

THIS AGENDA WAS POSTED ON THE BULLETIN BOARD OR WINDOW IN FRONT OF CITY HALL BY 5:00 PM ON THE 18th DAY OF DECEMBER 2009, IN ACCORDANCE WITH GOVERNMENT CODE §54954.2. MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL FOR THE CITY OF BIGGS AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION IN CITY OFFICES AT 465 C STREET, BIGGS, CA DURING NORMAL BUSINESS HOURS.

THIS MEETING WILL BE HELD IN COUNCIL CHAMBERS, 3016 SIXTH STREET, BIGGS, CA
AGENDA of the CITY COUNCIL CITY OF BIGGS **6:00** p.m. Monday
December 21, 2009
REGULAR MEETING

MEETING CALLED TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG.

1. COMMUNITY PARTICIPATION FORUM-5 MINUTE LIMITATION.

At this time, any member of the public may address the City Council on matters which are not listed on this agenda. City Council may not discuss nor take action on any item not listed on the agenda. Please limit your comments to five minutes.

In accordance with State law, no action shall be taken on any item presented in public forum or unscheduled matters unless the council, by majority vote, determines that an EMERGENCY situation exists, or, unless the council by two-thirds vote, finds that the need to take action arose after this agenda was posted.

All visitors are requested to approach the lectern when recognized and state your name for the record.

Citizen's comments.

The Council will announce the opportunity for public comment at some point during the Council's consideration of each action item on the agenda. Please limit comments to five minutes per person per topic. Once the public comment period is closed, the public is asked to refrain from comment, allowing the Council the opportunity to continue its consideration of the item without interruption.

2. PRESENTATION:

Presentation expressing appreciation and recognition to Deanna Carbajal for service rendered as City Clerk and Director of Finance.

3. ORDINANCE: *Medical Marijuana Dispensaries.*

A. Verbal report. B. Public comments. C. Council discussion.

Action: Move for *SECOND READING and ADOPTION* of Ordinance No. 384, by reading of title only.

SECOND READING and ADOPTION

Ordinance No. 384 - "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS CLARIFYING RESIDENTIAL USE, HOME OCCUPATION, COMMERCIAL USE AND INDUSTRIAL USE AS SET FORTH IN CHAPTER 14 OF THE BIGGS CITY CODE (CODIFIED)".

4. ORDINANCE: *Marijuana Abatement Measures.*

City Attorney will present draft text for a proposed City code amendment.

A. Staff report. B. Public comments. C. Council discussion.

Action: Move for *FIRST READING and INTRODUCTION* of ordinance.

Next Ordinance No. 385

Ordinance No. _____ **"AN ORDINANCE OF THE CITY OF BIGGS AMENDING PORTIONS OF TITLE SIX OF THE BIGGS MUNICIPAL CODE TO INCLUDE SPECIFIC ENFORCEMENT MEASURES FOR ABATING THE PUBLIC NUISANCE OF OUTDOOR AND /OR UNSECURED AND/OR ODIFEROUS CULTIVATION OF MARIJUANA".**

B. Engineering:

1. Activity Report.
2. Project Updates: Sixth Street Bridge Rehabilitation Update.
3. **Discussion/Action: *USDA Water Project – Sewer Main Repair.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** Authorize the City Administrator to enter into an agreement with a contractor to begin repair of the sewer mains.
4. **Discussion/Action: *CDBG Planning and Technical Assistance Grant Application.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** If appropriate, motion to approve resolution, by reading of title only.
Next resolution No. 2009-38
Resolution No. 2009-_____ “A 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 PLANNING TECHNICAL ASSISTANCE ALLOCATION OF THE STATE CDBG PROGRAM.”
5. **Discussion/Action: *Transportation Enhancements Project Funding Number Change.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** If appropriate, motion to approve resolution, by reading of title only.
*Next resolution No. 2009-38 **may have been used above***
Resolution No. 2009-_____ “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING \$319,000.00 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING EXECUTION OF DOCUMENTS FOR STATE PROJECT NUMBER RPL 5128(009).”
6. **Discussion/Action: *USDA Wastewater Treatment Plant Grant/Loan Application.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** If appropriate, motion to approve resolution, by reading of title only.
*Next resolution No. 2009-38 **may have been used above***
Resolution No. 2009-_____ “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A FUNDING AGREEMENT AND ANY AMENDMENTS THERETO FROM THE USDA, RURAL DEVELOPMENT – RURAL UTILITIES SERVICE UNDER THE WATER AND WASTEWATER DISPOSAL LOAN AND GRANT PROGRAM.”
7. **Discussion/Action: *USDA Water Project – Hydro-Pneumatic Tank Installation.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** Authorize expenditure from water fund for new tank and authorize City Administrator to enter into agreement with Nor Cal Pump.
8. **Discussion/Action: *Safe Routes to School Project Closeout. Application for retention/notice of completion.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** Direct staff.
9. **Informational: *Future First-Time Home Buyer and Owner-Occupied Rehabilitation (FTHB/OOR) Grants.***

C. Public Safety – Verbal update. (R. Frith)

D. Public Works – Verbal update. (R. Frith and D. Arnold)

E. Electric – Verbal update. (R. Frith)

- F. BCAG/Air Quality – Verbal update. (A. Thompson)
- G. Solid Waste – Verbal update. (D. Arnold)
- H. Flood Control – Verbal update. (M. Bottorff)
- I. Other commission reports. (Council)
- J. Finance Department: Department Activity Report – November 2009 / December 2009.
- K. City Attorney:

Discussion/Action: *Consideration of substitution of counsel.*
Golden State Boring and Pipe Jacking v. SJ&B Group (Butte County No. 143430).
Substitution of Gregory P. Einhorn instead of and in place of Sedgewick, Detert and Vincent J. Romeo as attorney for the City of Biggs, only.

L. City Administrator:

1. **Discussion/Action: *Police Contract Update***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** No updated information is available. The city continues to await a response from the CHP for the traffic responsibility of the County Proposal.
2. **Discussion/Action: *Lodi Energy Center Options.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** Direct staff.
3. **Discussion/Action: *Filling Vacant Staff Position.***
 - a. Staff report.
 - b. Public comments.
 - c. Council discussion.**Action:** Acknowledge and approve the proposed staffing as outlined.
4. **Discussion / Informational: *School Safety Costs – Follow-up.***

11. INFORMATIONAL:

12. EXECUTIVE SESSION: CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Two potential cases.)

13. RESUME REGULAR MEETING:

ANNOUNCEMENT OF ACTION(S) TAKEN IN EXECUTIVE SESSION, pursuant to Government Code §54957.1. (Must report the vote or abstention of every member present on any action.)

14. ADJOURNMENT: Motion to adjourn to _____

Presented by: Roben Dewsnap
Roben Dewsnap, City Clerk

December 18, 2009
Date