

MINUTES OF THE CITY OF BIGGS  
REGULAR COUNCIL MEETING  
COUNTY OF BUTTE, STATE OF CALIFORNIA

April 9, 2013

Call To Order

The regular council meeting was called to order at 6:30 p.m. by Mayor Frith. Vice Mayor Sheppard, Council Members Busch and Thompson were present. Council Member Arnold was absent. Staff present: City Administrator Mark Sorensen, City Attorney Greg Einhorn, City Engineer Steve Speights and City Clerk Roben Dewsnap.

**1. COMMUNITY PARTICIPATION:** None.

**2. CONSENT CALENDAR:**

- A. Approval of Council Minutes for Regular Meeting of March 12, 2013 and Special Meetings of March 27, 2013 and April 1, 2013.
- B. Approval of warrants: #8334 – 8346; Z00804 – Z00820, and 26961– 27033 for the month of April 2013 in the amount of \$269,986.08.
- C. Acknowledge receipt of Biggs Fire Department Report for March 2013.
- D. Acknowledge receipt of Police Department Report for March 2013.
- E. Acknowledge receipt of Accountant's Compilation Report as of February 28, 2013 and Monthly Cash and Investments Report for February 2013.
- F. Accept Annual Audit of Fiscal Year ending June 30, 2012.
- G. Approve Resolution No. 2013-09, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING BY RESOLUTION INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND."
- H. Approve second reading of Ordinance No. 396 by reading of title only, "AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BIGGS AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.120.030 RELATING TO THE REGULATION OF THE MOBILE VENDING OF LOCALLY GROWN PRODUCE AND TEMPORARY SALES OF PRODUCE AND HANDICRAFTS GOODS IN THE COMMERCIAL ZONING DISTRICTS OF THE CITY OF BIGGS." This item has been determined to be exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305.

Motion/Second to approve the consent calendar as presented. (Thompson/Frith, MCU; Absent: Arnold)

**3. PROCLAMATIONS:**

- A. "A PROCLAMATION CELEBRATING 105 YEARS OF CONTINUOUS OPERATION OF THE BIGGS CARNEGIE LIBRARY." This proclamation will be presented at the celebration on April 20, 2013.
- B. Mayor Frith presented a proclamation "PROCLAIMING APRIL AS CHILD ABUSE PREVENTION MONTH" to Margie Ruegger, Executive Director of Child Abuse Prevention Council.

**4. NEW BUSINESS:**

Council Member Thompson asked council to consider a Resolution in Support of the Second Amendment.

Motion/Second to approve Resolution No. 2013-10, by reading of title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS IN SUPPORT OF THE SECOND AMENDMENT AND THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS." (Thompson/Busch, MCU; Absent: Arnold)

**5. PUBLIC HEARINGS:**

- A. City Engineer Steve Speights advised Council the Sewer Rate Adjustment Hearing was a time for Council to hear and receive written protests to the proposed sewer rate increases.

Mayor Frith opened the hearing to the public and asked for public comment. With no public comments, Mayor Frith closed the hearing to the public.

City Clerk Roben Dewsnap announced there were three official written protests which did not equate to a majority protest.

Mayor Frith closed the public hearing.

Motion/Second to introduce ORDINANCE NO. 397 by reading of title only, "AN ORDINANCE REPEALING AND REPLACING SECTION 10.05.240 OF THE BIGGS MUNICIPAL CODE (CITY SEWER SYSTEM) TO INCREASE SEWER SERVICE FEES, RATES AND CHARGES." Mr. Sorensen stated item 3 should read City of Biggs rather than City Clerk. (Frith/Sheppard, MC, Noes: Thompson; Absent: Arnold)

- B. City of Biggs Municipal Code Amendment – Fences. No action was taken on this item. Continued to a later date.
- C. City of Biggs Municipal Code Amendment – Temporary Occupancy of Manufactured Homes and Recreational Vehicles. No action was taken on this item. Continued to a later date.

**6. DEPARTMENT REPORTS:**

- A. Planning: The Planning Activity Report was included in the agenda packet.

B. Engineering:

1. Mr. Speights reviewed the Department Activity Report – March 2013/ April 2013 which included the Sixth Street Bridge Project and the Wastewater Treatment Plant Phase 1 Design and Funding.
2. Mr. Speights stated the City Planner, in accordance with CEQA Guidelines, prepared an Addendum to the Adopted Mitigated Negative Declaration to address the location change of the "headworks" from the plant as described in the MND, to the Corp Yard as now planned.

