

**AUGUST 13, 2019 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:345–7:40 P.M.**

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

OTHERS PRESENT
J. Goodwin, City Manager
J. Buckman, City Attorney
T. Raney, Community Development Director
S. Mahoney, Finance Director
A. Wightman, Police Chief
S. Riley, Deputy City Clerk

**** Meeting began at 6:45 p.m.**

PLEDGE OF ALLEGIANCE:

Vice Mayor R. West led the pledge of allegiance.

PUBLIC COMMENT – None.

CONSENT CALENDAR

Item No. 2.6 was pulled for discussion at the council meeting on August 27, 2019.

Motion was made by Council Member R. West, Seconded by Council Member L. McIntosh **to approve minutes of the regular meeting on July 9, 2019; 2019 City of Wheatland Community and Economic Development Action Program Mid-Year Progress Report; Resolution No. 28-19 updating the classification specification for the position of Public Works Director; Quarterly Investment Report and Second Reading and Adoption of Ordinance No. 470 Amending Purchasing System Rules and Procedures.** Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

1) City Manager Jim Goodwin presented the staff report for potential partnership with Yuba Sutter Arts on “Our Town” National Endowment for the Arts Grant. David Read, Executive Director of Yuba Sutter Arts has approached the city with the opportunity to apply for an "Our Town" grant from the National Endowment for the Arts. The "Our Town" program is a "creative placemaking" grant program designed to link arts, culture and design activities with strengthening communities. "Our Town" grants can be from \$25,000 to \$200,000 and require a dollar for dollar match. Yuba Sutter Arts plans to match the grant from other sources and is not seeking city participation in the match.

Motion was made by Vice Mayor R. West, Seconded by Council Member L. McIntosh **to direct the City Manager to work with Yuba Sutter Arts on Submission of an “Our Town” grant application to National Endowment of the Arts for services in the City of Wheatland.** Vote called – AYES: All. Motion carried.

2) City Engineer D. Schilling presented the staff report to award contract for Pumpkin Farm access paving

and reject bids for 2019 Paving Projects, Main Street and Wheatland Road. City and Bishop Pumpkin Farm previously entered into a Developer Agreement on January 11, 2011 that specified a fee to be paid to city as a percentage of fees paid by visitors for use of attractions at Bishop Pumpkin Farm. That Developer Agreement was amended on, September 26, 2017. The terms of the agreement, as amended, state that Bishop Pumpkin Farm and City will agree on the use of funds from the Pumpkin Farm Joint Admission Fund for any public project. Dust and gravel caused by traffic during operation of Bishop Pumpkin Farm causes numerous complaints each season. In order to address the dust and gravel concerns during the 2019 season, Bishop Pumpkin Farm is agreeing to pave the entry road at the end of Main Street. In addition, in 2018 the City contracted for street sweeping on those streets affected by ingress and egress to the farm as a dust control measure and plans to implement street sweeping again in 2019. In May, Council approved an MOU regarding dust and gravel control for 2019. Since that time, staff has identified the need for additional paving to control dust and gravel and improve safety. On July 9, 2019, the City Council adopted Memorandum of Understanding (MOU) #2 with Bishops Pumpkin Farm. MOU #2 recognizes the need for the additional paving work and authorizes the City to proceed with paving work to be paid for from the Pumpkin Farm Joint Admission Fund. MOU #2 anticipated completion of up to three minor paving projects; new asphalt paving on the Pumpkin Farm access road between Main Street and Roddan Lane to reduce fugitive dust and gravel; asphalt overlay of damaged pavement on Main Street from E Street to the westerly terminus; asphalt overlay of damaged pavement on Wheatland Road between the high school and middle school near the secondary access for the Pumpkin Farm. Preliminary estimates indicated a cost of \$81,500 for the combination of the three paving areas. Estimates developed during the design phase were substantially higher than preliminary estimates. As a result, an option for an alternative treatment (micro surfacing) was developed for the segments on Main Street and Wheatland Road as a combined bid package, while the Pumpkin Farm access road paving (the highest priority) was kept as a separate bid package due to the different type of work involved. Bids were received until 5pm on August 6, 2019. Three contractors responded; Central Valley Engineering & Asphalt, B & M Builders, Inc. and JD Pasquetti, Inc. Staff is recommending award of a contract to JD Pasquetti, Inc., for the Pumpkin Farm access road paving, and that bids be rejected for the remaining work to stay within budget.

