

MT. SHASTA CITY COUNCIL REGULAR MEETING MINUTES
Monday, March 25, 2013; 6:30 p.m.
Approved As Submitted - May 13, 2013

1. Call to Order and Flag Salute

At the hour of 6:30 p.m. Mayor Moore called the meeting to order and led the audience in the Pledge of Allegiance.

2. Roll Call

Present: Council Members Michael Burns Sr., Jeffrey Collings, Geoff Harkness, Tim Stearns, and Mayor Tom Moore

Absent: None

3. Public Comment:

No public comments were noted.

4. Approval Of Minutes: Minutes of February 25, 2013 Regular City Council Meeting
Minutes of March 4, 2013 Special City Council Workshop Meeting

Council Member Stearns expressed the opinion that his statement on page 2, the third to the last paragraph on the page was a misrepresentation of what he had said and he requested that it be deleted from the minutes as it was not relevant to the discussion.

Council concurred that a misrepresented statement should be deleted from the minutes.

Council Action: Council Member Harkness made a motion seconded by Council Member Stearns to approve the Minutes of the February 25, 2013 Regular City Council meeting as submitted and the Minutes of the March 4, 2013 Special City Council Meeting as amended. Motion carried on a voice vote of 5-0.

5. Special Presentations & Announcements - None

6. Consent Agenda:

a. Approval of Disbursements: Accounts Payable: 03/07/2013, and 03/13/2013

Total Taxes: For Period Ending 03/03/2013

Total Gross Payroll and Taxes: For Period Ending 03/03/2013

Council Action: Council Member Stearns made a motion seconded by Council Member Harkness to approve Consent Agenda Item **6a**. Motion carried on a voice vote of 5-0.

7. Public Hearing and Consider Resolution No. CCR-13-XX RE: Approving An Application for Funding from the Community Development Block Grant (CDBG) Program And Authorizing The Execution Of A Grant Agreement And Any Amendments Thereto With The State Of California Department Of Housing And Community Development (HCD) And Authorizing The City Manager To Act On Behalf Of The City To Execute All Documents Relating Thereto (City Manager)

City Manager Marconi presented the staff report.

Council Member Burns stated support for the recommendations as presented by staff.

Council Member Stearns noted that Ms. Aston had some additional information and criteria available regarding the grant being submitted for senior snow plowing services.

Ms. Aston stated that after the last meeting she had contacted the State about their official definition of what constitutes someone being classified as severely disabled, because it is possible for the application to contain language which can be used to prioritize the applications received.

Ms. Aston stated there is the senior citizen component which makes them eligible under the program but then the city could have the specific language which classifies people as being severely disabled which could then be verified by their physician and signed off on so households could be prioritized using that criteria besides just using a first come, first serve basis. Ms. Aston stated that such applicants could be awarded extra points and other ways of prioritizing could be developed when the City does its program guidelines.

Mayor Moore stated support for the grants being proposed and stated the hope the City would be successful in its applications.

City Manager Marconi advised the Mayor this is a public hearing and suggested the Mayor could open up the public hearing for comment.

Mayor Moore asked whether there were any members of the public who would like to speak to the item.

No public comments were noted.

Council Action: Council Member Harness made a motion, seconded by Council Member Collings to approve and adopt Resolution No. CCR-13-12 A Resolution of the City Council of the City of Mt. Shasta Approving An Application for Funding from the Community Development Block Grant (CDBG) Program And Authorizing The Execution Of A Grant Agreement And Any Amendments Thereto With The State Of California Department Of Housing And Community Development (HCD) And Authorizing The City Manager To Act On Behalf Of The City To Execute All Documents Relating Thereto by title only. Motion carried on a voice vote of 5-0.

8. Consider Resolution No. CCR-13-XX RE: Approving A Community Based Transportation Planning Grant Application And Authorizing the City Manager to Execute Agreements With the California Department of Transportation for the Mt. Shasta City Center to Lake Siskiyou Trail Plan (City Manager)

City Manager Marconi presented the staff report and noted ATAC Chair Michael Williams was present at the meeting tonight in order to answer any specific questions Council might have.

No public comments were noted.

Council Member Collings noted the increase to the matching funds and also noted that ATAC has raised \$7,500 with the City providing an additional \$500 of in kind services besides the \$2,000 the Council previously committed for matching funds. Council Member Collings noted his support.

Council Member Stearns stated his support for the application.

Council Action: Council Member Stearns made a motion to approve and adopt Resolution No. CCR-13-11 A Resolution of the City Council of the City of Mt. Shasta Approving A Community Based Transportation Planning Grant Application And Authorizing the City Manager to Execute Agreements With the California Department of Transportation for the Mt. Shasta City Center to Lake Siskiyou Trail Plan by title only with an amendment to the first page of the grant application to reflect "City Manager" rather than "City Administrator" as is currently the case.

Council Member Harkness stated the understanding that this grant would only provide for high level planning and not for the actual design or environmental clearance required for the project. Council Member Harkness asked Chair Williams whether ATAC would pursue other grants for that portion of the project.

Chair Williams responded in the affirmative. Chair Williams stated the understanding that the distinction between planning and design is a grey area. Chair Williams made the observation that some design issues would be considered during the selection of a route for the trail. Chair Williams stated that part of the scope of work for the project is to receive a list of the alternatives for the route selection, how much the routes would cost, how much maintenance costs would be needed in the future, and any environmental issues along the trail that would have to be addressed for the preferred route.

Council Member Burns made the observation the grant would only pay for the planning of the trail and would not help pay for any construction costs.

Chair Williams noted this program requires a lot of public participation during the beginning of the process. Chair Williams noted the scope of work includes development of some alternate routes and at the end of the process the data compiled would be presented at another public input session and the City Council and the public would look at the options and would select a preferred route that would define funding for construction.

Council Member Burns made the observation the County is buying into this and he asked whether they were willing to take ownership of the portion of the trail that is within their jurisdiction in terms of maintenance and cost or is it too premature to ask that question.

