

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

June 16, 2008

The regular council meeting was called to order at 6:05 p.m. by Mayor John Busch. Vice Mayor Frith and Councilors Crawford and Arnold were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, Engineering Staff Pauline Palmer and Mike Vasquez and City Clerk / Finance Director Deanna Carbajal.

**1. COMMUNITY PARTICIPATION:** None

**2. UNFINISHED BUSINESS:**

**Discussion/Action:** Consider accepting fiscal year 06-07 financial audit as presented by Smith and Newell, CPAs. Vice Mayor Frith stated the city did not have the staff to create the separation of duties the audit was asking for.

Motion/Second to accept the 2006-2007 Financial Audit as stated. (Frith/Busch, MCU)

**3. NEW BUSINESS:**

**A. Discussion/Action:** Consider proposed inter-fund transfers for Fiscal Year 2007-2008 and adopt proposed budget and electric rate for 2008-2009. City Administrator Pete Carr stated the escalating power costs were the main driving factor in the budget. Vice Mayor Frith felt the rate increase and the budget should have been two separate resolutions. He believed if a rate increase was addressed, the budget would also have to be addressed.

City Attorney Greg Einhorn stated the rate structure was in place by resolution adopted a few years ago and it rises with the CPI and that would need to be reconfigured.

Pete stated public safety costs had gone up 212% over the last five years and there was no revenue source attached to these costs. Pete emphasized the city hall budget was not the issue. The COPS funding would likely be cut, but not completely and the \$100,000 minimum would probably remain. Global economics were driving oil and gas prices; greenhouse gases were driving up energy prices. Electric cost increases for 2007/08 totaled almost \$500,000 more than budgeted and looking ahead; NCPA suggested a 14.7% increase in the cost of having the electric utility. After much discussion of electric rates, Greg suggested adopting the budget with assumption of electric rate increase tonight, then adopt an electric rate resolution at a subsequent meeting.

*Resolution 2008-13* Resolution Of The City Council Of The City Of Biggs Adopting The Proposed Budget For The City Of Biggs Entitled "2008-2009 Budget, City Of Biggs".  
(Busch/Arnold, MCU)

Mayor Busch wanted to make it clear that at the next meeting, there would be another resolution dealing with the manner and the amounts the electric rates would increase.

Motion/Second to authorize the city administrator to perform inter-fund transfers for Fiscal Year 2007-2008. (Frith/Crawford, MCU)

Council set July 1, 2008, 6 p.m., for a special meeting to study electric costs and rates.

*Resolution 2008-14* Resolution Of The City Council Of The City Of Biggs Adopting The “GANN” Appropriation Limit For Fiscal Year 2008-2009. (Arnold/Frith, MCU)

**B. Discussion/Action:** Consider adding 8% administrative fee to pass-through billings.

*Resolution 2008-15* Resolution Of The City Council Of The City Of Biggs Amending City Fee Schedule And Providing For Oversight Costs In Pass Through Agreements. (Frith/Busch, MCU)

**C. Discussion/Action:** Consider concluding the existing agreement with Tom Lando for General Plan Update management services, and settling of outstanding account balance. Pete stated the scope had changed for this project. Tom was not compensated for his last invoice due to the funds being frozen. Pete spoke with Tom and Tom agreed to conclude his agreement. Mayor Busch asked if Pete was asking to pay Tom \$10,000 and move on. Pete felt it was important to offer some compensation for work Tom did at the city’s request.

Greg stated Tom was paid until the end of 2006 when John Dougherty issued a moratorium. Greg stated there was no liability under the contract because it was stopped in January of 2007, as it was with everyone else. Tom continued to work on the General Plan Update.

Councilor Crawford asked if John Dougherty’s suspension of payments was a termination of the contract or a suspension of the contract. Greg said it was a statement to everyone not to do any more work under whatever contract or arrangement they had. Greg said Tom was doing work outside of the contractual agreement. Tom stated he would work and defer payment. Mayor Busch felt if the city did not pay Tom, there would be negative publicity for the city and he said Tom did good work for the city.

Councilor Crawford wanted to be clear this payment had nothing to do with the contract and that it was work done on behalf of the city. Councilor Arnold asked if we were giving away public funds as a “Thank you”. Greg felt that council had direct knowledge of the value of the work that was performed and it was for the benefit of the citizens.

Councilor Arnold asked if this payment would be included in the General Plan Update fund and Pete said yes. Vice Mayor Frith asked if this would end all efforts that had been undertaken and Pete said yes. Councilor Crawford suggested waiting until funding was received and then pay Tom.

Motion/Second to conclude the existing agreement with Tom Lando for General Plan Update Management Services and settle all of the outstanding account balance as presented. (Frith/Arnold, MCU)

**4. CONSENT CALENDAR:** Motion/Second to accept the consent calendar as presented. (Frith/Busch, MCU)

**5. DEPARTMENT REPORTS:**

*A. Public Safety:*

1. Police Department. Mayor Busch stated he and Pete met with Police Chief Gary Keeler and discussed citizen concerns and costs of police service. Vice Mayor Frith

recommended having a member of the police department present at periodic council meetings.