Vice Mayor R. West questioned if Main Street to Roddan Lane will be paved and if JD Pasquetti will be performing the work. D. Schilling responded yes. R. West also questioned if there is a performance guarantee. D. Schilling responded yes, if the work is not completed on time there is a daily assessment against them from 10-15%.

Mayor J. Henderson questioned the engineer's estimate coming in lower than bids and what is the driver in construction costs and bids. D. Schilling responded he researched unit costs and the ENR and found that in the last 4 years costs have increased 3.5%. The way to mitigate costs is to bid early and allow for contract time.

Motion was by Vice Mayor R. West, Seconded by Council Member L. McIntosh to approve **Resolution No. 29-19 Awarding a Construction Contract to JD Pasquetti, Inc. for Construction of the Pumpkin Farm Access Road Paving and Authorizing the City Manager to Execute Change Orders; and Rejecting Bids Received for the 2019 Pavement Project for Paving Portions of Main Street and Wheatland Road.** Vote called – AYES: All. Motion carried.

3) City Engineer D. Schilling presented the staff report for the Malone Culvert Replacement Project Phase 2. On March 22, 2018, City staff became aware that the Malone Avenue culvert was failing catastrophically during a storm event and the road was closed due to safety concerns. Malone Avenue is the primary access to the City's wastewater treatment plant. Staff made arrangements with Reclamation District 2103 to use the Bear River Levee as an alternative means of access. However, making left-turns from the levee road onto Highway 65 is difficult due to limited sight distance combined with highway speeds, and even more difficult in larger utility vehicles. Staff recommended the removal of the existing structure under an emergency resolution to ensure, removal can be completed before seasonal run-off began in the 2018-19 rain season. On September 24, 2018, the City received bids for the removal of the failed culvert and awarded a contract to B&M Builders in

the amount of \$41,725. During the course of the removal work (Phase 1) it was discovered that a City-owned sewer force main, a small waterline, a telephone cable and a small abandoned natural gas service were placed over the old culvert causing the need to revise the scope of the contractor's work, and issue a change order to relocate, remove or protect these utilities in-place. The most notable cost item of this change order was the City's 8-inch sewer force main, The force main could not be out of service for more than 4-hrs at a time so a temporary by-pass was required. This work was performed by contract change orders with B&M Builders. The cost of the change orders plus the associated design work provided by Coastland Engineering totaled \$107,083 in sewer relocation work. It should be noted that this work was not anticipated in the original project budget because records indicated the sewer force main was below the old culvert. The removal of the old culvert and utility work was completed in December 2019 leaving the waterway now clear of obstructions. The roadway remains closed until Phase 2 is complete. The City's environmental consultant performed the necessary environmental surveys and obtained a streambed alteration permit from the State which included the purchase of mitigation bank credits to offset the loss of wetlands. In addition, Staff prepared a CEQA Notice of Exception for the project. On July 9, 2019 Staff recommended and Council approved that the materials for the steel arch culvert be procured directly by the City in advance of constructing the Project. Also, staff added an option ("Alternate 1") to the bid documents to construct 20-ft wide asphalt paving on Malone Avenue within the project limits. Bids were received until 2:00 pm on August 6, 2019. Bids were received from five contractors. Staff has verified that the apparent low bidder's license is valid and the required insurance and bonding is in order. Staff is recommending award of a contract to Precision Earthworks Construction, Inc. of Loomis for the Project in the amount of \$172,997. Replacement work is expected to be complete and the roadway re-opened before the 2019 rain season begins.

Vice Mayor R. West commented on the environmental design cost.

