

**APRIL 28, 2020 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:30 – 7:24 P.M.**

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

OTHERS PRESENT: J. Goodwin, City Manager
J. Buckman, City Attorney
T. Raney, Community Development Director
K. Valente, Senior Planner
D. Sylvester, Police Chief
A. Paquette, Fire Chief

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

PUBLIC COMMENT:

None.

CONSENT CALENDAR

Motion was made by Council Member R. Coe, Seconded by Vice Mayor J. Pendergraph to **approve Resolution No. 18-20 for Designation of Authorized Agents to File for Federal and/or State Emergency and Reimbursement and Second Reading and Adoption of Ordinance No. 472 Amending the Wheatland Municipal Code, Title 13 – Public Services, Chapters 13.36 and 13.44 to Change Payment Responsibility and Billing Procedures (Water)**. Vote called – AYES: All. Motion carried.

PUBLIC HEARINGS

1) Community Development Director Tim Raney presented the staff report for discussion and consideration of adopting a resolution adopting the City of Wheatland 4-Year (2017-2021) Housing Element Update Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Program (MMP), and approving the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update. State Housing Element law (Government Code Section 65583) requires each local government entity to adopt a comprehensive long-term general plan for the physical development of their city or county. The Housing Element is one of the seven mandated elements composing the General Plan. State law, through the Housing Element, addresses the existing and projected housing needs within all economic segments of the State's various communities, including the City of Wheatland. The legal mandate recognizes that in order for the private sector to adequately address housing needs, local governments must adopt land use plans and other planning programs to create opportunities that do not constrain development of affordable housing. Housing policy in the State is dependent on the effective development and implementation of local general plans and particularly housing elements. In 2014, The City of Wheatland received a grant from the Sacramento Area Council of Governments (SACOG) to conduct background research and public outreach in preparation for the City's Housing Element Update. City staff prepared the City of Wheatland 2013-2021 Housing Element Update and an associated

IS/MND for the project. On June 27, 2017, the Wheatland City Council adopted the City of Wheatland 2013-2021 Housing Element Update IS/MND and approved the City of Wheatland 2013-2021 Housing Element Update. City staff submitted the adopted Housing Element Update to the California Department of Housing Community Development (HCD) for review and certification, and on December 19, 2017, the City of Wheatland received a comment letter from HCD stating; ‘The revised draft housing element meets the statutory requirements described in the Department’s September 15, 2017 review. However, the housing element cannot be found in compliance with State housing law until the City demonstrates adequate sites needed to accommodate the 343-unit shortfall of the sites needed to accommodate the Regional Housing Need Allocation for lower income households during the 4th planning period.’ HCD determined, the available land within the Johnson Rancho and Hop Farm Annexation Area does not meet the State’s requirements to accommodate the Regional Housing Need Allocation (RHNA) for lower income households during the previous planning period (4th Cycle). After coordinating with HCD and discussing potential alternatives to receive certification, city staff has prepared the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update. The Draft City of Wheatland 4-Year (2017-2021) Housing Element Update includes revised programs requiring the City to process General Plan Amendments and Zoning Amendments in order for HCD to certify the 4-Year Housing Element Update; amend the General Plan to allow a maximum dwelling units per acre (dulac) increase from 16 dulac to a maximum of 30 dulac in the High-Density Residential Land Use Designation (Housing Element Program 2); amend the General Plan Map for three properties totaling 21.75 acres to High-Density Residential (Housing Element Program 12); amend the Zoning Code to increase the allowable maximum dulac from 18 to 30 in the (Multi-family) R-3 Zoning District (Housing Element Program 3); rezone three properties totaling 21.75 acres to the R-3 Zoning District (Housing Element Program 11); and create an Emergency Shelter Combining District, which would permit emergency shelters without a conditional use permit or other discretionary action in accordance with S8 745 (Housing Element Program 4). On March 4, 2020, the City posted a Notice of Availability (NOA) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update. The City of Wheatland 4-Year (2017-2021) Housing Element Update was made available for public review at City Hall. Though public access to City Hall was closed effective March 23, 2020, due to the COVID-19 emergency and the stay-home orders issued by the Governor and the County Health officials, the Housing Element Update has also been available for public review on the City of Wheatland’s website since March 4, 2020. On March 31, 2020, the City of Wheatland held a public meeting, consistent with the virtual meeting protocols established for the COVID-19 emergency, to solicit public input and encourage public participation in the Housing Element Update process. Notice of the public meeting was posted publicly on the City of Wheatland website and in the local newspaper to ensure that city residents had the information they needed to participate in the meeting. City staff did not receive any comments from the public regarding the City of Wheatland 4-Year (2017 -2021) Housing Element Update before or during the scheduled public meeting. The City prepared an IS/MND for the Draft City of Wheatland 4-Year (2017- 2021) Housing Element Update in accordance with the California Environmental Quality Act (CEQA). The Housing Element IS/MND determined that the Draft City of Wheatland 4-Year (2013-2021) Housing Element Update and the associated General Plan Amendments and Zoning Amendments identified above would not result in a significant effect on the environment because the City’s Housing Element Update is a long-range planning, policy-level document intended to assist the City of Wheatland in meeting the housing needs established by the State of California, and does not include any specific development proposals, nor does the project grant any entitlements for development. On March 10, 2020, the City posted a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update. This document was released for public review from March 10, 2020 to April 8, 2020. The City did not receive any comments on the IS/MND. Per Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City of Wheatland notified the United Auburn Indian Community of the Auburn Rancheria (UAIC) of the City of Wheatland Housing Element Update. The

