

**FEBRUARY 28, MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:00 – 8:30 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, P. Shelton R. West. A. Teter

OTHERS PRESENT: J. Goodwin, City Manager
J. Buckman, City Attorney
D. Schilling, City Engineer
D. Sylvester, Police Chief
A. Paquette, Fire Chief
S. Wong, Finance Director
L. Thomason, City Clerk
J. Johnson, Account Clerk

PLEDGE OF ALLEGIANCE: Council Member R. West led the pledge of allegiance.

PUBLIC COMMENT

Lisa Marie commented on stray dogs and the loss of her dog.
June Kennedy commented on the dog incident.
Holly Welch commented on the dog petition.
Debra Hoek commented on the Wheatland Expressway.
Pamela Walsh commented on the March 28 traffic meeting and the new sewer plan.
Lyndsay Gored commented on potholes.
Gary Bradford commented on the Caltrans meeting.

Installation Commander and the 9th Reconnaissance Wing Commander at Beale AFB Colonel Geoffrey I. Church introduced himself and presented the information related to the mission at Beale AFB.

CONSENT CALENDAR

It was moved by Council member Pamela Shelton, Seconded by Vice Mayor Bob Coe to **approve minutes from the December 13, 2022, January 10, 2023, and January 24, 2023; appointments to the Board of Directors of the Feather River AQMD and Fiscal Year 2022 Audited Finance Report.** Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

Mayor Rick West announced that item No. 5.4 is pulled from the agenda.

1) City Engineer Dane Schilling presented the staff report for discussion and consideration of Resolution No. 06-23 certifying the Environmental Impact Report, adopting CEQA Findings and the Mitigation Monitoring and Reporting Program; and consideration of Resolution No. 08-23 approving the Wheatland Regional Sewer Pipeline Project. On July 28, 2020, the City Council adopted Resolution No. 35-20 approving the \$2.6M grant/loan agreement to fund environmental and design efforts for the Wheatland Regional Sewer Pipeline Project (Project) and authorizing the City Manager to sign the

agreement. On November 10, 2020, the City Council adopted Resolution No. 43-20 amending the FY 2020- 21 Budget and authorizing the City Manager to proceed with environmental review and engineering design Project which conveys wastewater as far as Highway 65 and Rancho Road. On April 27, 2021, the City Council adopted Resolution No. 16-21 accepting the Basis of Design Report for the Project which provided parameters for final design efforts and a basis for initiating environmental efforts to satisfy the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Also, October 11, 2022, the City Council adopted Resolution No. 34-22 accepting Amendment No. 1 to the Basis of Design Report and other related actions. On January 24, 2023, the City Council adopted Resolution No. 04-23 authorizing the submission of an application to the CWSRF program requesting 100% State Revolving Fund (SRF) grant funding for Wheatland's share of total project costs. OPUD will be submitting a similar grant application for its share of cost. The Project consists of an approximately eight-mile-long sewer pipeline alignment located within portions of the City of Wheatland and unincorporated areas within Yuba County. Generally, the pipeline alignment would extend from an existing Malone Pump Station near the City of Wheatland's existing wastewater treatment plant (WWTP) north to a point of connection with Olivehurst Public Utility District's (OPUD) wastewater system in an unincorporated area of the County. The primary goal of the proposed project is to construct the necessary pipelines and pump stations to successfully convey all current and future wastewater into a regional sewer system serving south Yuba County. The proposed pipeline would connect to OPUD's force main (currently under design) near Rancho Road and State Route 65. OPUD's force main would then convey the flow to OPUD's WWTP, where the flows would be treated to a tertiary level and discharged into a tributary to the Feather River. Additionally, three new pump stations would be constructed along the new pipeline to convey all projected flows to the OPUD point of connection and a new Public Works corporation yard would be constructed within the Pump Station 2 site. After construction of the pipeline and pump stations, it is anticipated that the City's existing WWTP would be decommissioned, though the possibility exists for the WWTP to remain in operation for an interim period. The City of Wheatland is in the process of negotiating interagency agreements with OPUD, including an Interagency Operating Agreement and an Interagency Capacity Purchase Agreement, which would require a separate approval by the Wheatland City Council prior to implementation of the proposed project. The interagency agreements are focused on operational and financial agreements between the City and OPUD, and would not affect any of the physical aspects of the proposed Project. City staff prepared an Initial Study for the proposed project in November 2021, which reviewed the potential impacts resulting from the proposed project regarding environmental issue areas: Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing Public Services, Recreation, Transportation, Tribal Cultural Systems and Wildfire. The Initial Study determined that the proposed project would have a less-than-significant impact on: Aesthetics, Energy, Mineral Resources, Noise, Public Services, Recreation, Transportation and Wildfire. A Notice of Preparation of an EIR (NOP) was prepared for the proposed project. The NOP identified the proposed project, project entitlements, and the potential environmental impacts that were reviewed in the project-level EIR. The NOP was made available for public review on November 2, 2021, until December 1, 2021. A NOP scoping meeting was held by the City on November 16, 2021, to inform agencies and interested parties regarding the EIR for the proposed project, and to provide agencies and the public with an opportunity to provide comments on the scope of the EIR. The initial Study prepared for the project was included as an attachment to the NOP. The City received the following two comment letters on the NOP: California Department of Fish and Wildlife (CDFW); and Native American Heritage Commission (NAHC). The Draft EIR addressed the two NOP comment letters and reviewed the potential environmental impacts associated with the proposed project regarding the following areas: Agricultural Resources, Air Quality and Greenhouse Gas Emission, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous

