

**OCTOBER 12, 2021, MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
VIA ZOOM
6:00 – 7:30 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, L. McIntosh, *J. Pendergraph, P. Shelton
R. West

*Council Member J. Pendergraph arrived at 6:03 p.m.

OTHERS PRESENT: J. Goodwin, City Manager
J. Buckman, City Attorney
T. Raney, Community Development Director
K. Valente, Senior Planner
D. Schilling, City Engineer
D. Sylvester, Police Chief
L. Thomason, City Clerk

PLEDGE OF ALLEGIANCE: Mayor R. West led the pledge of allegiance.

PUBLIC COMMENT: C. Walsh commented on barricades on Main Street in his neighborhood.
P. Walsh commented on the ZOOM meeting last week and discussion of traffic mitigation for Bishop's Pumpkin Farm.

Michelle Downing from the Yuba-Sutter Foodbank presented a power point for Council and audience members regarding the Foodbank's mission, food pantries and food distribution.

CONSENT CALENDAR

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve minutes from the regular City Council meetings on September 28, 2021; Proclamation Declaring October 2021 Domestic Violence Awareness Month and Resolution No. 37-21 Appointing the City Manager and City Engineer as Real Property Negotiators for the Wheatland Regional Sewer Pipeline Project.** Vote called – AYES: All. Motion carried.

PUBLIC HEARING

Senior Planner K. Valente presented the staff report for consideration to amend the City's Master Fee Schedule to include new fees for Density Bonus Agreements and Accessory Dwelling Units (ADU). On July 27, 2021, the City Council voted to adopt the Density Bonus Ordinance and the ADU Ordinance. Both ordinances became effective on August 25, 2021. The Density Bonus Ordinance and ADU Ordinance created new entitlements, which the city needs to adopt fees for each process. Section 18.77.080 of the Wheatland Municipal Code now requires a fee to be paid to the City by prospective applicants requesting a density bonus to cover the City's cost to review all materials submitted, including the required density bonus agreement established in Section 18.77.070. A \$5,000 deposit would provide sufficient funds for City staff to process and review all documents associated with a proposed density bonus request, as well as negotiating the agreement with the applicant, public noticing, staff report preparation, and Planning Commission and City Council meeting attendance. The proposed deposit is intended to cover all City negotiating and processing costs associated with the project; however, the City

will bill actual costs in the event that more time/budget is required. Any unused funds will be refunded to the applicant. In addition, Chapter 18.78 of the Wheatland Municipal Code now permits ADUs within the City. Based on the impact fee exemptions and limitations of Government Code Section 65852.2, Subdivision (f)(3), city staff is recommending the following formulas shall be used to determine fees for accessory dwelling units: ADUs that are 750 square feet or larger and located in a single-family zoning district shall pay impact fees based on the square feet of the proposed ADU divided by the square feet of the primary dwelling multiplied by the city's current single-family fees and ADUs that are 750 square feet or larger and located in a multi-family zoning district shall pay impact fees based on the square feet of the proposed ADU divided by the average square feet of all existing multi-family dwelling units on the same parcel multiplied by the city's current multi-family fees. Proposed ADUs that are less than 750 square feet are exempt from paying City impact fees. Staff is recommending, the Wheatland City Council adopt the resolution amending the City's Master Fee Schedule to include the proposed fees for density bonus requests and ADUs.

Council Member L. McIntosh commented on the \$5,000 deposit fee.

Mayor R. West commented on the \$5,000 deposit fee and if discussion of an item related to Density Bonus Agreements and ADUs needed to be heard by both the Planning Commission and City Council.

No public comment.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **adopt Resolution No. 35-21 Amending the City's Master Fee Schedule to Include New Fees for Density Bonus Agreements and Accessory Dwelling Units**. Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

City Manager J. Goodwin presented to the staff report for adoption of proposed amended Regional Waste Management Authority Joint Powers Agreement and amended Regional Agency Formation Agreement expanding the powers and authority of the Regional Waste Management Authority; modifying provisions for future amendments; modifying provisions for the withdrawal of a member agency; and, establishing provisions for removal of a member agency. At the October 15, 2020, meeting of the Regional Waste Management Authority (RWMA) Board of Directors, the recommendations of the RWMA Organizational Study, prepared and presented by HF&H Consultants, were approved conceptually as proposed, and RWMA staff was directed to initiate the implementation process. For reference, the RWMA Organizational Study was initiated in response to the development of state regulations regarding Short-lived Climate Pollutants: Organic Waste Reductions [Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016)] and anticipated RWMA organizational staffing challenges. The RWMA Organizational Study noted that SB 1383 programs will be more successful if generators have a clear understanding and belief in the consistent region-wide application of ordinances; programs and services; generator requirements; inspections; waivers; and, levying of fines. The next step in the implementation process was to begin drafting the amended RWMA Joint Powers Agreement (JPA) and the Regional Agency Formation Agreement for review and consideration first by the member jurisdiction administrators; second by the RWMA Board of Directors; and then finally by each of the policy bodies of the member jurisdictions after the SB 1383 regulatory process was concluded. The SB 1383 regulations were finalized in late 2020. Based on the final SB 1383 regulatory package, it was understood that a JPA agency would be able to accept regional responsibility to CalRecycle and liability for any state fines for regional programs resulting in the reduction of the total

