

Call To Order

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

1. COMMUNITY PARTICIPATION: None

2. SPECIAL BUSINESS:

A. Discussion/Action: City Administrator Pete Carr reviewed the staff report entitled Reconsideration of City Council Seat Vacancy.

Councilor Arnold stated his daughter Carrie, who lives at his home and he claims as a dependent, works in the deli department at Safeway in Gridley and Mike Bottorff is the manager in that department. Councilor Arnold said he spoke with the Safeway store manager and learned that Mike performs evaluations for Carrie's job. Councilor Arnold said there was an appearance of a conflict of interest which he had not perceived at the time of the original vote to appoint.

City Attorney Greg Einhorn stated there was a conflict and the issue was whether the applicant, Mike Bottorff, was in a position to exercise control over either a council member or the council member's immediate family. Since Councilor Arnold's daughter was his dependent, he was not in a position to participate in the new council member decision. Greg suggested council retake the issue and re-vote.

Nelson Waters asked how this could be a conflict of interest? He felt it was a long reach.

Greg stated the Fair Political Practices Commission had set forth a set of rules and a standardized set of questions. Greg said this was not an obvious problem but the rule defines immediate family which includes spouse and children, so Councilor Arnold would be disqualified to vote according to FPPC.

Vice Mayor Crawford stated if he was directly involved in a transaction that was related to a council issue, he removes himself from that discussion.

Mike Bottorff asked if there would still be a conflict if Carrie's work was transferred to another department. Greg said the conflict could not be avoided since the condition existed at the time the vote took place.

Councilor Thompson asked if this rule would negate Councilor Arnold from voting for the other candidates besides Mike, and Greg said yes.

Councilor Crawford stated it was clear to him at the time of the interviews at the last council meeting that one of the candidates had more background and experience and he stated he still stands by that decision. He felt the city would be well served by someone with past council experience. He felt the decision tonight should be based on qualifications and experience.

Mayor Frith stated there should be a vote to reconsider and a re-vote for candidates. Councilor Thompson asked if the vote was automatically null and void because of the FPPC ruling and Greg said no. She asked if council could choose to take no action and Greg said they could. Vice Mayor Crawford asked if no action was taken, would that decision place Councilor Arnold in a precarious position and Greg said it could. Vice

Mayor Crawford asked if the application period would have to be opened up for 30 days if the vote was nullified and Greg said no.

Motion/Second to null and void the decision made regarding a new council person on March 2, 2009 which would create a vacancy. (Crawford/Thompson, MC, Abstain: Arnold)

Motion/Second to open the vote to all three applicants so they can express their ideas to council. (Thompson/Frith, MC, Abstain: Arnold)

Motion/Second to open the interview process for the alternate vote of the council member. (Frith/Crawford, MC, Abstain: Arnold)

Council was satisfied to interview just Mr. Waters since they had already interviewed the other two applicants.

Nelson Waters stated he had always been involved in the political arena in every community he had lived in and he wanted to give something back to this community.

Vice Mayor Crawford asked Mr. Waters what was his vision for Biggs. Mr. Waters said he would like to see Biggs grow with good clean industries. He would like to see development to the east including homes; a place that would draw people in. He felt there needed to be an attractive school that would bring people in. He would like to see an active committee that would search for jobs or industry to come into our community that would be a positive influence. He was involved in bringing low cost health care to the community of Galt. He said the city needed to grow or it would deteriorate and he wanted to be part of that growth process.

Vice Mayor Crawford asked Mr. Waters what his top priority for Biggs was and Mr. Waters said he would like to see the streets improved with curbs and sidewalks for safety and for appearance. The biggest priority is looking at the budget and bringing in some kind of taxes rather than raising our electric rates.

Vice Mayor Crawford asked what Mr. Waters' strengths were to help manage Biggs. Mr. Waters said he had organizational skills and zoning and planning experience.

Vice Mayor Crawford asked what Mr. Waters' priority would be to protect the budget and in what areas would he make changes should a shortfall occur. Mr. Waters said the expenditures needed to be looked at to eliminate some things that have been carried for many years. He would have to look at the budget and see what could be eliminated. Vice Mayor Crawford asked him what he would protect from a budget standpoint. Mr. Waters said the city services needed to be protected and those who take care of the city and watch over the city need to be protected. He would like to see the electric rates protected.

Vice Mayor Crawford asked Mr. Waters what he would change or what he would like to change from current or past council actions or decisions taken. Mr. Waters said there was reluctance to the community moving toward the east out toward Hwy 99. He wanted to see development by the highway stop light. He said it was a natural stop and felt companies would be willing to move in there. He appreciated the street improvements in town and would like to see more.

Councilor Thompson asked Mr. Waters how he felt about CHIP housing. Mr. Waters said it depended on how it was done. He personally would not like to see them in town. If there is low cost housing there needs to be a lot of planning involved. He did not have a problem with it but felt the city should be careful.

Mayor Frith asked Mr. Waters why he did not run the last election cycle and why was he now submitting a letter for consideration. Mr. Waters said at the time of election he was busy but things had slowed down for him and now he could devote his time to council.

