

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

January 12, 2016

Call To Order

The regular council meeting was called to order at 6:30 p.m. by Mayor Frith. Vice Mayor Sheppard, Councilmember Arnold, Busch were present. Councilmember Thompson arrived at 6:34 p.m. Staff present: City Administrator Mark Sorensen, City Attorney Greg Einhorn, City Engineer Trin Campos, City Planner Scott Friend and City Clerk Roben Dewsnap.

1. **COMMUNITY PARTICIPATION:** Travis Smith, representing the Biggs Little League, stated the league has been paying for electricity to power the lights and a street light at the little league field for five years. He asked if the City would consider helping pay this cost. He also stated his concerns with the City not mowing the little league field anymore and said he would not want to see this end.

Property owner Alton Ott stated the building at 488 B Street seemed to have structural issues and asked that the City require a structural report on this building.

2. **PUBLIC HEARING:** Ordinance Amending Biggs Municipal Code Relating to Marijuana.

- A. City Attorney Greg Einhorn stated that on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (MMRSA), which went into effect on January 1, 2016, and establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical marijuana through Assembly Bills 243 and 266 and Senate Bill 643.

According to the provision of the MMRSA, unless local agencies have a land use ordinance in place by March 1, 2016 that expressly regulates or prohibits the cultivation of marijuana and or the delivery of medical marijuana within their jurisdictions, these activities will be permitted and regulated by the State under the MMRSA.

At the Council meeting of December 8, 2015, Council choose to ban cultivation and deliveries of medical marijuana which resulted in the proposed ordinance. In order to have this ordinance in place to meet the March 1, 2016 deadline, this meeting will be continued until two weeks at which time the ordinance will be adopted.

- B. Mayor Frith opened the hearing to the public.
 1. Proponents. None
 2. Opponents. None
- C. Mayor Frith closed the hearing to the public.
- D. Council discussion.

Councilmember Thompson questioned if Council had discussed banning deliveries at the last meeting. Mayor Frith and Vice Mayor Sheppard stated they remembered this issue had been asked to be brought forward.

Mr. Einhorn stated instead of the term "sale", the term "deliveries" is used. He said the change would make the language in the municipal code congruent with the new term "deliveries". The term delivery does not include individuals who purchase cannabis elsewhere or a caregiver bringing cannabis to a person in the City. Councilmember Thompson affirmed the term "deliveries" in this ordinance is in relation to dispensaries not being allowed in the City.

MINUTES OF THE CITY OF BIGGS
REGULAR COUNCIL MEETING

January 12, 2016

Motion/Second to introduce Ordinance No. 407 by reading of title only, "AN ORDINANCE OF THE CITY OF BIGGS ADDING CHAPTER 14.175 (MARIJUANA CULTIVATION AND MEDICAL MARIJUANA DELIVERIES AND DISPENSARIES), AMENDING TITLE 14 (ZONING), AND AMENDING TITLE 6 (NUISANCE) OF THE BIGGS MUNICIPAL CODE PROHIBITING MARIJUANA CULTIVATION, DISPENSARIES AND DELIVERIES." (Sheppard/Frith, MCU)

3. CONSENT CALENDAR:

- A. Approval of warrants: 30644-30718, Z014123 – Z01430, for the month of December in the amount of \$354,534.40.
- B. Acknowledge receipt of Police Reports for November 2015.
- C. Acknowledge receipt of Animal Control Report for November 2015.
- D. Acknowledge receipt of Accountant's Reports for November 2015.

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

4. DEPARTMENT REPORTS:

A. Planning:

- 1. Department Activity Report – December 2015 / January 2016. City Planner Scott Friend reviewed the planning/code enforcement activity report.
- 2. Supplemental Funding for the City of Biggs Wastewater Land Application Project.

Mr. Friend requested Council consider authorizing funding and authorizing the City Administrator to sign a task order/contract for continued professional services with Michael Baker International, supporting the City's pursuit of permits and State and Federal agency approvals to construct the proposed Wastewater Land Application project. He amended the amount on the staff report from \$6,800 to an amount not to exceed \$4,000. Mr. Sorensen stated this expense would be charged to the project.

