

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Vice Mayor Frith. Councilors Crawford and Arnold were present. Mayor Busch absent. 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:

A. Citizen's comments. None

B. Consider request for changes to North Biggs Estates Project by Evelyn Lund. City Administrator Pete Carr stated Mrs. Lund, on behalf of Indian Hill Land Company, was asking the city to require the developer of North Biggs Estates to install a barrier wall or fence between her property and the development's linear park. The plans for this project were approved in a public hearing in 2006. The Indian Hill Land Company did not comment on the plans at that time, but recently Mrs. Lund approached the city to express her concern about the project. It is staff's opinion the city cannot legally compel the developer to install a barrier.

Mrs. Lund stated her concerns about children entering her alfalfa field and the drainage of the property. She mainly wanted a barrier to block access to her property.

Engineering Staff Mike Vasquez stated developments are built with their own drainage; but he would verify this, in this case.

Councilor Arnold suggested meeting with the developer and discussing the installation of a barrier. City Planner Scott Friend stated we could not require the developer to install a barrier. City code does not require a perimeter fence, only fencing of individual lots.

Vice Mayor Frith stated the city would encourage the developer to meet Mrs. Lund's request, but legally they could not require it.

2. UNFINISHED BUSINESS:

A. Downtown Revitalization Study Project. Marc Nemanic gave a brief update on the project. He stated property owners were contacted for a possible tour and structural survey of their building, but the owners were reluctant.

Scott reminded council the purpose of the study was to define the condition of downtown and the options relative to cost.

B. Marijuana draft local ordinance. Pete stated council had considered state and federal laws relating to marijuana cultivation, as well as Gridley's recent code changes on this matter. The ordinance would be made to address nuisance and would be enforced by code enforcement.

Greg stated the focus was on what the actual problems were with cultivation of marijuana, which included growing marijuana that could be seen and smelled. When the public can see the growth of marijuana it becomes a crime issue.

Scott was concerned what constitutes a reasonable visual view of marijuana in terms of code enforcement.

Councilor Crawford read the ordinance the City of Gridley adopted describing enclosure requirements for indoor marijuana growth. He felt this should be added to the City of Biggs ordinance and Greg said this requirement could be included but might be difficult to enforce. Councilor Arnold agreed with Councilor Crawford.

Greg said he would make adjustments to the ordinance to include what Gridley's ordinance said about indoor growth and there would also be a revised amendment to the nuisance code.

3. **CONSENT CALENDAR:** Councilor Crawford asked to pull item D for review with Chief Keeler. Councilor Crawford asked Chief Keeler why there was a significant increase in the felony arrests year to date. Chief Keeler said the number was off by 30. There was not a significant increase in crime; however, DUI's were up. Chief Keeler stated he received training on reverse 911 and individuals could go online to the City of Gridley's website and add their information to the data base.

Motion/Second to approve consent calendar items including item D. (Arnold/Crawford, MCU, Absent: Busch)

2. UNFINISHED BUSINESS:

C. Consider interest agreements for alternative energy projects. Pete stated the city attorney drafted an original letter of agreement. Council had identified the top three alternatives they were interested in at the last meeting and of the three, one had dropped out leaving Dr.

Balachandra with EnerGeon and Bridge View Resources LLC (BVR). Dr. Balachandra was happy with the agreement and had already signed it. If council was pleased with this, staff could sign the agreement to enable Dr. Balachandra to get the financing he needed to proceed with the project. Bridge View asked to be compensated \$50,000 if the City of Biggs were to use their intellectual property with some other developer. Pete stated he did add this statement to the letter of interest for Bridge View.

Pete stated he did put in writing separately to Dr. Balachandra that if his request included contract engineering or planning time, a deposit would need to be made up front. Pete had not kept track of his time or the city attorney's used this far.

Vice Mayor Frith asked for discussion on the letter of interest with EnerGeon.

Councilor Crawford was concerned about obligating resources that would be undefined for the staff. Councilor Arnold had the same concerns.

Motion/Second to sign the letter with EnerGeon without modification.
(Crawford/Arnold, MCU, Absent: Busch)

Pete stated Steven Greenburg of BVR wanted some exclusivity. He was asking for at least 90 days to have the exclusive right to discuss energy projects with the city except for developers that had already spoken to Biggs. Pete stated it was possible another developer with more ability could come along in that time period.

Councilor Crawford was reluctant to say no one else could discuss projects with the city. He did not want to limit the city's ability in the future to develop an industry. Councilor Arnold had the same concerns. Councilor Crawford recommended asking BVR to be very specific about a scope they were interested in doing and bring back a new Exhibit A that is limiting to that scope and does not restrict the city to a particular vendor, but only to a certain type of energy source. Councilor Arnold asked to strike the \$50,000 compensation from the letter.

