

THIS AGENDA WAS POSTED ON THE BULLETIN BOARD OR WINDOW IN FRONT OF CITY HALL BY 5:00 PM ON THE 8th DAY OF MARCH, 2013, 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**

**6:30 PM TUESDAY
MARCH 12, 2013
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. If you have a cell phone, please set it to silent.

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. NEW BUSINESS:

Discussion/Action: Annual Audit of Fiscal Year ending June 30, 2012.

Donald R. Reynolds, C.P.A., will present summary report to council.

Recommendation: Accept report.

3. PUBLIC HEARINGS:

A. Application for 2013 CDBG Grant.

City Administrator requests prioritization of potential grant-funded projects, and authorization to proceed with application process.

Public Hearing Procedures:

1. Staff comments.
2. Open the hearing to the public.
 - a. Proponents.

- b. Opponents.
- c. Proponents rebuttal.
- d. Opponents rebuttal.
3. Close hearing to the public.
4. Council discussion.

Recommendation: Approve projects as PTA grant objectives, authorize city administrator to work with 3CORE to prepare grant applications on behalf of city for this funding cycle at a cost of not more than \$2000.

B. Zoning Code Amendment ZCA2013-03 – Mobile Sales of Locally-Grown Produce.

Staff has prepared a Zoning Ordinance Text Amendment to allow for the mobile vending of locally-grown produce in the General Commercial Zoning District by right and in the Downtown Commercial and Office Commercial Zoning Districts through a use permit.

Public Hearing Procedures:

1. Staff comments.
2. Open the hearing to the public.
 - a. Proponents.
 - b. Opponents.
 - c. Proponents rebuttal.
 - d. Opponents rebuttal.
3. Close hearing to the public.
4. Council discussion.

Recommendation: Move that the proposed action is exempt from CEQA pursuant to State of California Code Section 15305; move to approve *FIRST READING and INTRODUCTION* of ordinance by reading of title only, an amendment to Section 14.120.030 Commercial Use Table to allow for the sale of locally-grown produce in General Commercial Zoning District by right and in the Downtown Commercial and Office Commercial Zoning Districts through a use permit.

ORDINANCE NO. 396, “AN ORDINANCE OF THE CITY COUNCIL OF THE 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 IN THE COMMERCIAL ZONING DISTRICTS OF THE CITY OF BIGGS.”

- C. **PUBLIC HEARINGS:** City of Biggs Municipal Code Amendment – Fences and City of Biggs Municipal Code Amendment – Temporary Occupancy of Manufactured Homes and Recreational Vehicles.

THESE TWO ITEMS WILL BE CONTINUED TO A FURTHER DATE. NO ACTION WILL BE TAKEN AT THIS TIME.

4. **CONSENT CALENDAR:**

- A. Approval of Council Minutes for Special Meeting of February 8, 2013 and Regular Meeting of February 12, 2013.
- B. Approval of warrants: #8320 – 8333; Z00788 – Z00803, and 26896– 26960 for the month of February 2013 in the amount of \$321,873.17.
- C. Acknowledge receipt of Biggs Fire Department Report for February 2013.
- D. Acknowledge receipt of Police Department Report for February 2013.
- E. Acknowledge receipt of Accountant’s Compilation Report as of January 31, 2013 and Monthly Cash and Investments Report for January 2013.
- F. Authorization to Write Off Old Utility Bills.
Action: It is recommended items “A” through “F” be acted on simultaneously unless separate actions are requested by a Councilmember or a member of the audience. MOTION to approve the consent calendar.

5. DEPARTMENT REPORTS:

A. Planning:

- 1. Department Activity Report – February 2013 / March 2013. (S. Friend)
- 2. **Discussion/Action:** City of Biggs 2012 General Plan and Housing Element Annual Report.

The City of Biggs Planning Department has prepared the 2012 General Plan and Housing Element Annual Progress Report pursuant to the requirements of the California Govt. Code Section 65411(b), which requires that the City analyze and report on its efforts to implement its adopted General Plan and implement the City’s Housing Element.

Recommendation: Review and approve report and direct staff to forward report to the Office of Planning and Research and Housing and Community Development Department.

