

Call To Order

The regular council meeting was called to order at 6:30 p.m. by Mayor Frith. Vice Mayor Sheppard, Council Members Arnold, Busch and Thompson were present. Vice Mayor Sheppard left at 7:09 p.m. Staff present: City Administrator Mark Sorensen, City Attorney Greg Einhorn, City Engineer Brian Martin and City Clerk Roben Dewsnup.

1. **COMMUNITY PARTICIPATION:** Mary Frith informed Council of two upcoming BCAV events with included a movie and the Christmas Tree Lighting on the 29th of November.
2. **PRESENTATION:** Green House Gas Inventory Report.
This item was postponed to the December agenda.

Mayor Frith asked to move item 6.K. forward and council agreed.

6. K. City Attorney: Status on Acquisition of Real Property for Wastewater Treatment Plant Improvement and Expansion.

City Attorney, Greg Einhorn asked council to consider eminent domain proceedings to acquire property for the Wastewater Treatment Plant Improvement and Expansion Project and asked Council to consider retention of outside counsel to assist him and staff in eminent domain litigation.

Motion/Second to declare intent to adopt a resolution of necessity, direct staff to prepare such resolution, direct staff to set a hearing on such resolution and to provide notice to property owners. (Sheppard/Frith, MCU)

Motion/Second to direct staff to prepare an agreement for outside legal services to assist the city attorney and staff, with the agreement being brought back to council for consideration. (Frith/Thompson, MCU)

Vice Mayor Sheppard left the meeting at 7:09 p.m.

3. **4th OF JULY:** Brian Bassett reported on the 4th of July Celebration Event and discussed ideas to raise money for next year's firework display and insurance options.
4. **PUBLIC HEARING:** Adoption of Amendments to the City's Utility Billing Policies and Procedures, Incorporating Changes in Utility Fees.

City Administrator Mark Sorensen asked Council to consider approving a second reading and adoption of a revised Municipal Code Section 10.30 via Ordinance No. 403.

Mayor Frith opened the hearing to the public. With no public comments, the hearing was closed to the public.

Motion/Second to approve second reading of Ordinance No. 403, "AN ORDINANCE OF THE CITY OF BIGGS AMENDING CHAPTER 10.30 OF THE BIGGS MUNICIPAL CODE TO SET FORTH UTILITY BILLING POLICIES AND PROCEDURES."
(Thompson/Arnold, MCU; Absent: Sheppard)

5. **CONSENT CALENDAR:**

A. Approval of Council Minutes for Regular Meeting of October 14, 2014.

- B. Approval of warrants: 8565 – 8575, Z01148 – Z01166, and 28219 – 28290 for the month of October 2014 in the amount of \$308,071.31.
- C. Acknowledge receipt of Gridley-Biggs Animal Control Report for the months of September and October, 2014.
- D. Acknowledge receipt of Gridley-Biggs Police Department Report for the month of October, 2014.
- E. Authorize the City Administrator to write off old, uncollectible utility accounts in the amount of \$9,602.69.

Motion/Second to approve the consent calendar. (Arnold/Busch, MCU; Absent: Sheppard)

6. DEPARTMENT REPORTS:

- A. Planning / Code Enforcement: Council received the Planning Department monthly activity report for October/November 2014 in the agenda packet. No comments or questions.
- B. Engineering Department Activity Report: City Engineer Brian Martin reviewed the monthly activity report for October/November 2014.
- C. Public Safety:

- 1. Fire Department Grant Match Request.

Fire Chief John Sprague asked Council to consider approving \$3,492 as a match to a State grant for the fire department-related personal protective equipment.

Motion/Second to approve Resolution No. 2014-23 “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING THE DEPARTMENT OF FORESTRY AND FIRE PROTECTION AGREEMENT #7FG14009 FOR SERVICES FROM THE DATE OF LAST SIGNATORY ON PAGE 6 OF THE AGREEMENT TO JUNE 30, 2015 UNDER THE VOLUNTEER FIRE ASSISTANCE PROGRAM OF THE COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.” (Thompson/Arnold, MCU; Absent: Sheppard)

- 2. Verbal update. Chief Sprague reported Fire Captain Todd Tindall had been promoted to Fire Chief in Fortuna.

Police Chief Dean Price reported on City of Biggs police issues.

- D. Sutter Butte Flood Control Agency (SBFCA). Verbal report by Mayor Frith.
- E. Public Works. No report.
- F. Electric. Verbal report by Mayor Frith.
- G. BCAG. No report.
- H. Air Quality. Verbal report by Councilmember Thompson.
- I. Solid Waste. No report.
- J. Mosquito Abatement. Verbal report by Mayor Frith.

L. Other commission reports. Councilmember Busch reported he attended a SCORE training meeting.

M. City Administrator.

1. Purchase Authority to Purchase Vehicle Safety Lights.

Mr. Sorensen asked Council to consider authorizing the purchase of vehicle safety lights for existing public works vehicles.

Motion/Second to authorize the city administrator to purchase vehicle safety lights and installation in an amount not to exceed \$5,200. (Frith/Arnold, MCU; Absent: Sheppard)

2. Purchase Authority to Purchase Metrotech Pipe Locator.

Mr. Sorensen asked Council to consider authorizing the purchase of a new Metrotech 810 pipe and cable locator, and service of old pipe locator.

Motion/Second to authorize the city administrator to purchase a Metrotech 810 pipe locator in an amount not to exceed \$3,700. (Service of the old pipe locator would be a separate amount.) (Thompson/Frith, MCU; Absent: Sheppard)

7. **INFORMATIONAL:** None

8. **ADJOURNMENT:** The regular meeting was adjourned at 8:37 p.m.

ATTEST:

APPROVED:

Roben Dewsnup, CITY CLERK

Roger L. Frith, MAYOR

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice Mayor Sheppard, Council Members Arnold and Busch were present. Council Member Thompson arrived at 7:05 p.m. Staff present: City Administrator Mark Sorensen, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Brian Martin and City Clerk Roben Dewsnup.

2. **CLOSED SESSION:** Conference with Real Property Negotiators Pursuant to Govt. Code Section 54956.8. City Negotiator(s): McElhern/Einhorn/Sorensen
Property and Negotiating Parties: 06-007 Biggs Business Trust, Et Al. (APN 022-140-009, -010 & -011)

3. **RESUME REGULAR SESSION:** Council resumed regular session at 6:30 p.m.

Council directed staff to initiate eminent domain proceeding regarding the real property necessary for the City's Wastewater Treatment Plant Improvement Project.

1. **COMMUNITY PARTICIPATION:** Cari Wheeler stated that Biggs and Gridley Chamber of Commerce will combine. A kickoff will be held on January 24th and she offered the City of Biggs a free membership for one year.

Daryl Dye, Electrical Superintendent for Gridley and Biggs, wished to update Council on the electrical system. He stated trees had been trimmed and the electrical system was in good condition.

4. **SPECIAL BUSINESS:**

- A. Motion/Second to adopt *RESOLUTION NO. 2014-24*, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS RECITING THE FACT OF THE CONSOLIDATED GENERAL ELECTION HELD ON NOVEMBER 4TH, 2014 DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW." (Frith/Arnold, MCU; Absent: Thompson)

- B. Swearing-in Ceremony: City Clerk Roben Dewsnup administered the oath of office to Doug Arnold and Bo Sheppard.

- C. Selection of Mayor and Vice Mayor.

Ms. Dewsnup opened the nominations for mayor. Councilmember Busch nominated Roger Frith for mayor. Nominations were closed.

The vote in favor of Roger Frith for mayor was 3/1. (Ayes: Busch, Frith, and Sheppard; Noes: Arnold; Absent: Thompson)

Ms. Dewsnup opened the nominations for vice-mayor. Mayor Frith nominated Bo Sheppard for vice-mayor. Nominations were closed.

The vote in favor of Bo Sheppard for vice-mayor was 4/0. (Ayes: Busch, Arnold, Frith, and Sheppard; Absent: Thompson)

D. Commission and Committee Appointments.

Motion/Second to re-appoint all council members to their current positions, excluding Air Quality. (Sheppard/Busch, MCU; Absent: Thompson)

Motion/Second to appoint Vice-Mayor Sheppard as the representative to the Mosquito Vector Control District for four years. (Frith/Busch, MCU; Absent: Thompson)

Motion/Second to re-appoint current representatives to the Butte County Abandoned Vehicle Abatement Committee and the Orchard Hospital Committee. (Frith/Sheppard, MCU; Absent: Thompson)

5. PRESENTATION:

Paul Ahrns of the Sierra Business Council, reported on the Baseline Greenhouse Gas Inventories for the City of Biggs.

- 4. B. Continued: Ms. Dewsnup administered the oath of office to Angela Thompson.
- 4. D. Continued: Motion/Second that the assignment to Air Quality Control remain as is. (Frith/Arnold, MCU)

6. PUBLIC HEARING:

- A. Consider Adopting Resolution of Necessity for Acquisition of Property Interests from Butte County APNs 022-140-009, -010 & -011 (06-007 Biggs Business Trust, Et Al.)

City Attorney Greg Einhorn stated at the last council meeting, Council had directed staff to prepare a Resolution of Necessity for the acquisition of property for the wastewater treatment plant expansion. Council also provided authority for staff to work with outside legal services for preparation of the resolution of necessity. Staff has engaged Downey Brand for this purpose.

Scott McElhern of Downey Brand gave an overview of the required findings for adoption of a resolution of necessity.

- B. Mayor Frith opened the hearing to the public.

- 1. Proponents. None
- 2. Opponents. Carl Mealer suggested leaving the wastewater treatment plant as it is.
- 3. Opponents Rebuttal. None

- C. Close hearing to the public.

- D. Council discussion.

Motion/Second to approve *RESOLUTION NO. 2014-25* "A RESOLUTION OF THE CITY OF BIGGS DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR CONSTRUCTION, INSTALLATION, REPAIR, AND MAINTENANCE OF THE WASTEWATER TREATMENT PLANT ENHANCEMENT PROJECT (CODE CIV. PROC. § 1245.230)." (Arnold/Sheppard, MCU)

7. CONSENT CALENDAR:

- A. Approval of warrants: 8576 – 8586, Z01167 – Z01185, and 28291 – 28348 for the month of November 2014 in the amount of \$312,867.31.
- B. Acknowledge receipt of Biggs Fire Department Report for the month of November 2014.
- C. Acknowledge receipt of Accountant's Reports for July, August and September 2014.

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

8. DEPARTMENT REPORTS:

A. Planning:

- 1. Planning / Code Enforcement. City Planner Scott Friend reviewed the Planning Department monthly activity report for November/December in the agenda packet.

Resident Karl Mealer asked what he needed to do to bring his carport into compliance. Mr. Friend would contact with Mr. Mealer to discuss this issue.

- 2. Municipal Services Review/Sphere of Influence Update. Mr. Friend presented a proposal from Pacific Municipal Consultants (PMC) to update the City's Municipal Services Review document in support of a request to the Butte Local Agency Formation Commission (LAFCo) to expand the City's Sphere of Influence.

