

**AUGUST 23, 2022, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:00 – 7:15 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. 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**

Chris Walsh commented on the details on traffic for the upcoming Bishop's Pumpkin Farm season on Main Street.

**Presentations received from Kary Hauck, CEO from Sapphire Group LLC**

Kary presented the 2022 Resident Satisfaction Survey results.

**CONSENT CALENDAR**

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe **to approve minutes from the January 10, 2022 special City Council meeting; January 11 & 25, 2022 regular City Council Meetings; February 8, 2022 regular City Council meeting; August 9, 2022 regular City Council meeting; Resolution No. 33-22 Approving the Agreement for Apportionment of Retirement Obligations for California Integrated Risk Authority (CIRA) and 2022 City of Wheatland Community and Economic Development Action Program Mid-Year Progress Report.** Vote called – AYES: All. Motion carried.

**PUBLIC HEARING**

1) Police Chief Damian Sylvester presented the staff report to hold a public hearing, waive the second reading and adopt Ordinance No. 489 Adding Section 2.32.040 of the Wheatland Municipal Code relating to Military Equipment. On August 9, 2022, the Wheatland City Council gave direction to staff to hold a public hearing on the same date as Draft Ordinance No. 489 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. 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. AB 481 also required City Council to hold a public hearing. 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.

**COUNCIL MEMBER COMMENTS** – None.

**PUBLIC COMMENT** – None.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **waive the second reading and adopt Ordinance No. 489 Adding Section 2.32.040 of the Wheatland Municipal Code Relating to Military Equipment**. Vote called – AYES: All. Motion carried.

2) Community Development Director Tim Raney presented the staff report for consideration to amend the City's Master Fee Schedule to Include New Land Use Categories and Development Impact Fee Amounts Pursuant to the Adopted Development Impact Fee Updated Nexus Study. On August 13, 2019, the Wheatland City Council adopted a resolution and provided staff with direction to submit an application to the California Department of Housing and Community Development (HCD) for the SB 2 Planning Grants Program. The City of Wheatland was awarded \$160,000 of funding from the SB 2 Grant offered by HCD. Among other tasks, a portion of the SB 2 Grant was used for the City of Wheatland to update its development impact fees (DIF) pursuant to AB 1600. The purpose of the study is to update the City's DIF for future development within the City of Wheatland. The current fee study was adopted in 2007. The City of Wheatland's development potential has changed significantly since 2007 (e.g., the Johnson Rancho and Hop Farm Annexation Project). On June 16, 2022, the administrative draft of the Nexus Fee Study Update was completed and made available to the public on the City of Wheatland's website. The Nexus Study was prepared in compliance with the regulations set forth in AB 1600, ensuring that a rational nexus exists between future development in the Fee Program Area and the use and need of the proposed facilities. The Nexus Study demonstrates a reasonable relationship exists between the amount of each impact and the cost of the facilities attributable to the type of development that will be required to pay the impact fee. Two new land use categories have been added to the Fee Program as part of this Nexus Study. The Employment Use category remains, but it now applies only to land uses that are strictly office related. Light Industrial land uses, which formerly were integrated into the larger Employment Use category, now comprise their own Light Industrial land use category. An Agriculture Tourism category is also introduced in this Nexus Study to account for the ag-related retail uses that are developing in the Bishop's Pumpkin Farm area. The staff report included a table comparing the City's current impact fees with the new fees. The proposed fees reflect fairly significant reductions for the residential, hotel, and other non-residential land uses, compared to the City's current fees. On June 28, 2022, the Wheatland City Council voted to adopt the Development Impact Fee Updated Nexus Study. Pursuant to Section 3.26.030(A) of the Wheatland Municipal Code, the amount of the development impact fees may be adjusted from time to time by resolution of the Wheatland City Council. Therefore, city staff has prepared a resolution proposing to amend the City's Master Fee Schedule to include the new land use categories (Light Industrial and Agriculture Tourism) and establish the new impact fee amounts pursuant to the adopted Development Impact Fee Updated Nexus Study. The SB 2 Grant awarded from HCD to the City of Wheatland funded all cost associated with preparing the Development Impact Fee Updated Nexus Study, as well as the adoption of the Study and the implementation of the new impact fees. The new impact fees identified in the adopted Updated Nexus Study will fund the necessary facilities to support future development within the City of Wheatland.

## COUNCIL MEMBER COMMENTS

Mayor Rick West commented on impact fees and the General Plan Update.  
City Manager J. Goodwin commented on the Nexus Study.

