

Call To Order

The regular council meeting was called to order at 6:09 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 Dave Swartz and City Clerk Roben Dewsnup.

1. COMMUNITY PARTICIPATION: None

2. PUBLIC HEARING: *ADOPTION OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION:* Sixth Street Bridge Seismic Retrofit/Replacement.

- a. Staff Comments. City Planner Scott Friend stated staff was requesting the city council approve an Initial Study/Mitigated Negative Declaration for a project to replace the existing Sixth Street Bridge structure with a new Caltrans-approved double box culvert structure.
- b. Open the hearing to the public.
  1. Proponents. None
  2. Opponents. None
- c. Close hearing to the public.
- d. Council discussion.

*RESOLUTION NO. 2010-28* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ADOPTING AN INITIAL STUDY / NEGATIVE DECLARATION PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN SUPPORT OF A PROJECT TO REPLACE THE SIXTH STREET BRIDGE IN THE CITY OF BIGGS." (Frith/Crawford, MCU)

3. PUBLIC HEARING: *MODIFICATION OF BIGGS NUISANCE CODE*

- a. Staff Comments. City Administrator Pete Carr stated this was the first reading of the revised Biggs Municipal Code 6.25. Changes to the code could still be made tonight.
- b. Open the hearing to the public.
  1. Proponents. None
  2. Opponents. None
- c. Close hearing to the public.
- d. Council discussion. Mayor Frith asked council if they had a chance to review the revised changes to the code. He suggested tabling this discussion. Council agreed.

Mayor Frith suggested forming a sub-committee to review changes to the code. Councilmembers Thompson and Bottorff volunteered to be part of the sub-committee.

Vice Mayor Crawford referred to section 6.25.020 item 7b and stated he thought the 700 square feet driving limitation discussed in this section was historical. He said there were various sizes of lots in the city and did not know how this number came about. There were lots with a minimum of 7200 square feet up to double that amount or better and questioned why that number was used rather than a percentage of the lot. Mr. Friend stated the 700 square feet equals the maximum allowable percentage on a 7200 square foot lot. It was the largest amount of non-living ground cover in a 7200 square foot lot. There was no sliding scale to get more with a bigger lot. It was just the maximum percentage lot coverage in a front yard in a 7200 square foot lot. Vice Mayor Crawford asked if this amount should be a percentage of the lot and not a specific number. Mr. Friend stated that change could be made. This was historical and if council wanted it to incrementally slide with the lot size, they could.

Vice Mayor Crawford asked for verification on section 6.25.020 item 5f. Mr. Friend stated this referred to occupied buildings lacking utility services. Vice Mayor Crawford asked what the intent of the statement was. Mr. Friend stated there have been situations where people have their utilities turned off for non-payment and still choose to live in the structure. This code says there is a hazardous condition, a nuisance condition that is created if someone is living in the structure and doesn't have water or garbage service. They still need to flush their toilet and deposit refuse somewhere, so the city wanted to be sure someone is not living in an occupied structure if they don't have utilities, even if they own the structure. Candles being burned for light is a fire hazard. Right now the code is silent on how the city deals with people who choose to take up occupancy of buildings not served by utilities. Vice Mayor Crawford asked how this would relate to commercial buildings in the city and should it be addressed within this code modification. Mr. Friend stated this was intended to apply across the board. If a business is occupied, there are another set of regulations. The city has just run into this issue in the last couple of months with utility shut-offs and there is nothing in the code that really addresses this. Vice Mayor Crawford felt the proposed code change was appropriate but wanted clarification.

Vice Mayor Crawford felt the sub-committee should define section 6.25.020 item 4b more fully because he did not feel this covered the positions taken at the last council meeting.

Vice Mayor Crawford stated section 6.25.020 item 7c did not clarify whether it was on the street or on a private entity. He understood what the intent was after there was discussion but it really didn't speak to that.

He was also concerned about the city park superintendent. He asked if the regulations really clearly define what he is looking at versus what is stated here. He was not sure that it did. He felt this needed to be clarified because there was someone making subjective decisions on something and not specifically guided in these codes and that was a concern. Mr. Friend stated the intent of this was to clearly codify his role in this process. There are other parts of the code that mention the fact that he is the person to go to. Mr. Friend asked Vice Mayor Crawford to write down his comments. Vice Mayor Crawford said he understood the intent and would like to see this done right.

Mayor Frith preferred all other questions be sent to Mr. Carr to be discussed with the sub-committee. This item was tabled until the December 20, 2010 meeting.

#### **4. CONSENT CALENDAR:**

- A. Approval of warrants: #24801 - 24866; #7783 - #7806; Z00363 - Z00378 for month of October 2010 in the amount of \$279,526.69.
- B. Acknowledge receipt of Monthly Cash Report for September 2010.
- C. Acknowledge receipt of Police Department Report for October 2010.
- D. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for October 2010.
- E. Acknowledge receipt of Biggs Fire Department Report for October 2010.
- F. Adopt Resolution No. 2010- 29 by reading of title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING COMPLETION OF THE SEWER REPAIR CONSTRUCTION PROJECT.
- G. Adopt Resolution No. 2010- 30 by reading of title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING COMPLETION OF THE PROPOSITION 1B, WEST BIGGS GRIDLEY ROAD, AND C STREET CONSTRUCTION PROJECTS."

Motion/Second to adopt the consent calendar as is. (Thompson/Bottorff, MCU)

**5. DEPARTMENT REPORTS:**

A. Planning:

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

In addition to the report, Mr. Friend said the Sphere of Influence Amendment Request from the City of Gridley is going to the LAFCo Meeting on December 2<sup>nd</sup>. The area the City of Gridley is requesting is 850 acres located north of the existing City of Gridley and their current sphere of influence.

