

**1. Call To Order**

The special meeting of the Biggs City Council was called to order at 9:02 a.m. by Mayor Busch. Councilors Frith, Arnold, and Crawford were present. Staff present: City Administrator Pete Carr, City Planner Scott Friend and City Clerk / Finance Director Deanna Carbajal.

Individuals in the audience included Tom Lando, John Ochipinti, Dale Leishman, Jim Harnish, Kevin Walker, Scott Minard, and Erin Dougherty.

**2. COMMUNITY PARTICIPATION: None.**

**3. SPECIAL BUSINESS – COUNCIL STUDY SESSION: General Plan Amendment versus a General Plan Update. Mayor Busch stated this meeting would adjourn at 11 a.m. and the purpose of the meeting was to inform the newer members of council and staff of the pros and cons of the General Plan Update versus the General Plan Amendment.**

City Administrator Pete Carr stated in the summer of 2006 the council decided not to process multiple plan amendments for competing developers, but instead to embark on a General Plan Update process. In the fall of 2006, council selected Mintier and Associates to write the General Plan Update and Lando and Associates to manage the project. The development community was committed to funding it. The city paid Mr. Lando over \$30,000 for his work over the next four months trying to get a funding agreement in place with the developers. Other staff work including engineering, planning, legal, and administration also resulted in many thousands of unreimbursed expenses to the city. Payments to the consultants were frozen by the city in January 2007. Mintier recently advised the city that they began working on the project and incurred \$28,000 in expenses prior to discovering there was no agreement signed with the city, so they stopped work on the project. Kevin Walker, representing Bill Greer/JTS, had meetings with his funding partners, with Tom Lando, with city staff and landowners throughout 2007. No funding agreement had been produced; however, Mr. Walker reported on a monthly basis that an agreement was close and the funds would be released soon. On March 17, 2008, the city administrator told council he did not feel the Greer funding would happen and proposed to council that alternatives to the expensive concept of the general update process be considered. On March 31, 2008 staff presented to council four options which included the General Plan Update and the General Plan Amendment process. Council heard comments from Mr. Walker about the planning process and additional comments from two landowners. Council directed staff to work with Mr. Walker to produce a plan and a funding arrangement for the process by April 28. Mr. Walker did meet with staff on April 11 by telephone and advised he would provide an analysis comparing the Mintier project with the proposed PMC project. Mr. Ochipinti remained committed and willing to fund his portion of an amendment process or update process. Ben Hampton of Hampton Development also recently expressed similar willingness. His company has an option on the Anderson project and they were interested in developing commercially first and residential later. The city administrator and council agreed to hold this study session today to focus on General Plan Update and General Plan Amendment processes and issues and to hear from the city planner. Pete stated Mintier had contacted him with a new price of

\$780,000 and would be willing to negotiate their price further if the scope was also adjusted further.

City Planner Scott Friend gave background of his intent for the presentation he was about to give. A copy of his PowerPoint presentation was provided which included General Plan background information, review of terminology and technical requirements, and presentation of General Plan options for consideration.

Tom Lando stated a critically important point on specific plans was that once they are adopted, at least for residential, they are exempt from future environmental reviews.

Tom stated instead of General Plan Update or Amendment it should be stated "General Plan, City of Biggs 2008". He felt this would help with the local area formation commission. He said how the city gets there was 100% semantics. He said the city would need to show they had a document that had been updated and how much work that entails in terms of revising the existing elements depended exclusively on how much land was included.

Scott described the Comprehensive Approach which linked all projects together and put everyone in the "same boat". This approach could take at least two years. Scott stated the Piecemeal Method meant all projects were independent of each other. There were risks with this method because you were looking at individual projects. The cumulative impact might not be adequately documented. Tom stated this was not a viable method. He stated if there was one amendment, then maybe this could be done, but not multiple amendments piecemealed. He didn't feel the city could go to LAFCo with more than one amendment.

Pete asked Scott how many times the plan had been amended since its adoption and Scott thought it was amended twice.

Vice Mayor Frith said in the last three years, LAFCo had stated they were not interested in dealing with repeated amendments.