Motion/Second to authorize the Mayor to sign an agreement with PMC to prepare an update to the City's Municipal Services Review document in support of a request to the Butte LAFCo to expand the City's Sphere of Influence boundary.
(Sheppard/Thompson, MCU)

B. Engineering:

- 1. Engineering Department Activity Report. City Engineer Brian Martin reviewed the monthly activity report for November/December 2014.
- 2. Proposal for City Mapping Services. Mr. Martin stated the City's water, sewer, storm drainage and electrical system maps have not been updated in many years and do not reflect the many changes and additions to the City's infrastructure facilities that have taken place in past years.

Motion/Second to direct staff to move forward with option 1.D in the amount of \$8,500. (Frith/Thompson, MCU)

- 3. Task Order No. 27 to the Engineering Services Agreement dated June 11, 2011.

Mr. Martin stated the California Rural Water Association (CRWA) has a contract with the State Water Resources Control Board to prepare water rate studies for Disadvantaged Communities. The State has directed CRWA to work with the City of Biggs in preparing and presenting a water rate study for the City.

Resident Mary Frith stated her concern about the State forcing mandates on the City.

Mr. Martin would contact the State and bring information back to Council next month.

- C. Public Safety. Fire Chief John Sprague and Police Chief Dean Price gave verbal updates to Council.
- D. Sutter Butte Flood Control Agency (SBFCA). Vice-Mayor Sheppard reported 17.5 miles of levee had been repaired this year.
- E. Public Works. No report.
- F. Electric. Verbal report by Mayor Frith.
- G. BCAG. No report.
- H. Air Quality. No report.
- I. Solid Waste. No report.
- J. Mosquito Abatement. Verbal report by Vice-Mayor Sheppard.
- K. City Attorney.

Mr. Einhorn stated the Law Firm Downy Brand will be representing the City of Biggs on the acquisition of property for the wastewater treatment plant. Downy Brand also represents the Sutter Buttes Flood Control Agency (SBFCA) which may contract with the City for fill material from this same property for levee repair. This would be considered a conflict of interest which can be waived.

Motion/Second to approve waiver by and between the City of Biggs and Downey Brand.
(Frith/Sheppard, MCU)

- L. Other commission reports. Vice-Mayor Sheppard reported on the Water Advisory Committee Meeting he attended. Councilmember Busch reported on the LAFCo meeting he attended.
- M. City Administrator.

1. Biggs Municipal Code (BMC) Section 8.15 Parking. Mr. Sorensen asked Council to review BMC 8.15 regarding parking regulations and direct staff regarding desired changes.

Council would review the code and email Mr. Sorensen with suggestions.

2. Rio Bonito Park Lease Expiration. Mr. Sorensen stated the lease of Rio Bonito Park expires in May 2015.

Mr. Sorensen and Vice-Mayor Sheppard would meet with the school superintendent and discuss options.

3. JustServe Participation.

Vice-Mayor Sheppard stated JustServe.org is provided as a service by the LDS Church to match churches, civic organizations, non-profits, and governmental agencies that need volunteers with volunteers willing help. He asked Council to consider participation in this volunteer organization service.

Council concurred this was a good opportunity for volunteer help and Vice-Mayor Sheppard and Mr. Sorensen would contact the JustServe coordinators.

4. Contract for Legal Services with Downey, Brand. Mr. Sorensen ask council to consider authorizing a contract for Legal Services with Downey Brand for land acquisition.

Motion/Second to approve contract for Legal Services with Downey Brand and authorize the Mayor and City Administrator to sign the contract for legal services. (Busch/Sheppard, MCU)

9. INFORMATIONAL: None

10. ADJOURNMENT: The regular meeting was adjourned at 9:50 p.m.

ATTEST:

APPROVED:

Roben Dewsnap, CITY CLERK

Roger L. Frith, MAYOR

Warrant Num	P#	Date	Payroll Number	Period Begin	Period End	*** Employee or Vendor Nbr	Name	Cal Prd	Gross Earnings	Tax Withheld	Deductions Withheld	Warrant Amount
8587	00	12/03/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: B41203			1232.03
8587	01	12/03/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 1B41203			1902.00
8587	02	12/03/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 2B41203			444.84
									TOTAL FOR VENDOR BOA01:			3578.87
8588	00	12/03/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: B41203			414.75
8588	01	12/03/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: 1B41203			153.38
									TOTAL FOR VENDOR EDD01:			568.13
8589	00	12/03/14	VENDOR PAYMENT			PUB01	PERS-Retirement Syst	12-14	INVOICE NO.: B41203			2665.53
									TOTAL FOR VENDOR PUB01:			2665.53
8590	00	12/16/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: B41216			1214.70
8590	01	12/16/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 1B41216			1888.12
8590	02	12/16/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 2B41216			441.60
									TOTAL FOR VENDOR BOA01:			3544.42
8591	00	12/16/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: B41216			404.65
8591	01	12/16/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: 1B41216			152.27
									TOTAL FOR VENDOR EDD01:			556.92
8592	00	12/16/14	VENDOR PAYMENT			LAB02	Laborers Local 185	12-14	INVOICE NO.: B41216			96.00
									TOTAL FOR VENDOR LAB02:			96.00
8593	00	12/16/14	VENDOR PAYMENT			PUB01	PERS-Retirement Syst	12-14	INVOICE NO.: B41216			2605.27
8594	00	12/29/14	12of12 12/01/14	12/31/14				12-14	300.00	25.95	.00	274.05
8595	00	12/29/14	12of12 12/01/14	12/31/14				12-14	300.00	25.95	.00	274.05
									TOTAL FOR VENDOR PUB01:			2605.27
8596	00	12/29/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: B41229			.00
8596	01	12/29/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 1B41229			186.00
8596	02	12/29/14	VENDOR PAYMENT			BOA01	BANK OF AMERICA, NT&	12-14	INVOICE NO.: 2B41229			43.50
									TOTAL FOR VENDOR BOA01:			229.50
8597	00	12/29/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: B41229			.00
8597	01	12/29/14	VENDOR PAYMENT			EDD01	Employment Developme	12-14	INVOICE NO.: 1B41229			15.00
Z01186	00	12/05/14	23of24 11/16/14	11/30/14				12-14	258.00	22.32	235.68	.00
Z01187	00	12/05/14	23of24 11/16/14	11/30/14				12-14	1907.13	601.34	1305.79	.00
Z01188	00	12/05/14	23of24 11/16/14	11/30/14				12-14	1832.13	440.67	1391.46	.00
Z01189	00	12/05/14	23of24 11/16/14	11/30/14				12-14	1665.31	534.92	1130.39	.00
Z01190	00	12/05/14	23of24 11/16/14	11/30/14				12-14	2651.21	808.38	1842.83	.00
Z01191	00	12/05/14	23of24 11/16/14	11/30/14				12-14	1623.50	500.06	1123.44	.00
Z01192	00	12/05/14	23of24 11/16/14	11/30/14				12-14	3291.67	880.05	2411.62	.00
Z01193	00	12/05/14	23of24 11/16/14	11/30/14				12-14	3350.00	1207.09	2142.91	.00
Z01194	00	12/19/14	24of24 12/01/14	12/15/14				12-14	283.80	24.56	259.24	.00
Z01195	00	12/19/14	24of24 12/01/14	12/15/14				12-14	1907.13	601.33	1305.80	.00
Z01196	00	12/19/14	24of24 12/01/14	12/15/14				12-14	1832.13	440.67	1391.46	.00
Z01197	00	12/19/14	24of24 12/01/14	12/15/14				12-14	1838.67	579.75	1258.92	.00
Z01198	00	12/19/14	24of24 12/01/14	12/15/14				12-14	2651.21	808.38	1842.83	.00
Z01199	00	12/19/14	24of24 12/01/14	12/15/14				12-14	1382.55	423.40	959.15	.00
Z01200	00	12/19/14	24of24 12/01/14	12/15/14				12-14	3291.67	880.05	2411.62	.00
Z01201	00	12/19/14	24of24 12/01/14	12/15/14				12-14	3279.77	1176.28	2103.49	.00
Z01202	00	12/29/14	12of12 12/01/14	12/31/14				12-14	300.00	25.95	274.05	.00
Z01203	00	12/29/14	12of12 12/01/14	12/31/14				12-14	300.00	25.95	274.05	.00
Z01204	00	12/29/14	12of12 12/01/14	12/31/14				12-14	300.00	25.95	274.05	.00
									34545.88	10059.00	23938.78	14407.74