Motion/Second to approve funding in an amount up to \$4,000 and authorizing the City Administrator to pursue the completion of contract for services. (Sheppard/Frith, MCU)

3. Housing Related Parks Grant Application Preparation.

Mr. Friend requested supplemental funding to allow staff to prepare a grant application in pursuit of the Housing Related Parks Grant Program in an amount not to exceed \$5,450. The funds must be used for a dedicated parks project. Mr. Sorensen stated this would be charged to either park impact fees, if allowed, or the general fund.

Motion/Second to approve funding for this task in the amount of up to \$5,450 and authorized the City Administrator to pursue the completion of the contract for this service. (Sheppard/Thompson, MCU)

B. Engineering:

MINUTES OF THE CITY OF BIGGS
REGULAR COUNCIL MEETING

January 12, 2016

1. Department Activity Report – December 2015 / January 2016. City Engineer Trin Campos reviewed the activity report included in the agenda packet.
2. Task Order No. 35 to the Engineering Services Agreement Dated June 11, 2011, for the City's Safe Routes to Schools Project – Amendment #1.

Mr. Campos stated the project design PS&E has been completed and it is now time to advertise the contract for construction.

Resident Michael Kehoe stated he had four Liquid Amber trees on his property that were close to the project. Mr. Campos stated it would be best to remove the trees due to possible damage to the sidewalks.

Motion/Second to authorize the City Administrator to advertise the construction contract and authorize the City Administrator to execute the Task Order No. 35 in the amount of \$140,000. (Frith/Thompson, MCU)

C. Public Safety.

Captain Todd Tindill introduced Division Chief Chris Haile to Council.

Police report by Chief Dean Price.

D. Sutter Butte Flood Control Agency (SBFCA). Verbal report by Vice Mayor Sheppard.

E. Public Works. No report.

F. Electric. Verbal report by Mayor Frith.

G. BCAG. Verbal report by Councilmember Thompson

H. Air Quality. Verbal report by Councilmember Thompson.

I. Solid Waste. No report.

J. Mosquito Abatement. Verbal report by Vice Mayor Sheppard.

K. SCORE. Verbal report by Councilmember Busch.

L. LAFCo. Verbal report by Councilmember Busch.

M. Other commission reports. None.

N City Administrator.

1. Consider Disposition of Real Property located at 3069 Eighth Street, Biggs.

Mr. Sorensen stated the structures had been removed from the parcel in October. Two appraisers stated they were not interested in appraising the parcel and recommended working with a real estate agent on a sales process. Another option would be to put this out for an RFP.

Mayor Frith questioned if the lot could be split.

Council agreed to have Mr. Sorensen determine if the lot could be split and what would be involved with splitting the lot.

2. Biggs Community Hall Roof Repair.

Mr. Sorensen reported the roof at the Biggs Community Hall was in need of repair. A complete resolution of this issue would involve complete removal and reframing of the roof and then install a completely new roof surface. This would be cost prohibitive at this time, and the current issues need a timely response.

Councilmember Busch expressed his concern with patching the roof.

Funding would come from two sources: \$15,140.16 from Fund 165 (CDBG Unrestricted) and the remainder from the General Fund.

Motion/Second to authorize the City Administrator to engage in a professional services agreement to repair the Biggs Community Hall roof at a cost not to exceed \$20,000 and to modify the budget by increasing authorized expenditures in Fund 165 (CDBG Unrestricted) to \$72,000. (Sheppard/Thompson, MC; Noes: Busch)

3. Amending Chapter 9.30 Park Rules and Regulations of the Biggs Municipal Code.

Mr. Sorensen stated the changes to this code would remove the word "owned" from the definition of a park and changing the definition "smoking" which adds electronic devises to the prohibition in parks.

Motion/Second to introduce Ordinance No. 406 by reading of title only, "AN ORDINANCE OF THE CITY OF BIGGS AMENDING SECTION 9.30.020 (DEFINITIONS) AND 9.30.300 (SMOKING) OF CHAPTER 9.30 OF THE BIGGS MUNICIPAL CODE (PARK RULES AND REGULATIONS) REGARDING SMOKING PROHIBITION IN CITY PARKS." (Frith/Thompson, MCU)

5. INFORMATIONAL:

6. **ADJOURNMENT:** Council adjourned the regular meeting at 8:30 p.m. to January 26th, 2016 at 6:30 p.m.

ATTEST:


Roben Dewsnap, CITY CLERK

APPROVED:


Roger L. Frith, MAYOR