Mayor Frith asked Mr. Waters what his position was on forced annexation and eminent domain. Mr. Waters said with eminent domain, it depended on what the issue was. Sometimes it is necessary and it needs to be done with wisdom and care. Mr. Waters said he did not have a problem with forced annexation but the issue should be what was best for the community and would be the least impact on homeowners. Mr. Waters thanked council for their time and said it would be an honor to serve.

Mike Bottorff added that when he was on the council before he was involved in the mitigation of the flooding on Third Street. He felt very good that he was able to make the neighborhood a better place to live.

Mr. Rummel said he did not like eminent domain and he was proud to be a citizen and would do whatever he could to help.

Mayor Frith opened the nominations to fill the vacant council seat.

Motion/Second to nominate Mike Bottorff. (Crawford/Thompson, MC, Noes: Frith; Abstain: Arnold)

Greg said council could swear Mr. Bottorff in tonight. (City Clerk Deanna Carbajal swears in Mr. Bottorff).

B. Discussion/Action: City Council Appointments

Mayor Frith appointed Councilor Bottorff as an alternate for NCPA and Solid Waste Regional Council and LTF.

Motion/Second to appoint Councilor Bottorff as primary for SCORE and Sutter-Butte Flood Control JPA, and alternate to League of California Cities, Economic Development, BCAG, and Community Safety Task Force. (Frith/Crawford, MCU)

3. UNFINISHED BUSINESS:

Discussion/Action: City Planner Scott Friend stated he was asked to suggest some alternatives to council on how to deal with Michael Haury's "Burn-Down Letter" use conformity issue. Scott said some addendum language had been added to the original staff report and Scott recommended option #4 be discussed with Mr. Haury. This would be the fastest and cheapest option.

Mike Haury said option #1 was unacceptable to him and felt the easiest solution would be to change the percentage on the "Burn-Down Letter". He questioned why the zoning could not be changed.

Vice Mayor Crawford said if option #4 was chosen, it still did not resolve Mr. Haury's issue.

Scott stated this was an issue of a residential use in an industrial zoning designation. Our use table does not permit residential uses in an industrial zone. The only way to address a use issue is to change the code or change the properties use designation. The concept of a 100% "Burn-Down Letter" was separate from the use issue. Scott stated he could issue a 100% "Burn-Down Letter" if the residential use was a permitted primary use. Scott stated a letter

could be issued saying a residential use in the M1 designation is OK where you have an active business.

Mr. Haury asked what it would hurt to change his zoning.

Mayor Frith said the length of time, the cost, and the involvement of other agencies were issues in re-zoning. He stated the city was constrained to the city codes.

Mr. Haury said he spoke with LAFCO and they said it was the right time to change the zoning because it was already in play and would not cost anything. Mayor Frith said there would be a cost in staff time and this issue was not in the scope.

Scott said the house could be rebuilt with permission from council if the house burned down.

Councilors Arnold and Bottorff stated they were not in favor of changing the zoning.

Vice Mayor Crawford stated he did not see a resolution to this issue.

Motion/Second to direct staff to go with option #1, no action. (Arnold/Crawford, MC, Noes: Frith)

4. CONSENT CALENDAR:

Vice Mayor Crawford asked to pull March 2, 2009 minutes from the consent calendar. Councilor Arnold asked to pull February 23, 2009 minutes and item F from the consent calendar. Motion/Second to approve the consent calendar with the exception of the February 23 and March 2, 2009 minutes and item F. (Arnold/Crawford, MCU)

Councilor Arnold wanted to make clear that item 6 in the February 23, 2009 minutes pertaining to the boom truck was stated by Mayor Frith, not Councilor Arnold.

Motion to approve the February 23, 2009 minutes with the above mentioned changes. (Arnold/No Second Heard, MCU)

Vice Mayor Crawford wanted to include in the minutes each of the questions he asked the candidates. Pete stated staff amended the minutes to include these questions. Mayor Frith asked why Vice Mayor Crawford wanted to have the questions and responses included in the minutes. Vice Mayor Crawford said he wanted to more accurately reflect what the various candidates discussed during the meeting so there would be a public record of what was stated.

Motion/Second to approve the amended minutes for the March 2, 2009 meeting. (Thompson/Arnold, MCU)

Councilor Arnold referred to item F in the consent calendar and asked that Staff forward the letter to Senator Wiggins to each city mayor in the county and ask them to send a similar letter to Senator Wiggins asking for voting alternates on the county air quality management district board of directors.

Motion/Second second to approve Councilor Arnold's request. (Thompson/Arnold, MCU)

5. DEPARTMENT REPORTS:

A. Public Safety. Mayor Frith said our CalFire Station had been mandated by Butte County to reduce their costs. CalFire has suggested shutting some stations down on a winterized basis and then having rolling brown-outs of stations throughout the county. Mayor Frith

and Pete met with Mike Brown and Henri Brachais this month and there was a disagreement on stations that were less used than ours. CalFire wanted to continue to receive our payments but they wanted to reduce our services.

