

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:**

- B. Discussion/Action: Consider request from Carl and Kathy Eakin regarding fence at 2986 Sixth Street.

City Planner Scott Friend reviewed the staff report explaining the Eakin fence issue, including staff's pre-construction communications with Mr. Eakin, and requested direction from council.

Mr. Eakin said his fence was 26 feet back from the curb and did not see a problem with the fence. He relied on his contractor to do what was needed to be done and he would have purchased a permit if he would have known.

Councilor Bottorff did not see anything wrong with the fence. The only problem was the language in the code.

Councilor Arnold pointed out the fence on the post office side should not be a sight problem since traffic does not exit the driveway next to the Eakin fence.

Scott said this fence could be a sight distance problem and recommended the last quadrant of fence be made four feet to match the existing fence. He felt the rest of this fence met the criteria exception. Scott stated the driveway to the post office next to the Eakin property was not posted "entrance only".

Councilor Arnold felt council should be careful when making exceptions.

Scott clarified the distance from the house to the edge of the right of way was 20 feet.

Mayor Frith felt the recommendation to schedule a public hearing to allow these exceptions was appropriate. He said the side yard allowance and front yard allowance that intersect needs to be resolved because this issue occurs often in the city.

Scott stated the use permit fee was \$728.

Mayor Frith stated he would be willing to waive the fees on this issue to get it resolved for future issues.

Councilor Arnold stated ordinance fees are set up for a reason and you can't waive fees for one person and not for another.

Motion/Second to direct staff to convene the public hearing regarding the fence issue and recommend the fee be waived.

Vice Mayor Crawford confirmed the issues would include commercial versus residential, sight set back, side yards and front yards and side lines.

Scott stated this would take two separate paths. The exception will come back as a public hearing for this specific instance. The code amendment will take time to process.

Attorney Greg Einhorn said council might want to state why the fee was waived.

Mayor Frith said the reason he felt the fee should be waived was because this was not an isolated situation that was only at this property. This situation exists on numerous properties in town and it will rise again. He wanted to have it clarified and resolved at this point.

Scott advised the Eakins to obtain a use permit from the City of Biggs.

(Frith/Crawford, MC; Noes: Arnold; Abstain: Bottorff)

Councilor Arnold questioned Councilor Bottorff's abstention; he thought a reason should be stated if you abstain.

Mayor Frith asked Greg if there was anything in the code that required an individual who abstains from an issue to state the reason.

Greg said it was a good idea to state why you abstain. Usually the decision to abstain is made before the discussion.

Councilor Bottorff felt this issue was a waste of time and money.

Greg said he would bring back his opinion on the disclosure of abstention at the next meeting.

- A. Citizen's comments. Biggs resident Reyna Caudillo of 3018 Tenth Street stated her rate for the last two months was high. Deanna stated there was a request for Gridley Electric to check her meter. Mayor Frith stated the city office would follow up with her this week.

## **2. DEPARTMENT REPORTS:**

### **A. Planning Department:**

#### **1. Informational:**

City Planner Scott Friend reviewed the Planning Department Activity Report – August/ September 2009 included in the council agenda packet. Scott added he was working through the NEPA issues on the Waste Water Treatment Plant application.

2. The August 2009 Code Enforcement Activity Report was presented to council in the agenda packet. Scott added he and Code Enforcement Officer Erin Dougherty had discussed resident complaints regarding certain plants [marijuana] that grow above fences. Mayor Frith said he would ride around town with Erin and file complaints if necessary. He said many people are fearful to complain.

1. A. Citizen's comments continued. Another citizen at 3043 Fifth Street wanted to complain about her city bill. Mayor Frith said city staff would have her meter checked. A citizen from 384 Aleut also complained about high electric use and Mayor Frith said the city would have the meter checked.

- B. Engineering: Engineering Staff Mike Vasquez reviewed the project update report included in the agenda packet.

1. USDA Well Rehabilitation Project Update. There were plans to install a 3,000 gallon hydro-pneumatic tank to help with pressure and cushion water hammering at a cost of \$30,000 to \$50,000.
2. USDA Waterline Project Update – Water Service Puncturing of Sewer Main. Planning a start date with vendor.
3. Sixth Cycle Safe Routes to School, TEA, Proposition 1B Project Update. A punch list of repairs was prepared for the contractor. Councilor Arnold asked for more information on the ADA ramp design aspect and appearance.
4. Sixth Street Bridge Rehabilitation Update. Still awaiting word from CalTrans.
5. North Biggs Estates Update. Mayor Frith added the contractor hoped to complete the flat work this week and would come back to finish the pathway and paving.

Mike referred to an item not on the agenda. In regards to the Certificate of Compliance for the store on B Street, a title report had been ordered for that project.

6. FEMA – flood control map update included in the agenda packet was reviewed by City Engineer David Swartz.
7. USDA Loan/Grant application – City Waste Water Treatment Plan update by Dave Swartz included in agenda packet. The cost estimate is about \$9.1 million.

Mayor Frith stated there would be public hearings to inform the residents what was being planned and why there could be a rate increase. He stated operating requirements for the plant would change.

Councilor Arnold referred to page 17 in the agenda packet and asked what type of work this referred to. Mike stated item 1 was the items the contractor was instructed to complete and item 2 were items the contractor did without direction from the city. Councilor Arnold noted his home address was not included on this list and Mike stated it could have been missed.

#### **4. DEPARTMENT REPORTS**

##### **K. City Administrator:**

3. Engineering services contract. Pete asked council if they wanted him to provide an annual renewal, a performance evaluation, or put out an RFP?