23,294.64

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
12-14	028349	12/08/14	NCPA (Northern CA Power Agency)		150,840.00	.00	150,840.00	Automatic Generated Check
	028350	12/08/14	ADV02 (Advanced Document Concepts)		27.06	.00	27.06	Automatic Generated Check
	028351	12/08/14	AFL01 (Aflac)		470.02	.00	470.02	Automatic Generated Check
	028352	12/08/14	AME00 (American Express)		110.50	.00	110.50	Automatic Generated Check
	028353	12/08/14	ATT02 (AT&T)		326.32	.00	326.32	Automatic Generated Check
	028354	12/08/14	BIG05 (Biggs Unified School Distric		1,519.78	.00	1,519.78	Automatic Generated Check
	028355	12/08/14	CAL29 (CalPERS)		3,801.00	.00	3,801.00	Automatic Generated Check
	028356	12/08/14	COM04 (Comcast)		122.43	.00	122.43	Automatic Generated Check
	028357	12/08/14	COR01 (CORBIN WILLITS SYSTEM INC)		328.95	.00	328.95	Automatic Generated Check
	028358	12/08/14	COS01 (Cost U Less Plumbing & Roo		3,950.00	.00	3,950.00	Automatic Generated Check
	028359	12/08/14	CUR02 (Curative Title Solutions)		225.00	.00	225.00	Automatic Generated Check
	028360	12/08/14	DAV32 (Alissa Davidson)		199.76	.00	199.76	Automatic Generated Check
	028361	12/08/14	DEL01 (Preferred Benefit)		516.88	.00	516.88	Automatic Generated Check
	028362	12/08/14	EIN01 (Gregory P. Einhorn)		4,000.00	.00	4,000.00	Automatic Generated Check
	028363	12/08/14	FEA03 (Feather River Electric Motor		1,698.91	.00	1,698.91	Automatic Generated Check
	028364	12/08/14	GEC01 (GE Capital)		129.00	.00	129.00	Automatic Generated Check
	028365	12/08/14	GRI04 (City of Gridley)		59,039.67	.00	59,039.67	Automatic Generated Check
	028366	12/08/14	GRI08 (Gridley Country Ford)		47.00	.00	47.00	Automatic Generated Check
	028367	12/08/14	GRIHE (Gridley Herald)		215.50	.00	215.50	Automatic Generated Check
	028368	12/08/14	HAR05 (Harshbarger Ace Hardware)		561.58	.00	561.58	Automatic Generated Check
	028369	12/08/14	HOM01 (Home Depot Credit Service)		698.42	.00	698.42	Automatic Generated Check
	028370	12/08/14	LAK02 (Lakeview Petroleum)		207.34	.00	207.34	Automatic Generated Check
	028371	12/08/14	LAU01 (Laughlin and Spence)		575.00	.00	575.00	Automatic Generated Check
	028372	12/08/14	M&S01 (M & S Wesley Tree Service)		2,332.00	.00	2,332.00	Automatic Generated Check
	028373	12/08/14	NOR02 (North Valley Barricade, Inc.		806.25	.00	806.25	Automatic Generated Check
	028374	12/08/14	OFF01 (Office Depot)		56.77	.00	56.77	Automatic Generated Check
	028375	12/08/14	PAC02 (PacifiCom)		1,200.00	.00	1,200.00	Automatic Generated Check
	028376	12/08/14	PRIO2 (PLIC - SBD Grand Island)		114.85	.00	114.85	Automatic Generated Check
	028377	12/08/14	PRU02 (James Pruitt)		317.11	.00	317.11	Automatic Generated Check
	028378	12/08/14	QUI01 (Quill Corporation)		104.26	.00	104.26	Automatic Generated Check
	028379	12/08/14	SCH03 (Schwartzter & McPherson Law F		3,862.51	.00	3,862.51	Automatic Generated Check
	028380	12/08/14	SEI01 (Roy R. Seiler, CPA)		895.20	.00	895.20	Automatic Generated Check
	028381	12/08/14	SOR02 (Mark Sorensen)		455.88	.00	455.88	Automatic Generated Check
	028382	12/08/14	UNI04 (Univar USA Inc)		5,033.67	.00	5,033.67	Automatic Generated Check
	028383	12/08/14	VEL01 (Trinidad Velasquez)		220.00	.00	220.00	Automatic Generated Check
	028384	12/08/14	VER00 (Verizon Wireless)		79.50	.00	79.50	Automatic Generated Check
	028385	12/08/14	VSP01 (Vision Service Plan-(CA))		84.90	.00	84.90	Automatic Generated Check
	028386	12/08/14	WAS04 (Waste Management)		11,175.11	.00	11,175.11	Automatic Generated Check
	028387	12/08/14	YUB01 (City of Yuba City)		1,224.80	.00	1,224.80	Automatic Generated Check
	028388	12/15/14	CAL12 (CAL ELECTRO INC)		265,287.50	.00	265,287.50	Automatic Generated Check
	028389	12/15/14	FER01 (Ferguson Enterprises Inc. #1		373.03	.00	373.03	Automatic Generated Check
	028390	12/15/14	FRI02 (Roger L. Frith)		312.00	.00	312.00	Automatic Generated Check
	028391	12/15/14	IND03 (Industrial Power Products)		81.08	.00	81.08	Automatic Generated Check
	028392	12/15/14	PGE01 (PACIFIC GAS & ELECTRIC CO)		398.18	.00	398.18	Automatic Generated Check
	028393	12/15/14	PMC01 (PMC, Inc.)		4,432.75	.00	4,432.75	Automatic Generated Check
	028394	12/15/14	QUI01 (Quill Corporation)		37.60	.00	37.60	Automatic Generated Check
	028395	12/15/14	RES01 (Reserve Account)		800.00	.00	800.00	Automatic Generated Check
	028396	12/15/14	SHA01 (Shasta Constructors, Inc.)		28,822.97	.00	28,822.97	Automatic Generated Check
	028397	12/15/14	STA01 (SWRCB Accounting Office)		3,900.00	.00	3,900.00	Automatic Generated Check
	028398	12/30/14	ADV02 (Advanced Document Concepts)		24.90	.00	24.90	Automatic Generated Check
	028399	12/30/14	BEN02 (Bennett Engineering Services		34,989.44	.00	34,989.44	Automatic Generated Check
	028400	12/30/14	BUS01 (John Busch)		62.73	.00	62.73	Automatic Generated Check
	028401	12/30/14	BUT04 (Butte County Clerk Recorder)		13.00	.00	13.00	Automatic Generated Check
	028402	12/30/14	CCA01 (City Clerks Association of C		90.00	.00	90.00	Automatic Generated Check
	028403	12/30/14	COM04 (Comcast)		122.43	.00	122.43	Automatic Generated Check
	028404	12/30/14	COR01 (CORBIN WILLITS SYSTEM INC)		328.95	.00	328.95	Automatic Generated Check
	028405	12/30/14	FOX02 (Lola Fox)		80.95	.00	80.95	Automatic Generated Check
	028406	12/30/14	GCS02 (GCS Environmental Equipment		407.22	.00	407.22	Automatic Generated Check
	028407	12/30/14	GEN00 (General Pacific, Inc.)		2,580.00	.00	2,580.00	Automatic Generated Check
	028408	12/30/14	JCN00 (J C Nelson Supply Co)		13.44	.00	13.44	Automatic Generated Check
	028409	12/30/14	MAT00 (Marlee Mattos)		95.43	.00	95.43	Automatic Generated Check
	028410	12/30/14	MAX01 (Maximum Security Systems)		103.75	.00	103.75	Automatic Generated Check
	028411	12/30/14	MUL02 (Mackenzie Muldoon)		202.75	.00	202.75	Automatic Generated Check
	028412	12/30/14	NOR10 (Northern California Gloves)		136.42	.00	136.42	Automatic Generated Check
	028413	12/30/14	PRI02 (PLIC - SBD Grand Island)		114.85	.00	114.85	Automatic Generated Check
	028414	12/30/14	PUB02 (Calif Public Employees')		10,080.93	.00	10,080.93	Automatic Generated Check
	028415	12/30/14	R&B01 (R & B Company)		383.26	.00	383.26	Automatic Generated Check
	028416	12/30/14	RIG01 (Right Way Pest Control)		123.00	.00	123.00	Automatic Generated Check
	028417	12/30/14	SCH03 (Schwartzter & McPherson Law F		3,265.35	.00	3,265.35	Automatic Generated Check
	028418	12/30/14	SEL02 (Select Janitorial Services,		213.00	.00	213.00	Automatic Generated Check
	028419	12/30/14	VSP01 (Vision Service Plan-(CA))		84.90	.00	84.90	Automatic Generated Check
Total for Bank Account 1010 ----->					615,534.74	.00	615,534.74	
Grand Total of all Bank Accounts ----->					615,534.74	.00	615,534.74	

Biggs Fire Department

Report on Conditions

December 2014

Biggs area Incidents	County	City
Medical	7	12
Traffic Collision	2	0
Structure Fire	1	0
Technical Rescue	2	0
Haz Mat	1	0
Public Assist	0	2
Hazardous Cond.	0	1
Total	13	15
Local area total	28	

These incidents were in the Biggs Fire Station "First Due" area and reflect a local picture of the entire response workload of our regional fire protection system.

In December Engine 73 also covered the Gridley Fire Station three (3) times over the month. The combined total of responses for Engine 73 during November was thirty-one (31).

The month of December brought the first threats of flooding to the region as well as a significant wind storm that mainly surfaced at the higher elevations such as the Town of Paradise which received significant damage and loss of life. From the Fire Department's perspective, activity in the City of Biggs and surrounding area from these weather events was not significant.

Biggs Fire Department 2014

Report on Conditions Final Statistics

For 2014 the total of incidents in the City of Biggs was one hundred fifty-six (156). Our local fire engine (Engine 73) and Volunteer Fire Company (Company 74) responded to many other incidents in the County and City of Gridley. Listed below are the official* year end statistics from the Emergency Command Center for the City of Biggs.

City of Biggs

Medical	117
Traffic collision	2
Hazardous Condition	5
Public Assist	18
Vegetation	1
Structure	1
Other fire	12
Total	156

*These official statistics reflect only those calls within the Biggs City limits and are the most local picture of the entire response workload of our regional fire protection system. Additionally, there were one hundred seventy-three incidents (173) responded to in the Butte County area surrounding Biggs. The local City / County area covered by Engine 73 had a combined three hundred twenty-nine incidents (329) in 2014, down from three hundred fifty-four (354) in 2013.

The 2014 responses for the City of Biggs went up by forty-four percent (44%) from one hundred-eight (108) incidents in 2013. The surrounding Butte County area responses for 2014 went down by thirty percent (30%) from two hundred forty-six (246) incidents in 2013.

ROY R. SEILER

CERTIFIED PUBLIC ACCOUNTANT

201 C. North Tehama
Willows, CA 95988

Phone: 530-934-8841
Fax: 530-934-8849

ACCOUNTANT'S COMPILATION REPORT

City of Biggs,
Biggs, California

I have compiled the accompanying monthly cash and investment report, for the City of Biggs, as of October 31, 2014. I have not audited or reviewed the accompanying statement and, accordingly, do not express an opinion or provide any assurance about whether the statement is in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

I am not independent with respect to the City of Biggs

December 16, 2014
Roy R. Seiler, CPA

City of Biggs
Monthly Cash and Investments Report
October, 2014

Pooled Cash and Investments:

Bank of America:

General Checking Accounts \$ 1,978,910.81

Local Agency Investment Fund:

Fund Account Balance \$ 1,601,150.86

Total Pooled Cash and Short Term Investments \$ 3,580,061.67

=====

Other Investments:

Northern California Power Authority (NCPA)

Reflects Latest Available Balance

General Operating Reserve (GOR):

Committed Reserve \$ 148,759.00

Available Reserve \$ 493,244.00

Total Reserve \$ 642,003.00

Reflects Latest Available Balance

California Independent System Operators (CAISO):

Scheduling Coordination Program Agreement,
Balancing Account, Current Balance \$ 82,107.00

Total Other Investments \$ 724,110.00

=====

See Accountant's Compilation Report

ROY R. SEILER

CERTIFIED PUBLIC ACCOUNTANT

201 C. North Tehama
Willows, CA 95988

Phone: 530-934-8841

Fax: 530-934-8849

ACCOUNTANT'S COMPILATION REPORT

City of Biggs,
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I have compiled the accompanying monthly cash and investment report, for the City of Biggs, as of November 30, 2014. I have not audited or reviewed the accompanying statement and, accordingly, do not express an opinion or provide any assurance about whether the statement is in accordance with accounting principles generally accepted in the United States of America.

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I am not independent with respect to the City of Biggs

December 16, 2014
Roy R. Seiler, CPA

**City of Biggs
Monthly Cash and Investments Report
November, 2014**

Pooled Cash and Investments:

Bank of America:

General Checking Accounts \$ 2,245,446.69

Local Agency Investment Fund:

Fund Account Balance \$ 1,601,150.86

Total Pooled Cash and Short Term Investments \$ 3,846,597.55

=====

Other Investments:

Northern California Power Authority (NCPA)

Reflects Latest Available Balance

General Operating Reserve (GOR):

Committed Reserve \$ 148,759.00

Available Reserve \$ 493,244.00

Total Reserve \$ 642,003.00

Reflects Latest Available Balance

California Independent System Operators (CAISO):

Scheduling Coordination Program Agreement,
Balancing Account, Current Balance \$ 82,107.00

Total Other Investments \$ 724,110.00

=====

See Accountant's Compilation Report

RESOLUTION NO. 2015-01

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING
A MUNICIPAL EMPLOYEE RELATIONS OFFICER AND ALTERNATES FOR
THE CITY OF BIGGS.**

WHEREAS, pursuant to City of Biggs Employer-Employee Relations Resolution No. 11 (1975 Series), Government Code §3507, establishes a City of Biggs Municipal Employee Relations Officer; and

WHEREAS, the City Council of the City of Biggs has the authority under Government Code §3507 to name a city employee or city councilmember to said Municipal Employee Relations position;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Biggs that Vice Mayor Bo Sheppard be hereby designated as the Municipal Employee Relations Officer for the City of Biggs effective immediately; and

BE IT FURTHER RESOLVED that Councilmember John Busch and the City Administrator be authorized to carry out the duties, responsibilities and authority of said office as alternates.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 13th day of January, 2015, by the following vote:

AYES:	COUNCILMEMBER	_____
NOES:	COUNCILMEMBER	_____
ABSENT:	COUNCILMEMBER	_____
ABSTAIN:	COUNCILMEMBER	_____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR

RESOLUTION NO. 2015-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
APPOINTING THE REPRESENTATIVE AND ALTERNATE
TO THE BOARD OF DIRECTORS OF SCORE
(Small Cities Organized Risk Effort)

WHEREAS, Article VIII of the Joint Powers Agreement creating SCORE requires the governing body of each member entity appoint one Representative and one Alternate to the Board of Directors, and

WHEREAS, by previous Actions and Resolutions, the City has appointed a representative and an alternate to the Board of Directors, and

NOW, THEREFORE, the City Council of the City of Biggs does hereby resolve that Councilmember John Busch is hereby appointed to serve as the City's Representative on the Board of Directors of SCORE.

