

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, Finance Director Beth Penner and City Clerk Roben Dewsnap.

1. **COMMUNITY PARTICIPATION:** None
2. **SPECIAL BUSINESS:** Code Enforcement Issue at 3007 Tenth Street.

City Administrator Pete Carr stated the city had been working for over two years to get nuisance ordinances enforced at 3007 Tenth Street. The property owners received notification they would receive a \$100 fine if compliance was not demonstrated before January 19, 2010. Mr. Carr showed photos of the current condition of the property.

City Planner Scott Friend referred to the code enforcement summary history for this property.

Property owner Rhonda Genn stated she had asked for an extension to clean up the property and was told she could not receive an extension.

Property owner Gene Brown said he told the code enforcement officer he would have the property cleaned up in November but he was badly injured in a car accident and was not able to complete the job. He was currently trying to clean the property.

Property owner Paul Genn asked why he received monthly charges for services that were not being used at the property and Mrs. Genn asked for a copy of the ordinance that requires monthly charges for services that are not used.

Mayor Frith asked Mr. Carr what the monthly charges were for and Mr. Carr said they included water, sewer, garbage and a meter fee for being hooked up to services whether they are used or not.

Resident Nelda Andes said she lives across the street from the property being discussed, stated she would like to see the mess cleaned up.

Councilor Thompson asked what action the Genns were requesting and Rhonda Genn said she was asking for an extension.

Mayor Frith said the Genns had been receiving correspondence from the City since 2003 and enforcement has been very lenient. He said the issue is the property is presenting a real hazard.

Mrs. Genn said a letter she received stated her tree had caused an electric line to come down and she wanted that statement to be corrected because she said it was a city tree that caused the problem, not her tree.

Mayor Frith asked City Planner Scott Friend if there had been any agreement for this code enforcement issue and Mr. Friend said there had never been any contract or verbal agreement. Often times there was a request for extension after a letter was sent.

Mr. Friend said the first fine has already been assessed and there is currently a lien on the property. On February 2, 2010, a \$250 fine will be added. The council could extend the timeframe and the City could enter into a contract with the Genns and the second fine could

be put into an abeyance condition. If there was no desire to give an extension, the \$250 fine would be added, then a \$500 fine, and if no abatement, then refer to the city attorney.

Council agreed the first fine should stay in effect with an extension until March 1, 2010. If abatement does not take place, the other fines will become retroactive.

Motion/Second to direct staff to enter into a contract regarding code enforcement that would conclude on the 1st of March for abatement of the trash at the Genn property with the understanding of what was discussed tonight. (Frith/Thompson, MCU)

3. **ORDINANCE:** Marijuana Abatement Measures.

SECOND READING AND ADOPTION ORDINANCE NO. 385 "AN ORDINANCE OF THE CITY OF BIGGS AMENDING PORTIONS OF TITLE SIX OF THE BIGGS MUNICIPAL CODE TO INCLUDE SPECIFIC ENFORCEMENT MEASURES FOR ABATING THE PUBLIC NUISANCE OF OUTDOOR AND/OR UNSECURED AND/OR ODIFEROUS CULTIVATION OF MARIJUANA (CODIFIED)". (Frith/Crawford, MCU)

4. **UNFINISHED BUSINESS:** Police Contract.

Mr. Carr reported the price the City of Gridley had given for police services was good for only two years. After that period, the cost would go back up to the original cost.

After discussion of other possibilities, Council agreed to wait until the next regular council meeting in February before a decision on police service was made.

5. **NEW BUSINESS:** Mid-Year Budget Report

Mr. Carr reported most of the revenues and expenditures for this fiscal year were on track; however he asked for \$48,600 in additional appropriations: \$1,400 for Public Works repairs, \$3,000 for sewer contact work, \$3,100 for water system state permit fee, \$13,000 for the city planner and \$28,000 for the city engineer.

Motion/Second to accept appropriation request for \$48,600. (Bottorff, Thompson, MCU)

6. **CONSENT CALENDAR:**

Motion/Second to approve the consent calendar as it stands. (Thompson/Frith, MCU)

7. **DEPARTMENT REPORTS**

A. Planning:

1. Informational: City Planner Scott Friend reviewed the Department Activity Report – December 2009 / January 2010 included in the agenda packet.

In regards to AB 1881, Mayor Frith asked why council had not heard of the ordinance requirement until after the requirement date. Mr. Friend stated there are no punitive measures for not having an ordinance in place. He had been speaking with other city planners and most are doing nothing.

2. Code Enforcement Activity Report: December 2009 - Present. Scott reviewed the code enforcement activity report and spreadsheet.

B. Engineering: In the absence of engineering staff, Mr. Carr was available to answer questions. He stated sewer repairs were the top priority.

1. Activity Report: Councilor Arnold asked for a legal description of the veteran's hall.
2. Project Updates:
 - a. City of Biggs Roadway Rehabilitation Project
 - b. USDA Sewer Line Repair Project
 - c. Hydro-Pneumatic Tank Project
 - d. 6th Street Bridge Rehabilitation

C. Flood Control: Update on Flood Control Activities.

Councilor Bottorff referred to the staff report. Mayor Frith asked when the City of Biggs proposed assessment will be determined and Councilor Bottorff said probably in the next three or four months.

D. Public Safety. Mayor Frith had nothing new to report.

E. Public Works. Mayor Frith had reviewed sewer line repair plans. He was pleased with the storm drains.

F. Electric. Mayor Frith noted NCPA annual strategic plan meetings would be held this week and he and Councilors Bottorff and Thompson would be attending.

G. BCAG/Air Quality. Councilor Thompson stated BCAG meeting would be on Thursday. The woodstove burn ban will be discussed at Air Quality.

H. Solid Waste. Nothing to report.

I. Other commission reports. None

J. Finance Department Report – December 2009/January 2010. Finance Director Beth Penner reported the external auditors were still finalizing the audit.

K. City Administrator.

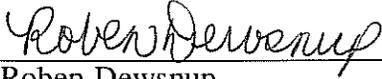
Mr. Carr reported the individual who wanted to buy the city owned-house had backed out. He said a member of the Public Works department was interested in renting the house. Vice Mayor Crawford would like to see the building used in a public manner such as the teen center. No direction was given to Mr. Carr.

Mr. Carr discussed park zone safety and stated Mayor Frith and Councilor Thompson had met with a citizen that had suggestions regarding more crosswalks and more signs. Mayor Frith asked city attorney Greg Einhorn if the city was creating liability by installing crosswalks. Mr. Einhorn said only if it created a trap. Mayor Frith felt policy should be created for crosswalks.

8. Resolution No. 2010-01 “ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS CALLING A SPECIAL ELECTION ON JUNE 8, 2010 FOR THE PURPOSE OF ELECTING ONE MEMBER TO THE CITY COUNCIL TO FILL A VACANCY CREATED BY RESIGNATION AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON JUNE 8, 2010.” (Frith/Arnold, MCU)

9. **INFORMATIONAL:** Mayor Frith mentioned a confrontation between in-town and out-of-town spectators at the girls basketball game. He apologized as mayor by email for any insensitive comments made and explained that the negative comments did not represent the community. Mayor Frith was contacted by the Sacramento Bee today on this issue.
10. **ADJOURNMENT:** Meeting adjourned by mutual consent at 9:41 p.m.

ATTEST:



Roben Dewsnup
CITY CLERK

APPROVED:



Roger L. Frith
MAYOR