

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, Code Enforcement Officer Erin Dougherty and City Clerk Roben Dewsnap.

**1. COMMUNITY PARTICIPATION:** None

**2. PUBLIC HEARING:** VAR2010-001 Franco

Mayor Frith moved to the next item on the agenda while waiting for Mr. Franco's interpreter.

**3. UNFINISHED BUSINESS:**

- A. Burke-Trent property at 3069 Eighth Street – Dangerous Buildings. Code Enforcement Officer Erin Dougherty stated she had spoken with Mrs. Burke-Trent today and she was not able to attend the meeting tonight. Mrs. Burke-Trent asked that this matter be postponed until November and that staff extend the abatement date to January 1, 2011. Ms. Dougherty stated January 1 was a holiday so the abatement date would be January 3, 2011.

City Planner Scott Friend stated there was no reason to postpone until November. Staff could move forward and give a 30 day extension to the contract.

Motion/Second to direct staff to move forward with the contract and change the date to January 3, 2011 as the abatement date. Vice Mayor Crawford requested the contract be signed this week. (Thompson/Bottorff, MCU)

- B. Solid Waste Service Agreement. City Administrator Pete Carr presented to council a draft contract extension with Waste Management for solid waste collection services without a cost increase to the customers. Mr. Carr pointed out the Ord Ranch Rd voucher could be used for six months from January through June. If the customer would prefer the bag-n-tag, they could exchange their voucher for 12 bag-n-tags. If the cost for tipping decreases for Waste Management, they would pass the cost reduction on to the customer.

Mayor Frith asked if this was an amendment to an existing contract and Mr. Carr said yes.

Motion/Second authorize the city administrator to sign the agreement with Waste Management for solid waste services. (Frith/Thompson, MCU)

**4. CONSENT CALENDAR:**

- A. Approval of Council Minutes for Regular Meetings of August 16, 2010 and September 20, 2010 and Special Meetings of March 22, 2010, August 30, 2010 and September 27, 2010.
- B. Approval of warrants: #24726 - 24800; #7763 - #7782; Z00350 - Z00362 for month of September 2010 in the amount of \$413,676.64.
- C. Acknowledge receipt of Monthly Cash Report for August 2010.
- D. Acknowledge receipt of Police Department Report for September 2010.
- E. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for September 2010.

- F. Acknowledge receipt of Biggs Fire Department Report for September 2010.
- G. Approve the requested fire department fuel card acquisition with coordination through City Hall Accounts Payable.
- H. Adopt *Resolution No. 2010-25* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS IN OPPOSITION TO PROPOSITION 19."
- I. Adopt *Resolution No. 2010-26* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS IN OPPOSITION TO PROPOSITION 26."  
Motion/Second to approve the consent calendar as presented. (Thompson/Frith, MCU)

**2. PUBLIC HEARING:** VAR2010-001 Franco

- a. Staff comments. Mr. Friend stated Mr. Franco was asking for a request for a variance to continue the use of an existing metal carport at 2986 West Biggs-Gridley Road. The request is for a modification to the R-2 front setback from 20 feet to 2 feet. The carport does not block any sight visibility triangles. Mr. Friend stated there were adequate grounds to approve the variance tonight. The applicant requested a waiver for fees but Mr. Friend requested denial of the fee waiver. Mr. Friend reminded council that variances run with the property.
- b. Open the hearing to the public.
  - 1. Proponents. Mayor Frith asked Mr. Miguel Gonzalez Franco to say what he was asking for but Mr. Franco did not understand. His interpreter, Mr. Walton, was not present.  
  
Mr. Friend said the city had sent a letter to Mr. Franco advising him to remove the carport or obtain a variance for it.
  - 2. Opponents. None
- c. Close hearing to the public.
- d. Council discussion. Mayor Frith asked Mr. Friend if there had been discussion about moving the carport back to the fence. Mr. Friend stated he and the engineer had talked about it, but didn't feel there would be anything to gain from this. He would prefer that it be set off of the fence.

Vice Mayor Crawford was concerned about the carport being five feet from the fence in the back.

Mr. Friend said condition #4 stated the owner would need to secure the existing carport to a foundation, so the structure would be moved due to this condition.

Mayor Frith was told there was no feedback from the neighbors.

Council agreed to deny the refund or reduction of fees.

