

**JUNE 13, 2023, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:00 – 8:37 P.M.**

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

**OTHERS PRESENT:** J. Goodwin, City Manager  
J. Buckman, City Attorney  
T. Raney, Community Development Director  
D. Schilling, City Engineer  
D. Sylvester, Police Chief  
A. Paquette, Fire Chief  
S. Wong, Finance Director  
D. Klever, Public Works Director  
L. Thomason, City Clerk  
J. Johnson, Account Clerk

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

**PUBLIC COMMENT**

Chris Walsh commented on the Bishop Pumpkin Farm Traffic Report.  
Pamela Walsh commented on the cost to update the General Plan and minutes from the regular Council meeting on May 9<sup>th</sup>.

**CONSENT CALENDAR**

It was moved by Vice Mayor R. Coe, Seconded by Council Member L. McIntosh to **approve minutes from the regular city council meeting on May 23 and special city council meetings on May 16 and 30, 2023.** Vote called – AYES: All. Motion carried.

\*\*Minutes from the regular city council meeting were pulled for comments and to reschedule on the next council meeting agenda.

It was moved by Vice Mayor R. Coe, Seconded by Council Member P. Shelton **to approve the agreement between the City of Wheatland and Bill Zenoni.** Vote called – AYES: All Motion carried.

**REGULAR CALENDAR**

1) Finance Director Steve Wong presented the staff report for a resolution of the Intention to levy. Assessments for Fiscal Year 2023-24, for the Wheatland-Premier Grove Landscaping and Lighting Assessment District (including Park Place Annexation). Preliminarily Approving Engineer's Report and Providing Notice of Hearing. The Wheatland-Premier Grove Landscaping and Lighting Assessment District (the "District") provides funding for the maintenance, servicing and improvement for the following: landscaping, irrigation, streetlights, detention basin, frontage wall and park for the Wheatland Ranch subdivision; streetlights for the Premier Grove subdivision; and landscaping, irrigation,

streetlights, open space, drainage area and park for the Park Place subdivision. The Engineer's Report ("Report") was prepared to establish the budget for the Improvements that will be funded by the 2023-24 assessments and other revenue and to determine the special benefits received from the Improvements by property within the District and the method of assessment apportionment to lots and parcels. The estimated cost for fiscal year 2023-24 is \$63,988 for Wheatland Ranch; \$7,068 for Premier Grove and \$46,415 for Park Place. This cost results in a proposed assessment rate of \$340.36 for Wheatland Ranch; \$144.24 for Premier Grove and \$222.08 for Park Place, per single family equivalent benefit unit for fiscal year 2023-24.

Council Member P. Shelton commented on what is being recommended and the maximum annual adjustment.

It was moved by Council Member P. Shelton, Seconded by Council Member A. Teter to **approve Resolution No. 19-23 of the Intention to Levy Assessments for Fiscal Year 2023-24, for the Wheatland-Premier Grove Landscaping and Lighting Assessment District (including Park Place Annexation. Preliminarily Approving Engineer's Report and Providing for Notice of Hearing.** Vote called – AYES: All. Motion carried.

2) Finance Director Steve Wong presented the staff report for Fiscal Year 2023-2024 Proposed Operating Budget. Direct staff to bring back a final proposed budget for adoption at the June 27, 2023, City Council meeting. The City Council adopts an annual budget for City government operations no later than June 30th for the upcoming fiscal year that begins on July 1st. The proposed FY 2023-2024 Operating Budget has been prepared with input from all City Departments and the City Manager. Staff analyzed existing service levels and potential services, considering priorities and financial constraints, and made modifications accordingly. The budget includes all City funds except for fiduciary funds that the City holds as a trustee and cannot be used to fund City programs. Highlights of the proposed budget included the General Fund, Personnel, Special Revenue Funds and Enterprise Funds.

Mayor R. West commented on the operations deficit in wastewater, minimum fund balance and the plant operator position.

Council Member P. Shelton commented on the fund balance.

No further action is necessary on this agenda item.