Mr. Carr stated the City of Biggs could recommend either the area of concern continue for the entire area or be eliminated for the entire area if Gridley's sphere of influence request is approved.

There was discussion between the city planner, city engineer and council.

Councilmember Arnold felt Biggs should make a comment now if they did not want this to happen. He wanted LAFCo to be known that the landowners wanted to be part of Biggs city limits. Mr. Friend said the landowners should let LAFCo know this.

Mayor Frith stated the landowners themselves would need to make a compelling case.

Mr. Friend asked if council would like staff to prepare a letter of response.

Councilmember Arnold would let the landowners in this area know what was being requested by Gridley.

Mayor Frith confirmed the area of concern should stay intact.

B. Engineering:

1. City Engineer Dave Swartz reviewed the Activity Report included in the agenda packet.
2. Mr. Swartz reviewed with council the Project Updates Report included in the agenda packet.
3. Mr. Swartz updated council on the Wastewater Treatment Plant Funding.
5. Mr. Swartz discussed the Community Hall Project Update and Application for Project Funding. He stated the original estimate to remodel the building was \$765,000 and the appraisal came in at \$450,000. The project scope would need to be reduced by approximately \$320,000. He reviewed improvements that would be included in the project.

Vice Mayor Crawford asked if it would be more cost effective to tear down the existing building and rebuild a new building. Mr. Swartz did not believe a building of the same size could be rebuilt for \$450,000.

Mr. Swartz stated the city would be applying for a grant which would cover 75% of the project cost and a loan for the additional 25%.

Council agreed to move forward and apply for a grant.

4. Water Rates Update. Mr. Swartz stated a rate structure had been developed when the water projects were implemented that would maximize the allotment of the amount of water that would be distributed for a fee with the meter system. The water allotment was not related to expected usage. The rate structure focused on how to pay back the loan for the project and was developed with data that used different accounting practices and principles than being used today.

Mr. Swartz stated it cost approximately \$450,000 to operate the water system per year. Operation and maintenance costs are approximately \$167,000, overhead allocation costs are \$34,000, USDA bond reserve costs are \$20,000, capital replacement reserves are \$33,000 and loan obligations are \$198,000 per year.

Mr. Swartz stated current revenues are \$370,000 per year. The metered customers are paying about \$9 higher than the non-metered customers per month. The public works committee looked at setting a higher cap at 5,000 cubic feet per month. To balance the fund, metered customers could pay \$57 and non-metered customers \$62 per month. The customers that would be impacted the most would be the non-metered customers.

Council discussed charging non-occupied commercial building owners water and sewer fees.

Council agreed to form a water rate study committee and Councilmember Arnold and Bo Sheppard volunteered to serve on the committee. Community members would also be invited by the council to serve on the committee.

- C. Public Safety. Mayor Frith and Mr. Carr met with Assistant Chief Price last Friday.
- D. Flood Control. Councilmember Bottorff referred to a map including a new member to the JPA. All current JPA members would have to vote to allow a boundary adjustment to the JPA by resolution.

Motion/Second to add this item to the agenda. (Crawford/Thompson, MCU)

Resolution 2010-31 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS REGARDING AMENDMENT TO SUTTER-BUTTE FLOOD CONTROL AGENCY JOINT EXERCISE OF POWERS AGREEMENT." (Bottorff/Crawford, MC; Noes: Arnold)

- E. Public Works. Councilmember Arnold had nothing new to report.
- F. Electric. Mr. Carr stated one member of NCPA was leaving. The impact of this and proposed reallocation of L & R costs on Biggs will result in an \$118,000 increase per year.
- G. BCAG/Air Quality. Councilmember Thompson stated B-line had added new bus routes November 1<sup>st</sup>. There are still no stops in Richvale. No Air Quality Meeting.

H. Solid Waste. Nothing to report.

I. Other commission reports. None

J. City Administrator.

1. Appointment to Butte County Mosquito and Vector Control District board of directors. Council agreed to discuss this item next month.
2. Update to Personnel Policies. Council agreed to discuss this item next month.
3. Staff Compensation Issues. Mayor Frith asked to discuss this item next month.
4. Mr. Carr reviewed the report in the agenda packet "Recap of Discretionary Funds – Committed vs. Non-Committed."

Council would like to review this updated report on a quarterly basis.

5. Verbal Report

- a. Mr. Carr reported a minimal level of medical contributions is required for retirees. The city's outside auditor suggested identifying the city's unfunded liability. An outside contractor could provide a report for a fee of \$900. Council agreed the report was necessary.
- b. Mr. Carr informed council the city engineer's Memorandum of Understanding (MOU) expires in December. Would council like to renew the contract, complete a performance evaluation, or market the position by putting out a Request for Qualifications (RFQ), which has not been done in 14 years?

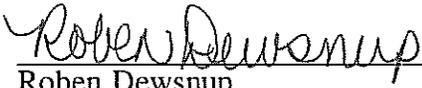
City Attorney Greg Einhorn stated council could direct staff to come back with a proposed RFQ and extend the MOU until there is a successor. Council agreed.

- c. Mr. Carr stated staff was proceeding with a new credit card utility payment vendor. The fee would be \$4.95 per transaction with no setup fee for the city. A contract would be brought back in December.

6. **INFORMATIONAL:** Mayor Frith thanked Vice Mayor Crawford for his service as a councilmember and welcomed Bo Sheppard as the new councilmember. Vice Mayor Crawford said he appreciated the opportunity to serve and appreciated staff.

7. **ADJOURNMENT:** Meeting was adjourned at 10:07 p.m.

ATTEST:

  
\_\_\_\_\_  
Roben Dewsnup  
CITY CLERK

APPROVED:

  
\_\_\_\_\_  
Roger L. Frith  
MAYOR