Motion/Second to determine the project is exempt from (CEQA) pursuant to Section 15305(a) of the Public Resources Code. (Frith/Thompson, MCU)

**RESOLUTION NO. 2010-24** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR A VARIANCE LOCATED AT 2986 W. BIGGS GRIDLEY ROAD APPLICATION : 2010-001 – FRANCO (VARIANCE)" with the stated conditions and no refund of fees. (Frith/Thompson, MCU)

**5. DEPARTMENT REPORTS:**

A. Planning:

1. Informational: City Planner Scott Friend reviewed the Department Activity Report – September 2010 / October 2010 included in the agenda packet.
2. Modification of Biggs Nuisance Code. Mr. Carr referred to draft proposed text changes to the nuisance code in the agenda packet.

Council discussed #4 – placement of solid waste receptacles. Mayor Frith stated the intent is to get the receptacle off of the road. Councilmember Arnold felt there was a problem with asking for the receptacle to be out of sight.

Mr. Carr said the current code already states the receptacles should be off of the road or sidewalk except on pickup day. He stated he was not hearing direction from council that the receptacles should be out of sight.

Councilmember Thompson suggested the receptacle be off the street and against your house or structure.

Mayor Frith stated he did not see an issue with the language as proposed. It would depend on how the code was enforced. Council agreed.

Mr. Carr stated item #6 referred to acceptable landscape in the mow strip area.

Item #7 prohibited parking on lawns and would add the limitation to parking that extended into street areas.

The proposed language for item #8 requires graffiti be removed within 48 hours. Council agreed.

Councilor Bottorff asked what would happen if graffiti was not abated in 48 hours. Mr. Einhorn stated the property owner would be receiving a citation that advises them to abate the graffiti in 48 hours, if they don't they would be subject to a fine.

Mr. Bottorff asked what would be done if someone was not able to abate the graffiti. Mr. Carr stated public works could assist the property owner if they need help cleaning the graffiti.

Officer Dean Price stated there is a difference between graffiti and tagging.

Mayor Frith asked at what point the graffiti becomes an attractive nuisance.

Mr. Einhorn stated it would be under the discretion of the code enforcement officer.

Item #9 provides additional fines and compliance requirements for those who repeat code violations.

Item #10 refers to occupied residential buildings lacking utilities. This is a public safety and public health issue.

Mr. Einhorn stated the modification to the nuisance code would be brought back in November as a public hearing.

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

Vice Mayor Crawford felt there was too much information in the report and it should be tempered.

B. Engineering:

1. Activity Report. Mr. Carr reviewed the activity report and informed council the City of Biggs did not receive the Safe Routes to School grant.
2. Project Updates included in the agenda packet.
  - a. USDA Sewer Line Repair Project.
  - b. City of Biggs Roadway Rehabilitation Project.
  - c. Hydro-Pneumatic Tank Project. Testing is complete and the tank is online. Public Works will begin to slowly increase pressure in increments.
  - d. Sixth Street Bridge Rehabilitation.
  - e. Biggs Community Hall Funding Application.
  - f. WWTP Funding Application is still pending at USDA.

- C. Public Safety. Mayor Frith and Mr. Carr met with Assistant Chief Price last Friday. Assistant Chief Price asked that tagging be reported to the police department right away.

- D. Flood Control. Councilmember Bottorff stated the JPA flood control budget had been approved. Biggs needs a representative for the advisory committee. Councilmember Thompson would ask Steve Thompson to attend. Resident Mary Frith questioned why her empty commercial building had such a high assessment. She was advised to contact the agency directly.

Councilmember Bottorff attended a presentation at SCORE.

- E. Public Works. Mayor Frith stated the Public Works Committee would meet on October 27<sup>th</sup>.

- F. Electric. Mayor Frith stated there had been activity in the last month regarding cost allocations for legislative and regulatory through NCPA. There was an item being pushed through NCPA in an attempt to keep a member that has the potential to create a very negative impact financially on the City of Biggs.

- G. BCAG/Air Quality. Councilmember Thompson reported there was no BCAG meeting. She was not able to attend Air Quality Meeting; however, "Check before you light" was passed at the meeting.

- H. Solid Waste. Mr. Carr reported 34 tons of waste was removed from Biggs on the clean-up day.

- I. Other commission reports. None

J. City Administrator.

1. Fund Balance Analysis. Mr. Carr presented recommendations to council for fund transfers. Motion/Second to direct the city administrator to make the fund transfers and reconciliations as recommended. (Frith/Thompson, MCU)

2. Update to Personnel Policies. Mr. Carr reviewed changes to the personnel policy. Mayor Frith recommended a fresh copy with the proposed changes be printed for council to review over the next month.
3. Staff Compensation. Mr. Carr reviewed the staff report. The first item was the accounting analyst position that was added in the spring of this year when the full time finance director position was eliminated and replaced with the distribution of some of the tasks and responsibilities and a contract CPA was hired to do other portions of that responsibility. The accounting clerks' positions were changed to accounting analysts and their tasks and responsibilities were increased. A 15% change in their compensation was discussed and it was decided to increase 10% then and come back in six months and discuss this issue, which would be on or about November 1<sup>st</sup>. Mr. Carr stated this could be considered between now and the next few weeks. He felt the transition was highly successful and was a greater empowerment for the accounting staff in their expanded roles. The tasks listed on the attachment have been incorporated and the tasks in bold lettering are items that were not on the original list.