Chair Williams responded that he is putting that off until the design phase. Chair Williams noted that one of the things being requested is information on maintenance costs for the trail. Chair Williams made the observation that a trail like the Siskiyou Lake Trail that is just packed dirt would have low maintenance costs, whereas a trail using asphalt would be more costly.

Council Action: Council Member Harkness seconded Council Member Stearns' motion. Motion carried on a voice vote of 5-0.

9. Consider Resolution RE: Authorizing An Agreement for Professional Services With L. Jeff Butzlaff for City Manager Recruitment Consulting (*THIS ITEM IS CONTINUED FROM THE MARCH 18, 2013 SPECIAL CITY COUNCIL MEETING*)

City Manager Marconi presented the staff report noting that Council would be taking action on this item by adopting a professional services agreement with Mr. Butzlaff as discussed at the March 18th Special Meeting. City Manager Marconi stated that once the agreement is adopted Council would then be able to discuss with Mr. Butzlaff how the Council would like to proceed with the City Manager recruitment process and the following item would provide Council with the opportunity to discuss the proposed flier and advertisements that Mr. Butzlaff has prepared so they can be distributed, as the City is on a very tight timeline.

Council Member Stearns made the observation that he had concerns with the proposed schedule because of what City Manager Marconi had pointed out in terms of the City's timeline and made the observation that the timeline provided appears to be scrunched at the bottom part of the timeline as presented. Council Member Stearns expressed the opinion there is not enough flex time in the proposed schedule. Council Member Stearns made the observation the deadline of May 31st for letters of interest and resumes is right after Memorial Day Weekend and he would suggest the deadline should be moved to May 23rd, just before Memorial Day weekend and the proposed schedule does not include an initial receipt of Professional Profiles from applicants and it was his opinion the City should get as much information as possible up front and the City should not wait more time by sending out the Professional Profile questionnaire following the initial deadline.

Council Member Stearns provided the Council Members with a copy of the Professional Profile document used in the previous City Manager Recruitment Process, (to be made a part of the permanent record). Council Member Stearns suggested the Professional Profile should be received with the resumes of the applicants.

City Manager Marconi stated the reason your consultant and the City Manager have suggested that the Professional Profile and the resumes are done independent of each other is because it would be difficult to distribute the supplemental profile in the context of the advertising the City is doing. City Manager Marconi stated, as Mr. Butzlaff has pointed out, one of the most important things the City wants to look at during its recruitment process is how the applicants present themselves. City Manager Marconi made the observation it is much easier to see how they present themselves through their resume and cover letter.

Council Member Stearns suggested the profile could be made available on the City's website.

Council Member Collings made the observation the City is hiring a consultant and he asked Mr. Butzlaff as to his thoughts on the matter.

Mr. Butzlaff responded, as he had stated in a memo he had sent to Council last Friday, his rationale and recommendation is that the Profile should be provided following the initial receipt of resumes. Mr. Butzlaff pointed out this would enable the City to request additional information, such as the Professional Profile, only from those candidates the City considers qualified to fill the City Manager vacancy. Mr. Butzlaff noted that by waiting until after the deadline to provide this type of supplemental document to qualified applicants would assure that all the candidates had the same timeframe in which to receive and return supplemental information requested by the City.

Mayor Moore made the observation the discussion was getting off topic from that as presented in the agenda item. Mayor Moore pointed out that consideration of an agreement was the issue before the Council and he suggested that Council returns to that topic because there is no official agreement executed with Mr. Butzlaff as yet. Mayor Moore suggested that following Council's consensus on an agreement the next agenda item would provide the opportunity for further considerations. Mayor Moore made the observation the Council should avoid micromanaging of the dates, however each individual Council Member might have a different opinion in that regard.

Council Member Stearns pointed out the contract has attachments A and B as a part of the contract and these attachments set forth the Scope of Work and the Schedule for the consultant's conduct for the recruitment process and the first item on the schedule is for Council to determine, tonight, whether the Profile is to be returned with resumes or not. Council Member Stearns stated he wanted the Professional Profiles to be required up front.

Mayor Moore asked how the other Council Members felt. Mayor Moore made the observation the schedule is subjective and should Council take the time to dissect each date on Attachment B, Council would be here for hours. Mayor Moore pointed out these dates were previously presented to Council at an earlier meeting. Mayor Moore stated the date of importance to him is the date of August 3rd.

Council Member Stearns suggested asking Council their opinion as to the Professional Profile before going into any other concerns that may or may not exist.

Mayor Moore made the observation that Council Member Stearns had already made it clear there were dates on the schedule that he had concerns about, such as the 31st. Mayor Moore suggested the other Council Members be given an opportunity to express their opinions.

Council Member Stearns stated he would like the Council to consider the Professional Profile matter.

Mayor Moore asked how the rest of the Council feels about the Professional Profile matter.

Council Member Harkness made the observation that sending the Profile out following receipt of a resume might save time in terms of the schedule itself and expressed the opinion it would not have a huge impact on the payment schedule and the contract with Mr. Butzlaff. Council Member Harkness stated he would not like to discuss the Professional Profile as regards to the contract itself. Council Member Harkness stated that were he to consider any changes to the contract itself, that change would be in regards to item No. 4, subsection No. 3 regarding compensation. Council Member Harkness suggested removing the date of August 30, 2013 from subsection No. 3 to assure that the City has a new City Manager in place before Mr. Butzlaff's services terminate.

Council Member Burns stated support for going forward with the contract and getting it signed as was agreed to at the City Council's Special Meeting.

Council Member Collings stated he had no further comments.

Council Member Stearns asked for clarification from Council Member Burns as to whether he was suggesting the adoption of the contract as presented.

Council Member Burns responded in the affirmative and made the observation that Mr. Butzlaff has made it clear that he is willing to work with the Council during the recruitment process and to be flexible, to work with the Council on items, and to be open to making the process as clean as possible. Council Member Burns stated he had no wish for the Council to get hung up on a day or two or on a resume and Profile sheet issue. Council Member Burns stated the belief that through the previous discussions Council has had with Mr. Butzlaff that Mr. Butzlaff understands what the Council wants and would be open to any concerns that Council might bring forward during the process and would help Council work through them in a manner that would satisfy all of the Council Members.

