

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice Mayor Thompson and Councilmembers Bottorff and Sheppard were present. Councilmember Arnold was absent. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Dave Swartz and City Clerk Roben Dewsnup.

1. **COMMUNITY PARTICIPATION:** None.
2. **PUBLIC HEARING:** *Home Occupation Permit (Major) for a proposed massage therapy business to be located at 2982 Eleventh Street (APN 001-186-008).*

- A. Staff Comments. City Planner Scott Friend stated the city received a request from Carla Struble seeking a Major Home Occupation Permit to establish a massage therapy business in an existing single family residence located at 2982 Eleventh Street. Most of the business would be located offsite at client locations. Onsite visits would be limited to Monday, Wednesday and Friday between 8 a.m. and 4 p.m. There would be no employees and the business would cover less than 30% of the gross floor space. Mr. Friend noted the conditions of approval, the findings and the resolution found in the agenda packet.
- B. Mayor Frith opened the hearing to the public.
 1. Proponents. Carla Struble thanked Mr. Friend for his help and stated she would like to have clients come to her home but no business after 4 p.m. or on the weekends.
 2. Opponents. None
- C. Close hearing to the public.
- D. Council discussion.

Mayor Frith asked if the neighbors in the area had been noticed and Mr. Friend stated all properties within 300 feet had received written notice and a notice had been published in the newspaper. He had received no input.

Councilmember Bottorff would refrain from comment and would abstain from voting because he knew the applicant.

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

Resolution 2011-08 "A RESOLUTUION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING A MAJOR HOME OCCUPATION PERMIT AT 2982 ELEVENTH STREET (APN 001-186-008) TO PERMIT THE USE OF A PORTION OF THE EXISTING DWELLING AS A HOME BASED MASSAGE THERAPY STUDIO." Mayor Frith asked that the existing business licenses be copied. Ms. Stuble stated she had a business license with the City of Gridley and a certificate verifying 300 hours of service. She intended to get a license through Butte County but changed her mind due to rising gas prices. (Thompson/Sheppard, MC; Abstain: Bottorff; Absent: Arnold)

3. **CONSENT CALENDAR:**
 - A. Approval of Council Minutes for Regular Meeting of March 21, 2011.
 - B. Approval of warrants: #25140 - 25228; #7890-7912; Z00435 - Z00447 for month of March 2011 in the amount of \$388,435.55.
 - C. Acknowledge correspondence from Housing Authority of the County of Butte.
 - D. Acknowledge receipt of Accountant's recap of discretionary funds as of December 31, 2010.

- E. Acknowledge receipt of Police Department Report for March 2011.
- F. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for March 2011.
- G. Acknowledge receipt of Biggs Fire Department Report for March 2011.
- H. Second Reading and Adoption of Ordinance No. 391 by reading of title only **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS ADDING CHAPTER 8.50 TO THE BIGGS MUNICIPAL CODE (TRUCK ROUTES) AND DELETING PORTIONS OF CHAPTER 8.35”**.
- I. Approve NCPA Documents required as part of Turlock Irrigation District (TID) Settlement and authorize city administrator to execute on behalf of Biggs.
- J. *Adopt Resolution No. 2011-09*, **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING EXECUTION OF THE NATURAL GAS PROGRAM AGREEMENT”**.
- K. *Adopt Resolution No. 2011-10*, **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS RELATING TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES’ EARLY IMPLEMENTATION GRANT FUNDING PROGRAM – AS A FORMAL ACKNOWLEDGMENT OF THE CURRENT LEVEL OF FLOOD RISK WITHIN THE CITY OF BIGGS”**.

Mayor Frith asked to pull item K from the consent calendar.

Motion/Second to approve the consent calendar minus item K. (Thompson/Bottorff, MCU; Absent: Arnold)

Mayor Frith was concerned with the language embedded in the resolution, specifically the statement saying the levee no longer meets the 100 year level. He would like more input and discussion on this subject.

City Attorney was concerned with saying something that is inconsistent with previous reports to FEMA. He suggested pulling this item from the agenda for now.

Council agreed to pull the item, re-write and bring back at the next meeting and do not include in the consent calendar.

4. DEPARTMENT REPORTS:

A. Planning:

Informational: City Planner Scott Friend reviewed the Department Activity Report – March 2011 / April 2011 included in the agenda packet.

1. Code Enforcement Disclosure and Report. Mr. Friend stated at the March 21, 2011 meeting, council requested that staff discuss the City’s current code enforcement information disclosure protocols at the April meeting. He provided a summary sheet of code enforcement violation cases which included names, addresses and violation.

There had been a concern in the past about disclosing names of those making complaints for fear of retribution. Mr. Friend acknowledged that the code enforcement program had evolved and matured and staff was much more aggressive with code enforcement now.

Resident Mary Frith asked that the names of those making complaints be keep anonymous.

Resident John Bush stated if code enforcement is a force of law, it would be required to know who the accusers are.

City Attorney Greg Einhorn said if the case were based solely on what an informant had said and it was not known to the public then it would require exposure.

Mr. Friend agreed very strongly to not reveal who makes a complaint.

