

Call To Order

The regular council meeting was called to order at 6:01 p.m. by Mayor Frith. Vice Mayor Crawford and Councilors Arnold and Bottorff were present. Councilor Thompson was absent. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, Engineering Staff Pauline Palmer and Mike Vasquez, City Planner Scott Friend and City Clerk / Finance Director Deanna Carbajal.

1. COMMUNITY PARTICIPATION:

Carl Eakin from Sixth Street next to the post office stated he had a contractor install a new fence for him. He received notice from code enforcement that he needed a fence permit and that part of his fence needed to be taken down. He requested to be on the next agenda.

Jeff Smith of 1820 Greenhead Court in Gridley spoke in favor of Community Service Officers and said his neighborhood in Upland, California benefited greatly from CSO's.

2. SPECIAL BUSINESS: Pete reviewed the staff report in the agenda packet "Water Rates Comparison". Pete recommended letting the existing rates remain in place at least through February 2010 to obtain a full year's data on metered usage.

Councilor Bottorff felt every resident should have a meter.

Vice Mayor Crawford felt the 1250 Cubic Feet water consumption base standard was too low to maintain a "green landscape environment". He also agreed to a 12 month usage study.

Council directed staff to continue to monitor the water rates versus revenues and report back with a proposed action plan for installation of meters citywide.

3. DEPARTMENT REPORTS:

A. Planning Department:

1. Informational:

City Planner Scott Friend reviewed the Planning Department Activity Report – July/August 2009 included in the council agenda packet.

2. Discussion/Action: Consider approval of a final map for TPM2008-002 (Frith), subject to the submittal of a revised title report showing clear title.

At 6:35 p.m. Mayor Frith turned the meeting over to Vice Mayor Crawford and left the council chambers. Scott reviewed the staff report included in the agenda packet. He recommended approval of the map but noted a clean title report must be received and approved by the engineer before Scott could sign and record the map.

Mary Frith stated her title company said the title to her restaurant was already in her name. Scott said this was a complicated matter because there were multiple maps of Biggs.

Councilor Arnold questioned procedures used in the final map process and how the final map compared to the tentative map. He stated a tentative map was not an accurate reading of any distances.

Scott said the measurements shown on the tentative map were taken to the wall.

Councilor Arnold said the tentative map got the measurements by the deed and the deed calls to a spot which is the red line not the black line on the map. He said the tentative map did not go to the black line and Scott said the line actually did because the tentative map was taken off of one of the other versions of a recorded map. So, the map was drawn wrong relative to the ownership, but it turned out to be correct, and the final map is the vehicle that cleans this all up. Scott said when this gets approved, it will establish lines that trump anything else that was done in the form of a new recorded map. The subdivision map act does not require conformity, according to Scott, because a tentative map does not have bearings or distances and it is not always surveyed. It is a graphical representation of the intent and the intent was always to take it to the wall. The vehicle to rectify this situation is getting the quit claim deed and recording it and recording a final map that now establishes the wall as the property line which was the intent from day one. The intent of the final map, Scott stated, is 100% consistent with the tentative map.

Councilor Arnold stated Scott could have good intentions but if it were done wrong or illegally then that is not right. Scott said there was nothing illegal or under the table, it was something that came out after the fact that is being rectified through this process. A tentative map is not required to be a legal representation of boundaries; it is an estimation. Councilor Arnold did not feel this map was done right.

Vice Mayor Crawford wanted to be sure the legal issues had been addressed.

Scott said he would not have placed this item on the agenda if there was a legal concern. He believed the process was legal and it was the right process. Scott said he had consulted with City Attorney Greg Einhorn to be sure this process was legal.

Councilor Arnold stated he would have liked to have been informed of this issue sooner and Scott stated that within the final map mechanism, there is nothing that involves a council decision. It really does not even involve the city.

RESOLUTION NO. 2009-27 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING THE FINAL PARCEL MAP FOR THE FRITH PARCEL MAP PROJECT." (Crawford/Bottorff; Councilor Arnold asked what would have happened if the quit claim deed was not taken care of and Mike said the map would not be here. Scott stated if the tentative map would have been drawn to the property line, then there would have been a problem. In hindsight they erred correctly, and it was consistent with the conditions of the variance that the council approved, there was no inconsistency with the conformity of the variance or the tentative map and it was a mechanical process to process the five feet. If it would have shifted a wall or a dimensional change, we could not be here tonight. Because of the fact that the error came out to the favor of the accuracy of the intent, we lucked into a condition of being right. It just so happened that the error was in line with where the final map needed to be. Councilor Arnold requested copies of the original deed and maps to do more research; MC; Absent: Frith and Thompson)

Mayor Frith returned to the council chambers at 7:11 p.m.

