

Call To Order

The regular council meeting was called to order at 6:03 p.m. by Mayor Frith. Vice Mayor Crawford and Councilors Arnold and Thompson were present. Councilor Bottorff was absent. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend and City Clerk Roben Dewsnap.

**1. COMMUNITY PARTICIPATION: None**

**2. NEW BUSINESS: *Doscher Fence Permit***

City Planner Scott Friend stated property owner Wanda Doscher had a fence installed to the edge of the sidewalk at 460 B Street. The Planning Department sent her a letter informing her she needed to obtain a fence permit and of the issue of fence placement. She did apply for a fence permit but staff denied the application due to the fence being placed in the city right-of-way. Staff recommends the property owner move the fence outside of the right-of-way.

Property owner, Wander Doscher, stated the fence sections could be removed if the city needed to make repairs to public utilities. She wanted to leave the fence where it was.

Mary Frith stated the City should not make exceptions to the fence standards.

Ms. Doscher said the property pin was in the sidewalk. Mr. Friend stated it was his understanding the fence did fall within the City right-of-way.

Mayor Frith asked Ms. Doscher if she applied for the fence permit before or after the fence was installed and she said after. He informed her that property owners are responsible for maintaining the property in the right-of-way.

After council discussion, it was determined the appeal should be denied.

Motion/Second to deny the appeal pending investigation of the placement of the pin by the City Engineer. Crawford/Thompson, MCU; Absent: Bottorff

Mr. Friend stated he would check with the engineer and let Ms. Doscher know where the right-of-way is.

**3. PUBLIC HEARINGS:**

**A. Modification of Conditional Use Permit – Victorian Rose at 429 B Street.**

1. Staff comments. Mr. Friend stated Wanda Nevins was asking to amend condition #2 of the conditions approved as part of the conditional use permit and allow the property owner to utilize existing on-street parking spaces for special events held at the site. Mr. Friend informed council that conditional use permits are reevaluated every year for the first three years, so if there was a situation that the conditions were not working well, a change made. Staff recommended approval of the applicant's request.
2. Opening the hearing to the public.
  - a. Proponents. Applicant Wanda Nevins stated she did not intend to allow her guests to park near the fire station or in front of home.
  - b. Opponents. None
3. Close hearing to the public.

4. Council discussion.

Motion/Second that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the Public Resources Code. (Frith/Thompson, MCU; Absent: Bottorff)

**Resolution No. 2010-09 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT 2005-01 FOR A USE LOCATED AT 429 B Street (APN: 001-091-002) APPLICATION: Conditional Use Permit #2005-01A."** Based upon the findings. (Frith/Thompson, MCU; Absent: Bottorff)

4. CONSENT CALENDAR:

- D. Acknowledge receipt of Month in Review and Monthly Council Report for March 2010 and Traffic Summary for March 2010 from Police Chief Gary D. Keeler.

Mayor Frith introduced Assistant Police Chief Dean Price to council and suggested reviewing the police report at this time.

Assistant Chief Price said if citizens have complaints, they should contact the PD right away. The PD has two new officers.

3. PUBLIC HEARINGS:

- B. General Plan Amendment (GPA 2010-01) City of Biggs Housing Element 2009-2014.

1. Staff comments. Mr. Friend stated the purpose of this hearing was to open the public hearing and hear public comment on the Biggs Housing Element. The hearing would be left open until the May 3, 2010 Special Meeting.
2. Opening the hearing to the public.
  - a. Proponents. None
  - b. Opponents. None
3. Keep public hearing open.
4. Council discussion.

Councilor Arnold asked Mr. Friend about the Farmworker Housing Law. Mr. Friend said the city is required by law to allow Farmworker Housing in some zoning district of the City of Biggs.

Mayor Frith stated this public hearing would be continued to the Special Meeting of May 3, 2010 at 6 p.m.