- B. Public Works. Mayor Frith said there were some sewer issues on property owner's side and Public Works had installed cleanouts.
- C. Electric. Nothing new to report.
- D. BCAG/Air Quality. Councilor Thompson said there was still the issue of wood burning in the county. She did not believe in mandatory wood burning bans. BCAG authorized a new bus route to go through Oroville. Grant money was discussed to build an escape route on the ridge.
- E. Solid Waste. Councilor Arnold stated solid waste proposed that the city house an area for needle disposal. This would have to be in a secure place and the planning office was mentioned as a possibility. The county would also like the city to house an agriculture oil disposal container that Biggs residents could use as well. Council agreed to move forward with the county on the oil issue and explore further the needle disposal issue.
- F. Other commission reports. Councilor Thompson stated the Fourth of July committee was moving forward. There would be an art contest for grades K-12 to design the picture for the t-shirts.
- G. Planning Department.
 - 1. Informational:
City Planner Scott Friend reviewed the Planning Department Activity Report – February / March 2009 included in the council agenda packet.
 - 2. The February 2009 Code Enforcement Activity Report was presented to council in the agenda packet.
- J. City Administrator:
 - 2. Discussion/Action: Pete presented a list of directions for code enforcement as discussed at the February 23, 2009 meeting and asked for council's approval. Council was satisfied with the text.
- H. Engineer:
 - 1. Project Updates – By Mike Vasquez:
 - a. USDA Well Rehabilitation Project. The generator set is now fully functional at the Second Street Well. Work began on the Park Well and a video log will be performed tomorrow. The pump will probably be replaced.
 - b. USDA Waterline Project Update. Staff was waiting on a response from the contractor's bonding company.
 - c. 6th Cycle Safe Routes to School, TEA, Prop 1B Project Update. This project was scheduled to begin in April.
 - d. Sixth Street Bridge Rehabilitation Design Project Update. A Public Works committee meeting would be scheduled this month to review the design process.
 - e. USDA Sewer Rehabilitation Project Funding Application. Staff was working on an application for this project.
 - f. 8th Cycle Safe Routes to School Funding Application is due in April. Mike gave a presentation on this project at the March 9, 2009 Biggs School Beautification Meeting.

- g. CDBG Funding Application. This was for a drainage project located on the north side of E Street between Second and Seventh Streets.
- I. Finance Department.
Informational – City Clerk/Finance Director Deanna Carbajal stated she had been busy catching up on bank reconciliations.
- J. City Administrator:
 - 1. Discussion/Action: Pete asked council to consider Business License Draft Ordinance Text. Code 4.05.090 specified license rates at \$120 for specific listed businesses but this was not a practice at city hall. Deanna remembered a discussion by council many years ago that specified they did not want to charge more than \$60. Council agreed to bring code into conformance with practice.
 - 3. Verbal reports:
 - a. Inaccessible meters. Pete was asking to add pass-thru of costs to shut off inaccessible meters to the fee schedule. Costs would include Animal Control and Gridley Electric, for example.

RESOLUTION NO 2009-05 “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS REPEALING RESOLUTION NO. 2005-31 AND READOPTING A FEE SCHEDULE – UTILITY SERVICE ADMINISTRATIVE PROCESSING FEES IN AN AMENDED FORM”. (Frith/Bottorff, MCU)

- b. Hazardous Waste opportunities. This item was covered by Councilor Arnold in the department reports
- c. Exceptional tree trimming costs. Pete stated there were cottonwood trees on Dakota Ave that were interfering with the city power lines. Part of the liability requirements was to insure power reliability. Gridley Electric’s equipment cannot reach the trees to trim them properly so they received a bid for \$4,035 to trim the trees and were seeking other bids. Council agreed to proceed with the trimming.

6. RESOLUTIONS:

- A. RESOLUTION NO. 2009-06 “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING THE CITY ADMINISTRATOR AS THE CITY’S AUTHORIZING OFFICIAL TO CERTIFY THAT THE POSITIONS LISTED ON THE SIGNATURE CARD ARE AUTHORIZED TO SIGN DOCUMENTATION PERTAINING TO ALL COMMUNITY DEVELOPMENT BLOCK (CDBG) GRANTS CURRENTLY OPEN WITH THE CITY”. (Thompson/Crawford, MCU)
- B. RESOLUTION NO. 2009-07 “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS FOR EMPLOYER PAID MEMBER CONTRIBUTIONS”. (Frith/Thompson, MCU)

7. **INFORMATIONAL:** Nothing to report.

8. **EXECUTIVE SESSION:** Adjourned to Executive Session at 9:59 p.m.

9. **RESUME REGULAR SESSION:** Resumed regular session at 10:10 p.m. No announcement.

10. **ADJOURNMENT:** Meeting adjourned by mutual consent at 10:12 p.m.

MINUTES OF THE CITY OF BIGGS
REGULAR COUNCIL MEETING

March 16, 2009

ATTEST:



Deanna Carbajal
City Clerk

APPROVED:



Roger L. Frith
Mayor, City of Biggs