Council Member Stearns stated he would like to share some of his concerns regarding the dates on the schedule. Council Member Stearns noted that interviews are scheduled to take place around the Fourth of July and he was not sure Council would be available at that time or whether that would be convenient for applicants due to pre-arranged plans having already been made during that time.

Council Member Burns stated that when he had taken on the role of Council Member he had no expectations other than fulfilling his duties as is deemed necessary. Council Member Burns stated that if those duties meant staying up until midnight on the Fourth of July or on Christmas Eve he would do so. Council Member Burns stated his calendar is open and his commitment is 24/7.

Council Member Stearns made the observation that an applicant might have a conflict due to pre-arranged plans during the Fourth of July.

Mayor Moore stated he had no opinion as regards the Professional Profile. Mayor Moore made the observation there might be some value to it but he is not an expert in hiring and he would leave the decision up to the person the City is hiring to do the recruiting. Mayor Moore made the observation that none of the other Council Members, other than Council Member Stearns had expressed an opinion as to when the Profile must go out. Mayor Moore made the observation that Mr. Butzlaff could use his best judgment as to when the profile would be provided to applicants. Mayor Moore made the observation the Council could talk about dates all night long. Mayor Moore expressed the opinion that if a person wants to work for the City then they would adjust their schedule whether that is during the Fourth of July or whether they are asked to come when a family vacation has been scheduled. Mayor Moore cautioned the Council against getting too detailed as regards the dates.

Council Member Stearns stated that he believes the dates to be important and he did not see it as being micromanaging to consider dates because he feels it is Council's job to figure out when Council wants to hire a City Manager and to plan accordingly.

Mayor Moore asked for the rest of the Council to give their opinions as to making a lot of changes on the dates.

Council Member Stearns stated he had not suggested changing a lot of the dates.

Mayor Moore requested Council Member Stearns to clarify for the Council what he was suggesting as regards to the dates.

Council Member Stearns made the observation that if the intent is to hire a new City Manager by August 3rd then the question is whether this timeframe is workable and realistic. Council Member Stearns suggested background checks should be done early on rather than later as is indicated on the schedule.

Council Member Collings suggested taking Council Member Harkness' suggestion of removing the August 30th date out of the contract language then the dates could slide a week or two without substantially affecting the goal of the City's hiring of a great City Manager by the 15th of August rather than August 3rd.

Council Member Stearns made the observation that was a question for the Council to consider.

Council Member Collings suggested the contract would reflect the City would not be obligated to pay Mr. Butzlaff until that goal is completed.

Mr. Butzlaff made the observation the August 30th date for termination of his services is to provide a cushion in the proposed schedule for such flexibility and at the same time it provides some additional time for achieving the City's goal of having a new City Manager in place.

Council Member Harkness asked Mr. Butzlaff whether he would be open to removing the August 30, 2013 date from subsection 3 of Item 4 on the contract.

Mr. Butzlaff responded he was not sure why that needed to be done because it relates back to the schedule that was intended to provide Council with some comfort and provides flexibility for appointment of a City Manager. Mr. Butzlaff noted that City Manager Marconi had used the August 30th date to allow about a month's cushion time in the event appointment of the City Manager doesn't occur by the August 3rd date. Mr. Butzlaff noted he had not requested that the date of August 30th be put in the contract so if Council's desire is to delete the August 30th date he was not opposed to that. Mr. Butzlaff noted that placing the August 30th date in the contract had been done due to Council's previous discussions at which time concerns had been expressed regarding the need for some kind of timeline or structure of that nature so the contract is not totally open ended and totally dependent on the Council reaching terms with the candidate.

Council Member Stearns noted Council Member Collings' query about whether it made a difference to hire someone by the August 3rd or some other date and his answer would be, no not exactly but we don't want things to be slipping and there are some practical reasons for keeping to a schedule such as providing time for finding a place to live, to move, to put children in school. Council Member Stearns suggested amending Attachment B to reflect either "Approximate Schedule" or "A Guideline of Schedule Dates" to allow for flex.

Council Member Collings noted the good points as mentioned by Council Member Stearns and asked Mr. Butzlaff whether he believes he can meet the schedule as presented.

Mr. Butzlaff responded in the affirmative. Mr. Butzlaff stated the hope Council was seeing that he was flexible, however he strongly suggested the Professional Profile should not be on the City's website nor should it be required with resumes because it would detract from the professionalism inherent in candidates. Mr. Butzlaff pointed out that a candidate's response to the advertisement allows the candidate the opportunity to present themselves to the City prior to submitting answers to a document structure for them by the City. Mr. Butzlaff suggested it would make more sense to send an applicant a Professional Profile following receipt of a resume and giving them a date certain for return of the completed document. Mr. Butzlaff noted that deadlines drive things and he noted there are deadlines for getting the City's advertisement in key publications. Mr. Butzlaff noted that such ads must include a deadline for receipt of applications. Mr. Butzlaff suggested candidates could be given one week to complete and return the Professional Profile document to the City. Mr. Butzlaff noted that it had been suggested the background checks should be done early on in the process and it was his opinion that did not make sense because the City would not be down to its top finalists early on.

Mr. Butzlaff stated it did not make sense to do background checks on a whole array of candidates because many of them would be eliminated during the screening process of narrowing down to finalists. Mr. Butzlaff pointed out the City would only be asking the finalists to sign release forms due to the confidential information that would be a part of the background checks.

Council Member Harkness stated his appreciation of the time and review Council Member Stearns had indicated by bringing forward specific details to the Council and made the observation that Council could continue to have discussion as regards the timeline and the Professional Profile, having said that he was ready to make a motion with regards to this agreement.

Council Action: Council Member Harkness made a motion to approve and adopt Resolution No. CCR-13-63 A Resolution of the City Council of the City of Mt. Shasta Authorizing An Agreement for Professional Services With L. Jeff Butzlaff for City Manager Recruitment Consulting by title only and with an amendment to the contract by eliminating the following statement from Item No. 4, under Compensation; subsection No. 3, “or August 30, 2013 whichever occurs first.”

