

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, City Engineer David Swartz, Engineering Staff Mike Vasquez and Aaron Cotter, Finance Director Beth Penner and City Clerk Roben Dewsnup.

1. **COMMUNITY PARTICIPATION:** None
2. **PRESENTATION:** Mayor Frith presented Resolution No. 2009-36 to Deanna Carbajal expressing appreciation and recognition for service rendered as City Clerk and Director of Finance.
3. **ORDINANCE:** Medical Marijuana Dispensaries.

SECOND READING AND ADOPTION ORDINANCE NO. 384 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS CLARIFYING RESIDENTIAL USE, HOME OCCUPATION, COMMERCIAL USE, AND INDUSTRIAL USE AS SET FORTH IN CHAPTER 14 OF THE BIGGS CITY CODE (CODIFIED)". (Thompson/Bottorff, MCU)

4. **ORDINANCE:** City Attorney Greg Einhorn introduced the Marijuana Abatement Measures ordinance for council consideration. The city would issue a 48-hour notice to abate and after that time period, the city would seek a warrant to abate with a daily fine of \$1000.

FIRST READING AND INTRODUCTION ORDINANCE NO. 385 "AN ORDINANCE OF THE CITY OF BIGGS AMENDING PORTIONS OF TITLE SIX OF THE BIGGS MUNICIPAL CODE TO INCLUDE SPECIFIC ENFORCEMENT MEASURES FOR ABATING THE PUBLIC NUISANCE OF OUTDOOR AND/OR UNSECURED AND/OR ODIFEROUS CULTIVATION OF MARIJUANA". (Frith/Arnold, MCU)

5. **NORTH BIGGS ESTATES – FINAL MAP APPROVAL:** City Engineer David Swartz reviewed the staff report in the agenda packet. The items to be completed are water meters, fog seal, and a replacement pumps. CHIP (Community Housing Improvement Program) provided cashier's checks to the city for these items to be held until these items are completed. Councilor Arnold suggested the legend on the map should include reference to lot 9 being part of the old subdivision. Evard McCain said that could be done.

Motion/Second to accept staff's recommendations, items 1, 2, and 3, as listed in the report to approve and accept the final map. (Frith/Thompson)

Councilor Thompson withdrew second.

Motion/Second to amend the motion to accept the final map with the recommendation of:

1. That the improvements be accepted with the North Biggs Estates Project as having been constructed in conformance with the approved construction drawings and consistent with the City's development standards and specifications.
2. Accept the security bond for outstanding items as noted above in an amount of \$20,500 in the form of a cashier's check good for a period of one year to ensure these items are completed.
3. Accept the dedications and improvements offered on the Final Map titled North Biggs Estates TSTM #2003-22 shown on sheets 1-4, as being in substantial conformance with the tentative subdivision map and in conformance with all environmental assessments and the conditions of approval, and authorize the City Clerk to record said map at the office of

the County Recorder's office thereby subdividing the property into 57 lots as shown on said map. (Frith/Thompson, MCU)

6. **ORDINANCE:** Key Lot and Setback Standards for Key Lots. City Planner Scott Friend informed council item 7 in Ordinance No. 383 had been added as council requested at the last council meeting.

SECOND READING AND ADOPTION ORDINANCE NO. 383 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING THE CITY ZONING CODE TO MODIFY REGULATIONS IN SECTIONS 14.10 AND 14.060.080 RELATING TO THE DEFINITION OF A KEY LOT AND ESTABLISHING SETBACK STANDARDS FOR KEY LOTS (CODIFIED)". (Thompson/Arnold, MCU)

7. **PROGRAMMING UPDATE – VETERAN'S HALL:** City Administrator Pete Carr reviewed the staff report in the agenda packet. He said the building would include City Hall and a rentable community center. USDA would finance the work on the building with a grant and a loan.
8. **SUTTER BUTTE FLOOD CONTROL AGENCY:** Pete reviewed the staff report in the agenda packet and recommended council reaffirm its commitment to participate in the Sutter Butte Flood Control Agency. Councilor Bottorff felt it was very important to stay involved with the JPA. He said our assessment would be \$38 to \$80 per year.