Mayor J. Henderson commented on the timeline for completion of the project and if not finished before the rainy season will the project be postponed until next year. If postponed until next year could the City gain a possible edge on cost? D. Schilling responded yes. Schilling stated there are concerns of safety for Public Works that need to access the road.

Motion was made by Vice Mayor West, Seconded by Council Member L. McIntosh to **adopt Resolution 30-19 Amending the Fiscal Year 2019-20 Budget for the project by allocating \$107,083 from the Sewer Impact Fee fund and allocating \$100,000 from the General Fund and Award a construction contract to Precision Earthworks Construction, Inc. for construction of the Malone Culvert Replacement Project Phase 2 and authorizing the City Manager to execute change orders not to exceed the project budget.** Vote called – AYES: All. Motion carried.

4) Community Development Director Tim Raney presented the staff report to submit an application to the California Department of Housing and Community Development (HCD) for Senate Bill (SB) 2 Planning Grants Program. HCD is currently accepting applications for the SB 2 Planning Grants Program. The SB 2 Planning Grants Program set aside approximately \$128 million dollars to establish a permanent source of funding intended to increase the affordable housing stock in California. The objective of the SB 2 Planning Grants Program is for localities to prepare, adopt, and implement plans that streamline housing approvals and accelerate housing production. HCD has determined maximum award amounts for large, medium, and small localities, based on population. Based on population size, the City of Wheatland qualifies for a minimum grant award of \$25,000 and a maximum grant award of \$160,000. It should be noted that no local match is required to receive the funds. Grant applications final due date is November 30, 2019 and any awarded grant funds must be spent by June 30, 2022. Based off of planning needs for the City, staff has prepared the list of potential projects that could qualify for the SB 2 Planning Grant Program funding: Assembly Bill (AB) 1600 Fee Study Update (Fee Reduction Strategy). The City's current Land Use Pattern needs to be updated to reflect the City's future growth scenario, which has changed since the adoption of the 2006 General Plan. With an updated Land Use Pattern, the City can prepare accurate circulation and infrastructure maps in order to collect accurate, and

potentially reduces fees from future development. Staff recommends using SB 2 funding for: update the City's Land Use Pattern; update the City's background General Plan studies including, utility and transportation and prepare an AB 1600 Fee Study. Zoning Code Clean-Up, including Minor General Plan Text Amendments; accessory Dwelling Unit (ADU) Ordinance: The City currently does not have local regulations pertaining to ADUs; therefore, the City must refer to the State guidelines. Staff recommends using 5B 2 funding to prepare and to process the adoption for a draft ADU ordinance to identify local guidelines for the City and Housing Element Consistency (Rezone to Permit by-right): The City's adopted Housing Element includes implementation measures that require Zoning Code and General Plan Amendments. These implementation measures include, but not limited to, increasing the allowable densities for High-Density Residential and Multi-Family Residential.

Mayor J. Henderson commented on the Housing Element, CEQA streamlining and non EPA eligibility. T. Raney commented on a change in the zoning ordinance for affordable housing projects. J. Buckman explained Specific Plan benefits. T. Raney also commented on accessory development EDU. Mayor Henderson questioned if an expedited process applies to Wheatland. Raney responded this is not something that is being contemplated. Henderson questioned if this is part of the State's effort for compliance of a Housing Element. Raney responded, no.

Vice Mayor R. West questioned if the City will reapply annually. Raney responded yes.

Motion was made by Vice Mayor R. West, Seconded by Council Member L. McIntosh **to adopt Resolution No. 27-19 and provide direction to staff to submit an application to the California Department of Housing and Community Development (HCD) for Senate Bill (SB) 2 Planning Grants Program.** Vote called – AYES: All. Motion carried.

CLOSED SESSION – Cancelled.

REPORTS

Council Member L. McIntosh reported on traffic in the City.

Vice Mayor R. West reported on SACOG and a \$250K planning grant.

ADJOURN

There being no further business, Council Member J. Henderson adjourned the meeting at 7:40 p.m.

Minutes approved and adopted this 27th day of August 2019.

Joseph Henderson, *Mayor*

Lisa J. Thomason, *City Clerk*