

Call To Order

The regular council meeting was called to order at 6:00 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 Roben Dewsnup.

**1. COMMUNITY PARTICIPATION: None**

**2. GENERAL BUSINESS:**

**A. Code Enforcement – Burke-Trent**

As a follow-up from last month's council meeting, City Planner Scott Friend recommended Council direct staff to enter into an Abatement Agreement with Ms. Burke Trent for the property nuisance abatement items listed in the staff report. This would be a legally binding contract to achieve abatement.

Councilmember Bottorff agreed with staff's recommendation.

Mayor Frith stated fines have not been assessed for code enforcement. The fines would be suspended but the contract would specify if certain timelines were not met, fines would apply. Council agreed.

Ms. Burke-Trent arrived at 6:08 p.m. Mayor Frith advised her of council's recommendation and also informed her of the upcoming city clean-up day, and that there was an organization in town that could assist her.

Ms. Burke-Trent advised council of her financial hardships. She was trying to sell the property.

Mr. Friend stated the agreement would have specific actions with specific timelines.

Councilmember Arnold asked that the agreement with the timelines be brought back to council for a final review.

Mayor Frith confirmed the planning department would draft the agreement and bring it back to council for approval.

**B. Wilkinson Fence Permit – Review of Options for Issue Resolution.**

Mr. Friend explained to council Mr. Wilkinson applied to the city for a fence permit. Planning assistant Erin Dougherty reviewed and denied the application due to the placement of the fence in the city right-of-way. The applicant is now requesting that the City allow the fence to be placed within the right-of-way as submitted in his application. Mr. Friend recommends Council deny the applicant's request.

City Administrator Pete Carr stated he appreciated property owners investing in the town and making improvements. With the denial, the City does not intend to convey a negative impression; the city has to consistently apply the code.

Nathan Wilkinson stated placing the fence out of the city right-of-way would look bad. If the city ever needed access to the property, he could remove the fence.

Councilmember Arnold wanted to look at different options such as abandoning the right-of-way or moving it out.

Councilmember Thompson agreed with the property owner's request to approve the permit.

Mr. Friend said this would be considered a variance and the item was not advertised as a variance.

Councilmember Bottorff felt the fence should be allowed to be placed out to the sidewalk but placed in sleeves so it could be removed if needed.

Vice Mayor Crawford liked the proposal but it was hard to back away from the code. The intent of the code is to keep fences out of the city right-of-way.

Motion/Second to grant the appeal. (Thompson/Bottorff, Noes: Arnold, Crawford & Frith)

Motion/Second to deny the appeal. (Frith/Arnold, MC; Noes: Bottorff, Thompson)

#### C. Solid Waste Service Proposals.

Mr. Carr stated the five-year waste removal services contract with Waste Management expires in January 2011. Council discussed in July the potential to amend and extend the contract rather than explore the option of new services providers. Staff was encouraged to negotiate potential terms of an extension with Waste Management (WM).

In the meantime, a second vendor, Northern Recycling & Waste Services (NRWS) initiated contact with the City, identifying itself as interested in providing waste collection services in Biggs. A proposal was received from them on September 15<sup>th</sup>.

Mr. Carr was asking for direction from Council to continue negotiations with one vendor or the other.

Mayor Frith asked if the city solicited in anyway the second proposal and Mr. Carr said no.

Mr. Carr presented the highlights of the two different contracts. Both companies had significant experience in this County. There was no difference in the collection days. NRWS offered a larger recycling bin. The cost to the city for the two services was within about 7% of each other. Both companies would provide extra recycling carts at no additional charge. NRWS allowed two yard waste carts free and the third would cost \$5 a month; no charge for extra yard carts with WM. Both companies offered an annual clean-up day. The extra disposal differed between the two companies. WM would offer a voucher or coupon that a customer could take in the springtime to Ord Ranch Transfer Station. NRWS offered a "bag-n-tag" clean up where twelve stickers are issued to the customer and placed on bags to be placed next to the trash cart. The city would do all the billing for either company. Both companies would have annual cost adjustments.

Doug Speicher, General Manager for NRWS, stated the contract term would be for five years with cost adjustments similar to the Consumer Price Index. All customer calls would go to their office in Paradise. All services would be based out of Paradise.