Scott presented the "hybrid" approach to council. He said this would set the framework for the general plan amendments. The developers would pay their own way for their own project. He said this would be the most expeditious of the processes.

Tom stated this was all about where the money would come from. He felt some type of environmental report would need to be completed. He stated again the city would be better served if they went to LAFCo by saying this was the "City of Biggs, General Plan 2008". This meant taking what had been done and adding what needed to be added and it would be smart to get the 2009 Housing Element at the same time. Tom said this came down to two real decisions: who was funding it and what could be afforded, and what was the area.

Mayor Busch opened the discussion to the public and reminded them the comments were limited to three minutes each. There was no response from the public and Mayor Busch closed the public comment.

Councilor Crawford asked what the differences were between the comprehensive approach and the Hybrid Process. Scott stated the comprehensive Approach meant everyone was in this all together until the end; with the Hybrid Process, details come later.

Tom stated the difference he saw with the Hybrid Process was taking a solid document, the General Plan, and going through it page by page and saying depending on the land area you select, what changes need to be made to this; what language changes need to be made to meet the requirements of the law.

Councilor Crawford stated he was not sure if we were on the same page with our codes and our General Plan. He was concerned that no matter what process was chosen, this would not be corrected.

Tom stated the zoning ordinances must comply with the General Plan so money would need to be allocated to redo the zoning ordinances. This would cost around \$50,000. Scott stated when we look at project areas, we also need to look at the infill areas. We would be looking at a build up condition.

Tom stated his impression of the update versus the amendment was it would be an issue at LAFCo and not at the city level.

Scott stated it was his desire to see the city grow and he felt the Hybrid Approach would do this.

Councilor Crawford asked if there was any liability with Mintier and City Attorney Greg Einhorn stated the contract was not signed, because funding never happened, so there was no liability. Councilor Crawford asked what kind of timeframe we would be looking at if we went out to a new RFP. Scott stated from start to finish ninety days.

Tom suggested determining the area that would be covered and having PMC and Mintier submit proposals. He felt there was some obligation to give Mintier another shot at this.

Councilor Arnold asked if the specific portions that the developers wanted could be completed simultaneously with the hybrid method. Scott said yes and no. The General Plan would need to be out in front if the developers were to use it as the foundation for what they are doing their planning on. They would not have to wait until everything was done and accepted before they begin to move forward. Once a preferred land use alternative was chosen, the developers could go about working on their specific plans. Scott said there would be some overlap, but parallel tracking would not be the way to go. Tom said that in theory, a specific plan could go to LAFCo the month after the SOI is approved.

Vice Mayor Frith asked for clarification about issues with contiguity of properties.

Tom stated the issues were you adopt the General Plan and then you go for a sphere amendment. He stated there were two issues on the sphere amendment. On the west side, how would LAFCo feel about ag related issues? Tom stated he had met with Steve Lucas and Steve said he would support it. To the south, there was the Gridley issue. If we go in with a sphere that includes all that property, it would become a sphere issue with LAFCo. If the council said they were only looking at the west side, then it would in fact change the dynamics of LAFCo. Scott stated he wanted it to be clear that LAFCo does have a role in determining the size of the sphere. However, when it comes to the General Plan, that is a local agency decision.

Vice Mayor Frith stated the city establishes the planning area rather than the sphere. He stated our purpose of creating this new planning area was so we did not have to worry about whether or not the properties were contiguous to the city or all of the subsequent properties were contiguous with each other to be a project. He asked if this was required by the property owners at the time they bring their project forward and Tom stated that was correct. Vice Mayor Frith confirmed that for the purposes of getting a General Plan Update we don't need to be concerned with that part of it, if we wind up creating a specific planning area or growth areas, so we can put land uses on it and say this is what our intent is and be able to move forward, so it could go to LAFCo as the other projects are asked to be brought in. Tom said yes, the general plan planning area is whatever council determines it ought to be.

Scott stated the contiguity issue was irrelevant to getting a General Plan done. Councilor Crawford asked if a landowner was willing to be annexed, but not necessarily part of a development project, would that satisfy LAFCo's requirement. Scott stated as long as it was consistent with the General Plan.

Councilor Arnold asked why council had not received this information when they started to think about a General Plan. Scott stated they did talk about it and they were promised as a city it would all be paid for.

