

**JULY 12, 2022, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:00 – 7:35 P.M.**

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

**OTHERS PRESENT:** J. Goodwin, City Manager  
J. Buckman, City Attorney  
D. Sylvester, Police Chief  
A. Paquette, Fire Chief  
L. Thomason, City Clerk  
J. Johnson, Account Clerk

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

**PUBLIC COMMENT**

None.

**PUBLIC HEARING**

1) City Manager Jim Goodwin presented the staff report for consideration to adopt a resolution confirming the Engineer's Report, Diagram, Annual Assessment, and directing the Auditor of Yuba County to Levy and Collect Assessments for Fiscal Year 2022-23 in the Wheatland-Premier Grove Landscaping and Lighting Assessment District (including Park Place annexation). The City will order the levy of the continued assessments for fiscal year 2022-23 and will cause those levies to be submitted by SCI Consulting Group to the Yuba County Auditor to be included on the 2022-23 property tax bills.

**COUNCIL MEMBER COMMENTS**

None.

**PUBLIC COMMENT**

None.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve Resolution No. 27-22 Confirming Engineer's Report, Diagram, Annual Assessment, and Directing Auditor of Yuba County to Levy and Collect Assessments for Fiscal Year 2022-23 in the Wheatland-Premier Grove Landscaping and Lighting Assessment District (Including Park Place Annexation)**. Vote called – AYES: All. Motion carried.

**REGULAR CALENDAR**

1) Lon Hatamiya, President and CEO, The Hatamiya Group presented the staff report for Approval of Memorandum of Understanding for the consideration of a collaborative research facility in the City of Wheatland between the City of Wheatland ("City"), Yuba Water Agency ("YWA"), the University of California Center for Information Technology Research in the Interest of Society ("UC CITRIS"). Over

the past twelve months or more, City staff and consultants have been working to identify and establish a collaborative research initiative with the appropriate University of California institute, combining the interests of the Yuba Water Agency, United States Air Force, and the City. Late last year (2021), we entered into discussions with the University of California Center for Information Technology Research in the Interest of Society and the Banatao Institute, based at UC Berkeley with faculty and research partners at UC Davis, UC Santa Cruz, and UC Merced. These discussions led to mutual interest in the development of a collaborative partnership with research projects focused on energy resilience, fire protection and sensors, water efficiency and other relevant areas of interest. The MOU is the next step in the further development of a research partnership between all parties which could lead to new economic development opportunities for the City, especially in the area of the Employment Zone.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve Memorandum of Understanding (MOU) between the City, YWA, and UC CITRIS to develop mutually beneficial research projects and collaborative partnerships with the desire to create a collaborative research facility in the City and direct the Mayor to sign the agreement.** Vote called – AYES: All. Motion carried.

