

Call To Order

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

1. **COMMUNITY PARTICIPATION:** Resident Mary Frith informed council that National Family Night Out would be August 7, 2012.
4. **CONSENT CALENDAR:** Mayor Frith asked to pull item G from the consent calendar and to facilitate a proclamation.

Margie Ruegger, Executive Director of Butte County Child Prevention Council, gave background information on the program.

Motion/Second to Adopt Proclamation, "PROCLAIMING APRIL AS CHILD ABUSE PREVENTION MONTH." (Bottorff/Thompson, MCU)

Mayor Frith read and presented the proclamation to Margie Ruegger.

**2. PUBLIC HEARINGS:**

A. Application for 2012 Community Development Block Grant Project

1. Staff Comments:

Lori Adams of Adams Ashby presented a summary of the grant application and informed council there were some decisions that needed to be made for the application. She reminded council the application would consist of \$200,000 for the Homebuyer Assistance with Rehab Program, a 10 percent set aside activity of \$100,000 being put toward the city library ADA improvements, and General Program Administration of \$22,500.

Decisions needed for the application included: minimum down payment, whether a limit would be set on the funding gap, whether to count an unborn child as a part of a family dynamics and towards income and occupancy, whether to include closing costs in the loan, term of the loan, and the program interest rate.

2. Open the hearing to the public.
  - a. Proponents. None
  - b. Opponents. None
3. Close hearing to the public.
4. Council discussion.

Ms. Adams added one more item needing a decision: The limit on rehabilitation.

Final decisions made by council were:

Down payment requirement: 3 percent

Funding limit: 30 percent

Whether to count unborn child: Yes

Allowance for necessary repairs: \$10,000

Loan to value ration: Not to exceed 105 percent

Term: 30 years

Program interest rate: 50 percent of market – no less than 2 percent

Ms. Adams reviewed the ADA part of the loan. She recommended writing this as \$30,000 from other federal funds and \$66,000 from local funds. These amounts would need to be added to the proposed resolution.

Motion/Second to adopt Resolution No. 2012-01 with said financial corrections to section one. "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 GENERAL/NATIVE AMERICAN ALLOCATION OF THE STATE CDBG PROGRAM." (Thompson/ Bottorff, MCU; Noes: Frith)

B. Zoning Code Amendment Z2012-01 – Front Yard Decorative Fences.

1. Staff Comments: City Planner, Scott Friend recommended the first reading of Ordinance No. 394.
2. Open the hearing to the public.
  - a. Proponents. None
  - b. Opponents. None
3. Close hearing to the public.
4. Council discussion.

Councilmember Bottorff agreed with the ordinance. Councilmember Arnold did not like the overall ordinance and was concerned it could cause problems in the future. Mayor Frith felt it was a good short term fix.

Motion/Second to accept first reading of Ordinance 394, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.60.080 RELATING TO THE PLACEMENT OF A FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AND MAKING MINOR EDITS RELATED TO REGULATION CONSISTENCY AND APPLICABILITY." (Thompson/Bottorff, MCU; Noes: Arnold)

**3. ORDINANCE:**

City Attorney Greg Einhorn directed the discussion of the proposed amendments to the Biggs Municipal Code making the regulation of the cultivation of Medical Marijuana more clear and explicit.

The greenhouse provision has been eliminated. The definition and criteria for a detached accessory structure has been included. The ordinance provides for an intra-city staff cooperation and information sharing provision. Cultivation prohibited 500 feet of school, churches and parks. Mr. Einhorn stated concerns with the 500 foot prohibition.

Resident April Rodriguez asked why cultivation would be prohibited 500 from schools, churches and parks if individuals were complying with regulations.

Councilmember Bottorff felt the 500 foot prohibition should only include schools. The remaining council members wanted the prohibition to include schools, churches and parks.

Mr. Einhorn reminded council this amendment was not about the crime of marijuana, it is about public safety – people growing marijuana and subjecting themselves and their neighbors to crime and also the problem of odor. This is nuisance abatement.