UAIC requested consultation regarding the properties proposed for rezone and future development. After discussions, the City staff has revised the cultural resources mitigation measures included in the IS/MND to provide further detail for future development. Therefore, staff has prepared the Errata sheet to reflect these revisions. The revisions are for clarification purposes only and do not alter the conclusions of the IS/MND. On April 7, 2020, City staff presented the City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND and the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update to the Wheatland Planning Commission. During the April 7, 2020 Planning Commission hearing, the Planning Commissioners expressed concerns regarding all the proposed revisions to the Housing Element Programs that are required for the City to receive HCD certification. Multiple Planning Commissioners were not comfortable with the increase from 18 dulac to 30 dulac for the City's R-3 Zoning District to meet the State's requirements for low-income housing. The Planning Commissioners believed that would result in development that is too dense for the City. Staff responded stating all the current development standards in the R-3 Zoning District would remain, including maximum building height, minimum building setbacks, off-street parking requirements, and open space requirements. Increasing the maximum dulac potential for the R-3 Zoning District is needed in order for the City to be able to accommodate the required housing need from the 4th Cycle per HCD's reasonable buildout methodology. HCD's reasonable buildout methodology required the City to use 20 dulac to calculate the reasonable buildout potential for these sites, as HCD does not consider a maximum 30 dulac buildout is a reasonable possibility. One Commissioner was concerned with the location of the properties proposed to be rezoned to the R-3 zoning to accommodate the required housing need from the 4th Cycle. The Commissioner stated a preference to have R-3 zoned properties located near City boundaries, and not in the central part of the City. Staff responded explaining that existing City services, such as sewer and water, located near these properties are necessary to meet the requirements and there is no other available land elsewhere in the City. Commissioners were also concerned with the proposed location of the Emergency Shelter Combining District and its proximity to a City Park and City Hall. The current proposed location is the vacant 2.24-acre property identified as Site A, located at the northern end of C Street. The City Council may identify an alternative site for the Emergency Shelter Combining District; however, changing the proposed location would delay the approval of the City's Housing Element possibly beyond HCD's deadline and put the City in jeopardy of receiving S8 2 Grants Program funds. The Council could revisit the location of the Emergency Shelter Combining District and discuss an alternate location at a later time. Following the hearing, a motion for approval was made; however, that motion failed to receive a second and therefore died for lack of a second. The Planning Commission did not entertain a motion for denial of staff's recommendation. As a result, after conducting the required hearing, the Planning Commission neither endorsed nor rejected staff's recommendations on the IS/MND and the Housing Element Update.

Mayor R. West requested clarification of Planning Commission action at the April 7th meeting; suggested the creation of an Ad Hoc Committee and State requirements.

Council Member J. Henderson requested clarification of property located in Site A.

Council Member L. McIntosh commented on grant money.

Public Comment

None.