2) City Engineer Dane Schilling presented the staff report for and Encroachment Permit for use of City Streets as a haul route for construction materials required for the Reclamation District 817 Bear River Setback Levee Project. In July 2013 California Department of Water Resources (CA DWR), completed a Pre-Feasibility Study for the levees protecting Wheatland. This pre-feasibility study identified a critical erosion site along the north bank of the Bear River in Reclamation District No. 817 (RD 817). Subsequently In February 2020, the City of Wheatland in coordination with RD 817 and RD 2103, completed a flood risk study through the CA DWR Small Communities Flood Risk Reduction (SCFRR) Program. The completed study detailed project recommendations which provide a flood risk reduction benefit to the City of Wheatland. Included in these recommendations is the RD 817 Bear River Setback Levee Project (BRSL Project) which reduces flood risk due to erosion and seepage through the levee embankment by constructing a setback levee adjacent to the previously identified erosion site. Once completed, the project will reduce the risk of levee breach along a 2,700 linear foot segment of the Bear River North Levee providing a benefit to of the City of Wheatland and seeks to increase the level of protection by improving levee performance. The Project site is located along the right (north) bank of the Bear River, approximately two miles southwest of the City of Wheatland. The Project extends between Brewer Road and Pleasant Grove Road and improves approximately 2.1 miles of levee. The Bear River through this reach is a part of the Sacramento River Flood Control Project (SRFCP). The BRSLP includes approximately 2,700 LF of new levee embankment to replace the existing Bear River North Levee from River Mile (RM) 8.6 to RM 9.0 to reduce the risk of levee breach due to erosion. This segment of the Bear River North Levee is operated and maintained by RD 817. The Project also includes degrading the existing Bear River North Levee between the tie-in locations. Degraded levee material will be used to construct a buttress along the landside of the existing Bear River North Levee, starting near the western BRSL tie-in location and extending westerly to Pleasant Grove Road (also referred to as Forty Mile Road). The levee buttress will provide a benefit to overall levee stability by adding weight and flattening the landside levee slope. A borrow site for the levee project is located just north of the end of C Street. District 817 has submitted an application to Union Pacific Railroad (UPRR) to utilize a private crossing which can access the borrow site from HWY 65. The crossing application is currently under review by UPRR and has taken longer than anticipated. RD 817 has not yet received approval from UPRR and limited information has been provided regarding approval status. If RD 817 were to wait to receive UPRR approval, project completion will be delayed. The project is currently scheduled to be complete in late-October 2022. In addition, RD 817 will likely incur additional construction costs

associated with the delay. The project costs are shared between CA DWR (90%) and RD 817 (10%) and funding to construct the project will expire in late 2022. Extended construction delays related to waiting for UPRR approval may impact funding availability. As an alternative, RD 817 has approached the City of Wheatland with a proposal for a temporary measure to access the borrow site until UPRR approval is provided for the preferred route. The alternative route includes the use of C Street and Main Street to access the borrow site. Upon UPRR approval, RD 817 will cease use of the haul route along C and Main Street and utilize the original haul route as intended. If allowed by the City, Construction traffic will be between 8 am and 4 pm Monday through Saturday for up to 60 calendar days. If RD 817 receives approval from UPRR, construction traffic along the proposed alternate route will end. Construction traffic is not anticipated to be constant and will be completed in two phases with the first phase duration being approximately 20 calendar days. After completion of the first phase of hauling/construction traffic, further construction traffic or hauling operations at the borrow site are not anticipated for approximately 21 calendar days. The maximum number of truck trips per day is 200 (22/hour). Trucks will be held and released by flaggers at the borrow and construction sites to prevent and/or reduce congestion on City streets and HWY 65. After discussions with city staff, RD 817 is willing to accept the following conditions within the encroachment permit for the alternate haul route which provide protection to the City of Wheatland: the proposed haul route will involve Hwy-65, Main Street and C Street only; construction traffic shall not be allowed on other city streets, RD 817 has worked with its contractor (applicant) to submit a traffic control plan (TCP) for review and approval of the City. truck traffic will be coordinated using flaggers to hold and release trucks at the borrow site and construction site to prevent trucks from "bunching" on city streets and the highway, trucks traffic will be limited to operate on City streets between the hours of 8 am and 4 pm Monday through Saturday, and not on city recognized holidays, construction speed limit of 15MPH max for trucks (W13-1 P 15MPH plus "TRUCKS" placard or similar) will be posted on type 2 barricades and included in the TCP for City review and approval, City will strictly enforce maximum construction speed limits for trucks, applicant will notify City at least 72-hrs in advance of any street parking restrictions needed for safe truck turning movements, No Parking signage will be provided and placed by the applicant, applicant will be responsible for any damage to City streets, applicant and City will coordinate on pre- and post-construction pavement condition photos and videos of city streets, applicant will coordinate with City on public information content disseminated by the City (social media, web content), City will review and approve Applicant's Storm Water Pollution Prevention Plan (SWPPP) for the project as it pertains to encroachments on City streets. Modifications, if any, will be made prior to issuance of the EP, applicant will monitor for and remediate nuisance dust or dirt track-out on City streets, applicant will respond to dust or track-out complaints within 2-hrs of notification by the City and applicant will reimburse any costs incurred by the City in addition to the EP application fee. As Wheatland currently does not have designated truck routes, staff believes the City Council should review the request and provide direction as to whether to allow the use of city streets for the project. As noted, truck traffic will be heavy while the route is in use. The City Engineer will only issue the Encroachment Permit if the City Council provides that direction.