Resident Mary Frith asked what would happen if pickup had been skipped. Mr. Speicher stated they would dispatch another truck and have a pickup the same day if before two o'clock; otherwise the next Monday. There were commercial pickups on Saturdays. The city facilities would also be serviced. Containers would be supplied for community events at no charge. Trash would be hauled to Neal Rd Landfill. Recycling is taken to the Paradise transfer facility. All recycling with NRWS is free. He would need to purchase all new containers for the city.

Councilmember Arnold asked if there was a size limit for the bag-n-tag. Mr. Speicher said a 32 gallon bag with acceptable waste. Each resident would receive 12 tags and they could be used at any time. There was a component within the rate structure for the processing of yard waste. If the city was in a situation where they could have the material directed to a facility, there would be a price reduction in the rate structure. Currently most of the yard waste was composted at Neil Road.

Tim McGill representing Waste Management stated when he talked with Mr. Carr, they discussed things the community would be interested in; cleanup days were an issue. The two proposals were very similar. In discussions with Mr. Carr, WM came up with the additional cart for recycling or green waste at no additional charge. The corporate yard could have additional containers stored there. Customers would be able to "check out" additional containers, similar to a library system, from the corporate yard and then they would be returned when the customer was finished with them.

A voucher would be used for an additional three cubic yards of waste to be taken to the Ord Ranch Transfer Station in the springtime. The voucher was being compared to the bag-n-tag. Three cubic yards is about the size of a pickup truck bed piled high. Mr. McGill stated lowering the price was not discussed. If the city did not want a voucher, there could be a different negotiation. WM could take green waste to a bio mass facility and WM also had the ability to bring more green waste to an operating facility. He did not expect another proposal when he was putting WM's proposal together for Biggs.

Councilmember Arnold asked what type of waste was allowed in the pickup load with the voucher. Mr. McGill stated the voucher would be an additional service and waste items such as couches, mattresses, paint, oil, and anti-freeze, up to three cubic yards, could be taken to the transfer station.

Councilmember Thompson asked if the City of Biggs would be getting a "deal" from WM for the city taking care of the billing. Would the amount charged to the citizens be less?

Mr. Carr said the rate charged to the customers would still be the same, resulting in a service increase without a cost increase.

Perry Roles, local resident and District Fleet Manager for WM, stated part of the sustainability for this community was to have community people that work for companies that are well established. WM has proven themselves with customer support.

City Employee, Marlee Mattos stated WM was very prompt with taking care of issues in the city. She was very pleased with WM's customer service.

Councilmember Thompson was very pleased with WM.

Mayor Frith was torn to some degree with the two contracts.

Councilmember Arnold was in favor of saving citizens money. If NRWS has \$1 a month savings, he was in favor of that. He asked if a decision would need to be made tonight. Mayor Frith said the direction tonight was to direct staff to continue negotiations with whoever council chooses.

Mr. Carr said council could direct him to negotiate more. Neither company had the advantage of seeing each other's proposals before 5 o'clock last Friday. He did not put out an RFP saying what he wanted.

City Attorney Greg Einhorn stated the issue tonight was to select a contractor based on the proposals. Mr. Carr did not solicit the second proposal. There was no legal issue here.

Mayor Frith stated council should choose a contractor in fairness to both companies.

Councilmember Arnold stated the decision should be based on what is best for the city and the citizens. Saving money is what the citizens like. The city would be getting the same quality of service and NRWS has some good recommendations from the Town of Paradise.

Vice Mayor Crawford asked Mr. Speicher if he was familiar with the City of Biggs planning to generating power in the future. WM stated they would be able to bring in additional green waste to the city and questioned if NRWS could do this. Mr. Speicher would be open to this.

Vice Mayor Crawford felt there was more to the proposal than the cost aspect. He stated there was not a lot of dollars and cents difference. If every component in the contract was the same how would the numbers have come out? He did not know what the value of the voucher verses the 12 stickers equated to other than what he could see on paper.

Mr. Speicher stated the value of the bag-n-tag was the convenience. Not everyone in the community would be capable of loading up their product and hauling it to the Ord Ranch Transfer Station. He wanted council to know Mr. Carr did not ask for a proposal. Mr. Speicher just happened to send an email to Mr. Carr asking to meet with him.