Councilor Arnold pointed out that we may or may not have to pay assessments.

City Engineer Dave Swartz clarified we are looking at a 200-year flood event with DWR.

Councilor Thompson did not like the idea of being taxed.

Dave suggested the city indicate for FEMA on FEMA's map an elevation differential between the Feather River and the City of Biggs that council believed would illustrate the area not likely to flood.

Motion/Second to stay in the Sutter Butte Flood Control Agency. (Crawford/Bottorff, MC; Noes: Arnold)

Motion/Second to add FEMA Map lining to the agenda since it was not available prior to the posting of this meeting's agenda. (Frith/Arnold, MCU)

Dave asked for direction as to where the line should be drawn on the map.

Motion/Second to direct staff to indicate on the FEMA map as requested to include the Biggs planning area and any other defensible lands beyond it that are deemed unlikely to flood. (Frith/Crawford, MCU)

9. **CONSENT CALENDAR:**

Motion/Second to approve the consent calendar. (Thompson/Bottorff, MCU)

10. **DEPARTMENT REPORTS**

A. Planning:

1. Informational: City Planner Scott Friend reviewed the Department Activity Report – November / December 2009 included in the agenda packet.

2. Discussion: Scott reviewed the staff report "Administrative Draft City of Biggs 2009-2014 Housing Element". He asked for council's authorization to submit the draft document to the Housing and Community Development Department for a mandatory 60 day review check.

Mayor Frith asked if there was any objection to submitting this document and council said "no."

3. Code Enforcement Activity Report: November 2009 - Present. Scott reviewed the code enforcement activity report and spreadsheet.

Pete stated code needed changes in order for the code enforcement department to be enabled to be more aggressive. Council agreed the codes needed to be reviewed to correct conflicts in ordinances.

B. Engineering:

4. Discussion/Action: Engineering Staff Aaron Cotter reviewed the CDBG Planning and Technical Assistance Grant Application.

Vice Mayor Crawford asked if the record of survey would cover all the city and Mike Vasquez said "no." Mike said it would be decided by the public works committee what specific areas would be covered. Mayor Frith asked why certain areas in town are being resurveyed again. Mayor Frith asked if this record of survey would fill in the gaps of areas that had not already been surveyed. Mike said monuments would be installed in areas that do not currently have them. Mayor Frith was concerned about surveying areas that have already been surveyed.

Mike said about one-third of the city would be surveyed with this grant.

City Engineer Dave Swartz said as soon as the housing element is approved, this grant will be submitted. There is a one percent grant match.

RESOLUTION NO. 2009-38 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING TECHNICAL ASSISTANCE ALLOCATION OF THE STATE CDBG PROGRAM". (Crawford/Bottorff, MCU)

6. Discussion/Action: USDA Wastewater Treatment Plant Grant/Loan Application. Aaron stated this would be a 50/50 grant/loan.

RESOLUTION NO. 2009-39 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A FUNDING AGREEMENT AND ANY AMENDMENTS THERETO FROM THE USDA, RURAL DEVELOPMENT - RURAL UTILITIES SERVICE UNDER THE WATER AND WASTEWATER DISPOSAL LOAN AND GRANT PROGRAM". (Frith/Thompson, MCU)

9. Informational: Future First-Time Home Buyer and Owner-Occupied Rehabilitation (FTHB/OOR) Grants. Aaron Cotter said CEC would be advertising to create more interest in this program.

1. Activity Report. Mike reviewed staff report.
2. Project Updates.

Sixth Street Bridge Rehabilitation Update. The State has given direction to proceed with this project. Mike said staff will continue design in January 2010.

3. Discussion/Action: Mike reviewed the staff report "USDA Water Project – Sewer Main Repair". A contractor would be hired for the repair and the compaction would be done in-house. Vice Mayor Crawford was concerned with liability for in-house compaction.