BE IT FURTHER RESOLVED that City Administrator Mark Sorensen, is hereby appointed as the Alternate to the City's Representative on the Board of Directors of SCORE.

I HEREBY CERTIFY that the foregoing RESOLUTION was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 13th of January, 2015, by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR

RESOLUTION NO. 2015-03

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
APPOINTING A REPRESENTATIVE AND AN ALTERNATE
REPRESENTATIVE TO THE BUTTE COUNTY ABANDONED VEHICLE
ABATEMENT SERVICE AUTHORITY**

WHEREAS, the “Butte County Abandoned Vehicle Abatement Service Authority” requires the governing body of each member entity appoint one Representative and one Alternate to the Board of Directors; and

WHEREAS, by previous Actions and Resolutions, the City has appointed a representative and alternates to the Board of Directors; and

NOW, THEREFORE, the City Council of the City of Biggs does hereby resolve that Councilmember Doug Arnold is hereby appointed to serve as the City's Representative on the Board of Directors of Butte County Abandoned Vehicle Abatement Service Authority.

BE IT FURTHER RESOLVED that the City Administrator, is hereby appointed as the Alternate to the City's Representative on the Board of Directors of Butte County Abandoned Vehicle Abatement Service Authority.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 13th of January, 2015, by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

Roben Dewsnup
City Clerk

Roger L. Frith
Mayor



Monthly Council Report

City of Biggs



Dean A. Price
Chief of Police

Arrest and Incident Summary Activity for November:

	Monthly	Year Total
• Adult Arrests	3	94
• Juvenile Arrests	1	11
• Misdemeanor Arrests	4	90
• Felony Arrests	0	19
• Felony Crimes Reported	2	27
• Misdemeanor Crimes	9	85
• Total Incidents	121	1,601
• Battery	2	16
• Burglary	2	11
• Deceased Person	0	1
• Vandalism	2	13
• Stolen Vehicle	0	7
• Robbery	0	0
• Public Intoxication	0	1
• Patrol Request	1	19
• Medical Aid	0	3
• Area Checks	22	148
• Pedestrian Checks	2	72
• Disturbing the Peace	0	31
• Total 911 Calls	219	2,440
• Total Accidents	0	6
• Name Exchanges	0	0
• Total Traffic Citations	9	107
• DUI Arrests	0	1
• Traffic Stops	35	450
• Extra Help Hours	319.50	5,696.75
• RSVP Hours	17	129

Personnel Training and Meetings for November:

11/03/14 – Chief Price attended the City of Gridley Council Meeting

11/03 –11/07/14 – Officer Lara attended a one week Commercial Vehicle Enforcement Course

11/06/14 – Chief Price attended the NCCSIF Police Administrators' Risk Management meeting in Lincoln

11/12/14 – Chief Price attended the City of Biggs Council Meeting

11/12/14– Chief Price participated in the California Police Chief's Association Training Committee via teleconference

11/17/14 – Chief Price attended the City of Gridley Study Session and the Council Meeting

11/18/14 – Sergeant Khan attended Arrest Control Technique training at Butte College

11/20/14 – Chief Price attended the BINTF and Law Enforcement Administrator's Meetings in Oroville

11/20/14 – Chief Price & staff attended the North Valley Gang Information Network Meeting in Oroville

11/21/14 – Chief Price attended the Central Sierra Chiefs' Association Meeting in Folsom

11/21/14 – Sergeant Rodney Harr attended the Orchard Hospital Committee Meeting

Response times for this month are as follows:

Priority 1- Events that involve injury, are life threatening or in progress.

Priority 2- Events that involve property loss or damage.

Priority 3-Events that do not involve injury, threat of life, property loss or damage.

Priority Times:

Priority 1- 2 Minutes

Priority 2- 2 Minutes

Priority 3- 2 Minutes

MONTHLY REPORT OF LOCAL RABIES CONTROL ACTIVITIES

For Biggs November, 2014

City of Biggs Animal Control

Total calls for service: 8

		Dogs	Cats
RABIES VACCINATION AND LICENSING	A. Number of "Actual Cost" rabies public vaccination clinics held	0	
	B. Number of animal control citations issued for rabies vaccination and licensing violations	0	
	C. Dogs and cats vaccinated in "Actual Cost" public vaccination clinics	0	0
	D. Dogs and cats licensed in "Actual Cost" public vaccination clinics	0	0
	E. Total number of dogs and cats LICENSED in jurisdiction	116	0
CANINE AND FELINE RABIES CONTROL	F. Dogs and cats on hand in the shelter November 1, 2014 (carried over from October 31, 2014)	2	0
	G. Dogs and cats entering the shelter, TOTAL: (Total should equal sum of 1 to 5 below)	4	8
	1. Dogs and cats captured by Animal Control Officers	3	6
	2. Dogs and cats surrendered by owners (not including those surrendered for quarantine)	0	0
	3. Dogs and cats surrendered by the public G1 THROUGH G5	1	2
	4. Dogs and cats impounded for animal bite quarantines ARE	0	0
	5. Dogs and cats transferred from another shelter MUTUALLY EXCLUSIVE	0	0
	H. Disposition of dogs and cats entering shelter, TOTAL: (Total should equal sum of F. plus 1 to 6 below)	3	8
	1. Dogs and cats reclaimed by owner	2	0
	2. Dogs and cats adopted by new owners H1 THROUGH H6	0	0
	3. Dogs and cats euthanized ARE	0	6
	4. Dogs and cats died of other causes MUTUALLY EXCLUSIVE	0	0
	5. Dogs and cats stolen, escaped, etc.	0	0
6. Dogs and cats transferred to another shelter	1	2	
I. Dead dogs and cats collected (excluding F, G, and H above)	0	0	
J. Dogs and cats on hand in the shelter November 30, 2014 (to be carried over to December 1, 2014)	3	0	
ANIMAL BITE REPORTING	K. Animal bites reported, TOTAL: (Total should be the sum of 1 and 2 below)	1	
	1. DOG and CAT bites reported, TOTAL: (Total should be the sum of a, b, c, and d below)	1	0
	a. Licensed	0	0
	b. Vaccinated only	1	0
	c. Neither licensed or vaccinated (but owned)	0	0
	d. Strays	0	0
	2. OTHER ANIMAL bites reported, TOTAL: (Total should be the sum of a and b below)	0	
a. Other domestics (excluding cats)	0		
b. Wild	0		

Other Animals Picked up: 2 1091D ducks

		Dogs	Cats
ANIMAL QUARANTINES	L. Number of 30 day quarantines for vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	
	O. Number of 30 day or 6 month quarantines not completed because the animals were euthanized.	0	
AGENCY ADMIN.	P. Number of animal control officers employed in jurisdiction	1	
	Q. Gridley-Biggs Animal Control 685 Kentucky Street, Gridley, CA 95948 530-846-4825		

Completed by:

Signature: 

Name: Amy Burgess

Title: Animal Control Officer

Agency: Gridley-Biggs Animal Control

Telephone: 530-846-4825

Endorsement by local Health Officer or
Authorized representative:

Signature: _____

Name (print): _____

Title: _____

Agency: _____

Telephone: _____

AFTER ENDORSEMENT
PLEASE FORWARD COMPLETED FORM TO:

Veterinary Public Health Section
California Department of Health Services
MS 7308
P.O. Box 997413
Sacramento, CA 95899-7413

PHONE: (916) 552-9740
FAX: (916) 552-9725

Biggs Monthly Animal Bite Activity

Agency: Gridley-Biggs Animal Control Monthly November, 2014

		Dogs	Cats
Animal Bite Reporting	A. Animal Bites Reported. TOTAL should be the sum of 1 and 2 below.	1	0
	1. DOG and CAT bites reported. Should equal sum of a, b, c, and d.	1	0
	a. Licensed	0	0
	b. Vaccinated only.	1	0
	c. Neither Licensed or Vaccinated	0	0
	d. Strays	0	0
	2. OTHER ANIMAL bites reported. Should equal sum of a and b.	0	0
	a. Other domestic (excluding cats.)	0	0
	b. Wild	0	0
Animal Quarantines	L. Number of 30 day quarantines for Vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for Unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for Domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	0
	O. Number of 30 day or 6 month Quarantines not completed because animals were euthanized.	0	0
Agency Administration	P. Number of animal Control Officers Employed in the jurisdiction.	1	

Prepared by: Amy Burgess Amy Burgess
 Gridley-Biggs Animal Control Officer
 Date: 12/3/14 685 Kentucky Street
 Gridley, CA 95948
 530-846-4825



City of Biggs

Agenda Item Staff Report For the Regular City Council Meeting: January 13, 2015

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: Claim of Shasta Constructors, Inc

On December 23, 2014 the city received the attached claim of Shasta Constructors, Inc, dated December 25, 2014.

The City Attorney and City Administrator advise the Council to reject the claim.

Recommendation:

Reject Tort Claim of Shasta Constructors, Inc, dated December 25, 2014, in its entirety, pursuant to Government Code section 912.6(a)(1).

Mark Sorensen, City Administrator

CITY OF BIGGS - CLAIM FORM

For Official Use Only

◆◆◆ PLEASE READ INSTRUCTIONS ON OTHER SIDE FIRST ◆◆◆

Name of Claimant SHASTA CONSTRUCTORS, INC
(First Name) (Middle Initial) (Last Name)

Home Address (Business) 4150 Fig Tree Lane, Redding, California 96002

Date of Birth N/A

City, State, Zip N/A Soc. Security # N/A

Daytime (530) 365-3930 Evening () N/A Cell/pager () N/A CA Driver's Lic# N/A

Type of Loss: Personal Injury Other: BREACH OF CONTRACT DAMAGES Police Report # _____
 Property Damage Indemnity-Date complaint served _____

When did injury or damage occur? 9/9/2013 THROUGH 10/7/2014 _____ AM/PM
(Month/Day/Year) (Day of Week) (Time)

Where did injury or damage occur? (Street address, intersecting streets, or other location)
6TH STREET DOUBLE BOX CULVERT, PROJECT NUMBER 13-100 (the "Project"); FEDERAL AID PROJECT BHLO-5128 (the "Contract")

How did injury or damage occur? (Describe accident or occurrence) *SEE ATTACHMENT 1, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

What action or inaction of City employee(s) caused your injury or damage? *SEE ATTACHMENT 2, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

What injury or damage did you suffer? *SEE ATTACHMENT 3, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

Name of any witnesses *SEE ATTACHMENT 4, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE
(Name) (Address) (Phone Number)

(Name) (Address) (Phone Number)

Name of City employee(s) involved? *SEE ATTACHMENT 5, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

Is Total Amount of Claim Greater than \$10,000 Yes X No _____ If YES, is this a Limited Civil Case Yes _____ No X

If NO, state the amount claimed: Personal Injury \$ _____ Property Damage \$ _____ Other. \$ TO BE

DETERMINED, BUT NOT LESS THAN \$500,000.00

NOTE: Please attach copies of supporting documentation for the amounts claimed.

