

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

1. COMMUNITY PARTICIPATION: None

2. SPECIAL BUSINESS:

- A. *Consider Support for Hometown Celebration.* Pete stated council was being asked to consider the status of the Hometown Committee and support that may be needed. He said the Hometown Committee was a citizen led organization sponsored in part by the city. Funds are raised and controlled independently by the committee.

Committee leader Angela Thompson was asking for council's approval on calling this a city event. She stated fireworks were ordered and the committee was looking for more volunteers. The committee was still in need of donations. Pete stated County Office of Education would pay workers to come clean up after the celebration. Councilor Crawford stated Waste Management typically donates dumpsters for trash.

City Attorney Greg Einhorn stated this was a city event.

- B. *Consider Biomass to Electricity Project Concept Presentation.* Pete introduced John Balachandra, professor of Engineering at CSU Sacramento and President of EnerGeon Inc. Pete stated John was proposing a concept for Biggs that could be innovative and significant for the economic development of the city. The concept would be to take a truck mounted unit out to an agriculture site and convert almond or walnut waste into oil to be brought back to the city where it would be processed through a refinery. This process eventually leads to steam turbines that would be generating electricity. This would supply more than the city's needs, so the rest could be sold through NCPA. Pete stated he had spoken with NCPA and they were interested in this project. John would commit 25% of his pre-tax profits back to the community to be used for community development. Pete stated this could potentially double the general fund.

John presented a proposal for funding of construction of a 50mw biomass power plant and the lease/purchase of adjacent 30+ acres of land in Biggs. He stated his technology was a very clean process and the system was self contained. Fifty tons of biomass can produce 30-35 tons of oil and 7 tons of charcoal per day. Mayor Busch asked John why his company did not purchase the land needed and John stated he wanted an investment on the part of the city to see how serious the city was in being in a partnership. Councilor Crawford asked how many people would be employed to manage this system and John stated about 50 to 70 individuals.

Council directed staff to continue research on this subject.

7. RESOLUTION:

- B. Fire Chief Mike Brown stated Resolution 2006-26 was adopted in September of 2006 and he was asking to change the authorized signers from City Administrator to Mayor and City Attorney.

Resolution 2008-08 Resolution Authorizing The Mayor And The City Attorney To Sign Amendment Adopted September 18, 2006 To The “Hazardous Materials Team Special Mutual Aid Joint Powers Agreement”. (Arnold/Crawford, MCU)

2. SPECIAL BUSINESS: Continued

- C. *Consider Awarding CDBG PTA Grant Project to Tri-County EDC.* Pete stated the city had received a \$35,000 planning and technical grant. The project target was to prepare a plan for a downtown façade improvement program. The grant project would be awarded to a consultant to actually carry it out. Typically it would go to an RFP process and choose from among bidders. Pete stated the city could utilize the services of Tri-County EDC to administer and deliver the project under a “subrecipient agreement” since the city already has engaged their services. Staff was looking for direction from council on this matter.

Executive Director of Tri-County EDC Mark Nemanic stated one benefit of a “subrecipient agreement” was no profit margin was built into the contract. Mark stated Tri-County would act as an extension of the city and work with staff very closely.

Pete stated the scope of the project was a plan for a façade improvement program with an analysis of the downtown buildings. Mark stated initially they would look at the inventory of the buildings, who owns them, and could they be rehabilitated. Councilor Arnold asked what the end product would be and Mark stated there would be a set of guidelines, how the program will work, and visuals of how the downtown could look from a design standard.

Motion/Second to direct staff to enter into a “subrecipient agreement” regarding the CDBG façade improvement grant to provide a façade improvement for the City of Biggs. Lorie Adams suggested allowing Pete to continue negotiations on the fees that were submitted to cover the city’s expenses. (Frith/Arnold, MCU)

- D. *Consider Awarding Contract to HOME Grant Project Consultant.* Pete stated council was asked to consider awarding a contract for administration and delivery of the HOME grant program to the most qualified bidders. Jon Crawford, Marlee Mattos and Pete examined proposals from Mercy Housing, Wildan, and California Engineering Company and interviewed each bidder. Staff recommended CEC administer and deliver the city’s HOME grant program.

Motion/Second to award the HOME Grant Project consultant status to California Engineering Company based upon the recommendation of the sub-committee. (Frith/Crawford, MCU)

3. PUBLIC HEARING:

Grant Closeout: Approve Community Development Block Grant Final Financial and Accomplishment Report for Grant No. 05-PTAA-1428.

A. *Staff comments.* Engineering Staff Lorie Adams stated this public hearing was a closing of a PTAA Application Grant that was awarded in 2005. This was concluding the income survey project as well as the initial development study that was completed. This was a final report that would be sent to the state informing the citizens the project had been completed.

