

**AUGUST 9, 2022, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:00 – 7:10 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  
T. Raney, Community Development Director  
D. Schilling, City Engineer  
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.

**CONSENT CALENDAR**

***\*\*6:05 p.m. Vice Mayor R. Coe recused himself from consent calendar item No. 3.2 stating he owns property withing 500 feet of the project.***

Motion was made by Council Member J. Pendergraph, Seconded by Council Member P. Shelton to **approve minutes from the July 12 and July 26, 2022 regular City Council meetings; Ordinance No. 487 to Rezone an 0.298-Acre Property from Single-Family Residential (R-1) to Heavy Commercial (C-3) Located at 503 Main Street (APN 015-219-002-000) and Second reading and adoption of Ordinance No. 488 Amending Section 3.26.030 of the Wheatland Municipal Code to Expand the Existing Development Impact Fee Program.** Vote called – AYES: All. Motion carried.

***\*\*6:08 p.m. Vice Mayor R. Coe returned to the meeting.***

**PUBLIC HEARING**

1) City Engineer Dane Schilling presented the staff report for a resolution declaring a drought condition, adopting Stage 2 water use restrictions per Chapter 13.54 of the Wheatland Municipal Code and adopting a 20% water conservation goal. On March 28, 2022, Governor Newsom enacted Executive Order N-7 -22 in response to statewide drought conditions. Among other things, the executive order instructs urban water suppliers to perform actions to achieve twenty percent in conservation when measured against 2020 water usage. Although the City is not an urban water supplier and therefore is not subject to the Governor's executive order, Chapter 13.54 of the City's municipal code (adopted in 2015) sets forth the actions to be undertaken by the City during drought conditions. The program groups water supply and conditions into five stages, with the "Normal" Stage used for normal water supply

conditions and Stages 1 through 4 used for drought conditions of increasing severity. The State of California is currently in a multi-year drought, and the City is fully dependent on a single ground water source, the South Yuba Ground Water Subbasin. Although groundwater is currently in good supply and has historically sustained sufficient levels through recent drought events, the City's ground water supply will be reduced by current drought conditions. Staff is recommending that the City adopt a resolution acknowledging the drought conditions, declare a Stage 2 Water Alert in accordance with Section 13.54.050, and encourage customers to reduce water consumption by 20%. A Stage 2 Water Alert includes the following mandatory water conservation measures and restrictions: When washing down or spraying paved surfaces (including sidewalks, driveways, parking lots, and patios), buildings, structures, vehicles, boats or equipment with a hose, the hose must be equipped with a positive shut-off nozzle; when irrigating with a sprinkler system, do not allow water to run off the property into the street or sidewalk or onto adjacent property and do not overspray onto non-targeted areas such as adjacent property, non-irrigated areas, hardscapes, streets, sidewalks or structures; landscape irrigation and watering is permitted only from 7 pm to 10 am, and no more frequently than two days per week. The city manager is authorized and directed to establish a landscape irrigation schedule for different areas throughout the city and to notify residents about their water and no-water days; irrigate no longer than thirty minutes per watering zone or station per water-day; landscape irrigation and watering is prohibited during and within forty-eight hours after measurable rainfall; repair all water leaks within the water consumer's water and irrigation system within seventy-two hours after written notification by the city unless other arrangements are made with the city manager; when using water for construction-related purposes, use recycled or non-potable water when available. A twenty percent reduction in municipal water use would lead to a reduction in water enterprise fund revenues. However, since the City's pricing structure begins with a base rate, only the consumption in excess of the base rate usage would translate to reduced revenues. Also, the City's water production expenses (most notably electricity costs) would be reduced commensurate with reduced water production. Therefore, the overall percentage reduction in revenue is expected to be less than the actual percentage reductions in water consumption due to conservation. Relatively minor costs associated with public outreach, monitoring, notifications, enforcement, and other staff time may be incurred.

