

**SEPTEMBER 11, 2018 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:30 –6:50 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, R. West, J. Pendergraph, L. McIntosh
L. McIntosh

OTHERS PRESENT J. Goodwin, City Manager
J. Buckman, City Attorney
S. Mahoney, Finance Director
A. Wightman, Police Chief

PLEDGE OF ALLEGIANCE:

Council member J. Pendergraph led the pledge of allegiance.

PUBLIC COMMENT

June Swift commented on the gravel on the road to Bishop's Pumpkin Farm.

CONSENT CALENDAR

Motion made by Council Member J. Pendergraph, Seconded by Council Member R. Coe to **approve minutes of the regular meeting on August 28, 2018 and continuation of emergency contracting action for the Malone Avenue culvert over Grasshopper Slough.** Vote called: AYES – All. Motion carried.

PUBLIC HEARING

1) City Manager James Goodwin presented the staff report for the Collection Services Franchise Agreement with Recology Yuba Sutter. The City of Wheatland is part of a six-member Joint Powers Authority (JPA) agency known as the Regional Waste Management Authority (RWMA). Since 1990, Wheatland has had an agreement with a private entity, Recology Yuba-Sutter ("Recology"), to provide waste collection and disposal to its residents and businesses. The 1990 collection service agreement was amended to extend it through December 31, 2011. In December 2011 a new collection service agreement was awarded to Recology for the period January 1, 2012 through September 30, 2019. Recology currently provides exclusive refuse collection, recycling, and transfer station operations to the RWMA members per separate collection service agreements. Goodwin highlighted sections of the staff report regarding procurement of a new Collection Service Agreement for solid waste collection and disposal and negotiation goals. The proposed Collection Service Agreement presented to the Board contains a new term and several key changes including term of the agreement; single, multi-family and commercial collection; city self-haul services; city illegal dumping program; road maintenance and community partnership fees; annual and limitation on annual rate adjustments; extraordinary rate adjustment; payment of City costs related to the rate review request for Extraordinary Rate Adjustments and payment of City costs to review a request for Assignment of the Agreement. The City Manager is designated as the Contract Administrator for the Collection Service Agreement. Staff is recommending approval of the Collection Service Agreement with Recology. Services would commence October 1, 2018 with Recology. With regard to the Community Partnership Fee paid to jurisdictions, Recology Yuba-Sutter has agreed to collaborate with each agency regarding purposeful allocation of those funds with the goal of making a positive impact in our communities. Focus areas will generally include trash and debris

removal from visible public areas, enforcement of local and state codes relating to blight, and community resource areas for individuals and families (e.g. parks and libraries).

Yuba County Supervisor Gary Bradford and Dave Vaughn, with Recology commented on the negotiation process.

Council Members J. Pendergraph and R. West thanked everyone involved in the process.

Council Member J. Henderson stated an additional recycling container would be nice to have and commented on Recology cleaning user totes once a year and litter. Henderson also commented on the ability to audit and low income senior rates.

Motion was made by Council Member R. West, Seconded by Council Member J. Pendergraph to **approve Resolution No. 24-18 Approving a Solid Waste Collection Franchise Agreement By and Between the City of Wheatland and Recology Yuba-Sutter**. Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

1) Finance Director Susan Mahoney presented the staff report to establish fee for the registration of Marijuana Cultivation. In August 2012, in response to state law, Council adopted Ordinance 442 adding Chapter 18.61 Cultivation of Marijuana to the Wheatland Municipal Code. Ordinance 442 regulates the cultivation of medical marijuana within the City in a manner that protects the public, health, safety and welfare of the community. In January 2013, Resolution 01-13 was adopted establishing a Registration of Medical Marijuana Growers Fee to offset the cost of monitoring and enforcing the zoning restrictions imposed by Ordinance 442. The fee recovered the following costs based on year 2012 rates for building inspection, zoning compliance, police review and administrative processing. In November 2016, California legalized recreational use and cultivation of marijuana. In response to this new state law, Council adopted Ordinance 468 amending Wheatland Municipal Code 18.61 Cultivation of Marijuana to include recreational use and cultivation. As part of this updating process staff reviewed the Fee for the Registration of Medical Marijuana Growers. Based on this review, staff recommends that Council adopt Resolution 23-18 Establishing the Fee for the Registration of Marijuana Cultivation which will supersede the Fee for the Registration of Medical Marijuana Growers. Resolution 23-18 includes updated fees for recovering the cost of monitoring and enforcing the zoning restrictions imposed by Ordinance 468. The cost for Police review has been removed from the fee as zoning issues are civil and not criminal matters. The resolution also includes the requirement for an annual review of the fees. Based on staff's current assessment of the time and level of review required to monitor and enforce the zoning restrictions, a fee of \$210.00 is recommended.

Council Member J. Henderson questioned if applicant Roger Surratt had been made aware of the proposed changes to the fee. S. Mahoney responded; yes. Mahoney also explained why the fee from 2012 – 2018 has gone down.

REPORTS

None.

ADJOURN

There being no further business, Council Member J. Henderson adjourned the meeting at 6:50 p.m.

Minutes approved and adopted this 25th day of September 2018.

Lisa J. Thomason

Lisa J. Thomason, *City Clerk*

J. Henderson

Joseph Henderson, *Mayor*