If claim relates to an automobile accident, please answer the following and ATTACH PROOF OF INSURANCE:

Please check here if there was no insurance coverage in effect at time of incident

Insurance policy # _____ Insurance Company _____

Insurance Broker/Agent _____

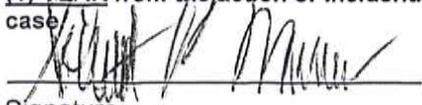
Address _____ Phone (____) _____

ALL NOTICES AND/OR COMMUNICATIONS SHOULD BE SENT TO:

Name (Mr./Mrs./Ms.) ROBERT B. MOSEMAN Daytime Phone (530) 365-3930

Address (Street, City, State, Zip) SEE ABOVE

Warning: California State Law generally requires that most claims against a public entity, such as the City of Biggs, be presented within SIX (6) MONTHS from the date of the action or incident giving rise to the claim. Certain other claims must be filed within ONE (1) YEAR from the action or incident. You should check the Government Code to determine what presentation period applies in your case.



Signature

President - Santa Cruz Habitat for Humanity 12/25/14

Relationship (self, attorney, guardian, etc.) Date

CLAIM AGAINST THE CITY OF BIGGS

INSTRUCTIONS

On the reverse side of the sheet is a claim form CCFORM 6: Claim against the City of Biggs. The original and one identical copy of this form, together with one copy of all attachments, are to be filed with the Biggs City Clerk. Retain one copy for your records. Please send to this address:

**City Clerk
City of Biggs
465 C Street
PO Box 307
Biggs CA 95917**

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney or any other City Department.

Please fill out claim form completely. Additional sheets may be attached if more space is needed. Missing information may delay the processing of your claim. Please print.

PROCEDURES

Claims received by the City Clerk are forwarded to the City of Biggs Claims Administrator. All claimants are then notified that action will be taken within 45 days, or otherwise notified as to the claim itself.

If recommended for denial by the Administrator, your claim will then be submitted to the City Clerk for final, official rejection. You will be sent a letter from the City Clerk or her designee, notifying you of the action taken and of any further action necessary or available to you.

**** All claims are public record ****

ATTACHMENT 1
TO CITY OF BIGGS - CLAIM FORM

How did injury or damage occur?

The City delayed the Project start date and would not allow Shasta Constructors, Inc. ("SCI") to perform the work of the Project during the only time period of the construction season that would have been appropriate to build a box culvert within an irrigation slough. Once the City allowed SCI to commence the work of the Project, SCI discovered errors and deficiencies in the Project plans and specifications that render the plans defective and mandated material modifications to the plans and the work.

The City and its representatives failed to: (1) provide adequate plans, (2) properly administer the project in accordance with the Contract Documents including, but not limited to, Caltrans construction manual and general industry practices, (3) adhere to the plans and specification for the performance of the work (general breach of the Contract), (4) provide a clear right-of-way for the performance of the work; (5) recognize owner caused delays and damages incurred as a result of those delays, (6) make proper and timely payments required under the Contract Documents, (7) failed to obtain and maintain proper permits for the Project, (8) equitably adjust the contract price and the contract time to compensate SCI for the City's defective plans and failed performance, and (9) allow SCI's to prosecute the work in an orderly and planned fashion in accordance with SCI's planned method of operation.

For a more detailed discussion of the City's contractual causes and the resulting damages sustained, as of November 12, 2014, by Shasta Constructors, Inc. under this contract please refer to the response prepared by Shasta Constructors, Inc. to the City's Proposed Final Estimate, a copy of which is attached hereto as "ANNEX A" and incorporated herein by this reference.

Additional ongoing and consequential damages as a result of the City's interference to the operations of this business cannot yet be determined but will continue due to the City's actions as stated above. These damages will be quantified when appropriate.

ATTACHMENT 2
TO CITY OF BIGGS - CLAIM FORM

What action or inaction of City employee(s) cause your injury or damage?

The City and its representatives failed to: (1) provide adequate plans, (2) properly administer the project in accordance with the Contract Documents including, but not limited to, Caltrans construction manual and general industry practices, (3) adhere to the plans and specification for the performance of the work (general breach of the Contract), (4) provide a clear right-of-way for the performance of the work; (5) recognize owner caused delays and damages incurred as a result of those delays, (6) make proper and timely payments required under the Contract Documents, (7) failed to obtain and maintain proper permits for the Project, (8) equitably adjust the contract price and the contract time to compensate SCI for the City's defective plans and failed performance, and (9) allow SCI's to prosecute the work in an orderly and planned fashion in accordance with SCI's planned method of operation.

For a more detailed discussion of the City's contractual causes and the resulting damages sustained, as of November 12, 2014, by Shasta Constructors, Inc. under this contract please refer to the response prepared by Shasta Constructors, Inc. to the City's Proposed Final Estimate, a copy of which is attached hereto as "ANNEX A" and incorporated herein by this reference.

Additional ongoing and consequential damages as a result of the City's interference to the operations of this business cannot yet be determined but will continue due to the City's actions as stated above. These damages will be quantified when appropriate.

ATTACHMENT 3
TO CITY OF BIGGS - CLAIM FORM

What injury or damage did you suffer?

For a more detailed discussion of the City's contractual causes and the resulting damages sustained, as of November 12, 2014, by Shasta Constructors, Inc. under this contract please refer to the response prepared by Shasta Constructors, Inc. to the City's Proposed Final Estimate, a copy of which is attached hereto as "ANNEX A" and incorporated herein by this reference.

Additional ongoing and consequential damages as a result of the City's interference to the operations of this business cannot yet be determined but will continue due to the City's actions as stated above. These damages will be quantified when appropriate.

ATTACHMENT 4
TO CITY OF BIGGS - CLAIM FORM

Name of any witnesses?

The following is a preliminary list of the witnesses in this action, and does not necessarily reflect or identify all of the potential witnesses and expert witnesses that may be called in this case.

Chris Coughlin	P. O. Box 1532, Cottonwood, CA 96022 530/243-4090
Mike Crowe	11418 Market St., Redding, CA 96001 530/524-9528
Tim Denman	207 E. Hinckley St., Mt. Shasta, CA 96067 530/926-4006
Paul Freitas	16820 Evergreen Rd, Cottonwood, CA 96022 530/347-6828
Paul Geist	P. O. Box 22, Shasta, CA 96087 530/243-3900
Clayton Johnson	57451 Highway 120, Benton, CA 95312 916/206-1421
Ron Ladd, Jr.	2743 Antelope Court, Hornbrook, CA 96044 530/475-3337
Jan Lusso	561 Reddington Dr., Redding, CA 96003 530/308-9396
Reinaldo Mendoza	2067 Donovan Ave., Corning, CA 96021 530/953-8123
Robert Moseman	7795 Hidden Meadow, Shingletown, CA 96088 530/510-7030
Pat Nixon	6078 Mason Ct., Magalia, CA 95954 530/873-6275
Dan Ogier	23905 Blackberry Ave., Red Bluff, CA 96080 530/366-4057
Charles Paylor	1265 Jackson St., Red Bluff, CA 96080 530/528-1359
Randy Rosen	16690 Heitman Rd., Cottonwood, CA 96022

530/527-3501
Darrell Spliethof P. O. Box 653, Shasta, CA96087
530/308-9397
Bobby Spliethof P. O. Box 653, Shasta, CA 96087
530/546-3058
Kenny Spliethof P. O. Box 445, Shasta, CA 96087
530/945-8860
Brian Martin P. O. Box 307, Biggs, CA 95917
916/783-4100
Trin Campos 1082 Sunrise Ave., Ste 100, Roseville, CA 95661
916/783-4100
Orin Bennett 1082 Sunrise Ave., Ste 100, Roseville, CA 95661
916/783-4100
Dan Clark 1082 Sunrise Avenue, Ste 100, Roseville, CA 95661
916/783-4100
Leo Rubio 1082 Sunrise Avenue, Ste 100, Roseville, CA 95661
916/783-4100
Chris Ewers Ewers Engineering, Inc.
916/521-9696
Roger Frith P. O. Box 307, Biggs, CA 95917
530/868-1289
James Sheppard P. O. Box 307, Biggs, CA 95917
530/370-4133
Angela Thompson P. O. Box 307, Biggs, CA 95917
530/868-5088
Douglas Arnold P. O. Box 307, Biggs, CA 95917
530/868-1208
John Busch P. O. Box 307, Biggs, CA 95917
530/868-1277
Mark Sorenson P. O. Box 307, Biggs, CA 95917
530/868-0100
Paul Pratt City of Biggs, Sewer & Water
530/868-0100

Gary Davidson	Biggs-Gridley Electric 530/846-5954
Ande Stephens	783 Basque way, Ste 105, Carson City NV 89706 775/686-9590
Tim Hamilton	Address Unknown – c/o Vali Cooper Carson City 775/887-0356
Scott Friend	address unknown – c/o City of Biggs Phone unknown
Summer Pardo	1701 Nimbus Road, Rancho Cordova, CA 95670 916/358-2950
Kursten Sheridan CDFW	1701 Nimbus Road, Rancho Cordova, CA 95670 916/358-2950
PG&E foreman Jess Pitney	Address unknown 530/957-0407
Robertson/Erickson Surveyors	888 Manzanita Court, Chico, CAC 95926 530/894-3500
Chuck Knuckles	Reclamation District 833 530/846-3303
Chuck Knuckles, Jr.	Reclamation District 833 530/519-1732
Gary Laughlin	Reclamation District 833 530/671-1008
Mark	Butte Water District 530/846-3100
Tyler	Butte Water District 530/682-8538

ATTACHMENT 5
TO CITY OF BIGGS - CLAIM FORM

Name of City employee(s) involved?

Brian Martin*

Mark Sorensen

Trin Campos*

Ande Stephens*

Tim Hamilton*

Scott Friend*

Summer Pardo*

* Employees of consultants/contractors hired by the City of Biggs and representing themselves as agents of and for the City of Biggs.

Bracketed section numbers refer to the 2006 *Standard Specifications*.

Section 2 Projects Administered by a Local Agency on the State Highway System

9-201 General

Ensure that all projects on or proposed for the state highway system are constructed efficiently and effectively in accordance with Deputy Directive 23-R1, "Roles and Responsibilities for Development of Projects on the State Highway System." The directive requires local agencies to conform to Caltrans standards and practices as defined in policies, procedures, manuals, and guidance documents.

The implementing agency is that entity charged with successful completion of each project component as defined in Government Code, Section 14529 (b) of which one component is construction, construction management, and engineering, including surveys and inspection. To ensure clear lines of responsibility, contract advertisement, award, and administration shall be completed by the same implementing agency.

