

1. Call To Order

The special meeting of the Biggs City Council was called to order at 6:05 p.m. by Mayor John Busch. Vice Mayor Frith, Councilors Arnold, and Crawford were present. Staff present: City Administrator Pete Carr, City Planner Scott Friend, City Attorney Greg Einhorn, Engineering Staff Lorie Adams and City Clerk / Finance Director Deanna Carbajal.

2. SPECIAL MEETING COMMUNITY PARTICIPATION: Steve Lambert, Candidate for the 4th District County Supervisor Race, introduced himself to the council and community.

Vice Mayor Frith requested to add an emergency item to the agenda: dump truck repairs. Council was in agreement.

3. PUBLIC HEARING: Consider application for 2008 Community Development Block Grant:

- Citywide Wastewater Collection System Rehabilitation Program
- 10% Set Aside Project, Public Restrooms Facility

A. Staff comments. Engineering Staff Lorie Adams referred to the application in the agenda packets. She said it outlined the application total of \$1 million, with \$75,000 for general administration, \$832,500 for the Wastewater Collection System Rehabilitation Project, and a 10% set aside of \$92,500. The city was committing \$115,000 to the projects which included \$10,000 for general administration, \$15,000 for activity delivery, and \$90,000 from the sewer improvement fund for the construction project.

B. Open the hearing to the public.

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.

Resolution 2008-10 Resolution Of The City Council Of The City Of Biggs Approving An Application For Funding And The Execution Of A Grant Agreement And Any Amendments Thereto From The Native American Allocation Of The State CDBG Program. (Frith/Arnold, MCU)

4. SPECIAL BUSINESS:

A. Consider General Plan Update options. Pete stated that at the March 17, 2008 meeting council directed him to prepare some options for the update.

Option 1: Continue to wait for Mr. Greer. He has a lot of vested interest in our city and most landowners have agreements with Mr. Greer. There would be minimal exposure to the city in upfront costs. The disadvantages were that the funding may not come in this

year and Mr. Greer was demanding Mintier be used to write the General Plan Update at a cost of >\$1 million (recently revised to \$780,000).

Option 2: The General Plan Update could be canceled and use the current General Plan. Any development would be processed with amendments.

Option 3: Issue RFP for a new General Plan Update consultant and price. The consultants were operating in a new environment, so there may be some changes to scope and there could be some changes to their prices. The disadvantages to issuing a new RFP was a two to three month delay for the process and the consultants and prices would be unknown.

Option 4: Utilize the services of our city planner and assign PMC to write the GPU with a revised scope and price not-to-exceed \$400,000. The city would work directly with the landowners to help fund the GPU. This could start immediately with timely delivery likely. PMC did have the capacity to do this project. Cons: A General Plan assessment fee would be imposed on new developments. The city would front \$150,000 and then go to the landowners for the other \$250,000. The \$150,000 would eventually be recouped. Some landowners would be disappointed they would not be working with Greer/Mintier. If this option was chosen, the agreement with Tom Lando should be rewritten. The city had an agreement to subcontract Tom's work to John Dougherty and Pete recommended canceling this subcontract.

Kevin Walker, representing Bill Greer, apologized for the delays. He stated there was still a very keen interest in working with Biggs and they were continuing to work with some of the underlying property owners to bring development to Biggs. Kevin stated he could make a good case for any of the four options, but there were constraints that could not be changed no matter which option was chosen. He stated the general plan in itself would not bring growth to Biggs. He stated an amendment would allow the city to start out with up to 200 units per year and there would be about 5 or 6 years of sewer capacity. Councilor Arnold asked Kevin why he hadn't come to prior meetings with this information and Kevin stated it was his neglect and he didn't know what to present at that time.

Vice Mayor Frith asked Kevin what the driving force was behind a General Plan Amendment: the current market condition, the sewer capacity, traffic circulation, was the General Plan Amendment the desire of the Greer group, or the cost of infrastructure upgrade. Kevin stated the least path of resistance to the earliest possible development was the driving force and all of the issues Vice Mayor Frith mentioned were interrelated. What was a concern to him were the budget and cash flow and what it would cost to develop these plans, because it was difficult to get money to flow into real estate. He said sewer was a key element to infrastructure. Vice Mayor Frith asked why Mr. Greer insisted on using Mintier and Kevin said he didn't know where that idea came from, because they were not tied to any group. He felt it was prudent however, to give Mintier another chance.

Councilor Crawford asked Kevin what he saw the market and dynamics as. Kevin stated this market was a sub-market of Chico, but would need to be price competitive.

Mayor Busch stated he did not want the citizens of Biggs to pay for the delays in getting this process going.

Kevin stated this issue was a shared risk which was a lengthy and costly process. He stated they were ready to commit to a process and could use past agreements to shorten time. Kevin said he could go back to Mr. Greer and get a commitment from him. He felt it would be reasonable for council to ask for a deposit of funds. Councilor Crawford asked Kevin for an expected budget. Kevin felt they could get through an amendment, environmental review, hopefully, a negative declaration, and the LAFCo process for about \$400,000.

