

MINUTES OF THE CITY OF BIGGS  
REGULAR COUNCIL MEETING  
COUNTY OF BUTTE, STATE OF CALIFORNIA  
Call To Order

January 28, 2008

The regular council meeting was called to order at 6:00 p.m. by Mayor John Busch. Vice Mayor Frith, Councilor Arnold and Crawford were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Engineer Dave Swartz, City Engineering Staff Mike Vasquez, Pauline Palmer and Lori Adams, City Planner Scott Friend, and City Clerk / Finance Director Deanna Carbajal.

**1. COMMUNITY PARTICIPATION:** None

**2. SPECIAL BUSINESS:**

- A. *Consider citizen's request regarding code relative to carports.* City Administrator Pete Carr stated Clifton Dent of 412 B Street was requesting council consider how city code was applied in the case of his metal carport. His carport was less than 20 feet from the front property line. City Planner Scott Friend showed council pictures of the building and read City Code 14.60.040.

Mr. Dent apologized and said he didn't know his carport would be against code when he installed it.

Mayor Busch asked how we define a carport and Scott said it was a detached accessory structure.

Mayor Busch gave Scott direction to correspond with Mr. Dent and decide when and how he could move the carport because it was in violation of city code.

- B. *Consider resolution to change and clarify status of alley.* Pete stated the understanding of staff was that council's desire was to have the entire east to west portion of the alleyway completely open and at the same time, abandon the north south dogleg of the alley going out to C Street.

City Attorney Greg Einhorn wanted it to be clear the public utility easement would be retained throughout the alley.

*Resolution 2008-01* Resolution Of The City Of Biggs Abandoning And Reaffirming An Alley Easement And Retaining And Reaffirming A Utility Easement. (Arnold/Crawford, MCU)

- C. *Consider Title Report submitted by Mr. Andes.* Greg stated this matter had previously been before council. He stated Mr. Andes owned property that had previously been owned by a woman who was related to Mr. Andes who obtained two loans from the city's programs. Both of the loans were currently outstanding. Mr. Andes did not dispute the larger loan; however Mr. Andes believed that some years ago the smaller loan was repaid. Mr. Andes obtained the title report and Greg did not see anything in the report about repayment. There was no record the report has been paid.

Lloyd Andes stated he inherited the property which belonged to his sister. He said he knew the \$2,500 was paid.

Greg stated there had been failure of documentation over a considerable period of time. He felt council could rely on representation made by Mr. Andes that the amount was paid and the city could adjust their documentation.

Motion/Second to accept the presentation from Mr. Andes that the \$2,500 was paid and that amount was not due and owing but reaffirming the balance of the loan was due. (Busch/Arnold, MCU)

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- D. Consider Zoning Code Clarification – Food Vending Carts.* Scott stated an individual was asking to operate a “catering truck”. Scott said he became a little confused as he began to look at the city code on this issue. He wanted he make sure that his interpretation was the same as council’s understanding in regards to this matter. Scott was asking for discussion on this matter and a definition for “catering trucks” and “vending food carts”.

Vice Mayor Frith abstained from discussion.

Adrian Ramirez stated he wanted to park a “taco truck” near the old tire shop.

Greg did not see this business contemplated in the city code.

Mayor Busch stated if this type of business was not written in the code than it was not allowable and Scott stated that was correct.

Mayor Busch understood this truck could not be located every day at the location Mr. Ramirez stated because of zoning. Even if he wanted to locate the truck in an industrial zone, he would have to go through the use permit process which would involve a public hearing. Scott agreed with Mayor Busch.

Mike Vasquez advised Mr. Ramirez in Spanish what was discussed.

Scott suggested adding definitions for clarification purposes and clarification language to city code, so this situation did not arise again.

- E. Consider Summit Estates Annexation – Status Update and Council Direction.* Councilor Crawford abstained from this discussion.

Scott stated the Board of LAFCO approved the application for Summit Estates subject to a number of conditions. One of the conditions was that the City of Biggs obtains an encroachment permit from RD833 to access the water district’s facilities. The city believed this was a reasonable condition. At this time, LAFCO was not willing to issue an encroachment permit or consent to the filing of completion because they did not believe the City of Biggs had satisfied the agreement that took place between the district and the city. Scott stated he had put in a request to LAFCO for their upcoming meeting to request reconsideration of that approval to allow this matter to be finalized and file the Certificate of Completion and get the property annexed into Biggs.

Scott said RD833 acknowledged that undergrounding the drain ditch would not be feasible financially and Scott also stated undergrounding was not covered in the General Plan. Mayor Busch agreed they needed to attend the LAFCO meeting and invited Pete to attend with them.