B. *Open the hearing to the public.* No public present.

1. Proponents. None

2. Opponents. None

3. Proponent's rebuttal. None

4. Opponent's rebuttal. None

C. *Close hearing to the public.*

D. *Council discussion.*

Motion/Second to direct staff to prepare final documents and submit as required to the State of California Department of Housing and Community Development – Community Development Block Grant Program. (Busch/Frith, MCU)

4. **UNFINISHED BUSINESS:** Consider Sale of Surplus Assets. Pete stated council previously authorized the city administrator to sell surplus assets. He presented a list of assets from the public works yard deemed ready to sell, and recommended minimum bid prices. The school district had approached the city asking to acquire the surplus backhoe. Mayor Busch was concerned about giving the backhoe to the school district, because it would eventually need costly repairs. Vice Mayor Frith suggested giving the school a list of problems the backhoe had. Mayor Busch recommended removing the minimum bids from the surplus equipment. Council suggested giving the school the first option on the backhoe and offer the other equipment items for sale without a minimum bid.

Council agreed to donate the three surplus computers, monitors, and keyboards to Computers for Classrooms.

Pete stated he had already been authorized to put the Seventh Street site up for sale and the fuel tanks were being relocated off site. Pete stated the City Planner Scott Friend had suggested rezoning this site for its highest and best use to make a more attractive sale. Pete stated the site consisted of four lots. Council suggested combining the four parcels into one and discuss the zoning at a later time.

Mayor Busch stated the city owned house sale was in progress and Pete stated he had received an inquiry that day.

5. **CONSENT CALENDAR:** Councilor Arnold asked if the watermark on the minutes could be lighter and Mayor Busch suggested doing whatever was needed to bring the minutes up to date. Motion/Second to approve the consent calendar. (Frith/Busch, MCU)

6. **DEPARTMENT REPORTS:**

A. *Public Safety:*

1. Police Department. Mayor Busch stated he met with Chief Keeler and asked to resume at least one monthly meeting. He stated police had been more visible especially in the early morning hours.

2. Fire Department. Nothing to report.
3. Flood Control JPA. Mayor Busch was unable to attend the JPA meeting, but Councilor Crawford went in his place. Councilor Crawford stated the JPA approved a loan agreement with JPA and Yuba City and they approved a website and the website director stated he would come to council about communication levels that could be provided to the citizens. Councilor Crawford stated the flood zones in this area had not been remapped yet, but once they were remapped there could be a requirement for citizens to purchase flood insurance. There would be a six month period for citizens to look at the maps and decide to get flood insurance. Being grandfathered in, you must decide at least one month prior to the six month period ending; otherwise, the flood insurance rates would be substantially higher, possibly three times higher. Councilor Crawford felt it would be important to utilize communication tools to get this information out to the public.

B. Planning Department:

1. Department Activity Report – February 2008 / March 2008. City Planner Scott Friend stated both of the consultants working on the MSR were laid off last week. The firm assured Scott there would be no reduction in service or additional costs. The job was 60 to 70% completed.
2. Zoning Code and General Plan Consistency for City Sidewalks. Scott stated he would speak to this at a later date.
3. Code Enforcement Activity Report: Council received a Code Enforcement Activity Report –February 2008 to present, in their packets. Scott stated there would be more progress next month.

C. City Engineer:

1. Project Updates

- a. Westside Storm Drain Rehabilitation Project. Engineering Staff Mike Vasquez stated this project was substantially complete to date. The storm drain lift station was the only unfinished item. A job walkthrough will be scheduled and the Public Works Committee will be invited.
- b. USDA Water Rehabilitation Project. Mike stated a meeting was held on March 10, 2008 at CEC with the City Attorney Greg Einhorn, the contractor and several other attorneys. There were some milestone dates set in the meeting that would get the contractor to pay his subcontractors and would get the subcontractors to lift their stop work notices. One of the subcontractors would be onsite and ready to pave on March 31, 2008 if all of the milestones were met.

Greg stated if SJ&B does not cut a check this week then we would declare them in default.

Pete asked Mike if striping could take place and Mike said funding was through the USDA Waterline Project. Lorie Adams stated the lack of striping could be declared a safety hazard and an emergency could be declared and sole source with a contractor for the West Side Storm Drain Project and pay for it with USDA funds.

- c. Safe Routes to School/TEA/C Street Project. Mike stated this project was on schedule.
 - d. 2008 CDBG Application. Mike stated a meeting was held on March 10, 2008 and council selected a project for an application.
2. Consider CDBG Application City Contribution and Set-Aside. Lorie Adams confirmed council discussed the project for the CDBG program at the last council meeting. She said they were moving forward with the process of moving into the public works project. Lorie stated as part of the CDBG application, the city would be able to take 10% of the total amount of the grant, less general administration, and put it in a fund called the 10% set aside. That money can be used for any eligible activity. The set aside fund amount would be \$85,100 to be spent on one activity. Lorie recommended a list of projects for council to consider: Install sidewalk on First Street from C to Aleut, re-habilitate the youth center/library, continue with curb, gutter, sidewalk or storm drain on the west side of town, purchase lift station pumps and sewer cleaning equipment for public works, or partially pipe Hamilton Slough between Trent and Summit Estates.

