

**JULY 23, 2024, MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
8:00 – 8:15 P.M.**

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

OTHERS PRESENT: B. Zenoni, City Manager
T. Raney, Community Development Director
D. Schilling, City Engineer
J. Buckman, City Attorney
A. Paquette, Fire Chief
B. Wittmer, Police Chief
L. Thomason, City Clerk

PLEDGE OF ALLEGIANCE: Vice Mayor Coe led the pledge of allegiance.

PUBLIC COMMENT

M. Gallagher commented on development.

CONSENT CALENDAR

Item No. 3.3 was moved to the Regular Calendar

It was moved by Council Member P. Shelton, Seconded by Council Member A. Teter to **approve minutes from the July 9, 2024, and Resolution 36-24 Approving the Salary Table for Fiscal Year 2024-25.** Vote called – AYES: All. Motion carried.

PUBLIC HEARING

1) Community Development Director, Tim Raney presented the staff report for introduction of Ordinance No. 499 Approving the City of Wheatland Development Agreement Concerning Avoca Orchards 1 and 2. City staff and the representative of Avoca Wheatland, LLC, Peter Meier, have agreed on terms for a proposed Development Agreement. The Avoca Wheatland, LLC currently controls approximately 385 acres of land outside the current Wheatland city limits, which currently include active agricultural operations. These properties have been identified as Avoca Orchard 1, Avoca Orchard 2, and Avoca Orchard 3. Avoca Orchard 3 is located to the northwest of the existing city limits and totals approximately 86 acres. Avoca Orchard 3 has been recently approved for rezoning and annexation by the City of Wheatland and is currently under consideration by the Yuba County Local Agency Formation Commission (LAFCo). As a result, Avoca Orchard 3 is not included in this proposed Development Agreement. City staff have been considering possible solutions to address drainage issues and are considering the possibility of a new Storm Water Detention and Pumping facility near the Bear River. Avoca Orchards 1 is the preferred location. Proposed Development deal points include: \$50,000 from applicant to prepare City of Wheatland Storm Water Drainage Master Plan to be paid within 30 days of the recordation of the proposed Development Agreement; dedication of 20 acres of Avoca Orchards for regional storm water detention and pumping and credits and reimbursements to Avoca Orchards to the market value of land designated form storm water detention and

pumping to be used to offset development impact fees for storm water drainage, public park fees and other city development fees. Payment for a City of Wheatland Storm Water Drainage Master Plan shall be provided to the City within 30 days of the recordation of proposed Development Agreement. The exact location of the proposed 20 acres for the development of a Storm Water Detention and Pumping facility in Avoca Orchard 1 shall be determined by the City of Wheatland and Avoca Wheatland, LLC. This proposed storm water master plan will identify the needed facilities to address the city's and the local Reclamation District's drainage concerns. A storm water master plan is a necessary component of the General Plan Update. Minor edits and refinements have occurred since the March 19, 2024, Planning Commission meeting; however, deal points remain the same.

Council comments

Council Member McIntosh commented on credits, timeline for project, paying for 20 acres with credits and Development Agreement end date and the General Plan Update.

Council Member P. Shelton commented on the General Plan Update, number of homes proposed on Avoca Orchards 1, Storm Water Drainage Master Plan, land use for the community and cost for the Storm Water Drainage Master Plan. Shelton added she has concerns for costs to the City.

Council Member A. Teter commented on lot size.

Public Comment

An unidentified speaker commented on development on Highway 65.

D. Webb commented on the retention pond and the cost of \$50,000 to prepare a drainage master plan.

It was moved by Council Member P. Shelton, Seconded by Council Member A. Teter to **introduce and waive the first reading of Ordinance No. 499 Approving the City of Wheatland Development Agreement Concerning Avoca Orchards 1 and 2. Motion was amended to request that the DA be amended to 1) restrict fee credits to the storm drainage fee only, 2) require the full funding of the GPU drainage study, and 3) allow flexibility of the GPU designations on the AVOCA properties.** Vote called – AYES: All. Motion carried.

2) City Manager Bill Zenoni presented the staff report for introduction of Ordinance 500 Amending Wheatland Municipal Code (WMC) Section 18.36.040 Relating to Conditional Uses Within a C-3 Heavy Commercial District. On May 28, 2024, city council adopted an ordinance amending the WMC relating to conditional uses for massage establishments within a C-1 neighborhood commercial district and Section conditional uses for massage establishments within a C-2 neighborhood commercial district. Requiring a conditional use permit for massage businesses ensures that they are subject to conditions intended to ensure that the massage businesses are run in a reputable manner. Other conditions may also be added as deemed appropriate for the location and other specific facts related to an application to establish a massage parlor. The City wishes to encourage reputable massage businesses that may want to establish a location within the City of Wheatland without risking the establishment of criminal or disreputable businesses. The proposed ordinance addresses massage businesses within C-1 and C-2 districts but omitted C-3 heavy commercial. The proposed ordinance will add the same conditional use requirements for massage establishments within C-3 districts and eliminate inconsistencies which currently exist.

