

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 Pauline Palmer, and City Clerk / Finance Director Deanna Carbajal.

1. COMMUNITY PARTICIPATION: None

2. DEPARTMENT REPORTS:

A. Engineering:

1. Project updates by Engineering Staff Mike Vasquez:

- a. Mike stated the Second Street Well shut down about twenty minutes ago. It was the only well operating under normal operations. The well was hooked up to an electrical source with one wire so it overloaded and shut off. The emergency plan was to start up the C Street Well which is running now. The manganese problem does not become an issue at the C Street Well unless it runs continuously for a long period of time.

USDA Well Rehabilitation Project Update. Mike stated delays had incurred with this project. There will be a radio link between the Second Street Well and the Park Well allowing the wells to communicate. The C Street Well will not be included in this link. The Park Well should be running tomorrow at 5 p.m. and the well will be tested for quality and volume. A new three-phase transformer is on order for this well and will be installed when it arrives.

- b. USDA Waterline Project Update. In regards to the sewer main puncture, Mike stated he, Greg and Pauline had met with the bonding company representative for the waterline contractor and the attorney representing the city on behalf of Safeco, with litigation issues the waterline contractor was having with the sub-contractor, Golden State Boring. The proposal made by the bonding company was that the city, Golden State Boring, and the bonding company take equal third risks and costs to video the sewer mains.

City Attorney Greg Einhorn said the language of the bond says if more problems are discovered, the contractor is responsible for paying all investigation that is undertaken. However, investigation that is undertaken that does not reveal defective work is actually an additional contract cost and the responsibility of the owner. Safeco is saying they will not agree to pay for an investigation if the investigation shows there is nothing wrong, because they are not required to do that under the bond. The city is saying if it happened once, it is likely it happened again somewhere else. Greg said Safeco was not likely to agree with the city.

Motion/Second to hold this item as potential pending litigation for executive session. (Frith/Crawford, MCU)

- c. Safe Routes to School / TEA / Proposition 1B Project Update. This project is still on schedule with completion in mid-June.
- d. 6th Street Bridge Rehabilitation Update. A copy of the draft plans and environmental documents have been sent to the state for review.

- e. North Biggs Estates. The contractor is currently working on joint trench dry utility installation.
2. Water Meter Program Implementation. This item will be covered at the next meeting.

Councilor Arnold asked about cracks in the new sidewalks and ramps. He stated many areas were flaking and falling apart. Mayor Frith asked if California Engineering would schedule a Public Works Committee walk-through and Mike said yes.

B. Planning Department:

1. **PUBLIC HEARING:** Continued from Special Meeting-Study Session May 11, 2009.
 - a. Staff comments. City Planner Scott Friend asked council for consideration and adoption of an Initial Study / Mitigated Negative Declaration for the City of Biggs' Wastewater Treatment Plant and Collection System Upgrade Project (SCH# 2009042016). Scott pointed out there was a mistake on page 13 of the agenda packet. Under Mitigation Measure it referenced North Biggs Estates and it should have read the project. Scott gave a corrected copy to City Clerk Deanna Carbajal.
 - b. Open the hearing to the public.
 1. Proponents. None
 2. Opponents. None
 - c. Close hearing to the public.
 - d. Council discussion. Councilor Arnold asked if the pipe was moved and more mitigation needed to be done, would this hold up the project and create a problem with the funding. Scott said they would follow what was in the document.

Mayor Frith asked about reference in the document referring to work stopping if a snake were found. Scott stated it referred to a listed snake or a protected species.

RESOLUTION NO. 2009-15 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED PROJECT TO UPGRADE THE CITY'S WASTEWATER TREATMENT PLANT AND REPLACE EXISTING WASTEWATER COLLECTION INFRASTRUCTURE." (With the noted change.) (Crawford/Thompson, MCU)

Greg asked if council needed to adopt findings and Scott said not for a negative declaration.

2. Informational:

City Planner Scott Friend reviewed the Planning Department Activity Report – April / May 2009 included in the council agenda packet. Scott stated there was discussion at the last LAFCO Meeting on CSA's. There was a recommendation by LAFCO's consultant to look at consolidation of the recreation service providers. There might be an amendment to the sphere boundary of Schohr's Pool to remove Thermolito from the CSA. There would be a possible CSA financial loss of \$2600 a year to Schohr's Pool fund. This would not put the pool in arrears. Mayor Frith said there have been no representatives from the school district at LAFCO on this matter.
3. The April 2009 Code Enforcement Activity Report was presented to council in the agenda packet.

3. **NEW BUSINESS:** Citizen Concern – Garbage Carts. Pete stated Mr. Floyd Howard of Second Street, who is not present tonight, wished to address the council about garbage carts being left out. Pete said the Biggs Municipal Code requires removing carts from the city right of way, but not from public view. Code enforcement does send letters to citizens who leave their cans out at the curb asking them to move them back to their property line. There was consensus to enforce carts being moved off of the city right of way.
4. **CONSENT CALENDAR:** Motion/Second to approve the consent calendar.
(Thompson/Bottorff, MCU)

5. **SPECIAL BUSINESS:**

- A. Discussion/Action: Pete reviewed the staff report in the agenda packet entitled Youth Center Operations and Facilities.

Motion/Second to continue this discussion until the next meeting until more information was received. (Arnold/Bottorff, MCU)

- B. Discussion/Action: Pete reviewed the staff report entitled Keeping of Farm Animals in the City and provided a draft for discussion.

Resident Marlee Mattos said she has three chicken hens in her backyard. Her chickens are family pets and she was asking council to consider not outlawing chickens in Biggs, but to enforce the existing rules and set penalties for those who don't adhere to the rules, and allow Biggs to continue being the rural community that it is.