Vice Mayor Thompson stated concern about placing the names of violators on the website. Councilmembers Bottorff and Sheppard felt the names should be left on the report to add accountability. Mayor Frith agreed. Mr. Friend would continue this method and make changes if needed.

2. Planting/Landscaping in Planting Strips and City Rights-of-Way. Mr. Friend asked for direction on how staff should work with landowners adjacent to planting or mow-strips when disagreement exists on the type of landscaping in planting strips and/or adjacent property owners are unwilling to maintain or replant planting strip landscaping.

Resident John Busch stated he had asked permission to remove the trees in his planting strip due to allergies and intended to replace the trees with something. The city has an ordinance that requires maintenance of the planting strips. He viewed forced maintenance as a tax and felt it was an illegal tax because 2/3 of the population did not vote for this. If he had to plant trees in his planting strip, he wanted to see a tree in every planting strip and he would like to choose the trees.

Mr. Einhorn stated statutory authority for this ordinance comes from state and highways code. He did not believe it was a tax; it was not imposing money. It was a regulation.

Council agreed to continue with requiring trees to be replanted when they have been removed.

Mayor Frith asked Mr. and Mrs. Busch to choose a tree they would like to plant and come back to the city with their choice and replant the tree. Mrs. Busch agreed.

- B. Engineering: City Engineer Dave Swartz reviewed the activity report and project update staff report included in the agenda packet.
- C. Public Safety. Assistant Police Chief Dean Price reported the dispatcher of the year was Stephanie Ricard and the deputy of the year was Scott Olsgard. The police department received a 14 month old German Sheppard dog and Joel Bassett had been hired as a new officer.
- D. Flood Control. Councilmember Bottorff reviewed the presentation given at the Sutter Butte Food Control meeting. The city still needed a citizen representative.
- E. Public Works. Mayor Frith stated rights-of-way and set back issues had been discussed at the public works committee meeting. The manganese issue at the well and telemetry were also discussed at the meeting.
- F. Electric. Mr. Carr stated there was no need for an electric rate increase this year.

- G. BCAG/Air Quality. Vice Mayor Thompson stated financial information had been approved at the BCAG meeting.
- H. Solid Waste. No report
- I. Other commission reports. Councilmember Sheppard attended the Mosquito Abatement Meeting and gave a brief report.
- J. City Administrator. Mr. Carr

- 1. Federal and State Budget Issues. Mr. Carr stated CDBG Funding would be decreasing 10%. Gas tax funding appeared stable but the COPs funding would end on June 30, 2011.
- 2. Engineering RFQ Update. Mr. Carr stated seven responses had been received. He had reviewed all of the proposals. Council agreed to form a committee to review the proposals and gave the mayor the authority to choose the members.
- 3. Financial Auditor RFP. Mr. Carr presented a draft Auditor RFP to council and a draft list of CPA firms to solicit.

Motion/Second to approve the auditor RFP as presented and direct staff to issue it. (Frith/Thompson, MCU; Absent: Arnold)

- 4. Request for Appropriation – City Accounting Services.

Motion/Second to approve the additional appropriation of \$3,000 for the city accounting services. (Thompson/Bottorff, MCU; Absent: Arnold)

- 5. No-Parking Identification for Curbs at Intersections Near Schools. Mr. Carr asked council to consider the value of, and issues with, painting curbs red at intersection in school zones to stop residents from parking in the crosswalks. Chief Price stated he would address this issue. Council agreed to let police enforcement take care of the problem.
- 6. Community Broadcast Opportunity. Mr. Carr referred to the staff report and informed council the cost to the city would be less than \$2,000 for equipment. Resident Chris Swanson said the equipment did not cost a lot but if residents wanted to see what was happening in the city, they could come to the meeting.

Mayor Frith suggested getting an actual cost of the equipment. Mr. Carr would look further into this matter.

- 7. CDBG PTA Grant Applications. Mr. Carr asked council if they would like to apply for grant, which grants to apply for and which vendor should the city use to write the grants.

Motion/Second to apply for the Alternative Energy Park Plan, Master Plan Updates and Groundwater Mitigation Plan and the Target Income Group grants as per the city administrator and engineer recommendation. (Thompson/Sheppard, MCU; Absent: Arnold)

8. City Administrator Compensation. Mayor Frith asked what the city administrator's full salary was and Mr. Carr said it was \$88,416.

Motion/Second to continue with the city administrator's contract, increase his salary to \$89,297 annually, reimburse PDA expenses and approve one additional week of management leave for the current year. (Thompson/Frith, MCU; Absent: Arnold)

5. INFORMATIONAL:

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

Pursuant to Government Code §54957.6 Conference with Labor Negotiators.
Designated Negotiators: Pete Carr; Greg Einhorn
Contractor: City of Gridley/Police Services Contract

- 7. RESUME REGULAR MEETING:** Council resumed the regular council meeting at 10:20 p.m. No announcement.

- 8. ADJOURNMENT:** Meeting was adjourned at 10:20 p.m.

ATTEST:



Roben Dewsnap, CITY CLERK

APPROVED:



Roger L. Frith, MAYOR