Tom Engler, RD 817 provided a summary of the project for Council and audience members. The haul route is expected to last for 28 days with up to 200 trucks a day.

Mayor R. West questioned the traffic control plan is to take all parked vehicles off C Street. T. Engler responded not all, only where trucks turn. West commented on 'no parking' signs, Engler responded the contractor went out today to place the signs which alerted residents. West questioned if there will be any no parking signs on Main Street, Engler responded he will need to check. West questioned the hours of the haul Engler responded the hours are from 8:00 a.m. to 6:00 p.m. but he would like the hours to be from 6:00 a.m. to 4:00 p.m. beginning July 13<sup>th</sup>. West questioned what the City's nuisance ordinance says, the ordinance states that quiet hours in the City are from 10:00 p.m. to 7:00 a.m. Engler stated there

is language in the municipal code that says deviation from quiet hours, if it is safe, is allowed. West stated he is concerned about people complaining about the noise. D. Schilling stated with the issuance of the permit, City can include the hours of operations in the Conditions of Approval (COA). Draft conditions have been provided for the RD 817 contractor; no permit has been issued. Schilling provided the draft COA's for council members. Engler stated the levee will be built up to 2/3 of final height. West questioned if the area where dirt is being removed will be a detention basin. Engler stated yes and can also be used to plant an orchard.

Council Member J. Pendergraph stated the if the City does not approve the encroachment permit and the rainy season comes and something happens people will question why council did not approve it. If the railroad agreement is approved for the haul route will the plan automatically switch, Engler responded yes.

Mayor R. West questioned if the hours of operation need to be added to the COA's. D. Schilling responded yes. West questioned if additional Police presence is necessary, Police Chief D. Sylvester responded no. The speed limit will be posted for 15 miles per hour. J. Pendergraph added clean up from loose debris from the project needs to be added to the COA's. West stated that residents on C Street need to be notified of the hours of the truck haul. Schilling pointed out that the trucks will be going past the City park in front of City Hall, parking will be restricted for safety.

Council Member P. Shelton questioned how the City will be impacted by the levee, Engler explained the levee is in Sutter County if it breaks it could potentially affect areas of Wheatland. Shelton commented on the rating of C Street and East Main Street and weight of dirt, damage to roads, arterial roads and dips, increased noise, Beale AFB shift change hours, radio control, bus stop and railroad tracks. Engler explained that trucks coming and going from the project will be 'queued'.

Council Member L. McIntosh questioned how much rain is expected this year. Engler stated he has no idea. McIntosh commented on the school's schedules. Engler stated there will be one-way traffic in front of the high school. McIntosh stated she does not believe there is any way to mitigate during the schools and pumpkin season, adding there will also be traffic from construction of the new subdivision.

Council Member J. Pendergraph stated the City needs to be responsible to the community to prevent flooding. P. Shelton stated she does not believe it is the City's responsibility, the responsibility lies with RD 817 not getting the railroad permit in time to continue the haul.

Mayor R. West requested clarification of trucks going by the high school. Engler stated yes, trucks will be traveling one way to the north and there will be queuing of trucks. D. Schilling explained that if something is not working well for the City during the haul, the City can request adjustments. Engler stated he prefers the haul route hours from 6:00 a.m. to 4:00 p.m.

