

Call To Order

The regular council meeting was called to order at 6:01 p.m. by Mayor Frith. Vice Mayor Crawford and Councilors Busch, Thompson and Arnold were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, Planning Staff Nick Ferracone, Engineering Staff Pauline Palmer and Mike Vasquez, and City Clerk / Finance Director Deanna Carbajal.

1. **COMMUNITY PARTICIPATION:** Brenda Rinne expressed her concerns about the language and actions of the children in the city. She was asking if there was anything that could be done to help with this problem. Mayor Frith suggested asking her neighbors or the city administrator for help and return to council if she had ideas for solutions.

2. **UNFINISHED BUSINESS:**

A. Discussion/Informational: “Burn-Down Letter” Issuance and Planning Department Policy (Haury). City Planner Scott Friend stated a “Burn Down Letter” was issued to Mr. Haury.

Wendy Haury stated the “Burn-Down Letter” said she would not be able to rebuild her home if it were more than 75% destroyed. She stated lenders would not accept this and she was not able to get a loan. Mike Haury asked for a zoning change.

Pete stated the “Burn-Down Letter” issued to the Haurys was according to city code and staff did not have the discretion to go beyond what was written in the code.

Mayor Frith asked what the process would be to change a percentage or change a use within a zone. Scott stated a text amendment could change a use within a zone but questioned what the lender’s tolerance would allow.

Mayor Frith stated Councilor Thompson would seek information about lending institutions and council would investigate legislatively what could be done to deal with this type of issue in the future before a decision could be made. The Haurys would be notified when pertinent information became available.

B. Discussion/Action: Implementation of meter-based billing for metered water customers. Pete gave background on parallel billing. He said the sixth month would be completed this month and residents would be notified in January of the change to their February bills.

Motion/Second to direct staff to implement the meter-based billing for metered water customers. (Frith/Thompson, MCU)

3. **CONSENT CALENDAR:**

Motion/Second to approve the consent calendar. (Busch/Crawford, MCU)

4. **NEW BUSINESS:**

A. Discussion/Action: Council was asked to consider issues with current business license rates and enforcement, determine solutions, and direct staff accordingly. Pete stated he had three issues to discuss. He noted that worker's compensation verification was no longer required by the state and businesses are being notified of this. Pete felt it was impractical for the police department to enforce business licenses in the city and he felt code enforcement could inspect for licenses. He stated Biggs collects \$30 per unit for landlords which is not typical in other cities.

Pete's first recommendation was to require the full payment of outstanding license fees and late penalties of 10% for each year the license was not paid. The second recommendation was to shift the responsibility for business license enforcement from the police to code enforcement. Third, require one license for owners of rental residential dwellings no matter how many they have. Also, require a license for owners of commercial property which is not currently required.

Mayor Frith turned the discussion over to Vice Mayor Crawford and abstained from all discussion and vote.

City Attorney Greg Einhorn stated fees could be enforced through a lien on property.

Councilor Busch asked how situations would be handled with individuals that had not paid their business license fee in many years. He asked if violation of the code would be an infraction or a misdemeanor.

Greg stated if law enforcement was removed, it would be treated as an infraction.

Councilor Thompson stated she would also abstain from the discussion.

Pete suggested amnesty should not be allowed for those businesses that had not paid their licenses.

Councilor Busch suggested having varying fees depending upon the type of business. Vice Mayor Crawford felt a basic fee and an additional fee per unit would be appropriate.

Council agreed there should be no amnesty for businesses that had not paid their license fees for many years and enforcement should be shifted to code enforcement. Pete would return to council with draft implementing code.

B. Discussion/Action: Council was asked to consider options regarding potential reorganization of recreation and park districts for south Butte County, and provide comments to LAFCO. Option 1: expansion of the Richvale Park District to include Gridley and Biggs. Option 2: consolidation of existing Biggs and Gridley entities into formation of a new recreation and park district. Richvale could join at a later time. Option 3: no substantial change, analyze each agency individually. Pete met with the school district superintendent and his preference was similar to Pete which was to have no substantial change. The school district board had not taken a position.

Council agreed option 3 would be the best choice and directed Pete to notify LAFCO.

- C. Discussion/Action: Council member tax status. Greg stated council members were employees and should be treated as such. W-2 forms should be distributed to council members rather than 1099 forms. Greg would follow up on this matter.