2. Fire Department. Nothing to report.
3. Flood Control JPA. Mayor Busch stated the JPA adopted a budget of \$4,501,450. He stated if the project did not directly affect a city, there will be no assessment. Mayor Busch stated a feasibility study would be reinstated.

Mayor Busch said he attended a SCORE meeting and he learned the number one cause of loss was due to sewer back-up. All needed contracts were adopted and the cost increase was not as much as anticipated.

*B. Planning Department:*

1. Department Activity Report – May 2008 / June 2008. City Planner Scott Friend reviewed the planning activity report with council.
2. Consider City of Biggs Municipal Service Review. Scott reminded council the MSR was required as a service provider in the State of California. If the city wanted to amend their sphere, they must have documented that they currently can provide an adequate level of coverage and can be effective in providing services to our recipient population. Scott stated he believed the MSR document was adequate, reasonable and acceptable to staff. The process at this point was to have the document accepted by the Biggs City Council and then forward it to LAFCO for formal hearings before their board. Scott recommended council study and accept the final MSR at its July meeting and authorize staff to submit it to LAFCO. Councilor Crawford pointed out that his name was spelled wrong in the document.

Pete asked to add a planning related item to the agenda. He stated one of the prospective firms to respond to the RFP was asking for an extension.

Greg acknowledged this was an item that needed attention before the next meeting.

Motion/Second to add this item to the agenda for discussion. (Frith/Crawford, MCU)

Pete informed council the firm was asking for a two week extension. Councilor Crawford was concerned about the cost to the city if an extension was granted.

Motion/Second that we do not grant the extension as requested. (Tied Vote: Busch/Frith; Noes: Crawford, Arnold)

Motion/Second to allow a two week extension, only if the firm pays for administration fees and the firm has 48 hours to respond. (Pete stated he would give only three hours.) (Tied Vote: Arnold/Crawford; Noes: Frith, Busch)

Vote deadlocked and item died.

Mayor Busch asked Scott how construction of infrastructure could begin on Fourth Street without a map. Scott said North Biggs Estates project came before council about 18 months ago asking for a General Plan Amendment, a Pre-Zoning, an Annexation,

and a Tentative Subdivision Map. The document that gives them authority to do work now is the Tentative Subdivision Map. The final map will not come back to council until all the infrastructure is in the ground to the satisfaction of the city and it is a perfunctory administrative act on council's part to approve the final map. The final map is a validation that they installed the utilities correctly and to city standards.

Councilor Crawford asked if the impact fees from this project could be applied to the General Plan Update. Scott said the portion of the impact fee related to general government services could be. Maps are a division of the land. Buildings cannot be built on the land until it goes through the county plan review process to get a building permit.

3. Code Enforcement Activity Report – May 2008 to present was presented to council.

C. *City Engineer:*

Project Updates.

1. Westside Storm Drain Rehabilitation Project. Engineering Staff Pauline Palmer stated staff was working with Biggs-Gridley Electric to provide a needed transformer at the storm drain lift station.
2. USDA Water Rehabilitation Project. Pauline stated a walkthrough with the Public Works Committee was scheduled for 10 a.m. tomorrow morning.
3. Safe Routes to School / TE / C Street / Prop 1B. Pauline said this project was scheduled to go out to bid in July with construction to begin in August.

Engineering staff held a public outreach meeting on June 11, 2008 to inform the public of improvements around their area and the only one that attended was the school district superintendent. Mary Frith pointed out June 11 was Biggs' Eighth Grade Graduation.

Mayor Busch suggested having another meeting closer to the start of construction and Mike Vasquez stated he could have a modified meeting having one engineer instead of four to reduce costs.

- D. *Public Works.* Vice Mayor Frith stated he had been asking for a list of items the city would like to prioritize. This would enable council to make decisions on how much money to set aside and from which funds. He said until there was a list of needs, council would not be able to make a decision.

Pete stated Hayden Wasser and Paul Pratt were working on a very detailed inventory list. Pete said he had started a list of needs, but did not have it finished.

- E. *Electric Department – NCPA:* Vice Mayor Frith stated the city had one megawatt invested in the Lodi energy park. The city pays as the project goes through its phases.

Councilor Arnold asked if there was a penalty that could be charged to SunWest on days they cut their work shifts, because the city had already purchased the electricity.

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Councilor Crawford was not sure if enough funds were built into the budget to offset the upcoming sewer plant. Pete stated Psomas would be coming to council in August with recommendations. Vice Mayor Frith stated the budget could be amended.

*F. BCAG/Air Quality:* Councilor Arnold stated the cost of a study for a stoplight at Rio Bonito and Highway 99 would be \$1 million.

Councilor Arnold stated he was concerned that the City of Biggs burn permits were consolidated with the county and he was told this was only temporary.

*G. Finance Department:* Nothing to report.

*H. City Administrator:* Nothing to report.

**6. ADJOURNMENT:** Meeting adjourned by mutual consent at 9:46 p.m.

ATTEST:

APPROVED:

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Deanna Carbajal  
City Clerk

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John G. Busch  
Mayor, City of Biggs