

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice Mayor Crawford and Councilors Arnold, Bottorff and Thompson were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer David Swartz, Finance Director Beth Penner and City Clerk Roben Dewsnup.

1. COMMUNITY PARTICIPATION: None

2. PUBLIC HEARINGS:

A. Variance VAR2009-001.

1. Staff comments. City Planner Scott Friend reviewed the Jackson Variance staff report and recommended approval. Setback and noise issues were considered

Mark Adams with North Star Engineering informed council the outdoor generator would be used only in the event of a power outage.

2. Open the hearing to the public.

- a. Proponents. Michael Smith, property owner to the south of the Jacksons spoke in favor of the variance.

Property owner Rick Jackson handed Scott a petition to read signed by nine neighbors in favor of the variance.

- b. Opponents. None

- c. Proponents rebuttal. None

- d. Opponents rebuttal. None

3. Close hearing to the public.

4. Council discussion. Councilor Arnold asked what the reason for a setback was and Scott said it was for safety, spacing, general separation of uses, and to accommodate off street parking. Councilor Arnold noted page 17 #3 should read modifications rather than medications.

Motion/Second that the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15305(a), Minor Alterations to Land Use Limitations. (Frith/Bottorff, MCU)

Motion/Second to adopt the variance based on the findings in attachment E and conditions of approval in attachment D. (Frith/Thompson, MCU)

RESOLUTION NO. 2009-34 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR A VARIANCE FOR 2966 W. BIGGS GRIDLEY ROAD APPLICATION: JACKSON VARIANCE". (Crawford/Thompson, MCU)

B. Zoning Ordinance Text Amendment TA2009-01.

1. Staff comments. Scott reviewed the staff report concerning key lot fence height requirements.

Vice Mayor Crawford asked if there was a standard for visual sight when backing out of a driveway. Scott said there is no mid-block sight distance standard.

Mayor Frith stated since an existing non-conforming issue was being discussed, couldn't the language be added that beyond the key lot fences, the minimum setback would be 15 feet. Scott said yes.

2. Open the hearing to the public.
 - a. Proponents. None
 - b. Opponents. None
3. Close hearing to the public.
4. Council discussion. Mayor Frith suggested inserting that we maintain the minimum of a 15 foot setback even if it is adjacent to a nonconforming fence. When it would be required to be conforming, it would fall into alignment.

Motion/Second that the City Council find the proposed action to be exempt from CEQA pursuant to State of California Code Section 15601; and move to approve the proposed amendment to Sections 14.10 and 14.60.080 of the Biggs Municipal Code with the modifications. (Arnold/Thompson, MCU)

FIRST READING AND INTRODUCTION WITH CONSIDERATION OF LANGUAGE INSERTION: ORDINANCE NO. 383 "ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING THE CITY ZONING CODE TO MODIFY REGULATIONS IN SECTIONS 14.10 AND 14.060.080 RELATING TO THE DEFINITION OF A KEY LOT AND ESTABLISHING SETBACK STANDARDS FOR KEY LOTS (CODIFIED). (Frith/Thompson, MCU)

- C. Zoning Ordinance Text Amendment TA2009-02
 1. Staff comments. Scott reviewed the Medical Marijuana Dispensaries staff report.
 2. Open the hearing to the public.
 - a. Proponents. None
 - b. Opponents. None
 3. Close hearing to the public.
 4. Council discussion.

Motion/Second that the City Council find the proposed action to be exempt from CEQA pursuant to State of California Code Section 15601; and move to approve the proposed amendment to Sections 14.10; 14.75; 14.120; and 14.140 of the Biggs Municipal Code. (Crawford/Frith, MCU)

FIRST READING AND INTRODUCTION: ORDINANCE NO. 384 , "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS CLARIFYING RESIDENTIAL USE, HOME OCCUPATION, COMMERCIAL USE, AND INDUSTRIAL USE AS SET FORTH IN CHAPTER 14 OF THE BIGGS CITY CODE (CODIFIED)". (Frith/Thompson, MCU)

3. ENFORCEMENT OF CODE RELATED TO MARIJUANA CULTIVATION:

City Attorney Greg Einhorn reviewed the staff report "Amendments to Marijuana Cultivation Measures". Staff was requesting Council consider a shortened notice period for abatement and if the notice was not effective, abatement with the use of law enforcement and the use of an administrative warrant, and the ability to impose fines up to \$500 per day for non-abatement. The city was not in the business to regulate and enforce the criminal side of this issue.