4. CONSENT CALENDAR: Motion/Second to accept the consent calendar as written. (Thompson/Frith, MCU; Absent: Bottorff)

- A. Approval of Council Minutes for Regular Meetings of January 25, 2010, February 22, 2010 and March 15, 2010 and Special Meeting of March 25, 2010.
- B. Approval of warrants: #24287 - 24369; #7627 - #7647; Z00266 - Z00279 for month of March 2010 in the amount of \$554,342.10
- C. Acknowledge receipt of Bank Reconciliation & General Ledger Reconciliation for months ending February 28, 2010 and March 31, 2010.
- D. Acknowledge receipt of Month in Review and Monthly Council Report for March 2010 and Traffic Summary for March 2010 from Police Chief Gary D. Keeler.
- E. Acknowledge receipt from Gridley-Biggs Animal Control Officer, Amy Egan, of Monthly Report for March 2010.

- F. Acknowledge Biggs Fire Department Report on Conditions for January, February, & March 2010.
- G. Approve amendment #1 to the previously adopted Planning Agreement thereby reaffirming the participation of the City of Biggs in the process to prepare the Butte Regional Habitat Conservation Plan / Natural Community Conservation Plan and authorize the Mayor to sign the agreement on behalf of the City.
- H. Approve Resolution for last month's acceptance of Fiscal Year 09/10 Fire Protection Services Annual Agreement. No. 2010-12. (Agreement previously sent through email 3/11/10)
- I. Approve the employment agreement amendment for City Administrator per Council action on 3-15-10.
- J. Ratify/Approve Proclamation recognizing Assistant Chief Brian Cook for his years of service to the citizens of the City of Biggs.

**5. DEPARTMENT REPORTS:**

**A. Planning:**

- 1. Informational: City Planner Scott Friend reviewed the Department Activity Report – March 2010 / April 2010 included in the agenda packet.
- 2. Great Valley Center Urban Greening Planning Grant Application. Mr. Friend stated the Great Valley Center requested the City of Biggs partner with the Cities of Gridley and Live Oak to join a multi-party grant application for an urban greening plan. This would commit the city to staff time which would be reimbursed through the grant.

Councilor Crawford asked what the long-term impact would be for accepting this grant. Mr. Friend stated there would be no impact from this grant.

Mayor Frith felt this could be a costly issue and he was not in favor of the grant. Councilor Arnold did not see any harm in the grant.

Motion/Second to not adopt the resolution to approve participation in the Great Valley Center Urban Greening Plan. (Thompson/Frith, MCU; Absent: Bottorff)

- 3. The Code Enforcement Activity Report for March 2010 - Present was presented to council in the agenda packet.

Vice Mayor Crawford asked if an interior fence needed to comply with city requirements and Mr. Friend said there is a height requirement.

Vice Mayor Crawford discussed the compliance of the agreement with the Genn's on B Street.

**K. City Administrator.**

- 4. Mr. Carr referred to the staff report for the follow-up on strategic planning and RDA consideration and asked council for direction.

Mayor Frith asked to hold the strategic planning discussion over to the next meeting and act on the RDA tonight. Council concurred.

Mr. Carr reminded council of the presentation given on the RDA at a previous meeting.

Vice Mayor Crawford was not sure if this would benefit the city and Councilor Thompson felt this was a bad time to invest in a project that may not work out.

Councilor Arnold had not heard any favorable comments on RDAs.

Mr. Friend stated there is a large maintenance cost to the plan.

Motion/Second to not move forward with the RDA at this time. (Thompson/Arnold, MCU; Absent: Bottorff)

B. Engineering:

1. Activity Report: Per staff memo.
2. Project Updates:
  - a. USDA Sewer Line Repair Project.
  - b. City of Biggs Roadway Rehabilitation Project
  - c. Hydro-Pneumatic Tank Project
  - d. 6<sup>th</sup> Street Bridge Rehabilitation
3. Transportation Enhancement and 6<sup>th</sup> Cycle Safe Routes to School Projects Closeout.