Vice Mayor Frith recalled there was a decision in the past regarding specific plans and whether or not they would be done as amendments. The economy of scale was it would be cheaper as a comprehensive and everyone pay their pro rata share. The amendment of specific plan was not looked at favorably at all and yet now we are looking at that option. Scott stated this was because the specific plan approach at that time was being discussed as a piecemeal approach and everyone wanted to go do their own thing. It was not linked with the concept of a skeleton backbone General Plan for the city.

Councilor Arnold asked if the EIR would be done on the worst case scenario. Scott stated you would set forth your desired vision for the area and how that was designed was a physical design issue and that was what the specific plan would look like. Tom stated the General Plan identifies an area and how many people per acre. Scott stated if you deviate from this, you must show the impact of the deviation.

Councilor Arnold asked if the city would have to have a second EIR. Scott stated if you do a specific plan, you would do your own EIR, but you would be exempt from further environmental reviews. He said if the cumulative analysis was exhaustive enough, it would not be inconceivable that on smaller pieces you could do it with negative declarations that tier off of your EIR General Plan. Scott said the distinguishing characteristic between EIR and not EIR is ultimately the site.

Councilor Crawford was concerned that if we end up with 3 or 4 houses per acre, would the players still be standing here? Tom's response was there had to be enough of an economic return to extend the utilities to the area and specifically for us to get the Dakotas surrounded with infrastructure. He said whether it was three or four or five units per acre for a single family, it would not be low income just because of the cost of producing it today. The market today does not make it financially feasible on those densities. The problem for the community would be to meet its fair share in low to moderate income. He did not believe

anything they were talking about would be a product that the community would not be proud of and add value to the community.

Mayor Busch asked for clarification of the framework general plan. He stated once the circle was drawn around and the group of developers decide they want to build in growth areas, would any part of this need to go back to LAFCo since it was already included in the General Plan. Scott stated every part of this would have to go back to LAFCo because ultimately it would have to be in the sphere amendment, which is identification of how we are going to extend services. Everything that is outside of the green line on our map today will go to LAFCo. Mayor Busch asked what the limits of LAFCo were in terms of forced annexation. Scott stated if it were an uninhabited annexation area which was less than twelve registered voters, LAFCo could compel annexation at any point. If it was an inhabited annexation and you apply to annex it and it was challenged, it goes to a vote of the people. If more than 51% of the registered voter population votes no, they can kill the annexation. Tom stated the uninhabited annexation is a protest by acreage. If less than 25% of the acreage was less than 25% of the value protest, LAFCo can force them in. For the registered voter protest, it is based on number of registered voters. Between 25% and 50% goes to an election, and if it is over 50%, annexation is dead. Annexation is a separate issue from the General Plan.

Vice Mayor Frith stated if we have a viable General Plan that encompasses the entire area as we perceived it, we now have one or two or three projects that come forward, and one or two of them have contiguity issues that either don't want to be part of the project, should that property owner that has no interest in being part of that project, but doesn't have an objection to being annexed into the city to accept the services the city provides, would that meet the litmus test for LAFCo to approve that project even though there might be a segment between, that is not part of that project. Scott stated yes; however, if the economics are right, the land will probably domino and become part of the project.

Pete asked how the term "pre-zone" fit into the processes they were talking about. Scott stated you must pre-zone a project before you apply to LAFCo for annexation. You have to establish city zoning that becomes effective, and you have six months after annexation to do it. Scott said before you would go to annex, which really is an implementation phase after the General Plan, you would apply city zoning on the project, so when you go to LAFCo they will know what the zoning will be when it comes into the city. It adds certainty to the city's intent on property when they annex. Tom stated there were actually several ways to go. You can do the General Plan and come back in and zone property, pre-zone because it is not in the city. If you are doing a zoning ordinance as part of the General Plan and you have enough specificity, you may want to pre-zone with the General Plan. Tom stated that was a call council would make and it would be to their benefit for a variety of reasons to have the area pre-zoned.