## **COUNCIL MEMBER COMMENTS**

Mayor R. West asked City Engineer to explain what a Stage 2 conservation effort is. West questioned if there is a way to reach all water/sewer users. City Manager J. Goodwin responded the City will post notices throughout the City and use social media to communicate with users. West commented on the water conservation/contingency policy per municipal code.

Council Member P. Shelton questioned if the conservation goal is for residential only. Schilling responded any City water/sewer account for residential and commercial. Shelton questioned if this impacts agriculture zoning. Schilling responded that City only.

Council Member L. McIntosh questioned who will be enforcing. Schilling responded the City. McIntosh stated the City will be unable to make water restrictions enforceable. City Manager J. Goodwin responded that water use is tracked with meters. McIntosh commented on landscapes and gardens. McIntosh stated that declaring drought conditions goes against what City policy is related to open space. McIntosh commented on the water table and stated she would like to look at other options and change a stage 2 drought condition to a stage 1.

Motion was made by Council Member P. Shelton, seconded by Council Member L. McIntosh to **adopt Resolution No. 31-22 Declaring a Drought Condition, Adopting Stage 1 Water Restrictions per Chapter 13.54 of the Wheatland Municipal Code**. Vote called – AYES: All. Motion carried.

City Engineer will revise the adopted resolution declaring a drought condition, declaration of Stage 1 water alert and schedule the revised resolution on the consent agenda for the August 23<sup>rd</sup> council meeting.

## **PUBLIC COMMENT**

Angela Teter commented on not declaring drought conditions until it is state mandated.

## **REGULAR CALENDAR**

1) City Engineer Dane Schilling presented the staff report for the Bear River Setback Levee Project (BRSLP, Project) Update. 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. This project is an important step to eventual FEMA certification of the levees protecting the Wheatland basin. The Project site is located along the 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, prior to the flood season. In addition, RD 817 will likely incur additional construction costs associated with the delay. The project costs are shared between CA DWR (85%) and RD 817 (15%) 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 be able to greatly reduce or altogether cease use of the haul route along C and Main Street and utilize the original haul route as intended. Hauling associated with the first phase of construction is

approximately 60% complete and is expected to be complete by August 15th (on-schedule). On July 12, 2022, the City Council considered a request from RD 817 for an encroachment permit for the first phase of hauling excavated materials over C Street and Main Street. Due to the importance of completing the flood mitigation project and the potential risk of District 817 losing funding for the Project, by majority vote the City Council directed staff to issue an encroachment permit with special conditions to help mitigate impacts. A copy of the encroachment permit is included. Based on the City Council's direction to avoid conflicts with school schedules and associated traffic, staff issued the current permit with an expiration of Tuesday August 16th. The first day of high school is Wednesday August 10th and the first day of elementary and middle schools is Wednesday August 17th. Although the permit overlaps with the first four days of high school the current route via Oakley Lane, Highway 65, Main Street and C Street does not directly impact high school traffic. If the Council finds this overlap undesirable, the Council may modify or rescind the current permit at any time. On Thursday July 28th, City staff met with representatives from RD 817 and their contractor to walk C Street and Main Street to review the impacts after the first week of hauling and make adjustments. Additional requirements were added at that time: remove and replace the rock rip-rap BMP at the exit to the borrow site; add a second full-time street sweeper (one on each side of the highway); add sediment traps/filters on storm drain inlets.; wash down traffic lanes end of each week of operation and vacuum up wash water and broom clean sidewalks weekly at the corner of C Street and Main Street. At the conclusion of hauling activities, City staff will assess the city's streets for damage by comparing pre-construction photos and videos with after conditions and assigning costs to repair damage. Costs to repair damage to city streets will be charged to RD 817. Staff is aware of the community conversation occurring as a result of the large number of truck trips and continues to monitor and share suggestions with RD 817 on a daily basis. As stated previously, the current permit expires on Tuesday, August 16. At that time the project will be 60% complete. A thorough street and sidewalk cleaning will be performed at that time. A break in the project of approximately six weeks will then occur. During that time District 817 will continue their effort to obtain their permit from the UPRR for the preferred haul route. The second phase of hauling is expected to occur in late September or early October and involve approximately 14-days of hauling. A subsequent encroachment permit request (including proposed trucking routes and other details) is being prepared by RD 817's contractor and should be submitted to the City for consideration in the next several weeks. Council will then consider whether to direct staff to issue a new encroachment permit. Staff could be directed to develop an emergency ordinance designating truck routes prior to this time. A truck route ordinance that prohibits the use of C Street may, under the current scenario, jeopardize completion of the Project. Alternative actions may also be considered by your City Council: modify the conditions or duration of the current encroachment permit; rescind the current encroachment permit and direct staff to enact an emergency ordinance establishing truck routes in the City prior to the second phase of hauling. The current encroachment permit (first phase) requires repair of any damage that may occur to city streets and reimbursement to the city for any costs incurred by the City. The value of damage caused by the hauling operation can be determined after hauling operations have ceased. The initial permit fee for processing and staff time was \$1,500.