**Resolution No. 2010-10 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING COMPLETION OF THE TE AND 6<sup>TH</sup> CYCLE SAFE ROUTES TO SCHOOL PROJECT, STATE TE PROJECT NUMBER RPL-5128(009) AND STATE 6<sup>TH</sup> CYCLE SRTS PROJECT NUMBER SR2SL-5128(006)." (Frith/Thompson, MCU; Absent: Bottorff)**

C. Flood Control. Mr. Carr asked to move the discussion for the levee assessment to this point.

K. City Administrator.

1. Mr. Carr reviewed the staff report for the Resolution to Endorse Levee Repair Assessment and recommended council adopt the resolution.

Councilor Thompson did not like taxes but felt the assessment amount would be much less than flood insurance.

Vice Mayor Crawford endorsed this process and felt council should move forward with this.

Councilor Arnold felt there was a lot of false information given by other agencies and was not in favor at this point. He needed more information as to where the contours on the flood map are.

Mayor Frith felt the people should have the right to state their opinion on being assessed.

**Resolution No. 2010-11 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS IN SUPPORT OF CREATION OF LEVEE REPAIR AND MAINTENANCE ASSESSMENT DISTRICT." (Thompson/Crawford, Noes: Arnold, MCU; Absent: Bottorff)**

- D. Public Safety. Mayor Frith had no more comments.
- E. Public Works. Mayor Frith stated there were a couple of sewer collapses and also sidewalk repairs. Mr. Carr stated the city would be receiving an electronic transfer for \$165,000 in reimbursements from USDA for the boring, camera work and repairs.
- F. Electric. Mayor Frith reported there would be an NCPA meeting on Thursday and he would be leaving Saturday for the Washington D C lobbying trip.
- G. BCAG/Air Quality. Councilor Thompson said the BCAG meeting would be on Thursday. They are looking for a new bus route.
- H. Solid Waste. Nothing to report.
- I. Other commission reports. No other reports.
- J. Finance Department Report – March 2010/April 2010. Mr. Carr stated a \$53,000 reimbursement check was received today for the Safe Routes to School project. The county assessor made a \$28,000 mistake and the city will be receiving a reimbursement soon.
- K. City Administrator.

- 2. Lodi Energy Center – Application for Certification, the Power Sales Agreement, and the Project Management and Operation Agreement. Mr. Carr reviewed the staff report and stated this was a time sensitive issue and a decision could not be made until after the 22<sup>nd</sup> of April and it must be acted on by May 6<sup>th</sup>. This item will come back for approval at the special meeting on May 3<sup>rd</sup>.

Vice Mayor Crawford asked if the city was asking for 1 megawatt. Mr. Carr said he and NCPA felt  $\frac{3}{4}$  of a megawatt would be better for the City of Biggs. Vice Mayor Crawford preferred 1 MW. Mayor Frith, Councilor Arnold and Thompson agreed on  $\frac{3}{4}$  of a meg.

- 3. Mr. Carr provided an update on discretionary reserves in the agenda packet.

- 6. **INFORMATIONAL:** Vice Mayor Crawford stated there was a movement to legalize a controlled substance and asked Assistant Police Chief Price what the impact was to our local community and if there were statistics on this issue. Chief Price stated there was an adverse effect on the community and he could check reports for information.

A resolution for “In God We Trust” movement will be brought to the next council meeting.

A BayTec Alliance Meeting will be held on the 21<sup>st</sup> of the month. Mr. Carr will attend this meeting.

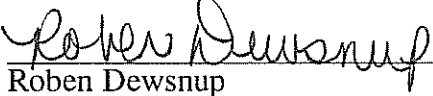
JoAn Townsend introduced herself as the Biggs-Gridley Ambassador for BayTec.

There will be a tour available for council members at the newly refurbished Family Park well at 4:30 p.m. on Thursday.

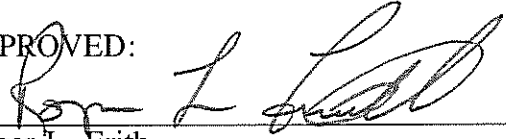
Councilor Thompson suggested Public Works power wash the inside of the restrooms at the little league park.

7. **ADJOURNMENT:** Meeting adjourned by mutual consent at 9:42 p.m.

ATTEST:

  
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Roben Dewsnup  
CITY CLERK

APPROVED:

  
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Roger L. Frith  
MAYOR