Materials, Hydrology and Water Quality, Land Use and Planning/Population and Housing and Tribal Cultural Resources. The Draft EIR determined that impacts would be significant and unavoidable regarding the following two issues: Conversion of Prime Farmland and Unique Farmland Cumulative loss of agricultural land. All three pump stations and Public Works corporation yard are proposed on areas mapped as Grazing Land, which does not fall under the definition of agricultural land according to the California Public Resources Code (PRC). Implementation of the proposed sewer pipeline would involve soil trenching, installation of the pipeline in the trench, and then backfilling soils on top of the pipeline. Should the same soils that were removed be used to backfill the trench, then, following construction, the land where the sewer pipeline has been installed would generally be returned to pre-project conditions. Accordingly, in such a case, the farmland rating and soil types would not be substantially affected. However, if off-site soils are used to backfill the trench, then the soil types and associated soil conditions along the pipeline would likely change. Furthermore, in order to ensure access to the proposed pipeline for ongoing maintenance and emergency conditions, an easement would be located along the length of the pipeline wherein agricultural operations could not occur. The only portion of the pipeline that has the potential to extend through an agricultural field that is designated as Farmland is located in the northwest region of the project site, where the pipeline would cross Best Slough. The Draft EIR was made available for public review on December 14, 2022, until January 27, 2023. During the review period, one comment letter was received from the Central Valley Regional Water Quality Control Board (CVRWQCB). The comment letter provided background information regarding applicable regulations and required permits and did not address the adequacy of the EIR. A Final EIR was prepared, which responded to the comment letter and because no substantial modifications were made, recirculation is not necessary. The Final EIR was made available for public review on February 17, 2023, until February 27, 2023. Pursuant to CEQA and as a result of the two significant and unavoidable environmental impacts, Findings of Fact and Statement of Overriding Considerations have been prepared. Project plans and technical specifications were developed between May 2021 and February 2022 in accordance with the Basis of Design Report and Amendment No. 1 to the Basis of Design Report, as well as in consultation with Raney Planning and Management for environmental constraints and in coordination with OPUD's design team. Engineering plans, technical specifications and estimates (PS&E) for the Project are now substantially complete. The PS&E has been reviewed at the 50% and 90% levels of completion by third-party engineering consultant Willaim Lewis. Another review will be performed by Mr. Lewis on the final bid-ready PS&E documents prior to publicly bidding the Project. The complete plan set of 356-drawings is hereby incorporated by reference. A complete set of the project plans can be viewed at City Hall or by following the link provided in the public notice. CH Wheatland Regional Sewer Design Upon securing all necessary construction funding, completion of all right-of-way acquisitions, and obtaining all necessary environmental permits for the Project, a final bid-ready version of the PS&E, associated contract documents and instructions to bidders will be prepared and brought forth to the City Council for authorization to advertise the Project for public bidding. Staff recommends that the City Council approve the resolution certifying the EIR for the Wheatland Regional Sewer Project as adequate for addressing the environmental impacts of the proposed project and adopting the CEQA Findings of Fact and Statement of Overriding Considerations and the MMRP, and approving the Project based on substantially complete improvement plans dated February 23, 2023. No fiscal impacts will result from the proposed actions. Subsequent City Council authorization will be required prior to bidding the Project which will identify funding needed for construction.

It was moved by Vice Mayor Bob Coe, Seconded by Council Member Pamela Shelton to **approve Resolution No. 06-23 certifying the Environmental Impact Report, adopting CEQA Findings and the Mitigation Monitoring and Reporting Program.** Vote called – AYES: All. Motion carried.

It was moved by Council Member Pamela Shelton, Seconded by Mayor Rick West to **approve Resolution No. 08-23 approving the Wheatland Regional Sewer Pipeline Project**. Vote called – AYES: All. Motion carried.