Expense reimbursement allowances. Pete stated the city policies and procedures manual provides reimbursement for certain expenses. It was recently asked if cell phone use for city business was included in this reimbursement.

Vice Mayor Crawford stated he would absorb the extra minutes but felt the mayor could have a separate phone. Councilor Busch stated council should have an avenue to be reimbursed for business calls made or received on their personal cell phones. Pete understood current city policy should be interpreted to include council member reimbursement for council phone and printing costs, to the extent they are costs related to city business.

## 5. PUBLIC HEARINGS:

- A. TPM2008-001 (Kelleher) Consider application for Tentative Parcel Map to split an existing parcel of land generally located in the City of Biggs, on the west side of Sixth Street between Chatfield and Dakota Avenues – APN 022-160-070.
1. Staff comments. Vice Mayor Crawford abstained from this discussion. Scott stated the applicant was present at the meeting earlier, but had to leave for another engagement. The applicant had read the staff report and concurred with the findings and recommendations of staff. Nick Ferracone reviewed the staff report included in the agenda packet.
  2. Open the hearing to the public.
    - a. Proponents. None
    - b. Opponents. None
    - c. Proponents rebuttal. None
    - d. Opponents rebuttal. None
  3. Close hearing to the public.
  4. Council discussion. Councilor Arnold stated the driveway approach should be paved. Scott said the city does not have a rural standard for apron approaches. Mayor Frith asked if it was beyond the city's authority to require a paved apron. Scott stated a discretionary condition could be made to the map approval. Doug asked if a noise barrier was required. Scott stated because the physical structure was not being altered and the use was not different, noise conditions did not apply.

Motion/Second to approve the environmental review and that the project is exempt from CEQA. (Scott cited section 15315 for the record). (Frith/Busch, MC, Abstain: Crawford)

*RESOLUTION 2009-02* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR TENTATIVE PARCEL MAP TPM2008-001 (KELLEHER) APN 022-160-070." (Scott added it was subject to the modified conditions of approval (require driveway apron paving) and the findings. Councilor Arnold asked if the map was in the final states and could changes be made to it? Scott stated it was in the final stages relative to what can be done to it. It would

formally come back to council in an administrative function to adopt the final map.)  
(Frith/Thompson, MC, Abstain: Crawford)

B. VAR2008-001/PTM2008-002 (Frith) Consider Variance and Tentative Parcel Map to split a parcel of land within the Downtown Commercial (C-D) zoning district, located on the north side of B Street between Sixth and Seventh Streets, APN 001-061-010.

1. Staff comments. Mayor Frith abstained from this item and left the room. Nick Ferracone reviewed the staff report in the agenda packet. He noted he transposed two facts in the staff report on page 90 which should state the narrower of the two structures is the current location of Frith's Thanks-A-Latte and the wider configures as an office building. Scott stated the two buildings were separately metered.
2. Open the hearing to the public.
  - a. Proponents. Mary Frith hoped this split would help the downtown area grow.
  - b. Opponents.
  - c. Proponents rebuttal.
  - d. Opponents rebuttal.
3. Close hearing to the public.
4. Council discussion.

Motion/Second that the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) section 15305 and 15061(b)(3). (Arnold/Busch, MC, Abstain: Frith)

Motion/Second to approve the specific findings for the variance as shown in items A – E.  
(Arnold/Thompson, MC, Abstain: Frith)

*RESOLUTION 2009-03* “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR A VARIANCE AND TENTATIVE PARCEL MAP VAR2008-001/TPM2008-002 (FRITH) APN 001-061-010.” Subject to the findings on attachment E and the conditions of approval shown on attachment C (included in resolution). (Busch/Crawford, MC, Abstain: Frith)

**6. DEPARTMENT REPORTS:**

- A. Public Safety. Mayor Frith and Pete met with Chief Keeler and discussed issues in the City of Biggs.
- B. Public Works. Mayor Frith noted repair of the sewer failure on C Street had been accomplished successfully. A manhole may need to be added on D Street in the future.
- C. Electric. Mayor Frith attended a meeting in Sacramento last Wednesday and Thursday. No new information to report.
- D. BCAG/Air Quality/Solid Waste. Councilor Thompson met with Jim Waggoner. Councilor Arnold had nothing to report on solid waste.
- E. Other commission reports. Councilor Thompson reported the teen center went back into operation this week with a new director. The Girl Scouts were no longer involved; it was

now being run by the Butte County Office of Education. Pete stated there should be a new agreement since the center has changed hands. Mayor Frith asked for a teen center report to be on a future council agenda.