Kari Wheeler, a “self proclaimed chicken expert”, spoke about the positive aspect of hens and was an advocate for keeping chickens as pets.

Councilor Bottorff felt limited chickens should be allowed. Councilor Arnold and Thompson were in favor of leaving the ordinance as it is, but with more animal control to keep roosters out of the city. Councilor Thompson didn't think a public hearing should be necessary to own chickens.

Mayor Frith said the code was not being enforced, because it was too ambiguous and the code was not enforceable. It must be clear what is and is not allowed. The code needed to be modified in order to be enforceable.

Kari Wheeler suggested including the high school ag department as exempt.

A draft would be written and brought back at the next meeting.

11. **EXECUTIVE SESSION:** Adjourned to Executive Session at 8:45 p.m.

RESUME REGULAR SESSION: Resumed regular session at 9:20 p.m. No announcement.

- C. Discussion/Action: 2010 Recycling Grant Program. Pete reviewed the 2010 Recycling Grant Program staff report.

Citizen Mary Frith felt the Hometown Celebration Committee should be responsible for recycling and collection of the revenue.

Councilor Thompson asked who would be responsible for emptying the receptacles and Pete said public works would empty the receptacles and the committee could recycle the bottles and cans. Council agreed with staffs plan.

Pete said he could order the receptacles now.

5. DEPARTMENT REPORTS – continued

C. Public Safety. Mayor Frith said he and Pete met with Chief Keeler concerning miscommunications between the police department and fire department. Pete said there was still planning in progress with the county and CalFire on how to handle the “Brown Outs”.

D. Public Works. Councilor Arnold stated he received a list of items that needed repair in the city. Mayor Frith said Pete could email this list to other council members. Mayor Frith suggested better internal communications in regards to what work was being authorized by staff .

E. Electric. Pete stated purchases were on hold right now and SunWest acknowledged their business was slow compared to normal.

F. BCAG/Air Quality. No report.

G. Solid Waste. No report.

H. Other commission reports. Councilor Bottorff went to the Sutter-Flood Control Meeting. They are gathering information and looking for office space.

Pete said Mosquito Abatement presented Bill Thebach with a 50-year participation award on the Mosquito Abatement Board of Directors.

I. Finance Department.

Discussion/Action: City Clerk / Finance Director Deanna Carbajal reviewed the April / May 2009 Activity Report included in the council agenda packet.

Vice Mayor Crawford would like to see a report that would show monthly if the city is on track with the budget. Mayor Frith did not know if an accurate year to date report could be made for the budget, given the complexities of government finance.

Pete said he could only give a summary or bottom line number since the budget had 50+ funds with 1542 spreadsheet lines.

J. City Administrator:

1. Discussion/Action: Fiscal Year 2007-2008 Financial Audit Reports.
Motion/Second to accept the findings of the auditor. (Frith/Thompson, MCU)
2. Discussion/Action: Budget for FY 2009-2010. Pete reviewed meeting dates with council and it was mutually decided to set June 3 & June 17 at 6 p.m. for budget sessions.
3. Discussion/Action: Community Clean-up Day Report.
Motion/Second to appropriate \$8400 to pay for the clean-up day out of the Solid Waste fund. (Crawford/Bottorff, MCU)
4. Update: Pete reviewed the Alternative Energy Projects.
5. Verbal updates. None.

7. PROCLAMATION:

A PROCLAMATION "PROCLAIMING THE FOURTH MONDAY OF EVERY SEPTEMBER AS FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN." (Frith/Thompson, MC; Noes: Arnold, Bottorff)

8. RESOLUTIONS:

A. *RESOLUTION NO. 2009-16* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AGREEMENT NUMBER 09-1357 WITH THE STATE OF CALIFORNIA DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT (CSD) DIRECT PAYMENT PROGRAM PROCESSING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) WITH THE CITY OF BIGGS JULY 1, 2009 THROUGH JUNE 30, 2012". (Frith/Crawford, MCU)

B. *RESOLUTION NO. 2009-17* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING THE REPRESENTATIVE TO THE BOARD OF DIRECTORS OF SCORE (SMALL CITIES ORGANIZED RISK EFFORT)". (Frith/Thompson, MCU)

C. *RESOLUTION NO. 2009-18* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA". (Frith/Crawford, MCU)

9. ORDINANCES:

SECOND READING AND ADOPTION: ORDINANCE NO. 380 "AN ORDINANCE OF THE CITY OF BIGGS AMENDING PRORTIONS OF TITLE FOUR, CHAPTER 4.05, OF THE BIGGS MUNICIPAL CODE: BUSINESS LICENSES (CODIFIED)". (Arnold/Bottorff, MCU)

10. INFORMATIONAL: Pete said the City of Biggs was a member of TANC through our membership in SCORE. Some of the members of TANC were investing in new power lines. The idea is to get renewable power where it is needed. Biggs was neutral on this current project.

11. EXECUTIVE SESSION: Adjourned to Executive Session at 10:45 p.m.

12. RESUME REGULAR SESSION: Resumed regular session at 10:50 p.m.

Motion/Second to acquire the Veteran's Hall for \$1. Motion withdrawn.

Motion/Second to direct the city administrator to execute all documents necessary for the transfer of property from the county to the city and that the city formally accepts the property for the amount of \$1. (Frith/Thompson, MCU)

13. ADJOURNMENT: Meeting adjourned by mutual consent at 10:52 p.m.

ATTEST:


Deanna Carbajal
City Clerk

APPROVED:


Roger L. Frith
Mayor, City of Biggs