Police Detective Rodney Harr introduced himself and was available for questions.

Mayor Frith stated there was a blatant disregard in the city for the current ordinance. The city needs to get tough.

Mr. Harr said most of the growers in town are not in compliance. He suggested ventilation requirements should be included in the city language.

Greg would draft an amendment for council to review and include council's intent.

7. DEPARTMENT REPORTS

K. City Administrator:

1. Discussion/Action: Pete stated the Hometown Christmas Committee was requesting \$500 to help with supplies for the tree lighting event.

Citizen Mary Frith said if the decorations were stored properly, they would last longer.

Committee member Margaret Cottman said they would be asking for money each year because things need to be repaired and replaced.

Mayor Frith asked Pete if he knew how much money had already been spent by the city for this event and Pete said he would calculate the cost.

Motion/Second to modify the budget and allow \$500 for the Christmas Lighting Celebration for 2009. (Crawford/Arnold, MCU)

2. Discussion/Action: Pete reviewed the Fire Department Equipment Grant Match staff report.

Mike Brown said the grant money would be used for safety gear. Mayor Frith asked if the gear would be used locally or county wide and Mike Brown said mostly locally.

Resident Mary Frith asked if the city property could be tracked in the event of an audit and Mike Brown said yes.

RESOLUTION NO. 2009-35 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING THE DEPARTMENT OF FORESTRY AND FIRE PROTECTION AGREEMENT #7FG90043 FOR SERVICES FROM THE DATE OF LAST SIGNATORY ON PAGE 6 OF THE AGREEMENT TO AUGUST 31, 2010 UNDER THE VOLUNTEER FIRE ASSISTANCE PROGRAM OF THE COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978". (Arnold/Crawford, MC; Noes: Frith)

4. POLICE CONTRACT:

Discussion/Action: Pete reviewed the Police Contract Analysis staff report. Pete did not have a cost yet from the CHP.

Council agreed more information was needed before a decision on police services could be made.

5. DEPARTMENT REPORTS:

A. Planning Department:

1. Informational:
City Planner Scott Friend reviewed the Planning Department Activity Report – October / November 2009 included in the council agenda packet. Scott stated there have been problems with USDA and the NEPA compliance for the Wastewater Plant. The USDA environmental compliance officer required a giant garter snake study be completed. Scott had prepared a proposal for the cost of a biologist to do a giant

garter snake habitat survey and report. Scott said it would be likely the construction crew would also be required to receive garter snake awareness training.

Pete stated Scott's proposal was for up to \$12,286 for completion of the environmental biological requirements for the WWTP. This amount would come from the sewer improvement fund. These grant application costs should be reimbursed. Mayor Frith noted this item was not on the agenda.

Motion/Second to add the City of Biggs Waste Water Improvement Project - Mitigation Monitoring Program - Biological Scope of Services, Task 1 and Task 2 in the amount of \$12,286 to the agenda tonight for action. (Frith/Bottorf, MCU)

Motion/Second to authorize the appropriation from the sewer improvement fund for the amount of \$12,286 for the Waste Water Improvement Project - Mitigation Monitoring Program - Biological Scope of Services, Task 1 and Task 2. (Frith/Arnold, MCU)

Scott stated the admin draft of the housing element document would be ready for the December 21st council meeting.

2. The October 2009 Code Enforcement Activity Report was presented to council in the agenda packet.

Council reviewed the code enforcement activity spreadsheet and discussed recommended changes.

3. Discussion/Action: City Attorney Greg Einhorn reviewed the staff report concerning the drainage system improvements agreement for North Biggs Estates.

Councilor Arnold noted an omission of the south bearing from Exhibit 1.

Greg stated that a note would be added to section 5.6, noting if the road was extended to the north, it would be at no cost to the city.