- F. Consider Election Date for Vacant Council Member Seat.* Deanna Carbajal asked which special election date council would prefer for the vacant council member seat: June 3, 2008 or November 4, 2008. The estimated cost for the June election would be approximately \$6,000 to \$10,000 and approximately \$5,000 to \$8,000 for the November election. Council discussed the two options.

*Resolution 2008-02 Resolution Of The City Council Of The City Of Biggs Requesting The Butte County Board Of Supervisors To Permit The County Clerk To Render Specified Services To The City Relating To The Conduct Of An Election, To Be Held On November 4, 2008. (Frith/Arnold, MC, Noes: Busch)*

**3. CONSENT CALENDAR:**

Vice Mayor Frith asked to remove item 3 F, Fourth Street Partners Parcel Map, from the consent calendar.

Motion/Second to approve the consent calendar with the exception of item 3 F. (Busch/Frith, MCU)

**4. DEPARTMENT REPORTS:**

*A. Public Safety:*

1. Police Department. Mayor Busch commented on the emergency plan and the recent storm. He stated we needed emergency power in several locations.
  2. Fire Department. None
  3. Flood Control JPA. Mayor Busch stated a budget had not been adopted yet.
3. F. Vice Mayor Frith asked to discuss item 3 F at this point.

Scott stated the Fourth Street Partners Parcel Map was submitted to council some time back and there were some conditions he was seeking. The map had been reviewed and was ready to be finalized. Vice Mayor Frith asked if this had anything to do with North Biggs Estates and City Engineer Dave Swartz stated not that he was aware of.

Motion/Second to approve item 3 F of the consent calendar. (Frith/Arnold, MC, Abstain: Crawford)

*B. Planning Department:*

1. Department Activity Report – December 2007 / January 2008. Scott stated he was still attempting a follow-up meeting with Butte County to discuss their General Plan. Scott informed council the Regional Housing Need Plan was prepared and was being circulated by BCAG now. This document specified how many housing units for very low, low and moderate houses the city should have.
2. Code Enforcement Activity Report: Council received a Code Enforcement Activity Report – December 2007 to present, in their packets. No discussion.

*C. City Engineer:*

4. d. Work Update Presentation. Pauline Palmer introduced a presentation that would explain CEC's accomplishments for the City of Biggs for 2007 and anticipated thoughts for 2008. CEC had obtained approximately 1.7 million dollars of funding. \$416,000 was obtained through Caltrans for the sixth cycle SR2S program, \$690,000 was also obtained through Caltrans for the Sixth Street Bridge Rehabilitation Replacement Project, \$600,000 through the Home Program for first time home buyer and owner occupied rehab, and \$35,000 through CDBG for Economic Planning. Approximately 33,450 lineal feet of waterline was installed along with 407 water services and meters. 47 new fire hydrants had also been installed with a five times greater water flow. The Westside Storm Drain Project included 456,314 square feet of new asphalt 4,018 lineal feet of new storm drain pipe and 32 new DI's. 3,750 lineal feet of curb, gutter and sidewalk with 15 new handicap ramps. The Westside Storm Drain Project will also include a new lift station and improvements to the existing ditch that runs along West Biggs Gridley Road. Pauline also mentioned design and construction projects for 2008 as well as funding CEC could apply for.
1. Consider Sanitary Sewer Maintenance Plan (SSMP) - Compliance Work Plan. Dave Swartz gave background and due dates for the Sanitary Sewer Maintenance Plan (SSMP).

2. Consider Waste Water Treatment Plant Facilities Plan. Dave said he met with the Public Works Committee on January 10 to discuss four proposals for the facilities plan and he gave council a briefing of that meeting. Details were provided in the agenda.
3. Consider Sixth Street Bridge Rehabilitation Project. Pauline Palmer stated in July 2007 council approved expending a 12% match to the \$75,000 that Caltrans approved for the Environmental/Engineering Funding portion of the project. This item was sent out to RFP but no responses were received and CEC was asking council for direction to begin work on the Environmental/Engineering design portion.

Motion/Second to direct CEC to move forward on the Environmental/Engineering portion of the Sixth Street Bridge Rehabilitation Project. (Frith/Crawford, MCU)

4. Project Updates

- a. Westside Storm Drain Rehabilitation Project. Pauline stated, at the request of the Public Works Committee, the contractor had been given direction to complete as much remaining work as possible as soon as the weather would allow.
- b. USDA Water Rehabilitation Project. Pauline stated the contractor was continuing to raise utility covers required by the recent paving. When the weather permitted, the remaining paving would be completed.
- c. Safe Routes to School/TEA/C Street Project. Pauline said this project was in design phase and advertising for bid would begin in April. Vice Mayor Frith asked if this project was expected to be completed in 2008 or 2009 and Mike Vasquez said it was expected to be completed in 2008.