Mayor Frith confirmed the price WM charged the city was \$16.01 a month per customer. Customers were billed \$20.04 a month. NRWS would charge the city \$15.10 a month per customer.

Councilmember Thompson asked Mr. McGill if WM had statistics on how many vouchers were actually turned in. Due to the voucher event taking place only once, he did not know the number but could get the information.

Vice Mayor Crawford asked what the logic was to having a timeframe on the voucher. Why wasn't the voucher good for a year?

A WM representative stated the timeframe was to push residents into disposing of waste rather than holding it for a long period of time. This could be changed if the city would like.

Vice Mayor Crawford asked WM how batteries and fluorescent tubes could be disposed of.

Mr. McGill stated there were programs to deal with these items.

Councilmember Arnold was pleased to have negotiations and competition.

Motion/Second to direct Mr. Carr to move into negotiations further with Waste Management. (Thompson/Crawford, MC; Noes: Arnold)

5. **DEPARTMENT REPORTS:** Mayor Frith asked to move public safety to this point in the agenda.

C. Public Safety.

Assistant Police Chief Dean Price introduced the new School Resource Officer ,Adam Russer. Officer Russer stated he mingles with the students during lunch. He was hoping the schools would incorporate the same dress code that the Esperanza School in Gridley has. Officer Price noted Officer Russer was part of the police drug unit.

4. **CONSENT CALENDAR:**

Motion/Second to accept the consent calendar as it is. (Thompson/Bottorff, MCU)

- A. Approval of Council Minutes for Regular Meeting of July 19, 2010 and Special Meeting of August 9, 2010.
- B. Approval of warrants: #24639 - 24725; #7739 - #7762; Z00332 - Z00349 for month of August 2010 in the amount of \$324,158.54.
- C. Acknowledge receipt of Monthly Cash Report for July 2010.
- D. Acknowledge receipt of Police Department Report for August 2010.
- E. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for August 2010.
- F. Acknowledge receipt of Biggs Fire Department Report for August 2010.
- G. Authorize City Administrator to release cash bonds in total amount of \$20,500.00 to Community Housing Improvement Program (CHIP) for completion of bond obligations.
- H. Second Reading and Adoption of Ordinance No. 388 by reading of title only "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING TITLE 14 ZONING OF THE MUNICIPAL CODE TO REZONE ASSESSOR PARCEL NUMBER 001-081-035 TO THE LIGHT INDUDUSTRIAL (M-1) ZONE DISTRICT."

5. **DEPARTMENT REPORTS:**

A. Engineering:

1. City Water Usage and Revenue.

City Engineer Dave Swartz stated in February of this year he was asked to examine water rates and water allotments and how adjusting water allotments would affect the rate structure. He and Ms. Mattos examined historical usage of water over the last 12 months for the metered services and looked at the budget back to 2003 and the city's accounting practices.

Mr. Swartz showed a water calculator that illustrated different base usage amounts. He noted that as the water allotment is increased, the operating loss also increases.

There were significant changes that had occurred with the water operations fund over the last 10 years such as allocations.

Mr. Carr stated the city's outside auditors add in the depreciation expenses at the end of the year in financial statements.

Mr. Swartz stated there was a 40% increase in expenditures in the operating fund since 2003 that were not anticipated. He could not make a recommendation on water rate adjustments at this time.

Vice Mayor Crawford stated the city should look forward. The obligation was to pay the water loan and to reduce water usage. He passed out a handout entitled "Suggested Seasonal Water Allowances." He wanted to set the rates based on the usage rather than a flat line usage.

Mayor Frith stated money was set aside to install water meters for the rest of the customers in the city. There was no schedule for completion yet.

Mr. Carr stated meters could be installed on all residents within a year. This should be done before there was a rate increase.

Vice Mayor Crawford would rather make rate adjustments and look for grants to cover the cost of meters.

Mr. Swartz suggested he could have a study session with Mr. Carr, Ms. Mattos and the public works committee and see what works and what does not. Ms. Mattos would need to check with the software vendor to see if the floating rate schedule could be implemented.