Work in partnership with the local agency by committing to fulfill all Caltrans promises as established by Director's Policy DP-10, "Department Commitments." These commitments will have been agreed to in the cooperative agreement and the encroachment permit.

Obtain a copy of the cooperative agreement and encroachment permit before work begins. Comply with the terms of both agreements or jointly amend them as necessary.

Perform quality management work in accordance with Deputy Directive 90, "Funding of Quality Management Work on State Highway Projects," that outlines how quality management work will be performed for state highway system projects. That directive requires the implementing agency, other than Caltrans, to develop a quality control plan for construction administration.

The local agency must obtain an encroachment permit and use Caltrans approved plans and specifications before performing any construction administration or work on the state highway system. The local agency will provide the resident engineer and construction engineering team. Caltrans will provide independent quality assurance (IQA) and oversight of construction.

The *Construction Manual Supplement for Local Agency Resident Engineers* and the *Local Agency Structure Representative Guidelines* provide guidance to the implementing agency when it administers a construction project that modifies, maintains, or improves the state highway system. District construction and Office of Structures Construction oversight engineers should provide copies of these guidelines to the implementing agency at the project development team meeting where the construction phase cooperative agreement is discussed and at the preconstruction

Section 2 Projects Administered by a Local Agency on the State Highway System

9-201 General

meeting where roles, responsibilities, and procedures are discussed. The local agency is expected to conform to these guidelines.

9-202 9-202 Quality

Quality When Caltrans is the implementing agency for construction administration, quality management work consists of quality control, quality assurance, and IQA activities described in the contract, structures construction technical manuals, and this manual.

When a government agency or private entity is the implementing agency, it is responsible for implementing adequate quality control and quality assurance procedures that ensure the project complies with Caltrans policies, procedures, standards and best practices such that the local agency's:

1. Contractor is responsible for quality control that consists of operational techniques and activities that are performed or conducted to fulfill contract requirements for quality.
2. Resident engineer is responsible for quality assurance that consists of planned and systematic actions necessary to provide confidence that product or service quality will satisfy the contract requirements as detailed in the *Construction Manual Supplement for Local Agency Resident Engineer*.
3. Structure representative is responsible for providing quality assurance as detailed in the *Local Agency Structure Representative Guidelines*.

The *Construction Manual Supplement for Local Agency Resident Engineers* and the *Local Agency Structure Representative Guidelines* are used by government agencies and private entities to prepare their quality management plan and to administrate the construction contract. A recommended local agency quality management plan outline is available at:

http://www.dot.ca.gov/hq/construc/CPDirectives/LA_OMP_for_Construction_Phase.pdf

Caltrans district construction, with input from structures construction for projects involving structures, must approve the quality management plan before the encroachment permit for construction is issued.

Caltrans oversees construction administration of the project administered by local agencies in order to ensure compliance with state and federal regulations and laws, and Caltrans standards. This IQA and oversight means Caltrans provides policy and procedural direction to non-Caltrans organizations, personnel, or companies administering construction contracts on projects under encroachment permit on the state highway system. Caltrans provides direction for similar organizations and personnel for projects that will become a future part of the state highway system.

The Division of Construction's *Oversight Engineer Field Guidelines* provides policy and procedures related to the duties of Caltrans construction IQA and oversight personnel on local agency administered construction projects. These guidelines establish Caltrans policy and procedure, and are to be used as a resource for Caltrans employees who provide IQA and oversight on projects administered by others on the existing or future state highway system. The *Oversight Engineer Field Guidelines* should not be used as a substitute for the encroachment permit or the cooperative agreement.

9-203 Reimbursement

When the implementing agency is a private entity, Caltrans performs IQA services at the private entity's expense. Caltrans may also perform a limited amount of quality assurance work for the private entity on a reimbursement basis.

When another government agency is the implementing agency, Caltrans IQA services are provided at state expense. Caltrans may perform a limited amount of the government agency's quality assurance responsibilities on a reimbursed basis. These activities could include source inspection, acceptance testing, and construction inspection.

9-204 Source Inspection

Caltrans may provide source inspection on a reimbursed basis to the implementing agency when it is not the implementing agency.

The local agency is required to prepare a Source Inspection Quality Management Plan (SIQMP) if it proposes to perform its own source inspection.

The state materials engineer will ensure that the implementing agency has prepared a SIQMP. Prior to issuance of the encroachment permit for construction, the SIQMP must be approved by the state materials engineer.

The recommended *SIQMP Outline* was introduced with the "Materials Engineering and Testing Services Source Inspection Quality Management Plan Outline" memorandum dated April 20, 2012 from the Division of Engineering Services, Deputy Division Chief for Materials Engineering and Testing Services (METS).

METS developed the *SIQMP Outline* to help local agencies manage their source inspection efforts when administering construction projects within the state highway system. The outline is available at:

http://www.dot.ca.gov/hq/esc/Translab/OSM/documents/agencyresources/SIQMP_Outline.pdf

9-205 Project Review

Caltrans, the local agency, and the contractor review a locally administered state highway construction project prior to contract acceptance.

Prior to this review, Caltrans oversight personnel perform a separate review and coordinate Caltrans safety and maintenance reviews of the local agency project at 90 percent complete.

Before local agency contract acceptance, the Caltrans oversight personnel discuss the findings of the independent review, safety review, maintenance review, and contractor's final project review with the local agency.

The local agency must submit all required contract, technical, and administrative documents, including as-built plans, change orders, and project history file before Caltrans accepts the project.

Caltrans oversight personnel must use Form OFG-6, "Final Acceptance Checklist for Caltrans Oversight Projects," to facilitate the review and acceptance by Caltrans of local agency or private entity-administered construction projects on the state highway system.

9-203 Reimbursement

9-204 Source Inspection

9-205 Project Review

Mike –

Pipe Pile Summary

20", 3/8" Wall	403.82 LF
44", 3/8" wall	109.32 LF
24", 3/4" Wall	217.5 LF
24", 3/8" Wall	30.0 LF, dented badly
24", 5/8" Wall	23.0 LF
12", 1/4" Wall	41.75 LF
24", 5/8" Wall, spiral	645.84 LF
16", 1/2" Wall	1065.6 LF
16", 3/8" Wall	1,787.45 LF

Mike –

Pipe Pile Summary

20", 3/8" Wall	403.82 LF
44", 3/8" wall	109.32 LF
24", 3/4" Wall	217.5 LF
24", 3/8 "Wall	30.0 LF, dented badly
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24", 5/8" Wall, spiral	645.84 LF
16", 1/2" Wall	1065.6 LF
16", 3/8" Wall	1,787.45 LF



GENERAL ENGINEERING CONTRACTORS

P.O. BOX 491539 REDDING, CA 96049
530/365-3930 FAX 530/365-5465

November 11, 2014

City of Biggs
P. O. Box 307
Biggs, CA 95917

EXCEPTIONS TO THE PROPOSED FINAL ESTIMATE

Attention: Mr. Mark Sorenson Re: 6th Street Double Box Culvert, Project 13-100
City Administrator

Dear Mr. Sorenson,

Bid Item Shortages:

#4) Remove Tree: SCI was required to remove 2 trees which conflicted with the excavation and placement of the RSP on the northwest corner of the box. Contrary to the City's position the second tree was a shrub. Both trees were outside the limits of the clear and grub limits and the second tree was nearly as tall and large as the one paid for, it simply was a multi-trunked tree. The botanical definition of brush does not equate to the tree removed.

Shortage, 1 each \$500.00

#7) Asphalt Paving: total weight per delivery tags is 272.84 Ton,
Shortage, 0.84 Ton

\$130.20

#24) Water Diversion: the water diversion was removed September 11 and 12, 2014 completing all work for this item of work. To date the full amount has been punitively withheld. Amount due is the balance of the item, 25%, plus 10% interest from September 20 until paid.

Shortage, 25% \$6,250.00

#26) Structure Excavation, Culvert: See ensuing request for CCO/ NOPC#7

#27) Structural Backfill, Culvert: See ensuing request for CCO/ NOPC#7

#28) Structural Concrete, Culvert: The bid item is not a final pay item but rather "measured by the cubic yard in conformance with the dimensions shown on the plans . . ." so the actual quantity required based upon the form dimensions must be paid. Attached is our actual quantity take off of the concrete volume to be paid. Additionally see ensuing request for CCO/NOPC#7

Shortage, 29 CY \$24,824.00

#29) Bar Reinforcing Steel, Culvert: The attached weight tags, copies furnished to the City with each delivery shows the total ship weight to be 50,154.0 lbs. The bid item is not a final pay item but rather a measured item, Therefore all delivered weight must be paid.

Shortage, 9,414.0 Lbs. \$14,121.00

Interest on Bid Item short Payment:

#24) \$6,250.00 @ 10% from 9/20 until paid (\$1.71/day), through 11/17 \$123.12
#28) \$24,824.00 @ 10% from 9/20 until paid (\$6.80/day), through 11/17 \$489.68

An Equal Opportunity Employer



CCO#2, Flagging: Extra Work Reports 53, 54 and 65 have not been paid \$832.75

CCO#4: Remove/Replace Unsuitable Material below the bottom of the excavation elevation for the RCB. Extra work report #13 for the cost to stockpile the drain rock ordered by the City to be placed under the RCB has not been paid. The cost to bring in the rock, stockpile and cover material in preparation to place in bottom of excavation – AS DIRECTED BY INSPECTOR.

Extra work report #13 is unpaid \$1,015.14

CCO#5: The payment made for adjusting the alignment of the RCB after SCI brought the alignment to the attention of the City (survey error) does not include the equipment on right-of-way delay or the cost of the dewatering system pumps in use during the time it took to remove the wall forms, and rental equipment on rent. 1 week of delay was experienced.

Cost - equipment on ROW Delay (see attached)	\$2,646.14	
Rental equipment	\$4,291.01	
Total – See request for CCO/NOPC #7		\$6,937.15

CCO#6: Added Permit Requirements for Permitting Agencies forced several project shut downs, additional work to install, move and reinstall exclusionary fencing. No payment has been made for the added cost for the project equipment on ROW delay, or the additional time SCI was required to run its dewatering pumping system during the delays. Shut down periods were: 6/26 through 7/7 (7 days), and 7/14-15 (2 days). Additionally see ensuing request for CCO/NOPC#7

Unpaid previously submitted extra work reports (#'s 52,55-57,60)	\$3,207.19	
Rental equipment, including fueled dewatering system (#85)	\$8,717.43	
SCI equipment on ROW delay (hours previously paid deducted)	\$3,954.89	

Total – See request for CCO/NOPC #7 \$15,879.51

MISSING BID ITEM/EROSION CONTROL: Permanent Erosion Control measures are always part of all contracts which come under Caltrans specifications. This contract missed this bid item, as well as any reference to means, methods, materials and payment provisions. SCI placed the permanent erosion control measures after the City provided specifications for the work

Cost	\$3,745.00	
Additional Contract time from 9/23 (request for area and seed specifications) until 10/7/14 when was completed based upon the earliest date work could be scheduled once the City provided specifications – 15 working days		

FAILURE TO ISSUE AFTER ACCEPTANCE PPE: The City has failed to adhere to Section 9-1.07 and 9-1.07A and has improperly and wrongfully withheld final payment and retention from the contractor.