Council Member Stearns asked whether the maker of the motion would be willing to accept a further modification to Item No. 4, subsection No. 3 to change the words “upon reaching” to reflect “upon the City Council’s reaching” and to amend subsection No. 2 to reflect “upon the City Council’s selection of” rather than “upon selection of”.

Council Member Harkness agreed to that amendment to his motion.

Council Action: Council Member Collings seconded the amended motion.

Council Member Stearns suggested additional amendments to the motion by requesting that the language on page 2 of Attachment “A” is amended to delete the words “one or two” within the first paragraph, at the end of the first sentence to reflect “and ultimate selection and notification of the top finalists.” Council Member Stearns requested an amendment to the title of Attachment “B” to reflect “APPROXIMATE SCHEDULE” rather than the current “SCHEDULE.” Council Member Stearns asked whether those additional modifications were acceptable to the motion maker and the second.

Council Member Harkness and Council Member Collings stated their agreement for the amendments as suggested by Council Member Stearns.

Mayor Moore stated concerns regarding the change to Attachment “B” because it could affect the August 3rd date for the hiring of the new City Manager.

Council Member Stearns pointed out if Appendix “B” is titled as an Approximate Schedule it would allow the Council to adjust the dates on the schedule as might be necessary.

Council Member Collings made the observation that by making that change to Appendix “B” it would not be a violation of the contract were Mr. Butzlaff not to meet a particular date.

Council Member Stearns made the observation that having an approximate schedule allows for some flexibility in the dates. Council Member Stearns made the observation that everyone here understands the City is shooting for an August 3rd deadline.

Mr. Butzlaff pointed out the dates reflected might need to be amended to accommodate other people’s schedules and would allow for the flexibility being suggested by Council.

Mayor Moore stated his satisfaction and asked whether there were any other comments. Mayor Moore called for the motion.

Council Action: Motion carried on a voice vote of 5-0.

10. Discussion and Possible Action RE: Recruitment Procedure and Associated Actions Related to Filling the City Manager Vacancy (City Manager)

City Manager Marconi noted that Mr. Butzlaff has presented an advertisement and the Brochure for Council's review and stated it would be necessary to determine when the Professional Profile would be distributed to applicants. City Manager Marconi stated Council would also need to decide where the advertisements are going to be placed. City Manager Marconi noted the City has placed aside approximately \$10,000 for the recruitment process and ads would run between \$300-\$600 depending on the venue. City Manager Marconi noted there would also be the costs for printing, envelopes, and postage associated with distribution of the brochures. City Manager Marconi stated the Council would need to review the document and make any suggested changes so the final product would reflect the image the Council wants to present to potential applicants to get the kind of response desired from those applicants.

Council Member Collings stated his support for the brochure.

Council Member Stearns expressed the opinion the ICMA and Jobs Available advertisements were wordy and suggested the ads should be more concise. Council Member Stearns requested the ads be edited further. Council Member Stearns expressed the opinion the brochure could use further editing and he noted the page with the picture of the rock with the "City of Mt. Shasta Welcomes You" on it is not set up correctly because the text does not flow and it is confusing on where the text continues from one line to the next. Council Member Stearns volunteered to be on a subcommittee to do some of the word smithing or final editing. Council Member Stearns suggested the page with the salary information should read "Salary Range" rather than just "Salary" \$85-95,000 as is currently the case. Council Member Stearns suggested Council needed to determine whether or not the brochure should include detail of the compensation benefits. Council Member Stearns stated his desire to remove the benefit detail information from the brochure because those items are negotiable and they would not be negotiable should the information be included in the flier. Council Member Stearns suggested the flier should indicate "Salary Range \$85,000-\$95,000 depending on qualifications, plus benefits."

Council Member Collings made the observation that in the context of the salary, the City would be able to negotiate enough in the salary relative to the aspects of the benefits package and it was his understanding there isn't a lot of negotiations to be made in terms of the pieces of the compensation for the City Manager position.

Mr. Butzlaff agreed the City does have a fairly standard package and made the observation that some cities have a management package where the benefits are somewhat different than those of the rank and file employees. Mr. Butzlaff noted the flier used during the last recruitment process had provided specific information as regards the benefits and since he had been requested to follow the format of the previous brochure he had included the same information in the current brochure. Mr. Butzlaff suggested the flier should contain some information about the City's benefit package and the fact they would be attractive to candidates, without getting into specific details.

Council Member Harkness agreed with Council Member Stearns' suggested need to word smith and edit the brochure further. Council Member Harkness agreed the specific benefit information should be removed from the brochure.

Council Member Burns stated his agreement with some of Council Member Stearns' viewpoints and stated his appreciation for the work that Mr. Butzlaff had accomplished. Council Member Burns stated support for condensing the information down to about a page and a half or two pages.

Mayor Moore suggested Council Member Stearns and Council Member Burns could be on a committee together to word smith the brochure. Mayor Moore agreed the brochure should be trimmed down. Mayor Moore suggested using the wording of "plus a comprehensive benefit package" rather than being so specific in terms of the benefits. Mayor Moore made the observation that everything else is negotiable.

Council Member Burns and Mayor Moore expressed their thanks to Mr. Butzlaff for his having done such a great job in preparing the brochure in such a short period of time for their review this evening.

Mayor Moore expressed the hope the word smithing of the ads would also be done by the sub-committee so the ads could be placed as soon as possible thereafter.

Council Member Stearns asked whether once they had completed the tasks whether the product needed to be brought back to Council again prior to distribution.

Mayor Moore stated he did not need to see them again. Mayor Moore asked how the rest of the Council felt.

There was consensus of the Council the ads could be placed without bringing them back to the Council in the interests of assuring the deadlines for getting the ads in are met. Council Member Harkness stated a preference that the final copy used in the advertisements is provided to Council via email.

Mr. Butzlaff made the observation the brochure could be brought back to Council once it is amended, however due to the deadline dates for the ads it was best to send those out without any further review.

Mayor Moore suggested it was not necessary to bring the brochure back. Mayor Moore asked as to how the other Council Members felt about that.

Council concurred with the Mayor's suggestion.