Mike said the trenching damage will be repaired and a temporary patch will be installed. After 30 days to allow for any settling, paving will be completed.

There is a potential parts of the existing sewer main could crumble when repairs are being made. Paving will be completed in good weather.

Mayor Frith asked where funds would come from if the cost goes over the retention. City Attorney Greg Einhorn suggested going to closed session to discuss funding.

EXECUTIVE SESSION: Adjourned to Executive Session at 9:40 p.m.

RESUME REGULAR SESSION: Resumed Regular Session at 10:00 p.m.

Motion/Second to authorize the City Administrator to enter into an agreement with a contractor to begin repair of the sewer system mains. (Frith/Thompson, MCU)

10. K. City Attorney:

Discussion/Action: Consideration of substitution of counsel.

Motion/Second to allow the substitution of Gregory P. Einhorn instead of and in place of Sedgewick, Detert and Vincent J. Romero as attorney for the City of Biggs, only in the case of Golden State Boring and Pipe Jacking v. SJ&B Group (Butte County No. 143430). (Frith/Thompson, MCU)

10. B. 5. Discussion/Action: Transportation Enhancements Project Funding Number Change.

RESOLUTION NO. 2009-40 "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING \$319,000.00 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING EXECUTION OF DOCUMENTS FOR STATE PROJECT NUMBER RPL 5128(009)".
(Frith/Bottorff, MCU)

7. Discussion/Action: Mike reviewed the staff report "USDA Water Project – Hydro-Pneumatic Tank Installation." Staff was requesting the authorization of the expenditure of approximately \$100,000 to install a 10,000-gallon hydro-pneumatic water tank at the family park and another \$15,000 for management and inspection.

Motion/Second to authorize expenditure from the water fund for a new tank and authorize the city administrator to enter into an agreement with Nor-Cal Pump.
(Frith/Arnold, MCU)

8. Discussion/Action : Safe Routes to School Project Closeout. Application for retention/notice of completion.

EXECUTIVE SESSION: Adjourned to Executive Session at 10:15 p.m.

RESUME REGULAR SESSION: Resumed Regular Session at 10:22 p.m. Nothing to report.

Motion/Second referring to item 8, Safe Routes to School Project Closeout Application for Retention /Notice of Completion, direct staff to proceed with the correspondence as indicated to the contractor. (Frith/Thompson, MCU)

10. C – I. Mayor Frith suspended verbal reports.

J. Finance Department: Beth Penner reviewed the Activity Report – November – December 2009.

L. City Administrator:

1. Discussion/Action: Police Contract Update. Pete was still waiting for a response from the CHP. Mayor Frith suggested putting this item on the agenda for the next council meeting to make a decision on this matter.
2. Discussion/Action: Pete reviewed the Lodi Energy Center Options staff report. Council discussed options for staying in or withdrawing from LEC. Councilor Bottorff and Mayor Frith would meet with Pete to formulate a recommendation to Council.
3. Discussion/Action: Pete reviewed the Filling Vacant Staff Position staff report. He was asking to open positions for Public Works Crew III and IV.

Motion/Second to acknowledge and approve the proposed staffing as outlined. (Thompson/Frith, MCU)

4. Discussion/Informational: Pete reviewed the School Zone Safety Costs staff report with council.

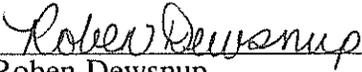
11. Informational: League of California Cities Meeting in Live Oak on January 15, 2010. Pete would send more information to council. January 26-28, 2010 would be an NCPA strategic planning meeting in Sacramento.

Mayor Frith felt the city should consider reestablishing a planning commission. Vice Mayor Crawford was not ready to put a planning commission back in place.

Mayor Frith wanted to make himself available to the community once a month. He asked if other members were interested in this also. The first Wednesday of the month was set as an initial open-office session.

12. ADJOURNMENT: Meeting adjourned by mutual consent at 11:03 p.m.

ATTEST:



Roben Dewsnup
City Clerk

APPROVED:



Roger E. Frith
Mayor, City of Biggs