

**SEPTEMBER 13, 2022, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:00 – 6:44 P.M.**

**COUNCIL MEMBERS PRESENT:** L. McIntosh, \*J. Pendergraph, P. Shelton R. West  
R. Coe  
\*Arrived at 6:13 p.m.

**OTHERS PRESENT:** J. Goodwin, City Manager  
A. Ramos, City Attorney  
S. Schilling, City Engineer  
D. Sylvester, Police Chief  
A. Paquette, Fire Chief  
J. Johnson, Account Clerk

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

**PUBLIC COMMENT**

Pamela Walsh thanked the City for barrels and signs on Main Street and the Bishop Pumpkin Farm Agreement.

June Swift commented on trash pickup issues on Fridays.

**CONSENT CALENDAR**

Motion was made by Vice Mayor R. Coe, Seconded by Mayor R. West to approve minutes from the August 23, 2022, regular City Council meeting and Adopt Traffic Management Plan for the 2022 Pumpkin Farm Event. Vote called: Coe, West and McIntosh. ABSENT: Pendergraph. NOES: Shelton. Motion carried.

**REGULAR CALENDAR**

1) City Engineer Dane Schilling presented the staff report for the Bear River Setback Levee (BRSL) project encroachment permit for material hauling. 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 helps 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 area 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 Project 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 review of the crossing application took longer than anticipated. RD 817 has not yet received a permit from UPRR. 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 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. 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 to access the borrow site. 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. Hauling over city streets was completed on August 13th (ahead of schedule) and the permit expired on August 16th. On July 28, 2022, 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 lands 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. On August 9, 2022, Reclamation District 817 District Engineer Tom Engler provided an update to the City Council on the status of material hauling operations for the Project. No action was requested for that meeting. On August 13, 2022, hauling for the first phase was completed and the contractor began clean-up efforts including street sweeping, hand sweeping sidewalks and around cars, and washing down streets. a second phase of hauling is needed to complete the Project. It was originally expected to occur in late September or early October and involve 14-days of hauling. Better than expected progress in the first phase has reduced the remaining time needed to haul material to 7-days. RD 817 is requesting that the City amend the current permit to perform hauling over C Street and Main Street (same route as before) for 7-days beginning as soon as possible. At the request of the City Council on August 9th, no hauling would be allowed on Fridays, Saturdays, or Sundays due to increased traffic from the pumpkin farm event. The earliest that hauling could commence is September 12th. One benefit of this option would be that all hauling would likely be complete before the peak traffic days of the Bishop Pumpkin Season (typically all Saturdays and Sundays in October). In addition to the existing performance bond for the Project, the City would also require a bond specifically to cover the repairs of the city's streets and utilities that may have occurred due to the hauling operations. City staff will inspect street pavements, curbs, gutters, sidewalks, and utilities that may have been damaged and compile a summary of all damage to be mitigated by Project impacts. The City would require that all damage identified be repaired or mitigated to the City's satisfaction. In addition, the City has learned that UPRR has recently responded to the RD 817 encroachment application with a draft application for payment of fees and signatures. In order to

complete the process and receive a permit from UPRR, RD 817 would need sign the application, pay the fee, the RD 817 contractor would apply for a subordinate permit, and wait for UPRR to issue the permit. After issuance of the permit, the contractor would schedule for railroad flagmen which is estimated to be an 8-week lead time. It is estimated that RD 817's ability to use the UPRR track crossing north of Wheatland would occur sometime in mid-November after the start of the rainy season. RD 817 is concerned that relying on the UPRR permit may lead to weather related delays that will not allow for completion of the work in time for a potential flood event or to meet the deadlines of the funding agreement. Some concerns have been raised regarding damage that the hauling operations may cause to city-owned utilities. Utility damage is possible when street pavements are over-burdened or jarred by vibrations caused by activities like road construction. Typically, damage is more likely to occur to utilities installed at shallower depths of cover such as water service laterals and shallow storm drainpipes and unlikely to damage water and sewer mains. While no noticeable damage has been reported to date, the City will inspect its utilities for damage after all hauling operations have concluded. Tom Engler was available at the Council meeting to present the most up to date information and answer questions.

Council Member P. Shelton commented on Friday and Saturday hauling and school and pumpkin farm traffic.

Council Member L. McIntosh commented on dates of the haul.

Council Member J. Pendergraph commented on extension of the haul and repercussions.

City Manager J. Goodwin commented on the haul and traffic.

City Engineer D. Schilling presented the additional conditions of the conditional use permit.

### **Public Comment**

M. Walker commented on school time and has had no issues getting in and out of her driveway.

Motion was made by Council Member J. Pendergraph, Seconded by Mayor R. West to **amend the current encroachment permit to allow for more hauling through the City**. Vote called – AYES: All. Motion carried.

2) City Engineer Dane Schilling presented the staff report to adopt Resolution No. 31-22 declaring a drought condition, declaration of Stage-1 Water Watch, and setting a twenty percent 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, and 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 the City's groundwater supply has been reduced by current drought, groundwater levels indicate a good supply, and the aquifer has historically sustained sufficient levels through recent drought events. Since the Wheatland area is in-fact experiencing a multi-year drought, the action prescribed by Section 13.54.020 of the municipal code is to enact a Stage 2-Water Alert. However, since the city is not experiencing a notable reduction in ground water levels or experiencing a water system shortage, the City Council at its August 9, 2022, meeting and after concluding the public hearing, directed staff to bring this item back to the City Council with an action item for of the lesser Stage 1-Water Watch. Staff concurs and recommends that the City adopt a resolution

acknowledging the drought conditions, declare a Stage 1 Water Watch in accordance with Section 13.54.040, and encourage customers to reduce water consumption by 20%. Stage 1 Water Watch includes 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 repair all water leaks within the water consumer's water and irrigation system within five days after written notification by the city unless other arrangements are made with the city manager.

Council Member P. Shelton commented on percentage of water reduction.  
Ryan McNally from the Yuba County Water Agency stated this is not a cause for alarm.

Motion was made by Vice Mayor R. Coe, Seconded by Council Member P. Shelton to **adopt Resolution No. 31-22 declaring a drought condition, adopting Stage 1 water use restrictions per Chapter 13.54 of the Wheatland Municipal Code, and adopting a 20% water conservation goal.** Vote called – AYES: All. Motion carried.

## REPORTS

D. Sylvester reported on Axon training at the end of October for body worn cameras.  
A. Paquette commented on Engine 421 progress and on track for the end of October and there is a strike team out for 2 weeks.  
Mayor West commented on and Ad Hoc committee for sewer.

Minutes approved and adopted on this 11<sup>th</sup> day of October 2022.

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Rick West, Mayor

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Jessy Johnson, Account Clerk I