Councilors Arnold and Thompson would like a performance evaluation.

Mayor Frith felt it would be appropriate to schedule an evaluation.

In regards to page 18, Vice Mayor Crawford questioned the cost of a yard of concrete. Mike said it was approximately \$100 to \$120 per yard.

3. **CONSENT CALENDAR**: Councilor Arnold asked to pull the August 17, 2009 minutes from the consent calendar. He questioned what 1250 cubic feet referred to and Pete said “monthly base water usage” could be added and Vice Mayor Crawford said he intended to say “green plants or landscape” rather than “green environment”.

Councilor Arnold felt his comments in paragraph 5 under Item 3.2. should be expanded.

Motion/Second to approve consent calendar with the exception the August 17, 2009 minutes.  
(Frith/Thompson, MCU)

4. DEPARTMENT REPORTS – continued

- C. Public Safety. Mayor Frith stated he had a meeting with Police Chief Keeler regarding parking citations for infractions. The city is not set up to handle these citations. Pete stated the chief said most parking citations are code enforcement issues.
- D. Public Works. Councilor Thompson asked if the handicap ramps would be changed and Pete stated this would likely be a public works project to repair the ramps. Councilor Arnold would like standards to be adopted for construction projects such as ramps and curbs. It was noted many of the water ball valves on the water meters were starting to fail.
- E. Electric. Mayor Frith reported the mill was anticipating normal production.
- F. BCAG/Air Quality. Councilor Thompson said a vote would be taken at this month's air quality meeting concerning wood stove use.
- G. Solid Waste. Pete stated the building permit fee for the oil disposal container site plan was waived.
- H. Flood Control. Councilor Bottorff did not attend the last meeting.
- I. Other commission reports. Councilor Thompson said the Hometown Celebration Committee received a check for \$600 from Gene Staus in memory of Jane Staus.
- J. Finance Department. Activity report – August/September 2009. Deanna noted the city received payment in the amount of \$24,699.87 for the Sixth Street Bridge Rehab Grant.

Vice Mayor Crawford asked if CEC was keeping up with reports in order to be reimbursed. Deanna said it still takes some time.

K. City Administrator:

- 1. Law enforcement services contract discussions.
  - a. Police. Pete stated he had a constructive dialogue with the sheriff's department. The sheriff's department felt it was important to put out an RFP. The sheriff would prefer CHP to take care of traffic control and parking infractions.
  - b. Animal control. SPCA did not want to perform our animal control service.
  - c. Scheduling of town hall meeting. Pete suggested waiting until the responses come back from the RFP.

Pete was working on the overbilling from the City of Gridley for the school resource officer.
- 2. Finance Director Position. Pete said there were six solid candidates. On Thursday, Vice Mayor Crawford and a finance director from Yuba City would help with an interview process.
- 3. Engineering services contract. Previously discussed. Vice Mayor Crawford felt the Public Works Committee input would be helpful. Mayor Frith asked Pete to send to council a copy of the engineer's MOU and an evaluation form for review.

4. Alternative energy projects. Solar energy is becoming very popular and Pete said SunWest and a local landowner were interested.
5. City Hall Kids. This is a new website designed to teach school children about cities and government. The city received a free subscription to this website.

Councilor Arnold referred to the consent agenda on page 39 which stated the total number of dogs and cats licensed was a question mark. Deanna said animal control used to be given a printout of all the licensed dogs, but didn't know if she still received the report.

Councilor Arnold asked if the GIS program had been implemented in the city. It would be good to track where animals lived. Pete said the GIS software was cut from the budget.

**5. RESOLUTIONS:**

- A. *RESOLUTION NO. 2009-29* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ADOPTING AN EXPENDITURE PLAN TO RECEIVE CITIZEN'S OPTIONS FOR PUBLIC SAFETY (COPS) GRANT FUNDS FOR FISCAL YEAR 2009-2010." (Arnold/Crawford, MCU)
- B. *RESOLUTION NO. 2009-30* "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING THE NORTHERN CALIFORNIA POWER AGENCY TO SERVE AS DESIGNATED REPRESENTATIVE FOR FUNDING UNDER THE CALIFORNIA ENERGY COMMISSION'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM." (Thompson/Bottorff, MCU)

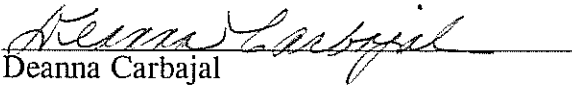
**6. ORDINANCES:**

*SECOND READING AND ADOPTION: ORDINANCE NO. 382* "ORDINANCE OF THE CITY OF BIGGS REPEALING CHAPTER 5.20 OF THE CITY OF BIGGS MUNICIPAL CODE AND REPLACING IT IN ITS ENTIRETY (CODIFIED)." (Bottorff/Frith, MC; Noes: Arnold)

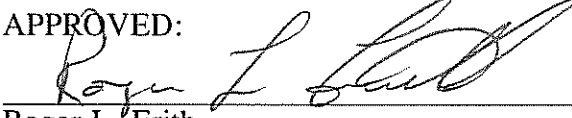
**7. INFORMATIONAL:** Pete stated the hotel was in escrow as of last Friday.

**8. ADJOURNMENT:** Meeting adjourned by mutual consent at 9:01p.m.

ATTEST:

  
Deanna Carbajal  
City Clerk

APPROVED:

  
Roger L. Frith  
Mayor, City of Biggs