Councilor Busch attended the SCORE meeting and he stated liability and worker's comp claims were on the increase for the JPA.

F. Planning Department.

1. Informational:

City Planner Scott Friend reviewed the Planning Department Activity Report – December 2008 / January 2009 included in the council agenda packet.

2. Draft Cost of Services Study: Land Development Fees. Scott gave a presentation on Land Development Fee Cost of Services Study. Scott noted this was not an impact fee study, rather a study of fees for services rendered. The City of Biggs was collecting well under 50%, sometimes less than 10% of the true cost of services rendered. Scott presented recommendations for an updated fee schedule and asked for council feedback.

Vice Mayor Crawford suggested including actual costs on the Appendix A Matrix.

Council needed more time to study the fee schedule information and it was decided to re-agendize this item.

3. The December 2008 Code Enforcement Activity Report was presented to council in the agenda packet. Mayor Frith asked that Code Enforcement be more high profile by providing a distinctive uniform to identify the officer. He felt visualization was important. Vice Mayor Crawford suggested applying magnetic signs to the code enforcement vehicle.

G. Engineer:

1. Project Updates by Mike Vasquez

- a. Westside Storm Drain Rehabilitation Project. This project is complete and a notice of completion will be filed.
- b. USDA Well Rehabilitation Project. A meeting was held with the Public Works Committee on December 12, 2008. The first phase of the project will be to set a generator on the Second Street well.
- c. USDA Waterline Project. Concerning the sewer line puncture by water service contractor, a letter was sent out to the contractor, the bonding company, insurance company and anyone involved in the project. A letter was received back from the bonding company. A map had been prepared to give to local video contractors for estimates. One estimate of \$35,000 was received and the bonding company asked for more estimates. The next step would be to have the lines videoed.
- d. North Biggs Estates. This project will not resume until spring.
- e. Safe Routes to School/TEA/Prop 1B/West Biggs Gridley Road. Mike and Pauline drove the project with the contractor to identify work to be completed for

winterization. Councilor Arnold asked when the contractor would start work again and Mike said after April 1, 2009.

- f. Sixth Street Bridge Rehabilitation. A public works committee meeting will be scheduled to bring in a draft design for council.

2. Discussion/Action: Trenching in New / Existing Paved Roadways. Mike wanted to begin the process of formally approving a requirement that states contractors or whoever works within newly paved roads cannot open cut those roads. He suggested that no trenching be permitted on any street that has been constructed or overlaid within the last five years. Mayor Frith suggested having a discussion with the Public Works Committee and then bring back that information to council.

#### H. Finance Department.

1. Informational – City Clerk/Finance Director Deanna Carbajal reviewed the Department Activity Report – December 2008 / January 2009 included in the agenda packet.
2. Discussion/Action: Investment Policy. Deanna asked council to review and approve the investment policy included in the agenda packet.

Motion/Second to approve the investment policy. (Busch/Crawford, MCU)

#### I. City Administrator:

1. Discussion:
  - a. Pete stated the emergency preparedness planning checklists were in draft stages.
  - b. Federal economic stimulus infrastructure projects were discussed with council. Pete presented a list of infrastructure projects which he and the engineers identified. Most of the projects were already on the city's wish list.
  - c. Pete gave an update on recently awarded CDBG-PTA grants. The downtown economic grant report would be presented at the next council meeting.
  - d. February Council meeting agenda topics and schedule. Pete stated he would like to have an executive session concerning a real estate transaction and an offer on the city owned home. Council agreed to meet at 6 p.m. on January 28, 2009.

7. **ADJOURNMENT:** Meeting adjourned by mutual consent at 11:16 p.m.

MINUTES OF THE CITY OF BIGGS  
REGULAR COUNCIL MEETING

January 26, 2009

ATTEST:

APPROVED:

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Deanna Carbajal  
City Clerk

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Roger L. Frith  
Mayor, City of Biggs