amount of such liability. However, new guidance subsequently issued by CalRecycle prohibits a jurisdiction from delegating full responsibility for regulatory compliance with SB 1383 to a JPA, leaving formation of a special legislative district as the only option for protecting the member jurisdictions from much of any future regulatory compliance enforcement action by the state. After discussing the pros and cons of a special district, the RWMA administrators directed RWMA staff to modify the draft amended JPA Agreement to reflect the new guidance, meaning that individual member jurisdictions will remain accountable for more provisions of the Senate Bill 1383 regulatory requirements than was originally conceptualized. Revised draft amended Joint Powers Authority and Regional Agency Formation Agreements were provided to the RWMA administrators for review prior to submittal to the Board and no comments were received. At their July 15th meeting, the RWMA Board of Directors directed RWMA staff to forward the proposed amended RWMA Joint Powers Agreement (JPA) and Proposed Amended RWMA Regional Agency Formation Agreement to the member jurisdictions for adoption consideration. While amendments to the existing JPA and Regional Agency Formation Agreements require approval only by each county and the city in each county which contains the majority of the population of the incorporated area of each county, one of the modifications in the proposed amended agreements is that future amendments will require the approval of all member jurisdictions. In effect, if Sutter County, Yuba County, Yuba City and Marysville all approve these proposed amendments, the proposed changes will go into effect regardless of any action by the Wheatland City Council. Once adopted, going forward, Wheatland will have a meaningful vote on any future amendments. The staff report included information on the proposed Regional Waste Management Authority Fourth Amended and Restated Joint Powers Agreement to include: Technical Advisory Committee, funding, powers of the Authority, Treasurer and Auditor, duties and responsibilities of member jurisdictions, amendment, withdrawal of member and agreement termination, removal of a member, contingency plan for member jurisdiction and limitation of powers. The proposed amended Regional Agency Formation Agreement addresses the following modifications: to reflect the amended provisions of California Public Resources Code Section 41821.5 that resulted in the elimination of the requirement for counties to serve as the agency responsible for compiling the disposal information from haulers and facility operators for determination of compliance with PRC Section 41780 (i.e., achievement of the 50 percent diversion goal per AB 939) which had previously been assigned to the RWMA. California Public Resources Code Section 41821.5 now requires that haulers and facility operators report diversion and disposal information directly to CalRecycle, to reflect that the JPA is simultaneously being amended and may be amended from time to time, to reflect the potential activation of amended provisions of the RWMA JPA to grant the RWMA the power and authority to contract for solid waste services in Section 7. Duties and Responsibilities of Member Jurisdictions of the JPA, to establish as part of the contingency plan that member jurisdictions are responsible for program funding and/or implementation for programs that were established based on the powers and authorities provided to the JPA should the JPA be terminated, modified or implemented in such a way as to affect the RWMA's power to require funding and/or implementation of programs in Section 8. Contingency Plan for Member Jurisdictions of the JPA, to reflect the proposed amended provisions of the RWMA JPA regarding the timing of notifications for withdrawal and termination of the agreement relative to the termination date of the then current solid waste service agreement and also to establish provisions regarding the continuation of any debts, liabilities and obligations related to civil penalties in Section 12. Withdrawal and Termination of the JPA and to reflect in Section 12. Amendment that future amendments will require the approval of all member jurisdictions consistent with the proposed amended JPA Agreement.

Mayor R. West and Council Member J. Pendergraph commented on weighted votes.

Motion was made by Council Member J. Pendergraph, Seconded by Council Member L. McIntosh to **approve Resolution No. 36-21 Adopting the Proposed Fourth Amended and Restated Regional Waste Management Authority Joint Powers Agreement and Amended Regional Agency Formation Agreement and Authorizing the City Manager to Execute the Proposed Amended Agreements**. Vote called – AYES: All. Motion carried.

REPORTS

Council Member J. Pendergraph reported on the FRAQMD meeting and discussion of the power plant in Sutter County.

CLOSED SESSION

No reportable action.

There being no further business, Mayor R. West adjourned the meeting at 7:30 p.m.

Minutes approved and adopted on this 26th day of October 2021.

Rick West, Mayor

Lisa J. Thomason, City Clerk