Cost - \$31,143.70 retention plus penalty of 2% per month (\$622.87/mo) \$31,766.57

LIQUIDATED DAMAGES: Shasta Constructors, Inc. protested numerous WSWD statements based upon contract change order conditions, survey errors, failure of the City to have its representative on site, changes to permit requirements, the failure of the City to recognize changed conditions, and failure to follow its own specification to add working days for punch list items.

On 5/7 the City recognized weather conditions made working unsuitable, a non-working day was allowed. The same conditions occurred again on 5/20 and 21, and even though the on-site representative said non-working days would be provided, none were.

On 5/28 and 29 unsuitable material was encountered and eventually the City directed SCI to remove and replace the unsuitable yet those days were charged as working days.

From 6/3 until 6/10 work was stopped, time lost due to the City's survey error and changes required to the RCB. All of these days working days were charged.

From June 26 through July 7 the project was shut down due to City permit restrictions. On July 11 work was stopped for the same reasons, work resumed July 16. A total of 9 days were lost but no allowance was provided on the WSWD.

On July 21 no City representative was on site,

On July 23 – 24 SCI was waiting for test results for the backfill placed outside of the RCB. The testing firm had failed to pound a curve for the materials so the test failed, subsequent test with no additional rework shows the compaction passing. No City inspector on site on the 24th. 2 lost days.

Late July and ongoing – SCI asked for the concrete compressive strength test results to expedite form stripping, and backfill operations. Until August 29 the City refused to provide the information, claiming Shasta had never asked for it. The requests were by email and verbally from the project superintendent to the inspector – information needed to expedite the completion of the work. The lack of cooperation and providing this routine information caused 2-4 days of lost time at each headwall, delayed backfill and subsequent stage work. 9 working days lost due to the City's failure to administer the contract and improperly noted the wrong controlling item on the WSWD.

August 18 our entire crew spent 5 hours placing snake exclusionary fencing. This should have been a non-work day but the City charged a working day.

Sept 3 to Sept. 9 waiting for compaction test results on the north side of the box to complete road work. Once again no curve was ponded for the material so test results were inaccurate. On 9/09 at 11:30 AM (over half the day lost) we were told compaction passed although no added effort was made to increase compaction. 5 working days lost.

Sept. 17 the City realized the survey grades for a portion of the gutter were bad, a portion of the work day lost.

Sept 23 Shasta informed the City there is no payment provision and no specifications for placing permanent erosion control. The work cannot be completed until the City provides seed specifications and an application area. Once provided Shasta set up an erosion control subcontractor to perform the work at its earliest schedule date. Additional time lost to complete this work runs from Sept. 23 until October 7 (the final work date) or 15 workign days.

Sept 26 there was no City representative on site to inspect Tubular Handrail so the work could be completed. Another lost day due to inspection, the City charged a working day.

Beginning 9/15/14, WSWD #21 acknowledges the controlling item, which became the last item to be completed, was final erosion control which is listed as a punch list item. Under Special Provisions Section 11-1.04 additional working days will be provided in order for the contractor to complete punch list work.

During a meeting with the Resident Engineer in our office on July 3 to discuss the stage 2 water diversion plan both Jan Lusso and Robert Moseman were told there would be no LD's charged on the job, the City just wanted the job to be completed. The same information was offered to both Jan Lusso and Robert Moseman in subsequent phone conversations over the ensuing 2 months. Not until WSWD #22 received in our office the afternoon before the placement

of final erosion control was there any reference to assessment of LD's. In fact on October 3 the City ordered the roadway opened to public use so the City had full use of the project.

The City has shown 11 days of time extension. The above discussion clearly shows there should have been 31 days of time extension with additional days from 9/15/14 through 10/7/14.

The City failed to issue or provide WSWD numbers 10, 13 and 14.

Claimed amount

\$20,000.00

REQUEST FOR CONTRACT CHANGE ORDER – CARDINAL CHANGE TO THE CONTRACT

At the onset of work it became apparent the project plans and special provisions were deficient, with many conflicts between the documents themselves. Utilities shown as being relocated to clear the work had not been moved to clear the work, utilities with general references outside of the project right of way encroached upon the work and were in fact in conflict with the work, right of way and additional easements were obtained prior to bid advertising dates yet none of the information was made available to bidders, conflicts between the structure and roadway survey points created numerous construction issues, Owner provided survey points did in several instances conflict with the work and dimension shown on the plans, and the plans actually referenced plan sheets that don't exist. On several occasions even the resident engineer commented on the inadequacies of the plans and specifications, opining that anyone "could have done a better job designing this project."

PERMITS

The Streambed Alteration Agreement 1600-2013-0047-R2 describes the work as requiring earthen cofferdams upstream and downstream of the work, however under Section 2.7 the same permit requires the cofferdam to not contain soil or fine sediment – without which the cofferdam become simply a rock filter and has no capacity to deter water intrusion from the work area. It is inconceivable the City would acquire a permit under these conditions; presumably the contradiction was never discussed with the permitting agency. Further the Army COE issued a Water Quality Certification (WDID#5A04CR00222) as noted in their transmittal letter to the City dated 4/28/13 and referencing the project as SPK-2013-00270. In this letter several conditions are set out, among them they require the temporary dewatering structures to be deployed when the channel is naturally dry. The same letter states that all "all terms and conditions of the enclosed (emphasis added) April 10, 2013 Section 401 Water Quality Certification (WDID #5A04CR00222)." The City withheld this information from the Contractor. The only time the channel was "naturally dry" was in early Fall 2013 when the City refused to allow Shasta Constructors, Inc. to start work. The City began counting working days May 1, 2014 with the first order of work to be placement of the water diversion system, at this time there was flowing water.

PLANS

The structure type selection was totally inappropriate for working in the channel during irrigation season and for conformance with environmental constraints. Based upon the soil conditions encountered at the bottom of the box culvert excavation the soil would have been able to support a CIP flat slab bridge founded on spread footings – which would have eliminated all of the water diversion issues required for constructing a RCB in a live channel.

The simplicity of the contract plans (11 sheets) and structure plans (3 sheets) indicate there was little consideration given by the designer of the wingwalls (headwalls) for the depth of the footing excavations with regard to adjacent utilities, obstructions and roadway connections at any of the four wingwall (headwall) locations. Additionally there was significant work designed outside the project right of way, right of way limits were changed prior to the development of and issuance of the Contract plans yet that information was not included. The designer actually mixed standard plans, referencing the 2006 standards for all civil work and 2010 for the structure work. The plans, sheet 4 of 12, reference plan sheet 9 for grading details yet no plan sheet 9 exists; given the problem with survey tying the civil and structural work together is there information missing?

PROJECT ADMINISTRATION

Shasta Constructors (SCI) requested work to begin in late August 2013 while the entire channel was dry, in conformance with the Streambed Alteration permit; Shasta's request was denied. Shasta was informed that work could not begin until May 1, 2014. On March 14, 2014, on behalf of the City, Trin Campos sent an email stating the proposed water diversion plan had been approved, including COE approval, and returned plans for BOTH stage 1 and stage 2 water diversion systems. Additionally Mr. Campos acknowledged that additional pumps for dewatering system inside the water diversion dam may need to be employed, to dewater the area from ground water intrusion. A single Section C-C was added to depict the dewatering pumps, and discharge system. No other information was sought by the City, the planned diversion was placed and work, bridge removal, excavation and RCB construction began. It should be noted that on May 1, 2014 (the first working day charged) Hamilton Slough was not dry; the first order of work was installing the water diversion system. Shasta Constructors took water samples as required and promptly furnished the lab information to the City.

SCI submitted a staking request to use for the RCB mass excavation, location and excavations of the headwalls. On May 16 excavation commenced, the second day of excavation, May 19th it became clear the work area was being saturated from seeping ground water coming up through the old (removed) bridge piles, the PG&E pole which plan sheet 3 of 12 calls out to be moved to clear the work has not been moved to clear the excavation and construction of the north eastern headwall. There was extensive correspondence between the City and SCI based upon a PG&E solution to the encroaching power pole from about 5/15 through 5/19 when SCI and several independent bridge design engineers determined the plan would not provide a safe and complete result. On May 21 SCI provided an alternative option to use spiral soil nail wall shoring system, although by May 20 the excavation operation had been completely disrupted and reasonable and planned progress stopped. Also on May 20th SCI suggested to the City they should provide for drain rock under the RCB as a dry surface to place rebar and concrete and at least allow some work on the invert to continue. On May 22nd the City recognizes the unsuitable material under the RCB inverts and agrees to issue a CCO to remove and replace the unsuitable material however the unsuitable removal and drain rock placement could not be finished until May 28. Additional time was lost and work plans disrupted.

During this same period of time SCI experienced flooding in the work area from two sources, 1) overtopping of its water diversion dam, and 2) flooding from an unforecasted and extraordinary storm event. SCI initially requested payment and assistance as provided for under the Contract, addendum #1. Both requests were denied and NOPC's #1 and 2 were filed, and rejected by the City. The filing of these NOPC's heralded uncooperative participation from the City and its representatives. It should be noted that over the course of the work with the approved stage 1 water diversion system in place SCI was repeatedly

subjected to immediate overtopping of the diversion dam. At one point nearing the end of stage 1 diversion SCI again viewed an immediate and sudden increase in flows (9" minimum by observation). Paul Geist, superintendent, went upstream and found several lateral sloughs which had the dam boards removed (they were lying on the banks of the channels); he contacted the water district ditch tender who offered up that they have had trouble with a particular individual for the whole summer pulling their boards and draining the irrigation water into Hamilton Slough. Clearly this was the predominant dewatering issue all along; damaged and flooding caused by a public enemy (vandal).

On June 3 as SCI prepared to make the RCB invert pour we noticed and notified the City there was a survey bust for the alignment of the RCB. The City reviewed the site, the survey stakes and came to the same conclusion. SCI was ordered to remove approximately 24 feet of forms, remove the placed invert rebar, widen the excavation on the north side of the RCB, angle that section of box back towards the correct alignment, and remove/reinstall rebar. Once again additional costs were incurred, 5 days were lost, work durations extended, planned scheduling and sequencing disrupted. Although the city made payment for a portion of the direct cost of the change it did not fully compensate for the direct cost of the change or the ongoing and increased cost of the dewatering system or substantially any of the equipment on ROW delay.

While waiting for approval of the vertical spiral nail shoring system and shipment of the materials and equipment needed SCI redirected its operations to the northwest headwall footings and excavation. At this location two utilities conflicted with the work, 1) CSP pipe and riser, and 2) City of Biggs utility pole. SCI filed its NOPC#3 for the costs to once again provide soil shoring in order to complete the work. It is noted both of these utilities are only shown on the demolition plan, and are outside of the shown right of way. The demolition plans make no clear reference to the location of the planned RCB work, however they do clearly show both utilities to be considerably outside the project right of way. The City told SCI both utilities had to be protected in place and then were given revised right of way and easement plans as proof the work could be completed within the access restrictions the contract imposes upon the Contractor. These plans are dated January 2013, 3 months older than the contract plans, yet the design engineer failed to include this information with the Contract Plans. Once again additional unexpected costs were incurred by SCI, time was lost, work durations extended, planned scheduling and sequencing disrupted.