Vice Mayor Frith said it had been stated that LAFCo would like to have a geometrically compact city and with what we have going here, if this was to ever happen, we would now change that dynamics and Scott said yes. Vice Mayor Frith asked if that was a bad thing or was it detrimental to whatever we were trying to do or was it just the animal that it was. Scott stated the charge of LAFCo is logical and orderly extension and provision of services. If it happens to be linear, but it is logical and orderly and progresses in a way that is rational and thought out, Scott stated "It is what it is".

Mayor Busch stated he had an entirely different view of LAFCo today than he had three years ago. He felt setting on the board of LAFCo had been very educational and he found that everyone on the board was professional and did a good job.

Councilor Crawford asked if there was a component to take a good faith deposit from interested parties. Scott stated in the funding deposit there was an upfront percentage that was put out at the beginning. Tom stated this issue was about what the area was and how the plan would be funded. Scott stated it was possible to get a percentage up front. Once we know the boundaries and the scope and we identify the costs, the developers can participate if they choose. Councilor Crawford felt this would make the developers more committed.

Mayor Busch closed the discussion on the General Plan.

**4. EMERGENCY ITEM:**

Pete stated an opportunity had surfaced in the last few days with an understanding that SunWest had purchased the last remaining parcel from Donna Bayles in the Biggs square of what Pete called their campus. Pete stated the gentleman's agreement was that someday the city would abandon the portion of Eighth Street, which Pete pointed out on the map, to the mill. The mill was the only users of this portion of the street. Pete suggested that SunWest keep the road and maintain it and bring it to whatever standard they want and then SunWest would have control as a company of all of that land.

Motion/Second to place this item on the agenda as an added emergency action item.  
(Frith/Arnold, MCU)

Pete stated the value of what it would cost to bring this road up to city standard could be placed on Eighth Street between B and Bannock Street. If they take that value and repave this road which is damaged from their trucks anyway, then the money we would be spending there could be put on some other road that was the next worst. Pete stated the pavers would be here this week and the best bang for the buck would be to have American Engineering pave that part of the road. Pete didn't know if the prep work could be done in time and he was working with the engineers on that. California Engineering would estimate what it would have cost to bring this to city standards and an engineers estimate of what the value of the paving would be. If the values work out to be at least a net even for SunWest and not a negative for the city, we would both end up with a better situation than we are in today.

Vice Mayor Frith felt it would be in the best interest of all parties if they could strike a deal with the mill and authorize the city administrator to enter into negotiations. As part of those negotiations, to keep it cost neutral for everyone, that all the costs be part of the calculations. If there was a document that needed signing by the mayor, he would be available by fax or there would be two other councilors available in town.

Pete stated they would write into the agreement that in the event SunWest sold to someone else who would need access to it, they would have to bring that portion of the road up to our standards and dedicate it to us. Scott stated we would want to do an exemption under CEQA on the land swap.

MINUTES OF THE CITY OF BIGGS  
SPECIAL COUNCIL MEETING

April 18, 2008

Councilor Crawford suggested it may be better to repair West Biggs Gridley Road if the numbers worked out.

Motion/Second to direct Pete to enter into negotiations with SunWest with regards to the exchange, repair, valuation of the street properties and any subsequent improvement and or purchases that could be made from that and to keep it as cost neutral as we can and to also sign subsequent agreement. Mayor Busch stated if it became necessary for him to sign it, it could be done by fax. (Greg stated the actual agreement to effect the abandonment or vacation of the street in exchange for a certain amount of paving work can be done with a fax or designate a council member that would be in town would be fine. He felt it would have to come back to the council with the formal vacation of the street, but it was just affecting a part of the transaction. Scott asked if this was a resolution and Greg said yes and it could be done at the next regular council meeting. Councilor Arnold asked if the abandonment would have to be posted in the paper and Greg stated there was a summary process version of that. Scott stated there was a procedure the city had to go through and the motion was incorporating the understanding that “Do what you need to do to effectuate the action and then we will come back.”) Councilor Crawford would be designated as the available council member.  
(Frith/Arnold, MCU)

5. **ADJOURNMENT:** Meeting adjourned at 11:04 a.m.

ATTEST:

APPROVED:

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Deanna Carbajal  
City Clerk

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John G. Busch  
Mayor, City of Biggs