Mayor Frith wanted to be certain the salary schedules were in place for the year. He questioned what the reference to the COLA was. Mr. Carr stated it was the city's cost of living adjustment. Mayor Frith thought this should be a salary adjustment rather than a COLA. Mr. Carr pointed out the salary schedule was attached. Mayor Frith stated the salary schedule did have the new terminology and the new job positions that would be created. He wanted to be sure what Mr. Carr was asking for. Mr. Carr pointed out this schedule replaced the big matrix but this only deals with the non public works positions. It shows the newly added position of accounting analyst. The public works supervisor position is on the schedule even though it is an unpaid position at this time. Mayor Frith asked if Paul Pratt was the public works superintendent and Mr. Carr stated that was correct. Mayor Frith asked if the job description had been updated in regards to the requirements of that position and Mr. Carr stated this was part of the changes suggested. Mr. Carr stated the lowest position on the schedule was new for an administrative assistant. It was added in anticipation of temporary help such as in the case of an employee's extended absence.

Mayor Frith asked to table this item in order to take a better look at the policy manual. He did not have enough information and that the salary schedule should wait until negotiations are complete.

Vice Mayor Crawford asked Mr. Carr if the two modifications would be for the accounting analyst and the possible adjustment for the six month review and Mr. Carr said that was correct and if a change was to be made, it could be made to the individuals' pay or to the position.

Mr. Carr stated the new schedule did not have five steps as the large matrix does and individuals could progress from entry level to top level based on their performance evaluations.

Council agreed to think more about this item.

For the second item, Mr. Carr informed council the city administrator position is addressed by a separate employment agreement and has experienced compensation adjustments at schedules and rates outside the normal pattern for city positions. This position was not included in the October 1<sup>st</sup> salary increase. Council may wish to adjust this position's compensation schedule at this time. Mr. Carr's last contract was

finalized in March. Mayor Frith asked if this position should be taken off of the salary schedule or should it have its own schedule.

Mr. Einhorn stated this position should not be on the city salary schedule. There should be a city administrator schedule.

Vice Mayor Crawford felt it could be shown on the schedule but with a disclaimer stating it is a separate contract from the other positions.

Mayor Frith liked the idea of separating the position from the schedule with a description that the city administrator is not the beneficiary of the negotiations that goes on. Council agreed.

4. Discussion Topics

a. Utility Charges for Vacant Property. Mr. Carr stated the vacant commercial buildings downtown were not being charged for utilities. The code states that vacant residential buildings must pay the basic water, sewer, and garbage rates. Mayor Frith asked for clarification as to what vacant means. Many of the properties are being used for storage. This item could be brought back at the November meeting.

b. Parking on South Fifth Street. Mr. Carr advised council the south end of Fifth Street does not meet the standard for road width. Mr. Carr suggested no parking on one side of the road where the road is narrow until the road is improved. Council agreed to allow Pete to install no parking signs where indicated.

6. **INFORMATIONAL:** None

7. **EXECUTIVE SESSION:** Council adjourned to executive session at 9:40 p.m.

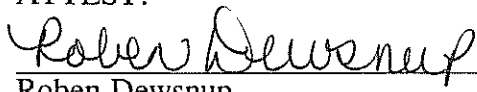
A. **Conference With Legal Counsel--Existing Litigation:** Government Code § 54956.9(a) Golden State Boring & Pipe Jacking, Inc. v. SJ&B Group Inc., et al. Butte County Superior Court Case No. 143430.

B. **Conference with Labor Negotiators:** Pursuant to Government Code §54957.6. Agency designated representatives: City Administrator, City Attorney and Vice Mayor Crawford. Employee Organization: Laborers Local 185.

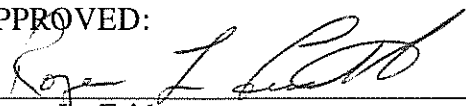
8. **RESUME REGULAR SESSION:** Council resumed regular session at 10:29 p.m. No announcement was made.

9. **ADJOURNMENT:** 10:30 p.m.

ATTEST:

  
Roben Dewsnup  
CITY CLERK

APPROVED:

  
Roger L. Frith  
MAYOR