B. Engineering:

- 1. Department Activity Report – February 2013/ March 2013. (S. Speights)
- 2. **Discussion/Action:** Wastewater Treatment Plant Application for State Revolving Fund Loan (SRF) Net Revenue Commitment for Financing the Wastewater Treatment Plant Upgrade Phase 1.

The City is required to demonstrate the ability to repay any loans, identify the source of those funds and commit those funds to the repayment of any loans.

Recommendation: Adopt Resolution No. 2013-07 by reading of title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS DEDICATING A SOURCE OF NET REVENUES FOR CLEAN WATER STATE REVOLVING FUND FINANCING OF THE WASTEWATER TREATMENT PLANT UPGRADE – PHASE 1.”

- 3. **Discussion/Action:** Sixth Street Bridge Right of Way.

Construction of the Sixth Street Bridge Replacement Project requires the City acquire additional right of way and temporary construction easements from three adjoining property owners.

Recommendation: Adopt Resolution No. 2013-08 by reading of title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT GRANTS OF RIGHT OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS ON BEHALF OF THE CITY FOR THE SIXTH STREET BRIDGE REPLACEMENT PROJECT.”

- C. Public Safety – Verbal update. (R. Frith)
- D. Flood Control – Verbal update. (B. Sheppard)
- E. Public Works – Verbal update. (D. Arnold)
- F. Electric – Verbal update. (R. Frith)
- G. BCAG – Verbal update. (J. Busch)
- H. Air Quality – Verbal update. (A. Thompson)
- I. Solid Waste – Verbal update. (D. Arnold)
- J. Mosquito Abatement – Verbal update. (B. Sheppard)
- K. Other commission reports. (Council)
- L. City Administrator:

1. **Discussion/Action:** Clayton – Substitution of Trustee and Deed of Reconveyance.

Geraldine Clayton satisfied the terms of her loan and requests that the City of Biggs execute the attached Substitution of Trustee and Deed of Reconveyance.

Recommendation: Authorize the City Administrator to execute the Substitution of Trustee and Deed of Reconveyance by Resolution.

Adopt Resolution No. 2013-05 by reading of title only, “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING THE CITY ADMINISTRATOR

TO EXECUTE A SUBSTITUTION OF TRUSTEE AND DEED OF RECONVEYANCE.”

2. **Discussion/Action:** Waters – Substitution of Trustee and Deed of Reconveyance.

Nelson P. Waters and Dorothea A. Waters satisfied the terms of their loan and requests that the City of Biggs execute the attached Substitution of Trustee and Deed of Reconveyance.

Recommendation: Authorize the City Administrator to execute the Substitution of Trustee and Deed of Reconveyance by Resolution.

Adopt Resolution No. 2013-06 by reading of title only, “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SUBSTITUTION OF TRUSTEE AND DEED OF RECONVEYANCE.”

3. **Discussion/Action:** NCPA Electric Public Benefits Participation.

Council is being asked to consider the level of Biggs’s participation with the NCPA Public Benefits Committee.

Recommendation: Direct Staff

4. **Discussion/Action:** Computer Server and Workstation Maintenance Contract.

Council is being asked to consider approval of purchasing authority for the maintenance contract for the city server and certain specified workstations.

Recommendation: Authorize the City Administrator to upgrade the computer maintenance contract with PacifiCom at up to \$250 per quarter.

5. **Discussion/Action:** Budget Modification.

Council is asked to approve a budget modification to shift a \$21,000 budgeted expense from CDBG Fund 170 to CDBG Fund 165.

Recommendation: Approve the use of funds from CDBG Fund 165 rather than CDBG Fund 170 to purchase the property at 3069 Eighth Street, and to modify the budget by moving the \$21,000 budgeted expense from Fund 170 to Fund 165.

6. **Discussion/Action:** Budget Cost Allocation Error Correction.

Council is asked to approve a budget modification to correct an error in the application of the 2012-2013 Budget Cost Allocations.

Recommendation: Approve the proposed budget modification.

6. INFORMATIONAL:

7. CLOSED SESSION:

Closed session pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Annual)
Title: City Administrator

8. RESUME REGULAR MEETING:

9. ADJOURNMENT:

Presented by: _____ March 8, 2013
Roben Dewsnup, City Clerk Date