After council discussion, it was decided to use the funds for public restrooms. Lorie stated the resolution and application would be brought to council on March 31, 2008 for approval.

- D. *Public Works.* Councilor Frith stated seven high school students were helping the public works department at Rio Bonito Park and Sun West Milling was donating materials.
- E. *Electric Department – NCPA:* Vice Mayor Frith stated the annual electric shut down was scheduled for this coming Sunday night/early Monday morning for substation maintenance. Biggs will host the NCPA commission meeting next week.
- F. *BCAG/Air Quality:* Councilor Arnold had nothing to report. Pete said in Dr. Balachandra's report earlier this evening, it was stated that Biggs would handle the permitting for his project. Pete had been advised earlier by NCPA that the project owner would be the one to approach and try and get the air permit.
- G. *Finance Department:* Deanna stated Nystrom & Company had sent the completed audit for Transportation Development Act Funds / Funds Statements for the year ended June 30, 2006 and June 30, 2007. These audits were at the office for review. The audit was complete for the school pathway / bike project. Deanna and Pete would have a meeting tomorrow morning to review the draft audits from Smith & Newell.
- H. *City Administrator:*
 - 1. Consider General Plan Update – Course Change. Pete suggested that council consider a change of course in the approach to the General Plan Update. Pete did not feel that Mr. Greer would come forward with funding any time soon. Pete stated Mr. Ochipinti would be willing to fund a General Plan Amendment for his area or fund his portion of the General Plan Update. Pete felt staff should go out with a new RFP on the plan itself. The options were to take no action which would presume we would be doing annexations, get a new general plan consultant at a new price, or wait out the process and hope Mr. Greer comes through.

Scott guessed a General Plan Update would cost around \$300,000 but our current update was going to cost \$1.3 million. Pete suggested bringing back a proposal in two

weeks with the costs and funders and what it would take to get an assessment district fee in place.

2. Consider Update on Summit Estates Annexation. Councilor Crawford stated he had to abstain from anything involving this issue. Pete stated LAFCo's most recent ruling was to approve the annexation, but gave 30 days for RD833 to comment. RD833 did comment and stated they would put together a draft proposal that would be very agreeable. Pete stated the proposal was not agreeable and it was unreasonable. Pete stated Scott had solicited input from the engineer, the attorney and Pete. Mr. Harris, the owner of the property, and Mr. Betzler were finished putting money toward this project. Pete was not willing to have Scott continue to work on this project unless council directed him to. There would be the risk that the annexation would not go through and the city would be stuck with the bill.

Pete confirmed that the two options before council were to get in writing a guarantee from Mr. Kelleher or just drop this issue unless there is a deposit.

Council directed Pete to inform Mr. Kelleher if he wanted to guarantee in writing to cover city costs and if he would accept the conditions of market rate housing, then the city would be willing to take the risk of pursuing his application

3. Consider Recovery Plan for Kite Incident Costs. Pete stated citizen Oscar Medina had agreed to pay his bill of \$2,590.51 at \$100 per month. Council felt his homeowners insurance should pay the total amount now. Council directed staff to have Mr. Medina repay the city at 11% interest, place a lien on the property until the debt is paid, and charge a \$25 late fee.
4. Consider Modification to City Personnel Bereavement Policy. Pete asked for council's approval to add "aunt, uncle" to list of approved family members for whose deaths employees may be authorized bereavement leave for non-bargaining unit employees. Council said yes.

7. RESOLUTION:

Resolution 2008-09 Resolution Of The City Council Of The City Of Biggs Authorizing The City Administrator To Execute A Substitution Of Trustee And Deed Of Reconveyance.
(Busch/Frith, MCU)

8. ORDINANCE:

Ordinance No. 378 First Reading "An Ordinance Of The City Council Of The City Of Biggs Declaring And Establishing Procedure For Filling Council Vacancy And Tenure Of Such Appointment (Codified)." (Frith/Arnold, MCU)

9. INFORMATIONAL: None

10. **EXECUTIVE SESSION:** Adjourned to Executive Session at 10:45 p.m.

11. **RESUME REGULAR SESSION:** Resumed regular session at 10:53 p.m. No announcement.

12. **ADJOURNMENT:** Meeting adjourned by mutual consent at 10:55 p.m.

ATTEST:

APPROVED:

Deanna Carbajal
City Clerk

John G. Busch
Mayor, City of Biggs