## PUBLIC COMMENT

A. Teter commented on impact fees for the new subdivision, bypass, and water treatment fees.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve Resolution No. 30-22 Amending the City of Wheatland Master Fee Schedule Setting the Rate of Development Impact Fees Pursuant to the Adopted Development Impact Fee Updated Nexus Study and Section 3.26.030 of the Wheatland Municipal Code.** Vote called – AYES: Pendergraph, Coe, Shelton, West. NOES: McIntosh.

## REGULAR CALENDAR

1) Police Chief Damiean Sylvester presented the staff report to authorize the Police Department to Purchase Body Worn Cameras and Upgrade Tasers from Axon Enterprise, Inc. All the Police Department's sworn officers are currently equipped with Tasers. However, they have outlived their 5-year shelf life and have required constant repairs and replacements. Tasers are an important tool for our officers to safeguard lives by providing a non-lethal option during critical incidents. The Department does not issue body-worn cameras to patrol officers. Having body-worn camera video and recordings are essential in elevating the Police Department's goal of transparency to community members, increasing accountability, helping ensure public trust of law enforcement, as well as protecting officers. Due to these shortcomings, the replacement of the current tasers and addition of equipment has been deemed a priority by the department for the safety of the community and officers. Council previously approved using \$105,000 of ARPA funds to purchase body worn camera, however with the new market conditions, the total cost is \$108,966.25 Per the City of Wheatland Purchase Policy, a contract may be awarded without competition when the Purchasing Office/Initiator determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. Axon Enterprise, Inc. is the only company who manufactures and sells tasers to Law Enforcement agencies. Axon Enterprise, Inc. is the only company who syncs taser deployment activation with body worn camera activation to capture video of the incident. Axon Enterprise, Inc. is the only company who provides syncing body worn camera activation once an officer removes their duty weapon from their holster, and activates any other body worn cameras being worn by other officers who are at the scene of the incident. Axon Enterprise, Inc. is one of the leading companies that implements video evidence systems for police agencies worldwide. Axon Enterprise, Inc. has over 8,000 agencies worldwide and 400 agencies in California alone. A significant advantage to this system is that it can receive alerts based on Axon Signal Sidearm, which allows the cameras to be triggered when the officers' firearms are removed from their holsters. Axon Enterprise Inc. hosts a cloud-based software, Evidence.com, which would allow the department to store everything securely. Large evidence files can easily and securely be sent to the District Attorney's Office within the software. The District Attorney's Office has been using Evidence.com to receive files from other regional law enforcement agencies as well. The Police Department is currently sending information manually on digital media devices such as disks and USB when requested by the District Attorney's Office.

## COUNCIL MEMBER COMMENTS

Mayor R. West commented on cloud storage. Chief Syvester responded 5 years, unlimited.

Motion was made by Council Member P. Shelton, Seconded by Vice Mayor R. Coe to adopt Resolution No. 32-22 Authorizing the Purchase of Body Worn Cameras and Upgrading Tasers from Axon Enterprises, Inc. Vote called – AYES: All. Motion carried.

2) City Manager Jim Goodwin presented the staff report to approve Amendment No.1 to the contract with The Hatamiya Group for ongoing economic development consulting related to the Employment Zone. In October 2019, Applied Development Economics (ADE) was awarded a contract to complete the Wheatland Business Park Feasibility Study (now commonly referred to as the Employment Zone Feasibility Study) funded by a grant from SACOG. Lon Hatamiya, a sub-consultant of ADE, native of Yuba County and former Secretary of Technology, Trade and Commerce of California was actively involved in the project. The City Council accepted the final study last year. The project opened the door for ongoing work with Beale Air Force Base, Yuba Water Agency, property owners and other potential partners to establish a University Affiliated Research Center (UARC) in Wheatland at a location within the employment zone study area. If successful, the UARC or other designated research facility sited in Wheatland, potentially would launch the growth of technical business investment in the community. The Hatamiya Group was subsequently retained to provide ongoing economic development consulting related to the Employment Zone. Staff is recommending the City Council amend the current contract to cover services to be provided in FY 2022-2023. The cost for the additional work is not to exceed \$25,000. In addition to pursuing the research facility, services would include assisting Wheatland with achieving other objectives outlined in the completed study.

#### **COUNCIL MEMBER COMMENTS**

Council Member L. McIntosh commented on the feasibility study, how often renewed, and grants available for funding. Lon Hatamiya explained the study is long term.

#### **REPORTS**

Minutes approved and adopted on this 13<sup>th</sup> day of September 2022.

---

Rick West, Mayor

---

Lisa J. Thomason, City Clerk