Motion/Second to Adopt Resolution No. 2013-12 by reading of title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ADOPTING AN ADDENDUM TO THE ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE BIGGS WASTEWATER IMPROVEMENT PROJECT." (Thompson/Sheppard, MCU; Absent: Arnold)

3. Mr. Speights asked council to approve an agreement authorizing installation, operation and maintenance of specified improvements by City on, over, and under facilities of Reclamation District 833 Agreement. Construction on the Sixth Street



Bridge Replacement Project requires an agreement with RD 833 to work in their channel.

Motion/Second to approve the agreement with RD 833 and authorize Mayor Frith to sign the agreement to allow the construction of the Sixth Street Bridge Replacement Project. (Thompson/Frith, MCU; Absent: Arnold)

4. Mr. Speights requests council adopt a resolution as part of the city application for financing under the State Revolving Fund program of the State Water Quality Control Board. State Revolving Fund has requested a projection of operating expenses in future years to demonstrate the ability to repay any loans.

Motion/Second to approve Resolution No. 2013-13 by reading of title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING PROJECTED SEWER ENTERPRISE OPERATING BUDGETS FOR CLEAN WATER STATE REVOLVING FUND FINANCING OF THE WASTEWATER TREATMENT PLANT UPGRADE – PHASE 1." (Frith/Busch, MCU; Absent: Arnold)

- C. Public Safety. Volunteer Fire Fighter Chris Swanson reported that Biggs is now in position of the new fire engine and it is currently being outfitted and should be ready in a month or two.

Assistant Police Chief Dean Price reported Joel Bassett was honored as officer of the year.

- D. Sutter Butte Flood Control Agency (SBFCA). Vice Mayor Sheppard reported purchase offers had been made for right-of-way acquisition.

- E. Pubic Works. No report.

- F. Electric. Mayor Frith reported on electric matters pertaining to the City of Biggs.

- G. BCAG. Council Member Thompson stated the fiscal year audit was adopted at the BCAG Meeting.

- H. Air Quality. Council Member Thompson reported there was a settlement on a legal issue discussed at the Air Quality Meeting.

- I. Solid Waste. Resident Mary Frith felt Waste Management employees should be commended for the good work they do for the City of Biggs.

- J. Mosquito Abatement. Vice Mayor Sheppard stated no West Nile Virus had been reported in Butte County. Butte County Sheriff Department's helicopter will be used for 10 hours to photograph unmaintained swimming pools and other water.

- K. Other commission reports. None.

- L. City Attorney Greg Einhorn reported on a case from San Jose which involved the use of personal cell phone and personal email accounts. He advised Council that texting and emailing from a personal account about city business is a public record. Mayor Frith recommended council members use their city council email addresses for city business.

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M. City Administrator:

1. Mr. Sorensen asked Council to approve purchasing authority for services from PMC to complete CDBG program income tasks and HOME program tasks.

Motion/Second to authorize City Administrator purchasing authority for services from PMC to complete CDBG program income tasks and HOME program tasks not to exceed \$4,000. (Sheppard/Thompson, MCU: Absent: Arnold)

2. Mr. Sorensen presented brief overview of mid-year status of the major operating funds as of December 31, 2012 for council review.
3. Mr. Sorensen asked for authorization to issue a Request for Proposals for Demolition and Debris Removal Services at 3069 Eighth Street, Biggs, CA.

In 2012 Council authorized the purchase of the parcel at 3069 Eighth Street for the purposes of blight removal and to prepare the site for future redevelopment.

Motion/Second to authorize the City Administrator to issue a Request for Proposals for Demolition and Debris Removal Services at 3069 Eighth Street, Biggs, CA. (Thompson/Sheppard, MCU; Absent: Arnold)

4. Mr. Sorensen reported the application for funding of the Phase 1 Waste Water Treatment Plant requires that a state recognized bond council review the current and future revenues, expenses and debts of the waste water system and make certain satisfactory certifications to the State Water Resources Control Board.

Motion/Second to authorize the City Administrator to contract with and purchase services of a bond council necessary to satisfy the State Water Resources Control Board, not to exceed \$4,000. (Frith/Sheppard, MCU; Absent: Arnold)

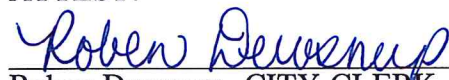
**7. INFORMATIONAL:**

Council Member Busch informed Council he may not be able to attend committee meetings due to driving restrictions.

Resident Mary Frith reminded council of the library's 105 Years of Continuous Service Celebration on April 20, 2013 from 10 a.m. to 1 p.m.

**8. ADJOURNMENT:** The meeting was adjourned at 8:15 p.m.

ATTEST:

  
Roben Dewsnup, CITY CLERK

APPROVED:

  
Roger L. Frith, MAYOR