*D. Public Works:* Pete introduced the city intern Patrick Walton who would be working on the Public Works manual.

*E. Electric Department - NCPA:* In regards to the NCPA meeting, Pete stated that everyone was very worried under the strain of capacity regulations, reliability regulations, and renewable portfolio standards. The only future in sight was escalating energy prices.

*F. BCAG/Air Quality:* Councilor Arnold stated there were some workshops coming out regarding wood stoves and fireplaces.

*G. Finance Department:*

1. Consider City Investment Policy Review and Approval. Deanna presented the City of Biggs investment policy and asked if there were any changes council would like to make to the policy.

Motion/Second to accept the policies and procedures for the Investment Policy.  
(Crawford/Frith, MCU)

2. Council received a Department Activity Report –December 2007 / January 2008 in their agenda packet. No discussion.

*H. City Administrator:*

1. Consider Extending Contract and Change Cost Share Methodology for Electric Maintenance Service. Pete stated the principle behind this was currently we pay for our share of the Gridley Biggs Electric Maintenance Department through the revenues of the kilowatts that are sold. Because we have 34% of the total revenues between the two cities we pay 34%. The proposed new methodology balances population, number of meters, and energy load. Using this proposal, City of Biggs would pay approximately 26% of total shared costs vs. 34%, which would be a \$4,700 per month savings.

*Resolution 2008-03* Resolution Of The City Of Biggs Approving The Second Supplement And Addendum To That Certain Agreement Between The Cities Of Gridley And Biggs For Electrical System Maintenance Services. (Arnold/Frith, MCU)

2. Consider CalPERS 457 Plan Application and Resolution. Pete stated this plan was like a 401K program, but there was no city match. It was totally funded by the employees.

*Resolution 2008-04* Resolution Of The City Council Of The City Of Biggs Approving Adoption Of California Public Employees' Deferred Compensation Plan. (Busch/Crawford, MCU)

3. Consider Mid-year General Fund Budget Review and Resolution to Revise Budget. Pete discussed the status of the city budget as of December 31, 2007. He proposed an adjustment for the unanticipated cost increases in police and animal control services. The unanticipated savings to be realized through the renegotiated electric maintenance contract would partially offset these imbalances.

*Resolution 2008-05* Resolution Of The City Of Biggs Authorizing The Modification Of The 2007-2008 Budget By Appropriating Supplemental Funds. (Crawford/Busch, MCU)

4. Verbal Report:

- a. Storm Response and Recovery. Citizen Carol Arnold asked if there was a way to draw information from the citizens to know what damage they suffered and if funding was available. Pete stated an article was running in the Gridley Herald asking people to report damages to their property. He stated it was unlikely we would receive disaster assistance for private property losses.
- b. Truck Repairs. Pete stated there were two employee accidents. One involved an employee bumping the street sweeper into another public works vehicle and the other accident involved the door of a pickup truck being blown open in the storm on January 4.
- c. Library Facilities. Pete asked for council's thoughts on using this room of this building (3016 Sixth Street) as a new library. Butte County was looking for an ADA friendly building as opposed to the current building with the steps which did not have adequate bathroom facilities. That would mean the council chambers would have to relocate, possibly to the Public Works Building. The current library could be rehabilitated with grant monies. Vice Mayor Frith suggested letting the county know council was evaluating options.
- d. City House. Pete felt the best option was to proceed with advertising locally a sale contingent on relocation of the building, leaving the site clean, and taking all responsibility for the building and relocation. Council concurred
- e. Seventh Street Site - Old Public Works. Pete stated this was an underused site and was of no value to Gridley Electric. Dave Swartz had confirmed this site had been completely mitigated of any contamination. Pete asked if he should proceed to advertise the sale of this site. Mayor Busch felt zoning should be looked at first.
- f. U.S. Communities. Pete let council know the city had joined a purchasing pool to order office and other supplies at discounted rates.

5. **INFORMATIONAL:** Pete stated a citizen was billed \$2,600 for a kite flying incident that caused a power outage the same day as the storm. This was not storm related. Mary Frith felt her business should be compensated for losses due to this incident. Greg Einhorn advised that the city could seek recovery of city losses, but private business owners would need to consider independent civil action or private insurance claims.

6. **ADJOURNMENT:** Meeting adjourned by mutual consent at 10:31 p.m.

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ATTEST:

APPROVED:

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Deanna Carbajal  
City Clerk

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John G. Busch  
Mayor, City of Biggs