Motion/Second to approve Agreement Concerning Drainage System Improvements City of Biggs - R. D. 833 - C.H.I.P North Biggs Estates with the noted corrections. (Frith/Thompson, MCU)

B. Engineering:

1. Activity Report. Mike Vasquez stated this report refers to activities the engineering staff takes part in on a monthly basis that has not previously been included on a monthly report.
2. Project Updates.
 - a. USDA Well Rehabilitation Project Update. Three quotes have been received for the new 10,000 gallon hydropneumatic tank. It would be installed on an 8' x 25' concrete slab.
 - b. USDA Waterline Project Update - Water Service Puncturing of Sewer Main. The videoing of this project was completed last Friday and 15 breaches were found. Council discussed the breaches and the process for repairs.
 - c. Sixth Cycle Safe Routes to School, TEA, Proposition 1B Project Update. Some of the items on the punch list have been repaired by the contractor. There are some

items on the list the contractor does not agree to repair such as the West Biggs Gridley Road transitions. Mike is working with the city attorney on this matter.

- d. Sixth Street Bridge Rehabilitation Update. The State has given direction to proceed with this project.
- e. North Biggs Estates Update. There will be a meeting on Wednesday regarding punch list items.

6. CONSENT CALENDAR:

Motion/Second to approve the consent calendar. (Thompson/Bottorff, MCU)

7. DEPARTMENT REPORTS - continued

- C. Public Safety. Pete was concerned with the recent gang graffiti. This was the first in a year.
- D. Public Works. Nothing new to report.
- E. Electric. Mayor Frith noted there were two meetings he had not attended due to conflict of interest.
- F. BCAG/Air Quality. Councilor Thompson said Air Quality passed the "check before you light" voluntary program.
- G. Solid Waste. Nothing to report.
- H. Flood Control. Councilor Bottorff and Pete met with the executive director of the Sutter Butte Flood Control Agency. The agency wanted to know if Biggs wanted to remain involved with this agency. This matter would be agendized and brought back for formal discussion at a later date.
- I. Other commission reports. None
- J. Finance Department. Activity report - October / November 2009. Finance Director Beth Penner noted Gridley had reimbursed Biggs \$49,000 for a percentage of Gridley Police Department's school resource officer which had been billed to Biggs by mistake.

K. City Administrator:

- 3. Discussion/Action: Pete reviewed the Appropriation for Sidewalk Maintenance Plan Implementation staff report.

Motion/Second to approve \$16,500 to be budgeted for the fiscal year for sidewalk repairs. (Thompson/Crawford, MCU)

- 4. Discussion/Action: Appointment of Alternate Member of the County Air District Board.

Motion/Second to appoint Doug Arnold as the Alternate Member of the County Air District Board effective January 1, 2010. (Crawford, Bottorff, MCU)

8. RESOLUTIONS:

A. *RESOLUTION NO. 2009-36* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS EXPRESSING APPRECIATION AND RECOGNITION FOR SERVICE RENDERED BY DEANNA CARBAJAL AS CITY CLERK AND DIRECTOR OF FINANCE FOR THE CITY OF BIGGS". (Frith/Crawford, MCU)

B. *RESOLUTION NO. 2009-37* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING BY RESOLUTION INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND". (Frith/Bottorff, MCU)

9. INFORMATIONAL: Pete would work with the city managers in Northern California on pension reform. Pete said there was also pending legislation that could impact control over the ground water in Biggs.

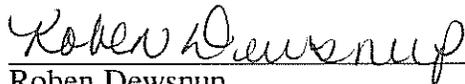
10. EXECUTIVE SESSION: Adjourned to Executive Session at 10:42 p.m.

11. RESUME REGULAR SESSION: Resumed regular session at 11:35 p.m.

A. No announcement.

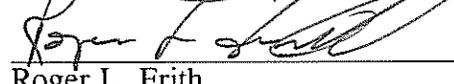
12. ADJOURNMENT: Meeting adjourned by mutual consent at 11:36 p.m.

ATTEST:



Roben Dewsnup
City Clerk

APPROVED:



Roger L. Frith
Mayor, City of Biggs