3. Discussion/Action: Consider approval of a final map for TPM2008-001 (Kelleher).

Vice Mayor Crawford abstained from this discussion.

Scott reviewed the staff report provided in the agenda packet.

RESOLUTION NO. 2009-28 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING THE FINAL PARCEL MAP FOR THE

KELLEHER PARCEL MAP PROJECT.” (Frith/Bottorff, MC; Abstain: Crawford;
Absent: Thompson)

4. The July 2009 Code Enforcement Activity Report was presented to council in the agenda packet. Staff discussed the Eakin fence permit issue provided in the report.

B. Engineering:

1. Mike Vasquez reviewed the project updates staff report.
 - a. USDA Well Rehabilitation Project Update. All of the transformers had been installed. Vice Mayor Crawford stated the system was not working the way it was designed yet and Mike said he was still working on the problem.
 - b. USDA Waterline Project Update – Water Service Puncturing of Sewer Main. All the funds had been given to the city so work can start on this project.
 - c. 6th Cycle Safe Routes to School / TEA / Proposition 1B Project Update. Paving should be completed by Friday, August 20th. The F Street railroad crossing paving was scheduled for August 26th.

Vice Mayor Crawford noted there was significant damage to the rolled curb on First Street between B and Aleut Streets. One of the utility boxes on C Street was a tripping hazard.

Pauline Palmer stated there would be a final walkthrough of the entire project and a punch list of repairs would be prepared.

Mayor Frith was concerned with the contractor doing free work for residents for the cost of food or drink. He asked that the project drawings be compared to the actual work completed. He requested if work was done that was not included on the project drawings, that the cost be deducted from what was owed to the contractor.

- d. 6th Street Bridge Rehabilitation Update. Nothing new to report.
- e. North Biggs Estates. Paving was complete. The trenches were not paved properly and would have to be removed and re-paved.

Vice Mayor Crawford noted the two entrances on Fourth Street were roughly paved. Mike stated a walk through and punch list would be prepared for this project also.

4. **CONSENT CALENDAR:**

Pete noted the first page of the police report was omitted because it was in error.

Motion/Second to approve the consent calendar. (Arnold/Bottorff, MC; Absent: Thompson)

5. **DEPARTMENT REPORTS** – continued

- C. Public Safety. Mayor Frith stated he had not recently met with the Gridley Police Department. Pete, Mayor Frith and Councilor Arnold had attended a meeting in Oroville requesting police service for the City of Biggs. Gridley offered a 15% reduction in police service costs. Sutter County Sheriff's Department could not provide service at all. Pete was still working on other options for police service.

- D. Public Works. PIC workers had been helping crew with landscaping.
- E. Electric. Vice Mayor Frith and Pete met today with SunWest Mill, a solar developer, and 2 NCPA staff to discuss power concerns, stable rates, and the city's fixed costs.
- F. BCAG/Air Quality. No report.
- G. Solid Waste. The county was moving ahead with the oil recycling bin.
- H. Flood Control. Pete and Dave Swartz met with the county flood control manager, forwarded a letter to FEMA.
- I. Finance Department. City Clerk / Finance Director Deanna Carbajal pointed out that the bank reconciliation reflected figures carried forth from last month. Pete signed two reimbursement requests: SR2S for \$177,000 and the Sixth Street Bridge for \$24,000.
- J. City Administrator:
 - 2. Verbal updates.
 - a. Police Service Update. Discussed earlier.
 - b. Russell Baker Site Update - Old Veteran's Hall. The County would provide a plaque for the building to honor Russell Baker. Pete presented five plans for the facility provided by the city engineer and asked council to look at them and present ideas and recommendations to Pete. All the tables and chairs have been removed from the building. Ownership had not been officially transferred yet.
 - c. Senior Housing Development. A developer would like to buy the hotel and other properties in town for senior housing and a senior center.

6. **RESOLUTIONS:** See 3.A.2&3.

7. **ORDINANCES:**

FIRST READING AND INTRODUCTION ORDINANCE NO. 382 "ORDINANCE OF THE CITY OF BIGGS REPEALING CHAPTER 5.20 OF THE CITY OF BIGGS MUNICIPAL CODE AND REPLACING IT IN ITS ENTIRETY (CODIFIED)". (Frith/Crawford, MC; Noes: Arnold; Absent: Thompson)

8. **INFORMATIONAL:** Pete informed council Finance Director Deanna Carbajal had given notice of retirement effective December 31, 2009. A special meeting was set for August 24, 2009, 6 p.m. to discuss filling the finance director's position.

9. **ADJOURNMENT:** Meeting adjourned by mutual consent at 9:00 p.m.

ATTEST:


Deanna Carbajal
City Clerk

APPROVED:


Roger L. Frith
Mayor, City of Biggs