Public Comment

M. Gallagher commented on houses and traffic.

It was moved by Council Member P. Shelton, Seconded by Council Member A. Teter to **waive the first reading of Ordinance No. 500 Amending the Wheatland Municipal Code relating to conditional uses within a C-3 heavy commercial district.** Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

Vice Mayor R. Coe recused himself from this agenda item stating he has a conflict of interest related to vicinity where sign is located.

REGULAR CALENDAR

1) City Manager Bill Zenoni presented the staff report for direction to commence action for removal of advertising sign erected on State Route 65 near Main Street.

Vice Mayor Coe recused himself from this agenda item stating he has a conflict of interest with his property and the vicinity of the sign.

The City of Wheatland Municipal Code prohibits off site advertising signs unless the sign designates, identifies, or indicates the name or business of the owner or occupant of the premises where the sign is located or advertises the business, services available or goods produced or available for sale upon the property where the sign is located. A sign advertising the Kids County Careland Pre-School was erected on the west side of State Highway 65, south of Main Street and north of Grasshopper Slough. The City allowed this advertising sign to remain in place because it had been constructed prior to enactment of the sign ordinance. The preschool sign was abandoned and has ceased to exist. Zenith Billboards of Stockton, California has placed an advertising sign in the proximity of the past preschool sign. The new sign has been placed in a different location than the original preschool sign and has been altered from its original form. The Zenith’s sign is in violation of Title 19 of the Wheatland Municipal Code and City Council direction is required in order for City staff to proceed with the removal of the sign. Zenith Billboards was contacted in June and advised that their advertising sign was in violation of the City’s municipal code and that it needed to be removed. The City’s request was ignored. Staff also contacted the California Department of Transportation (Caltrans) and requested that the advertising permit issued to Zenith Billboards in April 2024 be revoked as this sign was not in compliance with the Wheatland Municipal Code. Caltrans is in the process of sending a staff member out to review the sign.

It was moved by Council Member P. Shelton, Seconded by Council Member A. Teter to **direct staff to commence action for the abatement and removal of an advertising sign that is in violation of Title 19 of the Wheatland Municipal Code.** Vote called – AYES: Motion carried.

2) City Manager Bill Zenoni presented the staff report for the Beale Expressway Project Status Report. At the June 18, 2024, meeting, the SYTIA Board approved the renaming of the East Wheatland Expressway Project to the Beale Expressway Project and received an update from Dokken Engineering and City Engineer Dane Schilling.

Council Comments

Council Member L. McIntosh commented on the Bypass design, population of Beale AFB, old Highway 65, and lanes from Sheridan to where the project ends. McIntosh also commented on new development taken into consideration.

Fire Chief A. Paquette commented on direction to go and response to an incident.

Council Member P. Shelton commented on the stop sign and light at Jasper Lane.

Yuba County Supervisor, Gary Bradford commented on the future bypass, reduction in traffic and stated the project is important for Beale AFB and is in favor of the project.

Public Comment

K Hoeck recommended a route for the project and commented on imminent domain.

Informational item only.

3) City Manager Bill Zenoni presented the staff report for consideration to adopt a resolution Authorizing Execution of Agreements between Olivehurst Public Utility District (OPUD) and the City of Wheatland Regarding Provision of Regional Wastewater Treatment Services. For the past, several years the City has been working closely with OPUD, City Engineer Dane Schilling, Yuba County, and the Yuba Water Agency. Zenoni also explained the Capacity Purchase Agreement and the Wastewater Treatment and Operations Agreement.

Council Comments

Council Member P. Shelton commented on the proportionate share.

4) City Manager Bill Zenoni presented the staff report for the 2024 Traffic Management Plan for Bishop's Pumpkin Farm Event. The 2024 Traffic Management Plan is the same as the 2023 plan with minor adjustments. The City will continue to provide visible law enforcement presence. The Caltrans project on SR-65 is underway and expected to be complete in December. Construction will be halted during peak event traffic periods from Friday evening through Sunday afternoon.

Council Comments

Council Member P. Shelton commented on the secondary access, exiting and dust.

Informational item only.

5) Community Development Director Tim Raney presented the staff report for consideration of establishing a City of Wheatland Farmers' Market.

Council Member Comments

Council Member P. Shelton commented on the location of the Farmers' Market, train noise and speed.

Staff will provide more information for an upcoming council meeting.

REPORTS

T. Raney reported on the LAFCO annexation for Pottery World Avoca Orchard No. 3

Chief A. Paquette reported on the Explorer program.

City Engineer D. Schilling provided an update on the Caltrans project.

Council Member McIntosh reported on a crepe myrtle tree that needs to be removed on the highway sidewalk.

City Manager B. Zenoni reported on Steve Wong retiring from the City and Susan Mahoney working for the City as Finance Director, painting of the community center and the National Night Out on August 6, 2024.

City Clerk L. Thomason reported on the nomination period for the November 5, 2024 general election.

Council Member P. Shelton commented on a sign by the high school.

Council Member A. Teter reported on a sign on the highway for Real Estate Commercial.

There being no further business, Vice Mayor R. Coe adjourned the meeting at 8:15 p.m.

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