Councilor Arnold was concerned if the east side of town wanted an amendment too, this would cost another \$400,000 which would be \$800,000 between the two. LAFCo may question why we were doing two amendments. Kevin stated this goes back to promises and signatures and checks and said they should look at an amendment process, because there were no signed applications. Kevin stated if enough people came forward with a signed funding agreement and with a check in hand, a General Plan Update could be funded, but short of that, he advised going with an amendment. Councilor Arnold asked how much more it would cost for an update rather than an amendment on a smaller scope. Kevin felt the General Plan Update, which included the planning document and the EIR, could be completed for about \$400,000. He said it would be that much more to do the infrastructure studies and finance plans in order to deliver something and to get it out of the ground. Councilor Arnold stated an infrastructure study would still need to be completed if an amendment was chosen and Kevin stated yes, but it would be confined to the specific projects.

Dale Leishman stated it hadn't been Mr. Greer that was holding things up, it was other pieces of the puzzle. He asked Scott what the amendment would mean for his property and would they be limited in the future? Scott stated he had not seen a land use plan for the property and there was no way for the city to tell him what the cost implications were. Dale would need a master plan.

Kevin asked if the focus was getting rooftops built or having a planning document.

Luke Waters challenged the council to follow through on their commitment for a General Plan Update and reminded them he supported an amendment process two years ago when he was a council member.

Councilor Arnold stated he was still passionate about a General Plan Update, but the situation has changed.

Councilor Crawford asked where the \$150,000 would come from as discussed in option #4. Pete stated it would come from the city's reserve fund and this payment would keep the city from being 100% dependant on the developers and landowners.

Kevin proposed Greer putting up a deposit and bringing back one proposal to council to help narrow the options.

Mayor Busch suggested not taking action at this point, but discussing this issue at the next meeting. Dale was concerned about putting this off for another month for fear the financiers would go away. Vice Mayor Frith suggested having Kevin work with staff and bring back a couple of options.

Mayor Busch asked if council should request a deposit. Kevin stated rather than a deposit, give him a timesheet for Scott and the city managers time and they would pay the bill. Scott stated this GPU process was not primarily a financial issue, but they needed to discuss the matter.

Mayor Busch stated this matter would be continued at the regular council meeting in April. He asked Kevin to work with staff.

- B. *Consider hiring Thor Bailey as Biomass Consultant.* Mayor Busch referred to the biomass presentation given by Dr. Balachandra at the last council meeting. He suggested hiring Thor Bailey as a biomass consultant on an hourly basis to keep the city out of trouble in terms of technology.

Pete stated NCPA had experts in electric power generation that could advise the city in these matters at no charge. Pete also had a conversation with Dr. Balachandra and Dr. Balachandra was considering hiring Mr. Bailey as a procurement manager. Mayor Busch felt that before the city entered into an agreement and committed the city to anything he needed assurance this would work; however, if Thor Bailey worked for Dr. Balachandra, there would be a conflict.

Pete stated he and Scott spoke with Dr. Balachandra by telephone and outlined to him what the permitting requirements would be, his responsibility in applying and following through on those permits, and site requirements. Pete gave him a long list of questions that would need to be answered. He told Pete he had site plans from other sites that could be modified for Biggs. Pete stated they also spoke about an agreement that would provide exclusivity and non-disclosure and Dr. Balachandra stated he had draft agreements that he would send to Biggs. NCPA also had draft agreements that Pete could compare with Dr. Balachandra's. Pete emailed Dr. Balachandra and stated a \$10,000 deposit would help Biggs understand his commitment and would compensate for staff time. Dr. Balachandra stated he would speak with his partners about this.

Pete did not see any problem with an agreement with Mr. Bailey as long as there were not a minimum number of hours required for any time period and he understood he could work either for the City of Biggs or Dr. Balachandra.

Motion/Second to extend an offer to Mr. Thor Bailey to be a biomass consultant on an as needed basis at the suggested rate. Pete stated this could be paid for out of the electric fund or the \$10,000 deposit. Amend motion to say the fees would be paid from the \$10,000 deposit. If no deposit was received, Mr. Bailey would not be needed.
(Frith/Arnold, MCU)

5. **EMERGENCY ITEM:** Dump truck repairs.

MINUTES OF THE CITY OF BIGGS
SPECIAL COUNCIL MEETING

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Pete stated the dump truck was in the shop and \$1,800 worth of work had been performed so far. Pete said a bid came that morning from the mechanic suggesting repairing/replacing the leaking oil pan and two shocks for an additional \$700. There were adequate funds in the budget to cover the costs. Mayor Busch had questions about the bill he would like to have answered. Pete stated he would be happy to set up a telephone meeting with the mechanic, Paul Pratt, and Mayor Busch.

This was an informational item.

6. **EXECUTIVE SESSION:** Adjourned to Executive Session at 9:00 p.m.
7. **RESUME SPECIAL SESSION:** Resumed special meeting at 10:04 p.m. Announcement - City Administrator was provided a very favorable performance evaluation and a 5% step increase retroactive to March 6, 2008 was approved.
7. **ADJOURNMENT:** Special meeting adjourned by mutual consent at 10:05 p.m.

ATTEST:

APPROVED:

Deanna Carbajal
City Clerk

John G. Busch
Mayor, City of Biggs