Motion/Second to approve first reading of Ordinance 395, "AN ORDINANCE OF THE CITY OF BIGGS AMENDING CHAPTER 6.25 (HEALTH AND SAFETY AND NEIGHBORHOOD NUISANCE ABATEMENT) OF THE BIGGS MUNICIPAL CODE REGARDING MEDICAL MARIJUANA CULTIVATION." (Bottorff/Sheppard, MCU)

**4. CONSENT CALENDAR:**

- A. Approval of Council Minutes for Regular Meeting of February 27, 2012.
- B. Approval of warrants: #26003 - 26088; #8122 - 8138; Z00599 - Z00615 for month of February 2012 in the amount of \$470,689.09.
- C. Acknowledge receipt of Police Department Report for February 2012.
- D. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for February 2012.
- E. Acknowledge receipt of Biggs Fire Department Report for February 2012.
- F. Acknowledge receipt of accountant's Monthly Cash and Investments Report for February 2012.
- H. Second Reading and Adoption of Ordinance No. 393 "AN ORDINANCE OF THE CITY OF BIGGS AMENDING THE REGULAR DAY AND THE STANDARD HOUR FOR THE COMMENCEMENT OF REGULAR COUNCIL MEETINGS."
- I. Approve dissolution of the Butte Basin Water Users Association and authorize Mayor to sign letter indicating same to County.

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

**5. DEPARTMENT REPORTS:**

A. Engineering:

City Engineer Steve Speights reviewed the monthly engineering activity report and added he had received the plans for Bannock Street and the site improvements from SunWest.

B. Planning:

City Planner Scott Friend reviewed the Activity Report for February 2012 - March 2012 included in the agenda packet.

C. Public Safety. Nothing to report

D. Sutter Butte Flood Control. Councilmember Bottorff reported amendments to agreements had been approved for \$2.6 million for the next 18 months to cover the increased work load.

E. Pubic Works: Nothing to report.

F. Electric. Mayor Frith reported he would be attending a commission meeting on Thursday and he would also attend the water forum in Chico on Friday.

G. BCAG/Air Quality: Vice Mayor Thompson reported the transfer of emission credits was voted down at the Air Quality meeting.

H. Solid Waste: Nothing to report.

I. Mosquito Abatement. Councilmember Sheppard stated the mosquito population was increasing. There were no changes in West Nile activity in Butte County.

J. Other commission reports. Mayor Frith would be attending the Butte County Local Hazard Mitigation Plan kickoff tomorrow morning.

K. City Administrator.

1. Server Replacement – Mr. Carr reported the current server was considered past its expected useful life with significant risk of catastrophic failure. The city issued a Request for Proposal and received three responses. Mr. Carr recommended PacifiCom to install a new server. He had contacted three current customers of PacifiCom and they were very happy with PacifiCom’s services. He still needed to negotiate with them on some items. The cost of the server would be expensed to the water, sewer, electric and solid waste funds.

Motion/Second to accept Mr. Carr’s recommendation. (Bottorff/Thompson, MCU)

Mr. Carr asked for clarification that council wanted him to proceed with the contract for the server install and negotiate a service contract with PacifiCom and council said yes.

2. Replacement Street Sweeper – Mr. Carr asked council to consider purchasing a street sweep to replace the city’s current aged unit. A used sweeper had been located and because of its weight, all of the public works employees could operate the machine. This would be expensed to fund 11 which is a general fund reserve account.

Motion/Second to purchase the street sweeper at the city administrator’s recommendation. (Thompson/Bottorff, MCU)

**6. CLOSED SESSION: 8:52**

A. Closed session pursuant to Government Code Section 54956.8:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: Assessor parcel numbers 022-140-007-000, 022-160-059-000, 022-140-003-000, 022-140-004-000, 022-140-002-000, 022-140-001-000

Agency negotiator: Pete Carr and Myra Cooper Holmes

Negotiating parties: Person(s) with whom agency negotiator(s) may negotiate.

B. Closed session pursuant to Government Code Section 54957

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Annual)**

Title: City Administrator

**7. RESUME REGULAR MEETING:** Council resumed the Regular Meeting at 11:10 p.m.


A. No announcement.

B. Adjustment to City Administrator Compensation – Deferred to April Regular Council Meeting.

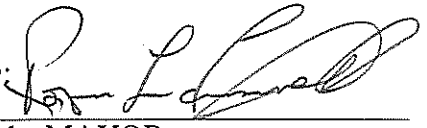
**8. INFORMATIONAL:**

**9. ADJOURNMENT:** Meeting was adjourned at 11:11 p.m.

ATTEST:

  
Roben Dewsnap, CITY CLERK

APPROVED:

  
Roger L. Frith, MAYOR