2) City Manager Jim Goodwin presented the staff report for discussion and consideration of Resolution No. 07-23 approving a framework for agreements with Olivehurst Public Utility District (OPUD) for regional wastewater treatment. For the past 2 years, the Regional Sewer Ad-hoc Committee and staff have been engaged with multiple parties to develop a regional solution to wastewater treatment needs in South Yuba County, including the City of Wheatland. Since the beginning of this effort, the following has been accomplished: A feasibility analysis of multiple regional service alternatives was completed by Wheatland; A decision was made by the Wheatland City Council to select Olivehurst Public Utility District (OPUD) as the city's preferred regional partner; Yuba Water Agency (YWA) agreed to fund, on a gran/loan basis (with an option for the loan portion to be forgiven), design and environmental clearance for both agencies to design a regional conveyance system connecting Wheatland to OPUD for purposes of wastewater treatment; Both agencies have completed Basis of Design Reports (BODR) for the project, have achieved 100 percent design, and Wheatland has completed environmental review; YWA also agreed to fund a consulting team to work with both agencies to complete an application to the California State Water Resources Control Board Clean Water State Revolving Fund (CWSRF) program for full grant funding of the project and Resolution No. 04-23 was adopted on January 24, 2023 authorizing submittal of the grant application. Concurrent with all the action items listed above, OPUD and Wheatland staff, in consultation with Ad-hoc Committees from both agencies, have been negotiating agreements to define the regional relationship. Resolution No. 07-23 includes the frameworks for two agreements: An Interagency Capacity Purchase Agreement and an Interagency Operations Agreement. Adoption of Resolution No. 07-23 by the Wheatland City Council, along with adoption of a similar resolution by the OPUD Board of Directors reflects the conceptual deal points agreed to by the parties. OPUD plans to consider adoption of its resolution at a special meeting scheduled for this evening, Tuesday, February 28, 2023. Once the resolutions are adopted by both agencies, legal and management from both OPUD and Wheatland will draft final agreements based on the frameworks. The final agreements are expected to come back to the Wheatland City Council and OPUD Board of Directors for adoption before summer. The core of this agreement is that OPUD is committing to provide Wheatland wastewater treatment services for 1.5 million gallons per day (mgd). Wheatland will purchase one half of the remaining plant capacity at the OPUD wastewater treatment plant. Once purchased, Wheatland will own approximately .75 million gallons per day (mgd) in the plant that will be reserved for Wheatland. Of this amount, .62 mgd will be paid for with state grant funds to replace the capacity in the Wheatland treatment plant that will be abandoned. The remaining capacity will be purchased with connection fees Wheatland has already collected. Wheatland will then purchase capacity in the plant as development occurs, up to 1.5 mgd of flow. 1.5 mgd of capacity is sufficient to meet Wheatland's demand for approximately 40 years (based on four (4) percent per year growth). Once Wheatland owns capacity in the plant, the city also becomes responsible for Capital Repair and Replacement (CRRP) at the plant. The agreement defines how Wheatland will share in these costs. The operations agreement defines how Wheatland will pay for services on an ongoing basis. The agreement states Wheatland will reimburse OPUD for a fair share of treatment costs based on the volume of flow Wheatland sends to the plant. Depending on the scope of revisions required to finalize the agreements and the level of engagement with OPUD legal counsel and staff, legal costs are expected to be approximately \$10,000 and will come from Sewer Collection Impact Fees and not the General Fund.

PUBLIC COMMENT

Yuba County Supervisor Gary Bradford commented on the importance of the partnership for the City and County.

CITY COUNCIL COMMENTS

Mayor Rick West commented on contributions from the Yuba Water Agency.
Council Member Pamela Shelton commented on the 40-year plan and demand for growth.

It was moved by Mayor Rick West, Seconded by Council Member Pamela Shelton to **adopt Resolution No. 07-23 approving a framework for agreements with Olivehurst Public Utility District (OPUD) for regional wastewater treatment.** Vote called – AYES: All. Motion carried.

3) City Manager Jim Goodwin presented the staff report for discussion and action regarding formation of a Sesquicentennial Planning Ad-hoc Committee, and appointment of Vice Mayor Bob Coe as Chairman. Wheatland was incorporated as a California municipality on March 13, 1874. 2024 marks the 150th Anniversary of the city's incorporation (Sesquicentennial). The city's Sesquicentennial year provides a tremendous opportunity to pull the community together to celebrate both the community's heritage and its future. Vice Mayor Bob Coe was a member of the committee that organized the celebration of Wheatland's Centennial year. He has expressed interest in leading an Ad-hoc Committee to plan a celebration for the Sesquicentennial in 2024.

It was moved by Mayor Rick West, seconded by Council Member Pamela Shelton to **Appoint Bob Coe as Chairman of a City Council Sesquicentennial Planning Ad-hoc Committee with direction to recruit community members to assist in planning a year-long Wheatland Sesquicentennial Celebration in 2024 and direct the City Manager to provide staff assistance.** Vote called – AYES: All. Motion carried.

REPORTS

Fire Chief Art Paquette reported on jet skis for water rescues, driver operator class training and active shooter training.

City Attorney Jennifer Buckman reported on changed to AB 1234 training.

Council Member Pamela Shelton commented on the Feather Rive AQMD meeting and poor air quality due to wildfires.

There being no further business, Mayor R. West adjourned the meeting at 8:30 p.m.

Minutes approved and adopted on this 14th day of March 2023.

Rick West, Mayor

Lisa Thomason, City Clerk