUTTE, STATE OF CALIFORNIA

October 8, 2013

Call To Order

The regular council meeting was called to order at 6:30 p.m. by Mayor Frith. Vice Mayor Sheppard, Council Members Arnold, Busch and Thompson were present. Staff present: City Administrator Mark Sorensen, City Attorney Greg Einhorn and City Clerk Roben Dewsnap.

1. COMMUNITY PARTICIPATION: None

2. PRESENTATION:

Mayor Frith presented a proclamation to members of the 4-H Club, "Recognizing 2013 as the Centennial Year of the California 4-H Youth Development Program in Butte County."

3. CONSENT CALENDAR:

- A. Approval of Council Minutes for Regular Meetings of August 13, 2013 and September 10, 2013 and Special Meeting of August 29, 2013.
- B. Approval of warrants: #8413- 8425; Z00905 - Z00921, and 27378 - 27446 for the month of September 2013 in the amount of \$379,617.82.
- C. Acknowledge receipt of Biggs Fire Department Report for the month of August 2013.
- D. Acknowledge receipt of Accountant's Compilation Report as of August 31, 2013 and Monthly Cash and Investments Report for August 2013.
- E. Approve Second Reading of Ordinance No. 399, **"AN ORDINANCE OF THE BIGGS CITY COUNCIL AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.70 RELATING TO TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN THE CITY OF BIGGS."**

Council Member Arnold asked to pull item E from the agenda for further discussion. Council agreed to discuss this item at the end of the agenda.

Motion/Second to approve the consent calendar except for item E. (Arnold/Thompson, MCU)

4. DEPARTMENT REPORTS:

- A. Planning / Code Enforcement: Activity Report for September / October 2013. City Administrator Mark Sorensen added that the Wastewater Treatment Plant Land Application Project Environmental Compliance was ahead of schedule.

Council Member Arnold expressed his concern about the inspection at 343 C Street. He stated there was an electrical violation that was not mentioned in the Code Enforcement Report. He also suggested Council address the municipal code relating to the 20 foot height maximum for accessory structures. Mr. Sorensen suggested addressing accessory structures and how many are allowed and the total amount of square footage.

- B. Engineering: Monthly Activity Report. Mr. Sorensen was available to answer any questions about the report.
- C. Public Safety. Mayor Frith stated Chief Keeler would retire at the end of the year and Assistant Chief Price would take over the position in the interim.
- D. Sutter Butte Flood Control Agency (SBFCA). Vice Mayor Sheppard reported on the SBFCA Meeting he attended.

- E. Pubic Works. Council Member Arnold stated the Sixth Street Bridge and aerators at the waste water treatment plant were discussed at the last public works meeting.
- F. Electric. Mayor Frith reported on electric issues pertaining to the City of Biggs.
- G. BCAG. Council Member Busch stated BCAG would be purchasing four used buses.
- H. Air Quality. Council Member Thompson gave a report on the Air Quality meeting she attended.
- I. Solid Waste. Resident Mary Frith reported the city wide cleanup day would be this Saturday.
- J. Mosquito Abatement. Vice Mayor Sheppard reported West Nile Virus was still increasing in Butte County.
- K. Other commission reports.
- L. City Attorney.
 - 1. Duties of Employee Relations Councilor and Access to Information. City Attorney Greg Einhorn stated at a recent meeting, Vice Mayor Sheppard asked that the duties of the Employee Relations Councilor be defined. In Mr. Einhorn's opinion, the appointee should have no greater access to employee personnel materials than the rest of the Council.

Mayor Frith asked Mr. Einhorn what privacy issues he was concerned about.

Mr. Einhorn stated the employee should have a reasonable expectation that what is in their employee file is private and since Council doesn't hire and fire employees, they shouldn't have any more rights to employee information than the public.

Mayor Frith suggested the employee relations councilor should be allowed to be part of all hiring boards to observed candidates and processes of determining who is to be interviewed by qualification. The final interview would be by City staff. Council Member Arnold did not agree.

Vice Mayor Sheppard felt the City was not following risk management procedures with regards to misconduct.

Mayor Frith stated council needed to be certain employee evaluations were being completed.

Mr. Einhorn stated council could sign off on evaluations for completion rather than reviewing the substance of the evaluation.

Council Member Thompson suggested looking at a city of like size to see how they would handle this situation.

Council agreed to have this item brought back with the suggested changes.

- 2. Termination of Counsel Retention Agreement and Consideration of RFP Process.

Mr. Einhorn presented his termination of service to the City of Biggs but could continue his service until a successor was chosen. Council agreed.

Mayor Frith suggested Mr. Sorensen and Mr. Einhorn put together an RFP for attorney services.

M. City Administrator.

1. Amendment of Waste Water Debt Documents. For information only, Mr. Sorensen provided for Council a copy of the First Amendment to Installment Sale Agreement.
2. Purchase Authority for Waste Water Aerators. Mr. Sorensen asked Council for purchase authority to purchase two waste water aerators and installation labor and materials.

Motion/Second to authorize the City Administrator to purchase and install two (2) 3 HP VARACorp Turbine Aeration units with the cost of materials and labor not to exceed \$14,000, and to increase the Sewer Operating Fund expense budget line item 030-1232 by \$14,000 to accommodate the purchase. (Sheppard/Arnold, MCU)

3. Consideration of Administrative Civil Liability Complaint.

Mr. Sorensen stated on September 10th, the City received an Administrative Civil Liability Complaint from the Central Valley Regional Water Quality Control Board. The complaint charges the City with administrative civil liability in the amount of \$462,000 as a result of waste water effluent discharge violations from January 2009 through September 2012. Mr. Sorensen suggested waiving the 90-day hearing requirement so that the City can negotiate a settlement or a "Spend in lieu" arrangement with the goal of applying the \$462,000 toward the corrective actions.

Motion/Second to waive the 90-day hearing requirement so the City can negotiate a settlement and authorize the City Administrator to enter into an agreement as such. (Frith/Sheppard, MCU)

4. Vendor Agreement Review Schedule. Mr. Sorensen provided an updated schedule for Council review.
5. Approval of Emergency Operations Plan. Mr. Sorensen asked Council to consider the Emergency Operations Plan.

Motion/Second to authorize the Mayor to sign the letter of promulgation and authorize the Mayor, Council Members and Staff to sign the record of concurrence. (Thompson/Arnold, MCU)

5. INFORMATIONAL:

Council Member Busch provided a handout to Council with highlights of the SCORE Convention he recently attended.

Discussion of item 3.E. Council Member Arnold stated his concerns about Ordinance No. 399. He noted that the words "Manufactured Homes" had been struck from the Chapter 14.70 title; however, the words "Manufactured Homes" were used throughout the Ordinance.

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Motion/Second to approve Ordinance No. 399, "AN ORDINANCE OF THE BIGGS CITY COUNCIL AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.70 RELATING TO TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN THE CITY OF BIGGS" - With non-substantive references to Manufactured Homes removed.
(Frith/Thompson, MCU)


6. ADJOURNMENT: The meeting was adjourned at 8:28 p.m.

ATTEST:



Roben Dewsnap, CITY CLERK

APPROVED:



Roger L. Frith, MAYOR