City Manager Marconi requested clarification as to what publications Council would like used for the City's advertisement. City Manager Marconi stated staff had the understanding the ad was to be published in Jobs Available and the ICMA Newsletter at a cost of about \$700. City Manager Marconi noted that if Council wanted to advertise in other publications then that needed to be made clear to Mr. Butzlaff. City Manager Marconi stated this would make it clear as to what additional costs were to be incurred for the process.

Council Action: Council Member Stearns made a motion seconded by Council Member Collings that the City also advertise through CalEd (the California Economic Development Group). Council Member Stearns made the observation if the ad could be reduced to 180 words then it would cost \$400 to run the ad for 60 days. Council Member Stearns suggested the Council could authorize \$450 in case the ad exceeds the 180 word limit.

Council Member Harkness asked whether Mr. Butzlaff had any experience with CalEd and asked what kind of membership it has. Council Member Harkness asked whether City Managers were members or was it made up of only economic development counselors and advisors.

Mr. Butzlaff responded that he has never used CalEd before and noted that most of the job advertisements in CalEd are looking for people specializing in economic development rather than for City Managers.

Council Member Harkness noted the ads were going to be placed in Jobs Available, ICMA, the direct mailing of fliers, and Craig's List. Council Member Harkness noted the request to put an ad in CalEd and he asked whether there were any other needs.

Mr. Butzlaff suggested the City should consider having a \$1,500 budget for ads plus an additional amount for production and distribution of the fliers.

Mayor Moore stated support for a larger advertising budget.

Council Action: Motion carried on a voice vote of 5-0.

11. Discussion and Possible Action RE: Report On the Status of the City's Fats, Oil, and Grease (FOG) Program (Public Works Director)

Public Works Director Bryan presented the staff report.

Council Member Harkness made the observation that although there has not been a major Fats, Oil, and Grease incident in the past five years, it continues to be an ongoing problem the City must address and to which the City's resources are committed.

Council Member Harkness made the observation the City needs to eliminate the hot spots in an economically feasible fashion. Council Member Harkness stated the understanding there are particular hot spots the City has to maintain by sending crews to clean them out about twice a year.

Public Works Director Bryan stated Council had received two lists, one that indicates sewer hot spots that are areas that have too many roots, too much fats, oils, or grease, and some that have poor slopes. Public Works Director Bryan noted that not all of the hot spots are in areas where restaurant lines are involved.

Council Member Harkness noted the City's Vac Truck had been purchased to service these problem areas and it also uses a lot of the City's man power hours for City employee maintenance of these problem areas. Council Member Harkness asked whether in most cases, for lines near restaurants, whether the lines are being affected by the fats, oil, and grease from the restaurants or are were there other factors involved.

Public Works Director Bryan responded it is clear that with some of these lines that there is a grease problem in the line, although identifying the party responsible becomes difficult when the line is shared by more than one restaurant. Public Works Director Bryan noted that many of the hot spots are due to roots that block the lines.

Council Member Harkness asked whether there is continued communication and education between the City and the businesses when clearing of the lines becomes necessary.

Public Works Director Bryan responded in the negative.

Council Member Harkness asked whether it was reasonable to consider having the City's Building Inspector pick up the receipts showing that grease has been otherwise removed when a line near a restaurant has to be cleared.

Public Works Director Bryan made the observation that would be reasonable, although contractually speaking he was not sure what that would involve.

Council Member Harkness suggested the Public Works Director and the City Manager could come up with some ideas for simple ways or a policy that slowly places higher and higher penalties on large offenders. Council Member Harkness suggested the City should ask restaurants to put some type of plan in place to address the issue when they are repeat offenders. Council Member Harkness suggested the restaurants could start to pay for the maintenance of the lines or be assessed fines to cover the costs being incurred by the City.

Public Works Director Bryan questioned the ability to implement a City policy on a business without there being some kind of Ordinance in place that would require compliance. Public Works Director Bryan noted staff had been considering Ordinance revisions that went so far as to have penalties assessed on businesses and that would provide the teeth for enforcement. Public Works Director Bryan noted the current Ordinance does allow for the City to make a request that the person responsible shoulders the cost of fixing the problem.

Council Member Harkness stated he wanted to be sensitive to the current economic conditions and noted the high cost to install a grease trap at a business. Council Member Harkness suggested a policy where City staff notifies the Public Works Director when there is a line with a grease problem so the Building Inspector can then go to the business and request receipts for the grease pick-ups taking place at their business. Council Member Harkness suggested a process such as this could be brought back to Council for consideration.

Council Member Burns asked Public Works Director Bryan as to the education now being provided to business owners by the City regarding Best Management Practices (BMP's). Council Member Burns asked whether the information is just dropped off or does someone from the City take the time to talk to them about the problems associated with not using BMP's. Council Member Burns made the observation that education is a key part of this whole process and noted the importance of conveying to the businesses the importance of the BMP, what it does, how it relates to saving money for the business and the City, and how it impacts our sewer systems and our water quality. Council Member Burns suggested educating the businesses about the BMP's should be made a part of the City's program.

Public Works Director Bryan noted the BMP was a good part of the initial site visit. Public Works Director made the observation that if the City were to begin regular inspections of the restaurants that would certainly be one of the main things to provide them with. Public Works Director Bryan stated the City is often told that the Best Management Practices are being used, however he believes that is not the case and the businesses are going back to doing things the way they have always done them. Public Works Director Bryan noted that many of the restaurants are appropriately putting food left on plates in a trash receptacle before putting the dishes in the dishwasher.

Council Member Burns asked whether there might be merit in making monthly inspections.

Public Works Director Bryan responded there would be merit in doing that but the City doesn't have the staffing to be able to do that. Public Works Director Bryan made the observation the City is doing its best to do an annual inspection.

Council Member Stearns suggested it makes sense to do periodic inspections and thought some adjustments might be made to Section 13.56.060 or 13.56.250 of the City's Municipal Code to add a provision for imposing penalties according to a schedule adopted by resolution. Council Member Stearns suggested it would probably not take the imposition of too many penalties to get attention and compliance.