3) Police Chief Damiean Sylvester presented the staff report for approval of Yuba County's Response to Commercially Sexually Exploited Children/Youth (CSEC/Y) Protocol Memorandum of Understanding. The program is administered by the California State Department of Social Services pursuant to SB 855. CSEC/Y refers to children and youth identified to be victims, or at risk of becoming victims. Yuba County has developed and will utilize a multidisciplinary team approach to CSEC/Y case management, service planning and provision of services. The MOU establishes guidelines for this approach.

It was moved by Council Member P. Shelton, Seconded by Vice Mayor R. Coe to **adopt Resolution No. 18-23 for the Wheatland Police Department to Enter Into a Memorandum of Understanding to Participate in the Yuba County Commercially Sexually Exploited Children/Youth Protocol.** Vote called – AYES: All. Motion carried.

**\*At 6:55 p.m., Vice Mayor R. Coe and Council Member P. Shelton recused themselves from the meeting regarding regular agenda item No. 4.4 and 4.5 for a conflict of interest according to their property address.**

4) Community Development Director Tim Raney presented the staff report for consideration of the updated Memorandum of Understanding (MOU) between the City of Wheatland and Bishop's Pumpkin Farm. The City has started the process to update the General Plan to include emphasis on issues related to traffic and circulation, specifically congestion along State Route (SR) 65. In order to secure additional funds for the General Plan Update (GPU), the City discussed and opportunity with the Bishop Pumpkin Farm for additional funding. As part of the MOU the Bishops agree to participate in the GPU process in good faith and provide the City with payments totaling \$150,000 to support the GPU. The City agrees to provide municipal services to areas within the Bishop's property that are not within the City limits, prior to annexation. Bishop's Pumpkin Farm has acquired lands adjacent to their existing operation in Wheatland. The primary agricultural tourism portion of their property is within City limits, the additional property is currently under the jurisdiction of Yuba County. The Bishop's have submitted an application to the City to annex these unincorporated lands into city limits in order to expand their operations and have access to City services to any new structures. Bishops has indicated the desire to construct specific building and facilities prior to the completion on the annexation process. In order to allow the Bishops to move forward, City staff negotiated a draft MOU with the Bishop's Pumpkin Farm that would allow construction of these new buildings outside city limits through the Yuba County Building Department and the City will provide municipal services to the new buildings despite their location outside of city limits. In order to ensure the City's property tax sharing with Yuba County is not adversely affected, City Staff has requested and received confirmation from Yuba County stating that the county would use the current assessed value of the property prior to any new construction that would result in increases to the properties' assessed values. The Bishop's representatives have identified that the new structure to be built prior to annexation would be limited to a food service building, cider building, restrooms, and new amusement ride. Bishops as requested that the City provide the new buildings with sewer and water services. Although buildings' approval would be under the jurisdiction of Yuba County, the MOU states that Bishops' will provide: improvement plans, prepared by a registered civil engineer, showing proposed onsite water and sewer infrastructure and appurtenances to the City for review and approval, calculations for existing and proposed demands demonstrating adequate pressure and flow can be achieved for intended uses including domestic supply and fire systems concurrent with submission of improvement plans for water improvements to the City for review; engage a state certified water cross connection specialist to perform cross connection testing and provide a report of results to the City for review and approval after construction and prior to occupancy, and calculations for sewer improvements, including and estimation of existing flow, proposed flows, evaluation of wet well storage capacity and evaluation of private and public collection systems downstream of the points of connection concurrent with submission of improvement plans for sewer improvements to the City for review. Through the MOU, the City will; expeditiously and in good faith review the documents provided to the City for the project, include the proposed Annexation Area in the City's General Plan Update EIR, provide water and sewer service to the Food/Restroom Facility when requested by Bishop's for the new construction, not oppose issuance of building permits by Yuba County for the specific development of buildings and structures (food Service, cider building, restrooms and amusement ride) and apply for approval from LAFCo for Out of Area Service Extension. The MOU ensures both the City and the applicant that either party will abide by the respective obligations under the MOU. Future amendments may be made to the MOU provided that both parties agree. The MOU establishes the process, should either party alleges the other has breached its obligations pursuant to the MOU.