Motion was made by Council Member R. Coe, Seconded by Vice Mayor J. Pendergraph to **approve Resolution No. 19-20 Adopting the City of Wheatland 4-Year (2017-2021) Housing Element Update Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Program (MMP), and approving the Draft City of Wheatland 4-Year (2017-2021) Housing**

Element Update. Vote called – AYES: Coe, Pendergraph, Henderson and West. NOES: McIntosh. Motion carried.

2) Community Development Director T. Raney and Senior Planner K. Valente presented the staff report for consideration of General Plan Amendments and Zoning Amendments to implement programs from the City of Wheatland 4-Year (2017-2021) Housing Element Update. The California Department of Housing and Community Development (HCD) determined the City of Wheatland's 5th Cycle (2013-2021) Housing Element Update did not meet the State's requirements because it did not fully accommodate the need for housing for lower-income households during the previous planning period (4th Cycle). After coordinating with HCD and discussing potential alternatives to receive certification, city staff prepared the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update, which included the following revised programs; amend the General Plan to allow a maximum dwelling units per acre (dulac) increase from 16 dulac to 30 dulac in the High-Density Residential Land Use Designation (Housing Element Program 2); amend the General Plan Map for three properties totaling 21.75 acres to High-Density Residential (Housing Element Program 12); amend the Zoning Code to allow a maximum dulac increase from 18 dulac to 30 dulac in the (Multi-family) R-3 Zoning District (Housing Element Program 3); rezone three properties totaling 21.75 acres to the R-3 Zoning District (Housing Element Program 11); and Create an Emergency Shelter Combining District, which would permit emergency shelters without a conditional use permit or other discretionary action in accordance with SB 745 (Housing Element Program 4). These programs identifying General Plan Amendments and Zoning Amendments are required to be implemented prior to HCD certifying the Wheatland Housing Element. A certified Housing Element is required in order for the City to be eligible for several grants from the State. On December 11, 2019, the City of Wheatland's Senate Bill (SB) 2 grant application was approved; however, because the City's housing element is not yet certified, HCD is not allowing the \$160,000.00 grant funds to be disbursed to the City. The State has also shown that they will subject cities to litigation if that city does not have a certified housing element that meets all the statutory requirements. The City prepared an IS/MND for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update and Associated General Plan Amendment and Zoning Amendment in accordance with the California Environmental Quality Act (CEQA). The Housing Element IS/MND determined that the Draft City of Wheatland 4-Year (2013-2021) Housing Element Update and Associated General Plan Amendment and Zoning Amendment would not result in a significant effect on the environment with implementation of mitigation measures and because the project does not include any specific development proposals, nor does the project grant any entitlements for development. On March 10, 2020, the City posted a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update and Associated General Plan Amendments and Zoning Amendments, and this document was released for public review from March 10, 2020 to April 8, 2020. To date, the City has not received any comments on the IS/MND. Staff did receive a written comment from a property owner stating they were opposed to the proposed rezoning of their property identified as Site D from Single Family to Multi-Family. In order for the City to meet the State's requirements this property must be included in the rezone. If the City Council approves the proposed zoning of this property, the new zoning would allow multi-family development and all development permitted in the Two-Family (R-2) district. The R-district does also allow for single-family development; therefore, even after the rezone, single family development would still be allowed on this property. On April 7, 2020, City staff presented the proposed General Plan Amendment and General Plan Map Amendment, as well as the Ordinance amending the Wheatland Zoning Code and the Wheatland Zoning Map for implementation of the City of Wheatland 4-Year (2017-2021) Housing Element. During the April 7, 2020 Planning Commission hearing, the Planning Commissioners expressed concerns regarding all the proposed revisions to the General Plan and zoning code that are required for the City to receive HCD certification. Multiple Planning Commissioners were not