Council Member Collings stated the understanding, with the City being down a person and the economic realities of the restaurant business, that imposing fines or having restaurants upgrade their traps might be difficult. Council Member Collings stated support for Council Member Harkness' suggestion that staff could bring back a process for Council's consideration. Council Member Collings suggested that requiring the installation of a grease trap or some other criteria to bring the restaurant up to standards when the business changes hands might be something that could be considered. Council Member Collings requested staff to come back with a process that would incorporate that combination of carrot and stick.

Mayor Moore agreed that education of restaurants is very important so they understand the effects of the contaminants getting into the City's wastewater system and that they learn about the Best Management Practices they can put in place. Mayor Moore suggested staff might target one restaurant a month. Mayor Moore stated support for use of the City's Building Inspector.

Council Member Stearns stated the understanding that Council had indicated a consensus that the City has some kind of schedule in place and had requested some other actions as well. Council Member Stearns suggested there be some clarification of what had been requested prior to moving on to the next item.

Mayor Moore asked Public Works Director Bryan what he had understood from Council's discussion.

Public Works Director Bryan stated the understanding that an Ordinance revision seemed to be in order if only to set some fines through the use of a resolution. Public Works Director Bryan questioned whether putting a policy in place would do any good because there would be no way for enforcement. Public Works Director Bryan pointed out that once an Ordinance is adopted it would require enforcement and he wasn't sure whether to do something drastic or whether to put something in place that might make things better.

Council Member Harkness stated he is less interested in adopting an Ordinance and is more interested in the development of a process of how this issue is brought to the attention of business owners. Council Member Harkness stated that if the City has to clean out a line that is packed with grease then, the first time, it should be used as an opportunity to follow up with the business owner by reintroducing them to Best Practices.

Public Works Director responded that a problem in the line could be used by the Public Works Department to make contact with a restaurant owner to make them aware of the problem. Public Works Director Bryan noted the City already has the authority to disconnect that customer from the sewer if they continue to cause problems in a line.

Public Works Director Bryan made the observation the City would not wish to do that, even though it has the ability to do so. Public Works Director Bryan stated the hope that compliance would come before something so drastic happens, especially if a line has one blockage after another.

Council Member Harkness stated he would like to have a better understanding of what the progression is that is being used by the Public Works Department to inform a business when they continue to cause problems in a line. Council Member Harkness suggested in a circumstance where no compliance is occurring after continued contact with a business and it is determined that something is needed to assure that compliance takes place, perhaps that would be the time at which an Ordinance would become necessary.

Council Member Stearns stated support for making sure that restaurants understand the Best Practices and are reminded of that over time. Council Member Stearns stated he had suggested the tweaking of the Municipal Code because there could not be a fine or penalty without having a fine schedule set forth somewhere. Council Member Stearns made the observation the current Ordinance provides for going to court and requesting up to \$6,000, which appeared to him to fall into the felony category rather than the misdemeanor or infraction category. Council Member Stearns stated support for finding something that would help Public Works and the restaurants, short of those tougher measures.

Council Member Harkness suggested incorporating Council Member Stearns' suggestion of having fines that would be incurred before having to cut someone off or getting to a court action at a cost of \$6,000 within that progression. Council Member Harkness stated that if a smaller set of fines could be implemented or some type of fee schedule or an Ordinance is needed to include the installation of a grease trap, or perhaps that type of tweaking could be done to the current Ordinance.

Public Works Director Bryan made the observation that an Ordinance would be required if Council wanted any kind of fines, even minor ones, to be put in place.

Council Member Harkness suggested that staff could bring back a progression and Council could determine whether an Ordinance revision is necessary.

Council Member Stearns suggested staff could give Council some sense of what a progression of penalties might look like and he also understands that Council Member Harkness would like some information on how much it is costing the City to do some of this clean up. Council Member Stearns stated he would be interested in that information as well. Council Member Stearns made the observation the public should not be subsidizing one or two restaurants.

Council Member Burns stated support for Council Members Stearns and Harkness' comments and he asked whether the City is keeping any kind of record for repeat offenders. Council Member Burns made the observation that by keeping a record of repeat offenders that shows how the City has been in contact with them to provide them with the BMP's, has educated them by spending a lot of time with them, and has tried to bring them up to speed by giving them an overview of the costs, the results of the sewer system becoming plugged up, which leads to water treatment, if there is a way to legally track these habitual offenders and show that the City is not getting anywhere with them, then the tiered affect and using an Ordinance to set fines and requiring them to pay the costs associated with the use of the City's resources to deal with the problems they have caused would be validated. Council Member Burns made the observation this would provide them with the motivation and encouragement to become proactive and responsible. Council Member Burns made the observation that if the City has something in place that provides for enforcement on someone who has ignored all the information the City has provided to them then use of penalties might be the way to get compliance.

Mayor Moore stated the understanding there has been no further contact with restaurant owners since the initial meeting the City implemented and since education is a strong tool, making contact with one business per month as a follow up and meeting with those repeat offenders might be warranted. Mayor Moore stated the follow up meetings would provide another opportunity to educate them again on Best Practices.

Mayor Moore made the observation this would be a more proactive and more business friendly way of handling the situation rather than creating an Ordinance that would begin fining them.

Council Member Stearns suggested it was the carrot and the stick type of arrangement, not one or the other, and he suggested the Public Works Director could bring this issue back to Council in another 2-3 months with an update.

There was consensus of the Council for this matter to be brought back in 2-3 months.