## **COUNCIL MEMBER COMMENTS**

Council Member P. Shelton questioned how the project affects the City as a whole. District Engineer Tom Engler explained the benefit is to get the City out of a flood plain and this is the first of three major projects. Shelton commented on drainage and Dry Creek, selection of borrow site and other options. Shelton commented there needs to be dust mediation and truck loads should be covered and questioned the next time frame during school days and Bishop Pumpkin Farm, Beale Air Force Base traffic and stopping trucks during school beginning and ending. Shelton questioned what has been offered to residents to help. Tom Engler explained there is a free car wash coupon, visiting homes to address issues

from the haul and sweeping. Engler added CHP has been patrolling dirt on trucks and there have been truck scales with no violations. Shelton questioned if streets will be looked at after the entirety of the project.

Vice Mayor R. Coe commented on phone calls from residents and that street sweeper throws rocks and broke windows.

Mayor R. West commented that the conditional use permit expires after the first phase and there will be future discussion of a second conditional use permit and encroachment permit.

## **PUBLIC COMMENT**

Tom Vandorn from Donner Trail Manor commented on repairs to C Street, rain, and drainage.

Holly Welch commented on trucks running stop signs, neighbor with a broken windshield, blowing and washing streets, house covered with dust and cracked streets.

Dean Webb commented that the project is good for the whole community.

David Pesenti commented on the phases of the project and will the project use the same borrow site.

Council took no action at this time.

2) Police Chief Damiean Sylvester presented the staff report to introduce and waive the first reading of the draft ordinance adding Section 2.32.040 of the Wheatland Municipal Code relating to military equipment. Assembly Bill 481 (AB 481), codified as Government Code sections 7070 through 7075, requires a law enforcement agency to obtain approval from the applicable governing body for the procurement, maintenance, or use of identified "military equipment" through the adoption of a Military Equipment Use Policy. The Wheatland Police Department does not procure, maintain, or use any qualifying military equipment of its own. However, other jurisdictions that may respond to mutual aid or SWAT calls within City limits do use qualifying military equipment. Therefore, the City must adopt a policy authorizing the use of other jurisdictions' military equipment within City limits so long as these other jurisdictions comply with their own applicable military equipment use policies. The City must hold a public hearing prior to adoption of the Military Equipment Use Policy. City staff tentatively plan to hold the public hearing on the same date as the draft ordinance's second reading. The City has made the draft Military Equipment Use Policy available on the City website for at least 30 days prior to the public hearing.

Motion was made by Council Member J. Pendergraph to **Introduce and Waive the first reading of draft Ordinance No. 489 Adding Section 2.32.040 of the Wheatland Municipal Code relating to Military Equipment**. Vote called – AYES: Motion carried.

## **REPORTS**

City Attorney Jennifer Buckman reported on the water drought.

Council Member P. Shelton reported on the EDC meeting.

There being no further business, Mayor R. West adjourned the meeting 7:10 p.m.

Minutes approved and adopted on this 23<sup>rd</sup> day of August 2022.

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Rick West, Mayor

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Lisa J. Thomason, City Clerk