comfortable with the increase to 30 dular for the City's High-Density Residential Land Use Designation and the R-3 Zoning District to meet the State's requirements for the unaccommodated need for low-income housing. The Planning Commissioners believed that would result in development that is too dense for the City. Staff responded stating all the current development standards in the R-3 Zoning District would remain, including maximum building height, minimum building setbacks, off-street parking requirements, and open space requirements. Increasing the maximum dular potential for the R-3 Zoning District is needed in order for the City to be able to accommodate the required housing need from the 4th Cycle per HCD's "reasonable buildout" methodology. HCD's "reasonable buildout" methodology required the City to use 20 dular to calculate the reasonable buildout potential for these sites, as HCD does not consider a maximum 30 dular buildout is a reasonable possibility. One Commissioner was concerned with the location of the properties proposed to be rezoned to the R-3 zoning to accommodate the required housing need from the 4th Cycle. The Commissioner stated preference to have R-3 zoned properties located near City boundaries, and not in the central part of the City. Staff responded that existing City services, such as sewer and water, located near these properties are necessary to meet the requirements and available land elsewhere in the City does not exist. Commissioners were also concerned with the proposed location of the Emergency Shelter Combining District and its proximity to a City Park and City Hall. The current proposed location is the vacant 2.24-acre property identified as Site A, located at the northern end of C Street. The City Council may identify an alternative site for the Emergency Shelter Combining District; however, changing the proposed location would delay the approval of the City's Housing Element possibly beyond HCD's deadline and put the City in jeopardy of receiving SB 2 Grants Program funds. The Council could revisit the location of the Emergency Shelter Combining District and discuss an alternate location at a later time. Following the hearing, a motion for approval was made; however, that motion failed to receive a second and therefore died. The Planning Commission did not entertain a motion for denial of staff's recommendation. As a result, after conducting the required hearing, the Planning Commission neither endorsed nor rejected staff's recommendations regarding the proposed General Plan Amendments and Zoning Amendments.

City Attorney Jennifer Buckman provide clarification of the law related to the Planning Commission.

Public Comment

None.

Motion was made by Vice Mayor J. Pendergraph, Seconded by Council Member R. Coe to **adopt Resolution No, 20-20 Approving a General Plan Amendment and General Plan Map Amendment of Implementation of the City of Wheatland 4-Year (2017-2021) Housing Element and introduce and waive the first reading of Ordinance No. 474 Amending Section 18.27.060 of the Wheatland Zoning Code, creating Chapter 18.55 of the Wheatland Zoning Code, Rezoning Three Properties Totaling 21.75 Acres (APN's 015-500-008-000, 015-360-001-000, and 015-350-012-000), and Rezoning a 2.24-Acre Property (APN-015-500-018-000) to Include the Emergency Shelter Combining District.** Vote called – AYES: Pendergraph, Coe, Henderson and West. NOES: McIntosh. Motion carried.

3) City Attorney J. Buckman introduced the staff report for introduction of Ordinance No. 473 amending Section 3.04.040 of the Wheatland Municipal Code to conform the purchasing policy with applicable legal requirements and amend Section 2.16.030 of the Wheatland Municipal Code to ensure that the City Manager is authorized to enter into contracts of employment with City Staff. Previously, the City Council authorized the City Attorney to prepare an ordinance to restore contracting authority of

the City Manager that was inadvertently deleted when the Municipal Code was updated in 2019 to adopt the new purchasing policy. Ordinance No. 473 restores the delegation of contracting authority to the City Manager, as authorized by Government Code section 40602. The ordinance delegates to the City Manager the authority to sign contracts of employment (which the City Manager is authorized to enter into pursuant to Section 2.16.030 of the Municipal Code). The ordinance also restores the delegation to the City Manager of the authority to sign contracts and warrants on the City Treasury for purchases made consistent with the adopted purchasing policy.

Public Comment

None.

Motion was made by Vice Mayor J. Pendergraph, Seconded by Council Member R. Coe **to introduce and waive the first reading of Ordinance No. 473 Amending Titles 2 and 3 of the Wheatland Municipal Code, Restoring City Manager Purchasing Signature Authority for Contracts Under \$25,000, and for Employment and Service Contracts.** Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