Council Member P. Shelton stated it would have gone a long way if this request were brought to City Council much sooner so council members and staff could develop a plan that would work better for both parties. Shelton added RD 817 lack of planning does not equate an emergency of the City's part, however that is the way it is being presented. Engler stated the RD did talk with the City extensively about haul routes and came up with a preferred haul route collectively. The Union Pacific agreement did not arrive in time as promised. Engler added that funds for the project run out at the end of the year. Mayor West added the permit does not need to be approved by council it could have been approved already. West added he is not in favor of truck traffic by the high school. D. Schilling stated the schedule of the haul route can be modified when school starts.

Audience member Henry Gilbert was asked to weigh in on the haul route, Gilbert stated it is in Wheatland's best interest.

D. Schilling there will be an opportunity to modify the permit according to when school starts.

Motion was made by Vice Mayor R. Coe, Seconded by Council Member J. Pendergraph to **approve the issuance of an Encroachment Permit for Use of City Street as a Haul Route for Construction Material Required for the Reclamation District 817 Bear River Setback Levee Project (BRSLP) with suggested Conditions of Approval from the City Engineer.** Vote called – AYES: Coe, Pendergraph, West. NOES: McIntosh, Shelton. Motion carried.

3) City Engineer Dane Schilling presented the staff report for adopting a resolution amending the FY2022-23 budget and awarding a construction contract for the Spruce Park Renovation Project. In October 2019, your City Council approved Resolution 38-19 authorizing staff to proceed with park improvement projects to be funded through the Prop 68 Per Capita Program. After working through project proposals and adjusting to the availability of funds, the final project selected is to complete improvements to Spruce Park. The grant will fund the modifications of Spruce Park to add more appropriate active play elements for teens and age 5-12 users. The partial renovation of the existing park uses an existing sloped turf area, converting it with grading to provide a halfcourt basketball court, a fun merry-go-round spinner/climber, along with adding trees, shrubs, picnic tables, and storm water capture to drain the pavement. The costs for the project were estimated at \$213,150 with the State covering \$177,952, with the match already budgeted. The project construction documents, were completed by Melton Design Group, Inc. On April 26, 2022, the City Council adopted Resolution 15-22 approving plans and specifications for the Spruce Park Improvement Project and authorizing staff to solicit bids. Bids were received and opened on June 21, 2022. Four contractors submitted bids. Staff has reviewed the apparent low bidder's bid and license information. The apparently low bidder appears to be a responsive and responsible bidder. Staff is recommending the award be based on exercising the deductive alternate bid item that specifies plain concrete at the basketball court instead of colored concrete to reduce construction costs. It should be noted that when the City Council authorized the Project to be advertised for bidding, the construction contingency and certain soft costs were not accounted in the staff report. The total soft costs for the Project are 11% of the total projects costs which is well within industry ranges for delivery of small public works projects.

Council Member P. Shelton questioned when the project begins, D. Schilling responded 25 days.

Mayor R. West questioned when the project will be complete, Schilling responded November.

Council Member L. McIntosh commented on the lack of audience participation on this project.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to adopt Resolution 28-22: Amending the Fiscal Year 2022-23 Budget for the Spruce Park Project ("Project") by appropriating \$13,902.00 from the Parkland Facilities Impact Fund for construction and \$21,277.00 from the General Fund Unrestricted Reserves for construction contingency for the Project and Authorizing the City Manager to award a contract to CO-T Construction, Inc. for construction of the Project in the amount of \$212,773.15 and authorizing the City Manager to execute change orders not to exceed \$21,277.00 (10% of the contract amount).

## REPORTS

Police Chief Damiean Sylvester commented on two new Police Officers.

Fire Chief Art Paquette commented on the new fire engine being built, delivery is expected by the end of August.

**CLOSED SESSION**

No reportable action.

There being no further business, Mayor R. West adjourned the meeting in memory of Ector Vargas at 7:35 p.m.

Minutes approved and adopted on this 26<sup>th</sup> day of July 2022.

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Rick West, Mayor

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Lisa J. Thomason, City Clerk

DRAFT