Once the RCB invert and walls were poured, and interior wall forms stripped, SCI stripped the bulkhead placed at the wall inside the RCP in order to begin to make the new connection. SCI discovered a snake inside the RCP, and following DFG requirements notified the City. Although there is no evidence where the snake came from or how it entered the RCP, SCI was ordered to shut down all work. The project was shut down on ROW delay, with off and on minor work allowances from 6/26 until 7/15. Yet again additional unexpected costs were incurred by SCI, time was lost, work durations extended, planned scheduling and sequencing disrupted. The City issued a change order but only compensated for the direct costs, failed to address equipment on right of way delay, or additional dewatering system ongoing costs or lost time.

Once the north side of the RCB was completed SCI began excavating the slopes for the RSP and the two northern headwall. The north western headwall access and slope excavation could not be performed due to two trees within the limits of the RSP and excavation. SCI was verbally directed to remove the trees. Once the slope was excavated and RSP in place the culvert and riser extended well beyond the limits of the RSP face. The City representative told our excavator operator to fill the culvert with rock and "make it disappear". Once the culvert was filled it still extended beyond the rock face limits, our operator was once again told to make the riser disappear, and add RSP over the top of the culvert once crushed to grade. Naturally the inspector later denied giving those orders.

Based upon conflicting and 'forgotten' directives, Shasta Constructors requested that all verbal field directive be made in writing to prevent further misunderstandings and establish what changed work was being performed; the request is proper and allowed under Section 5-1.06, which states "Any order given by the engineer, . . . will on the request of the Contractor, be given or confirmed by the Engineer in writing." The City (engineer, project manager and inspector) refused to provide any of the multitudes of verbal directives in writing.

Shasta requested concrete compressive strength test results in order to expedite the work, in particular structural backfill of the headwalls to allow the RSP to be completed, the RCB to be completely backfilled and moving the water diversion to the stage 2 configuration. Although the information was provided it was not timely and did not allow this work to progress in a timely manner.

While making subbase grade and backfilling the RCB on the north side of the work the City's engineering firm failed to take material samples in order to pound a curve to make a proper determination of compaction testing results. Several days were lost waiting for proper compaction test results, further hampering Shasta's efforts to move the project along and creating further work disruptions and reduced efficiency.

Once Shasta overcame the hurdles the City placed on the work for the RCB and roadwork on the north side, the City realized the project conditions in the field did not represent the conditions anticipated on the plans and the only option to allow excavations for the southern headwall footings and roadway reconstruction was to close 6th and Dakota Streets, so the City issued a Contract Change order to do just that. Clearly the Contract plans should have incorporated this type of traffic handling at the onset.

After the headwalls were completed on the south side, backfill placed (lost time for this side due to the failure of the City to provide concrete compressive strength results, again) Shasta began the subbase road way work. Shasta had previously called for a USA locator, and confirmed on several occasions with PG&E that their gas line had been relocated to clear the work. Shasta relied upon PG&E's comments at the site, as well as notations on the plan sheet 3 of 12, stating Gas Line to Be Relocated By Others. During the roadway excavation work in the vicinity of 6th and Dakota, Shasta's equipment (loader) hit a riser that extended up into the subbase strata. Although the City claims potholing was needed, in would have been highly unlikely any potholing would have found the riser, it is more likely the potholing would have found the gas line slightly above to slightly below the bottom elevation of the subbase. In any case the notation just referred to (sheet 3 of 12) actually points almost directly to the area the riser was hit, so why did the City not have the gas line and vents relocated? Shasta lost additional time to work around the UNRELOCATED gas line as well as the lost time while PG&E shut off the gas supply (4 days).

While trying to finalize the roadwork, including curb & gutter, concrete railing and sidewalks, it became evident there was yet another survey issue. The city took it upon themselves to make verbal directions to change the existing survey, without providing the directions in writing as requested, the result of this action was NOPC#5. See NOPC submittal for additional information.

The plans for the concrete barrier rail, sidewalk and tubular handrailing created yet again another construction issue. The sidewalk shown on the western end of the project, and the survey points set to establish the limits of the work conflicted. Although the sidewalk length did not change, it was shifted to the south. Additionally the plans simply show the sidewalk ending, with no provision for a ramp or other transition to the pavement backing on either side of the sidewalk. On the east end of the project tubular handrailing was shown and standard plans referenced, however the rail shown did not show the turn down end treatment. Early in the project Shasta submitted shop drawings for the tubular handrail based upon the project plans. The City, as discussed earlier, adjusted the alignment of the RCB due to survey errors, after the submission of the tubular handrail shop drawings. Subsequently the City returned an "approved" set of handrail shop drawings but clearly failed to make any review of the layout which changed as a direct result

of their ordered change to mitigate the survey error. While Shasta was laying out the post pockets in preparation for the concrete barrier rail pour Shasta discovered the problem with the handrail. Shasta developed a plan to correct the handrail to fit the field conditions changed by the order of the City. The time lost waiting for the remediation of the handrail cost Shasta time from September 4 to 27 when the rail was grouted.

Shasta was ordered to open the road/project to traffic on October 3. Shasta expressed its grave concerns relative to obvious and inherent dangerous conditions which existed and for which the plans and management of the job left in place. Traffic approaching the work in a westerly direction along Dakota is exposed to the blunt end of the concrete railing just 4.5' off the traveled edge. Northbound traffic on 6th Street if turning onto eastbound Dakota travels within 4' of an unprotected oak tree. Southbound traffic on 6th street has no protection from the blunt end of the concrete barrier on the new RCB. Additionally a guy pole was left in the new AC pavement at the edge of the pavement on the right shoulder of the southbound traffic on Dakota. It is unimaginable a condition like this is left open to the traveling public!

The project required a Water Pollution Control plan, and the special provisions specifically refer to CALTRANS storm Water Quality Handbooks. That template and the instruction intended for use thereto make a general reference to "permanent (post-construction) BMPs." These are usually shown on the contract plans. The City has made the unfounded attempt to make this template requirement a requirement of the Water Pollution control plan and therefor the permanent erosion control part of the temporary work. Furthermore there is no provision in the template Water Pollution Control plan for the means, method or makeup of the permanent erosion control materials (seed, application rate, . . .). Clearly this is just one last example of the poorly developed project plans and specifications and administration thereof.

Once the permanent erosion control was completed, on October 7 the City acknowledged the work was complete. Pursuant to Std. Spec. Section 9-1.07, Payment After Acceptance, and 9-1.07A, Payment Prior to Proposed Final estimate (emphasis added), the Director is empowered to promptly accept the work and an after acceptance estimate is to be issued to make payment for all remaining contract work, extra work and release of retention. It is common to issue multiple After Acceptance estimates as a means of cooperatively making payment for all agreed unpaid item work, change orders and extra work. In this instance the City waited over 30 days to issue NO AFTER ACCEPTANCE ESTIMATE and choose to issue only the Proposed Final Estimate and then took the extraordinary step to say it would not even have any discussion with the Contractor until its response to the PFE was received. The City continues to withhold payment for work completed in September and its Resident Engineer recommended be paid, and continues to withhold retention. Now the City has contacted subcontractors and suppliers to check on payments made under their subcontracts with Shasta, informing them the City will not make its contractual obligated payments to Shasta until Shasta has made PEREPAYMENTS to its subcontractors. The City has stepped beyond its contractual authority to make these contacts and continues in its tortuous interference with Shasta business.

In addition to all the interference, disruptions, changes (particularly verbal directives rather than written directives), failure to recognize and accept responsibility for plan shortfalls and project changes, the City intentionally interfered with Shasta's business practices by filing claims with its contractors license bond and contract bond sureties. The City provided no supporting documents for this extraordinary action, an action that has caused Shasta extraordinary business harm, furthermore the delays the City states have a high potential for delay are unfounded and based upon the foregoing narrative are City caused delays.

While it is not uncommon to require contract change orders on construction projects, 13 contract change orders totaling over 13% of the original value (amount paid is disputed, the amount claimed under the CCO would push the amount closer to 20%) is exceptional. Shasta Constructors experienced a nearly

constant disruption of planned sequencing, scheduling, manpower and equipment loading due to the plan conflicts, improper and inattentive project administration and inspection, the continual effects of changes particularly those for various permits the City had for the project.

The effects of substantial changes, in numbers, frequency and magnitude, has been studied extensively by William Ibbs, PhD, at the University of California, Berkeley. He has developed, deployed and defended his work and the impacts such changes have had on the construction industry, contractors, and specific projects at length. It is his studies which provide an insight into the costs shown below, as derived through the narrative discussed above.

At the onset it was apparent the project plans were deficient, lacking in proper detail, lacking in work space allowance and staging to properly complete the work with reasonable manpower and equipment loading, and planned sequence of the work. Contract Change Orders 4, 5, 6, 7, 8, 10, 12, and 13 directly impacted the duration and scheduling of the work, as did each of the filed NOPC's. In addition to the labor portion of the disruption Shasta's equipment use greatly exceed what could have been expected and certainly what its experience and bid was based upon. Shasta has identified the following Bid Items that were directly affected by the project plans, project survey, verbal directions from the City, Contract Change Orders, failure to provide information to the contractor (concrete compressive strength), and/or other actions or inactions as noted above:

- #6 – roadway excavation
- #8 – aggregate base
- #9 – #11 – curb gutter and sidewalk
- #20, 21 -15" and 6" SDR Sleeves
- #24 – water diversion
- #26 – structure excavation
- #27 –structure backfill
- #28 – structural concrete culvert
- CCO#6 – permitting agency requirements
- Equipment inefficiency

Cost Summary

Item #	Cost EW@FA	Payment on Item	Balance due
6	30,966.43	27,500.00	\$ 3,466.43
8	34,236.97	32,550.00	\$ 1,686.97
9-11	21,730.59	6,119.00	\$ 15,611.59
20-21	8,461.46	6,400.00	\$ 2,061.46
24	183,740.43	18,750.00	\$164,990.43
26	80,545.48	21,800.00	\$ 58,745.48
27	55,286.70	20,750.00	\$ 34,536.70
28	226,367.47	171,200.00	\$ 55,167.47
CO6	17,558.99	0.00	\$ 17,558.99
Equip	29,225.83	0.00	\$ 29,225.83

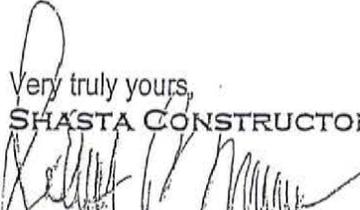
Total \$383,051.35

Summary – Exceptions to the PFE:

Bid Items	\$ 45,825.20
Interest , calculated through 11/17/14	\$ 612.80 (\$8.51/day thereafter)
Retention wrongfully withheld	\$ 31,143.70
Penalty for wrongful withholding of retention	\$ 622.87 (2%/month = \$622.87/month)
CCO Payments	\$ 24,664.55
Missing Bid Item (erosion Control)	\$ 3,745.00
Unsubstantiated Liquidated Damages	\$ 20,000.00
Cardinal Change to the Contract/NOPC#7	\$383,051.35
Tortuous Interference	TBD
Total	\$509,665.47

Very truly yours,

SHASTA CONSTRUCTORS, INC.


Robert Moseman

Enc.

Pc: 1305{CTO-PFE}
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BCDiDuca, esq.