City Manager Marconi pointed out the City now has the power to charge a restaurant or household or anyone who generates excessive sewer maintenance costs. City Manager Marconi made the observation that if Council wants to start doing this gradually then the City just needs to start doing that and that would require the City to make a determination as to when we incur excessive sewer maintenance costs. City Manager Marconi noted that as being a policy question or an operations question to deal with. City Manager Marconi made the observation that if a violator refuses to pay those costs then that refusal to pay in and of itself becomes a violation of the Municipal Code and is covered under the general penalties part. City Manager Marconi noted the first infraction would be a \$100 fine, the second fine one would be \$500 and then it goes up from there. City Manager Marconi noted the City has in its current Ordinance the ability to deal with some of these violators. City Manager Marconi noted it takes a long time in a lot of cases for the FOG to build up to a point that is determined it requires excessive maintenance. City Manager Marconi suggested were the City to go in now and do semi-annual inspections and cleanings, we should be going forward, to identify which of those is requiring excessive maintenance costs. City Manager Marconi suggested if it takes about an hour to clean a line out that is normal...if it takes 2-3 hours to clean a line then that would be considered excessive maintenance costs and the City could bill those operators by using what is already built into the City's Ordinance as an enforcement tool. City Manager Marconi stated that rather than going in and setting a schedule of fines, like \$25 for the first time and \$50 for the second time, and having to deal with what constitutes a violation or define a violation when it is going to be different for every restaurant, he would recommend utilizing what is already in the Ordinance rather than going through and changing and revising the Ordinance. City Manager Marconi suggested this may not solve all of the problems, eventually there would be those restaurants where their excessive maintenance costs are so great that it makes sense for them to install a grease interceptor or some other kind of remediation and the cost for that remediation may be the death penalty in and of itself. City Manager Marconi noted the cost as being \$10,000-\$15,000 for some of the businesses to install an appropriate grease interceptor. City Manager Marconi made the observation the City already has the tools available in its current Ordinance to deal with the problem, we just need to figure out a policy to implement it and how to go about it.

Council Member Stearns asked City Manager Marconi as to the timeframe for staff to notify Council and for notification of restaurant owners.

City Manager Marconi suggested the 3 month time period proposed to revise the Ordinance is the same amount of time staff would need to come up with a policy.

Mayor Moore thanked City Manager Marconi.

12. Monthly Finance/Investment Report - February 2013 Including Budget Cash Flow & Possible Policy Changes to Support Decrease in Expenses (Finance Director)

Finance Director Terrell stated Council had been provided with the monthly investment and financial report for the period ending February 2013 and asked Council whether they had any questions. Finance Director Terrell provided information to Council Member Burns regarding the City's LAIF investment.

Council Member Collings made the observation the City's TOT income is at its highest level, yet the sales tax revenues have declined and he asked whether Finance Director Terrell could explain why that was.

Finance Director Terrell responded that it was due to the cost of fuel because the gas tax is included within the sales tax figures.

City Manager Marconi stated that the sales tax is imposed on the sale of fuel in addition to the gas tax, and the gas tax in California is now an excise tax and is 18 cents per gallon and that is distributed according to a formula. City Manager Marconi noted the sales tax on fuel is the same 7.5 % that it is on everything else so as the cost of fuel goes up and down, the remittances of sales tax based on the sale of fuels will go up and down as well. City Manager Marconi advised the Council that last year the fuel prices had been extraordinarily high so the sales taxes based on that high number was relatively high. City Manager Marconi noted the fuel prices have come down as compared to last year and that is what has resulted in the drop in the sales tax revenues for the City. City Manager Marconi noted it also has a lot to do with the sales of vehicles and probably two of the biggest components of the City's sales tax are truck sales and fuel sales.

Council Member Stearns made the observation that staff has the authority to invest in a short term CD should it be determined to be a good investment for the City and clarified that Finance Director Terrell, who had indicated support for such an investment in her staff report, was giving Council a heads up of the intent of staff to do so.

Finance Director Terrell responded that Council Member Stearns was correct.

13. Discussion And Possible Action RE: Continuation of Strategic Planning and Goal Setting (*THIS ITEM IS CONTINUED FROM THE MARCH 11, 2013 REGULAR CITY COUNCIL MEETING*)

City Manager Marconi made the observation that at the last discussions, Council had not had time to consider the goal of marketing of Mt. Shasta both for tourism and to businesses and this was the opportunity to follow up on that. City Manager Marconi stated that Marie Josee Wells had provided him with a handout, (which he provided to Council to be made a part of the permanent record), with information on things to be concerned about with focusing on tourism marketing that may add to the discussions tonight.

Council Member Collings stated he had volunteered to help Ms. Wells with the issue of branding and the message she had asked him to relay to the Council is that if the City is going to do marketing, not tourism marketing but attracting new businesses to Mt. Shasta type of marketing, and if the City is going to try to use branding to try and make an image of this town such that it targets specific groups then her perspective was...do we really have a problem? Council Member Collings made the observation that there have been different perspectives concerning whether or not Mt. Shasta has an economic development problem. Some say the City is becoming a retirement community, because there are attempts to close the elementary school, banks are leaving town, but that is okay. Council Member Collings suggested that in order to move forward with any type of branding there needs to be agreement on doing economic development to attract new businesses to town, or is tourism where we really want to focus. Council Member Collings suggested there needs to be a consensus of the Council as to what the problem is, if there is a problem, because the brand needs to be an image that fixes something.

Council Member Harkness stated the understanding that in terms of brands, there might be multiple brands and there is not a consensus about how to brand the City. Council Member Harkness suggested by determining what our brand is would also help define the problem. Council Member Harkness questioned whether that brand should be "Where heaven and earth meet" or whether it should be something else. Council Member Harkness suggested step one would be defining what our brand is. Council Member Harkness suggested the second step would be how to apply the brand. Could the brand be used for both tourism and business attraction or do we have to have specific brands for specific audiences. Council Member Harkness made the observation that these were the types of questions or problems he would like to see addressed by a marketing team.

Council Member Stearns made the observation that Council has previously discussed expanding beyond our tourism base and also expanding tourism. Council Member Stearns agreed with Mayor Moore that there are shoulder seasons that are slow and the City should not rely solely on tourism for its economic health.

Council Member Stearns noted the City of Leavenworth in Washington has a Bavarian theme such that it looks like a city in Germany and the city is now thriving due to having revamped the city in this way. Council Member Stearns expressed the opinion this would work well in Mt. Shasta. Council Member Stearns expressed the opinion the City of Mt. Shasta does have an economic development problem.

Mayor Moore agreed the City of Leavenworth is a great place to visit with all of its business buildings having Bavarian themes.