T. Raney read minor clarifications into the record on the agreement.

City Attorney J. Buckman reviewed and stated necessary changes to the MOU, a handout with the changes was provided to Council Members for the meeting.

Mayor R. West commented on a secondary entrance and the current Bishop's MOU. West also commented on timeline for the General Plan consultant, sunset on the MOU and more definition for building dimensions.

Council Member L. McIntosh commented on the Master Tax Sharing Agreement, timeline for the General Plan Update, point of agreement for services, traffic and the LAFCo process. McIntosh stated concerns that the property project will be completed before GPU is finished. McIntosh also commented on zoning, adequate EDUs, and fees for water/sewer connections on agriculture. McIntosh stated the MOU needs to be reviewed and brought back to council.

R. Bendorf, representing Bishop Pumpkin Farm, presented council and staff with a handout with and Economical Impact Analysis.

Austin Bishop commented on improvements to business for existing customer base.

Council Member A. Teter commented on the proximity of proposed rides to existing rides.

Nick Aptos, attorney representing the Bishops commented on the expiration date of the MOU stating a date is not necessary.

F. Shelton commented for council to reconsider the Bishop proposal, he is opposed.

P. Walsh commented on taking more time to reconsider changes made in the MOU and clearer language to understand what the ride(s) are.

C. Walsh commented on taking more time to decide on the MOU.

It was moved by Council Member L. McIntosh, Seconded by Council Member A. Teter to **revise the MOU and bring the document back to council at the next meeting**. Vote called – AYES: McIntosh, Teter and West. Motion carried.

5) City Engineer Dane Schilling presented the staff report for adopting a resolution authorizing the City Manager to award a construction contract to Consolidated Engineering, Inc. for the City of Wheatland 2023 Pavement Maintenance Projects. In June 2022 council adopted a resolution establishing priorities for near-term pavement maintenance projects. Projects were identified on Hooper, Main and E Streets. In April 2023 council adopted a resolution which combined the three priority projects under one contract know as the 2023 Pavement Maintenance Projects (Project). The resolution authorized the City Manager to enter into a funding agreement with Bishop Pumpkin Farm; Wheatland School District; and Yuba County Office of Education; amended the FY 2022-23 budget and authorized the City Manager to advertise the Project for bids. Five bids were received and opened on May 31, 2023. Staff has reviewed the apparent low bidder's bid, insurance and license information and appears to be a responsive and responsible bidder. Staff is recommending Consolidated Engineering, Inc. to be awarded a contract in the amount of \$305,890.11 to construct the Project. Schilling added that a contingency amount was not included in the resolution, the language will be added and brought back by resolution at the next council meeting.

P. Walsh commented on length of the Project, start date, change orders and contingency amount.

J. Swift commented on dirt/dust in the gutter in front of her home.

It was moved by Council Member L. McIntosh, Seconded by Council Member A. Teter to approve Resolution No. 20-23 Authorizing the City Manager to Enter into a Construction Contract with Consolidated Engineering, Inc. for the City of Wheatland 2023 Pavement Maintenance Projects. Vote called – McIntosh, Teter and West. Motion carried.

**\*At 7.29 p.m. Vice Mayor R. Coe and Council Member P. Shelton returned to the meeting.**

## **REPORTS**

D. Schilling reported on the SYTIA Board meeting.

Police Chief reported on the new patrol vehicle.

S. Wong reported on audit data.

D. Klever reported on the abandoned water line under Main Street.

Council Member P. Shelton reported on WFA Levy Assessments.

Council Member L. McIntosh reported on the Homeless Consortium.

Mayor R. West reported on SYTIA current project report, the Wheatland Expressway, and the State Water Resources Control Board.

**Meeting adjourned to Closed Session at 7:50 p.m.**

## **CLOSED SESSION**

**The meeting was reconvened at 8:37 p.m. with no reportable action.**

There being no further business, Mayor R. West adjourned at 8:37 p.m.

Minutes approved and adopted on this 11<sup>th</sup> day of July 2023.

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Rick West, Mayor

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Lisa Thomason, City Clerk