Vice Mayor Frith recommended Pete speak to BVR and have the letter of interest re-written, incorporating the language discussed by defining scope and eliminating the financial commitment.

Pete confirmed with council if the scope was sufficiently narrowed, council would give BVR exclusivity for the project and council agreed, but without the financial commitment.

4. DEPARTMENT REPORTS:

A. Public Safety. Nothing to report

B. Public Works. Vice Mayor Frith stated a well went down last week and the issue has been resolved.

C. Planning Department.

1. Scott reviewed the Planning Department Activity Report – September 2008 / October 2008 with council which was included in the agenda packet. Scott stated there would be a downtown revitalization workshop on the 28th of October at 5:30 p.m. in the council room and suggested a member of council attend the meeting. Councilor Crawford would attend the meeting.

Scott gave council a handout discussing SB 375, the Global Warming Solutions Act of 2006. He explained the requirements for implementation.

2. September 2008 Code Enforcement Activity Report was presented to council in the agenda packet.

D. Engineer:

1. Project Updates.

- a. Westside Storm Drain Rehabilitation Project. Engineering Staff Pauline Palmer stated the transformer had arrived and would be installed next week.
 - b. USDA Well Rehabilitation Project. Engineering Staff met with the contractor and went over the scope of the project. USDA will need to issue a change order before the work can begin. Mike estimated the work scope change to be about \$400,000. Mike stated the rehabilitation of the well can be done during the wet season.
 - c. North Biggs Estates. The waterline is being installed on the northern half of the project and the storm drain and sewer lines were being installed on the southern half.
 - d. Safe Routes to School/TEA/Prop 1B/West Biggs Gridley Road. Concrete work should begin this week as well as pulverization of the roads. The contractor was reminded to notify residents of work in advance. They were still waiting for telephone poles to be moved.
 - e. Sixth Street Bridge Rehabilitation. The environmental document submittal is about three weeks behind schedule. The construction should still begin in the spring of 2009.
- E. Electric Department: NCPA Update.* Pete had been procuring power to help stabilize utility rates.
- F. BCAG/Air Quality.* Councilor Arnold would not be available to attend meetings this week and Pete would ask the mayor to attend as the alternate.
- G. Finance Department.* Informational – City Clerk/Finance Director Deanna Carbajal reviewed the Department Activity Report – September 2008/October 2008 which was included in the agenda packet.
- H. City Administrator:*
1. Informational: Pete reviewed the Un-audited Close-out of Fiscal Year 2007-08 provided in the agenda with council.
 2. Verbal update.
 - a. General Plan Update financing. Pete said he had verbal commitments from two important landowners to participate with the financing of the General Plan Update. Pete will give them another 45 days to participate.
 - b. City website design was in progress.
 - c. Wildlife Festival: October 10 – 11, 2009. Pete attended the inaugural banquet last week.
 - d. Scheduling emergency preparedness study session. The study session will take place in Mid-November.
 - e. Code enforcement calibration of assertiveness. Pete asked council how aggressive they wanted code enforcement to be. Vice Mayor Frith stated the code enforcement program required residents to fill out a complaint form and sign it. Many residents are afraid of retaliation. He stated if the city relies on a complaint based system, there will always be too much or too little enforcement.

Greg stated there were two kinds of complaints. People can complain anonymously about things that are visible to the public. A lot of code enforcement has to do with things that are visible to only a few people. There is a due process right to the person

being charged. They have a right to know who is complaining about them and what the complaint is.

Vice Mayor Frith felt code enforcement was too soft. Councilors Arnold and Crawford would like to see photos of questionable code enforcement issues.

f. Pete stated there was a conference in Tulare concerning biomass for the ag industry November 5th & 6th with a cost of about \$1000. Mayor Busch asked that Vice Mayor Frith and Pete attend the meeting. Councilor Arnold agreed someone should attend.

5. **RESOLUTION:** *Resolution 2008-20* “Resolution Of The City Council Of The City Of Biggs Opposing Proposition 7; The Solar And Clean Energy Act Of 2008.”
(Crawford/Arnold, MCU, Absent: Busch)

6. **INFORMATIONAL:** Councilor Arnold commented the corner of B and Second Street was looking good. C and Second had growth over the sidewalk and Pete said it would be cut back farther.

7. **ADJOURNMENT:** Meeting adjourned by mutual consent at 9:42 p.m.

ATTEST:

APPROVED:

Deanna Carbajal
City Clerk

John G. Busch
Mayor, City of Biggs