Ms. Mattos thought Mr. Crawford's rate schedule could be done. She questioned why so much was being spent in the water fund.

Councilmember Bottorff suggested installing meters on all residents.

Resident Mary Frith felt the water usage allowance was too low. There were many brown yards and dying trees and plants in the city this year.

Councilmember Arnold said the rates needed to be decreased rather than putting everyone on a meter.

Ms. Mattos asked who decided what could be charged to the water and sewer funds.

Mr. Swartz said the city auditors made sure allocations were correct.

Council agreed they needed more information before any changes could be made.

2. Mr. Swartz said he would answer questions about the Activity Report.
3. Project Updates.
  - a. USDA Sewer Line Repair Project. Repairs were completed and staff will begin to close out the waterline portion of the water project.
  - b. City of Biggs Roadway Rehabilitation Project. Repairs completed and staff will begin working to close out the Prop 1B, West Biggs Gridley Road and C Street projects

- c. Hydro-Pneumatic Tank Project. The tank was not yet online. Fencing was needed around the tank. This was a pressure tank not a storage tank.
- d. Sixth Street Bridge Rehabilitation. Nothing new to report.
- e. Biggs Community Hall Funding Application. The appraisal has been completed.
- f. WWTP Funding Application has been submitted.

B. Planning:

- 1. Informational: City Planner Scott Friend reviewed the Department Activity Report – July 2010 / August 2010 included in the agenda packet.
- 2. Modification of Biggs Nuisance Code. Mr. Carr stated the staff report conveys what was trying to be accomplished. He asked council to look the report over and provide staff with feedback. The issue could be discussed at the October council meeting.
- 3. The Code Enforcement Activity Report for May 2010 - Report was presented to council in the agenda packet.

D. Flood Control. Councilmember Bottorff stated a local person needed to be appointed to the JPA advisory committee. Mayor Frith suggested placing an advertisement for a member of the public to serve on the committee. The second stage of development has begun to find out where the real problems were in the levees. The repairs would start in August 2011.

E. Public Works. Mayor Frith referred to repair work the public works department had completed for citizens and asked if there was recourse for collection. Mr. Einhorn stated if it was water or sewer work, it could be added to the citizen's utility bill.

D. Electric. Mr. Carr had made purchases for December and January. Mayor Frith would be going to the NCPA Conference in Napa on Thursday.

G. BCAG/Air Quality. Councilmember Thompson had previously emailed the Air Quality report from the last meeting to Mr. Carr. BCAG meeting had been canceled this month.

H. Solid Waste. Mayor Frith wanted to affirm there was no solicitation from the city for the proposal from Northern Recycling & Waste Services.

I. Other commission reports. There would be a candidate forum sponsored by the League of Women Voters scheduled for the Gridley candidates and the Biggs candidates would be invited.

J. City Administrator.

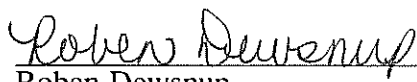
- 1. Fund Balance Analysis. Mr. Carr reviewed the balances for project funds. He had been advised by city auditors and the city accountant Roy Seilers to zero out the closed projects. Mr. Carr recommended returning positive amounts to the General Fund and transferring from the Electric Fund via the General Fund for the negative balances. The "Pass Through" accounts should be audited and their confirmed balances reconciled with the developers.

Mr. Carr discussed Curb and Gutter Loans that needed to be resolved. He recommended writing off two of the loans and retaining two loans.

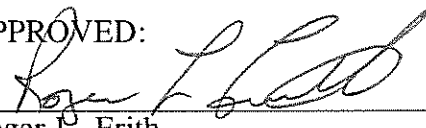
Council agreed.

6. **INFORMATIONAL:** There would be a joint council meeting in Gridley with the Gridley City Council at 6 p.m. next Monday night, September 27, 2010.
7. **EXECUTIVE SESSION:** Adjourned to executive session at 11:00 p.m.
8. **RESUME REGULAR SESSION:** Resumed regular session at 11:55 p.m. Nothing to report.
9. **ADJOURNMENT:** Meeting adjourned at 11:56 p.m.

ATTEST:

  
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Roben Dewsnap  
CITY CLERK

APPROVED:

  
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Roger E. Frith  
MAYOR