Council Member Harkness suggested determining who owns the problem is important. Council Member Harkness suggested it is one thing to determine what we are trying to solve but it is another to assign responsibility to come up with a solution. Is it the Chamber of Commerce that will spearhead this or do we do this ourselves as Council or do we go out and hire a consultant from South Carolina to help us address it.

Council Member Collings questioned whether the City of Mt. Shasta is experiencing the precursor to dying as what Leavenworth went through before they decided to make a change. Council Member Collings asked whether we are going to avoid what was brought up many times during the Council's strategic planning that there is always a lot of talk about economic development but nothing much gets done. Council Member Collings made the observation that rebranding exercises or brochures would not make any difference....it is determining what problem are we really trying to fix, if we're trying to fix a problem. Council Member Collings suggested that before heading down a path, there needed to be a reason for heading down that path. Council Member Collings made the observation is it tourism versus new jobs or both. What is the objective?

Mayor Moore made the observation that most of the jobs in a city like Leavenworth are not living wage jobs. Mayor Moore questioned what economic development really means. Mayor Moore asked whether the city needs a more fluid consistent economy in Mt. Shasta....yes we do. Mayor Moore suggested that signs are there that the city is diminishing i.e. the Bank closing, the need to combine two schools into one. Mayor Moore made the observation the city needs to grow such that it replaces the jobs that were here before and he suggested marketing would accomplish that goal. Mayor Moore made the observation that the City, the Chamber, and a consultant would all be needed.

Council Member Collings made the observation that for a big project, one needs a plan first. Council Member Collings asked whether it is the Chamber or the City and how do we work together, will we partner with the Elks and Rotary and others....all those questions call for a plan. Council Member Collings agreed with Mayor Moore's question as to what does economic development really mean. Council Member Collings suggested a need to come to an agreement on what needs to be done.

Council Member Harkness reminded Council that he and Mayor Moore are working on an investment network and have been assembling a business plan to consolidate ideas as to how it gets done. Perhaps the next step was to do the same thing for branding. Council Member Harkness suggested Council should put down some ideas and suggestions for the Council on how to go about it, who owns it, and what the problem is that we are trying to solve. Council Member Harkness suggested this as being a first step and perhaps a conversation piece to continue dialogue.

Mayor Moore stated support for placing this item on the next agenda, perhaps in the middle rather than at the end of the meeting.

14. Brown Act Committee Minutes/Meetings:

a. Draft Minutes of March 7, 2013 Special ATAC Meeting

Mayor Moore noted the ATAC minutes were mostly about the grant application that was brought to Council this evening.

15. Reports RE: Attendance at Outside Meetings

Council Member Collings stated he had attended the Broadband Meeting in Sacramento and he had written up a report and would be providing that to the other Council Members. Council Member Collings made the observation the City would want this Golden Bear Broadband Group that is going for \$119 Million dollars in grant funding for rural communities because it is our closest, soonest opportunity to get fiber access here. Council Member Collings noted their intent to provide access to libraries, hospitals, and schools that would provide more nodes to allow for the opportunity to expand wireless points.

Mayor Moore requested Council Member Collings to provide his report to the City Manager for distribution to everyone at the City.

Council Member Collings made the observation that 150 years ago it was railroads and where they went towns went. Council Member Collings made the observation that 100 years ago it was electricity, 50 years ago it was highways, and today it is where the broadband information highways are. Council Member Collings expressed the opinion that in 3-5 years, we will be looking at the current speeds like dial up and things will be measured in G's rather than M's. Gigabyte rather than Megabyte speeds.

Mayor Moore stated it had been his honor to attend the welcome home for the 132nd military group. Mayor Moore made the observation that Dan Dorsey cannot be thanked enough for all the work he put into it. Mayor Moore noted there had been a big crowd and he had led the flag salute with one of the Boys Scouts. Mayor Moore noted that all of the Siskiyou County Supervisors were there and a two star General had participated in the event as well.

16. Future Agenda Items:

- **Adopt Resolution No. CCR-13-XX RE: Authorizing An Extension of the Agreement with the Siskiyou Opportunity Center for Recycling Services**
- **Public Hearing And Consider Resolution No. CCR-13-XX RE: Approving Revised CDBG Program Polices & Guidelines**
- **Arbor Day Proclamation**
- **Consideration of League of California Cities Bylaws Amendments and Authorizing the Mayor to Vote on Behalf of the City of Mt. Shasta**
- **Review of Five Year Capital Improvement Program (CIP) and Five Year Fleet & Equipment Replacement Program (FERP) for Fiscal Years 2013-2014 to 2017-2018**
- **Third Quarter Budget Report**
- **Budget Revenue Projections for the 2013-2014 Fiscal Year**

Mayor Moore noted that the Strategic Planning and Goal Setting would be on the next agenda.

Council Member Stearns asked about Bargaining Group Negotiations.

City Manager Marconi stated staff had just received requests from the bargaining groups for information and negotiations would begin shortly after that. City Manager Marconi stated that staff would be coming to Council for requests for guidance.

Council Member Harkness requested an update about IRWM (the Inter Regional Water Management Plan).

City Manager Marconi stated there would be a meeting of the Regional Water Management Planning Group on April 4th and he would be able to provide Council with an update by the second meeting in April.

17. Council and Staff Comments

No comments were noted.

Mayor Moore adjourned the meeting to Closed Session at the hour of 9:32 p.m.; reconvened at the hour of 9:47 p.m.

18. Closed Session

- a. Liability Claims – Pursuant to Government Code §54956.95 - 3 Cases
Claimants – 1) Tim D. Shannon; 2) Eric A. Lamanna and 2) Frank S. Goulart
Agency claimed against: City of Mt. Shasta

Mayor Moore reported that Council had provided direction to staff and had taken no action on the three claims discussed by the City Council during the Closed Session.

19. Adjourn

There being no further business before the Council, the meeting was adjourned at the hour of 9:48 p.m. to the next Regular City Council Meeting to be held on Monday, April 8, 2013 at 6:30 p.m.

Respectfully Submitted,

Sandra K. Studer

Sandra K. Studer, Deputy City Clerk