1) City Manager J. Goodwin presented the staff report for Wheatland COVID-19 Local Emergency Update. In March both the State of California and Yuba County declared emergencies related to the COVID 19 pandemic impacting the globe. Although Wheatland is covered by these broader emergency declarations, Wheatland declared the existence of a local emergency on March 26, 2020. Once declared, the local emergency remains in effect until the City Council, by resolution, declares an end to the local emergency. As a public health emergency, much of the public response has been conducted at the county level. Sutter and Yuba Counties have been working together, with support of the four cities in the region, on a collaborative response. Communication between agencies has been excellent. Goodwin provided updated on how your city staff is responding to the emergency and the obligation to provide essential services and observe social distancing; all permanent employees are deemed essential and must be available to provide services to Wheatland residents; within our workforce both age and the presence of underlying medical conditions place some employees at higher risk of serious complications should they contract the virus. We have taken measures to be able to continue providing services and take good care of workforce; the City is operating with minimum staffing within City Hall, with all employees present exceeding the 6' recommended social distancing requirement. When employees are at home and not at City Hall, they are expected to be available as necessary to answer questions and/or perform whatever tasks they can from home. Key staff have remote VPN connections to the city server; City Hall is closed to the public and the minimum staffing is present Monday through Thursday from 8:00 a.m. to 5 p.m. to provide service via phone and email. Utility payments are being accepted by mail, the drop box at City Hall or over the phone. Masks are worn in common areas, gloves are worn when handling the mail, and high touch areas are cleaned frequently. We will be able to sustain this level of service if our team stays healthy; Department Heads are back on a regular meeting schedule, with one Department Head meeting each week on Wednesdays at 10:30 a.m. This meeting is conducted as a Zoom meeting; Public Works personnel are working on the most important tasks required to ensure water and sewer operations and other basic maintenance of city property and equipment. Personnel work as individuals unless a team is required. Masks are to be worn and frequent cleaning and sanitizing of high touch surfaces; Wheatland PD is continuing normal operations. Officers are now wearing face masks when in public. The Police Department is closed to the public. There is frequent cleaning and sanitizing of high touch surfaces; Wheatland Fire Authority is continuing normal operations; the City is currently preparing for employees returning to work within City Hall and to maintain Monday through Friday staffing. The City plans to

install clear extensions of the cubicle walls to provide better social distancing between employees and is also exploring installing a clear barrier along the top of the City Hall counter to provide a stronger social distancing barrier to facilitate public access to City Hall. Current planning is for a return to regular work schedules on May 4; the Mayor and City Manager participate in regular Yuba Sutter regional briefings. There has been tremendous collaboration among agencies during this emergency. The City Manager is also participating in a weekly administrator's conference call specifically regarding the COVID 19 emergency; the Police Chief and City Manager have been active in a Yuba Sutter Compliance Working Group to ensure a common, regional approach for compliance with both statewide and local Stay at Home orders. The City closed playgrounds and encouraged private complexes with playgrounds to take similar action. Wheatland is not experiencing significant problems with compliance; the regional compliance group has become a regional coordinating body to create recommendations for easing the current bi-county Stay at Home Order. Three subgroups are at work—Businesses, Gatherings and Recreation—creating recommendations for Bi County Health Officer Dr. Luu. It is anticipated this work will be reflected in an order from Dr. Luu beginning May 4. The current order ends on May ; Assemblyman James Gallagher and Senator Nielsen are working with local governments in their districts to encourage the Governor to allow local Public Health Officers to determine appropriate local actions and move away from a “cookie cutter” statewide approach. Mayor West has participated in this effort; the City is doing its best to share information on the wheatland.ca.gov website and both the City of Wheatland and the Wheatland PD Facebook pages. The City Clerk and Police Chief have been working together to make sure key information appears in all three places when appropriate. Many City of Wheatland posts have been shared on other local Facebook pages or groups like Friends of Wheatland, Real Friends of Wheatland, and Wheatland Friends Network. The website has a dedicated page for COVID 19 emergency updates; the City collaborated with local school districts to share a message through social media from the Mayor encouraging the community to observe social distancing; the City is facilitating public meetings via Zoom and conducted a Public Meeting regarding the Housing Element on 3/31, the Planning Commission met on April 7, the City Council met on April 14 and today. Currently remote meetings are anticipated through May, with a return to a normal meeting format in June; a financial impact report was shared at the April 14 City Council meeting. Staff is working toward a FY 20/21 budget discussion on May 12 and hopes to have more information to share regarding COVID 19 emergency impacts and strategies to mitigate those impacts.

REPORTS

Mayor R. West commented on the 6-foot social distancing rule during COVID-19.

Vice Mayor J. Pendergraph complimented the Wheatland Police Department and the Wheatland Fire Authority for their services during COVID-19.

City Manager J. Goodwin reported on discussion of potential Wastewater partnerships.

CLOSED SESSION

No reportable action.

There being no further business, Mayor R. West adjourned the meeting in memory of John Sohrakoff, Sr. at 7:24 p.m.

Minutes approved and adopted on this 12th day of May 2020.

DRAFT