

**OCTOBER 26, 2021, MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
VIA ZOOM  
6:00 – 7:05 P.M.**

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

\*Council Member L. McIntosh arrived at 6:05 p.m.

**OTHERS PRESENT:** J. Goodwin, City Manager  
J. Buckman, City Attorney  
D. Schilling, City Engineer  
H. Provencher, Associate Engineer  
A. Paquette, Fire Chief  
L. Thomason, City Clerk

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

**PUBLIC COMMENT:** P. Walsh commented on the entrances to Bishop's Pumpkin Farm during the recent storm.

**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 October 12, 2021, and Reaffirm Resolution No. 34-21 Findings Related to the State of Emergency Due to Covid-19 Authorizing the City Manager to Continue to Implement Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361 (Stats. 2021. Ch. 165)**. Vote called – AYES: J. Pendergraph, R. Coe, P. Shelton and R. West. ABSENT: L. McIntosh. Motion carried.

**REGULAR CALENDAR**

1) City Manager Jim Goodwin presented the staff report for proposed Reclamation District 2103 and 817 Assessments. Properties in and around Wheatland have potential flood risk from the Bear River, Dry Creek, and the San Joaquin Drainage Canal. Levees along these waterways provide the only line of defense against flooding during storm and high-water events. To prevent levees from failing, they must be kept free from erosion, cracking, large vegetation, and rodent infestation, among other things. Operations and maintenance of levees is subject to strict state and federal standards and regulations. Failure to comply with these regulations results in loss of eligibility for federal assistance for levee repairs following a storm event, as well as FEMA levee accreditation. Currently FEMA has accredited the Bear River levee east of Oakley Lane. There are additional projects identified for Dry Creek and the downstream portions of the Bear River to meet FEMA requirements for the remainder of the basin. FEMA accreditation results in significant cost savings for flood insurance as well as relief from strict building restrictions in the floodplain. Lastly, failure to comply with state and federal regulations may result in the state taking over operations and maintenance activities. When that happens, the state imposes annual assessments to cover its costs. Property owners do not get to vote on the assessments in that case. Reclamation District 2103 currently maintains levees along the Bear River, Dry Creek, and San Joaquin Drain east of Oakley Lane. Its neighbor, Reclamation District 817, maintains the levees

along Bear River and Dry Creek west of Oakley Lane. Since their service areas overlap and properties within each district benefit from the quality of operations and maintenance in the other, RD 2103 is proposing to annex RD 817 properties south of Dry Creek. According to the district, the annexation will provide long-term cost savings, make services more efficient, and ensure consistency with state and federal regulations. Representatives of the two districts state the proposed annexation is expected to save more than \$62,000 in the first year alone. The districts report that even with the anticipated savings, the revenues generated by existing property assessments (RD 2103) and ad valorem taxes (RD 817) are not adequate for the districts to maintain levees to strict state and federal standards and regulations. The difference between existing and required revenues is approximately \$110,000 per year. RD 2013 is proposing a new property assessment to adequately fund required services. If approved by property owners, the new assessment will replace RD 2103's two existing assessments. RD 817 properties south of Dry Creek will be annexed into RD 2103 and pay the new assessment. The proposed assessment will reduce annual assessments for some properties, as is the case with several owned by the City of Wheatland. The City of Wheatland owns 30 parcels that are subject to the proposed assessment. Collectively, the City would save \$8,741.57 in FY 21/22 if the assessment is approved by property owners. Current assessments are \$9,795.74, proposed assessment is \$1,054.17. Property assessments differ for each property based on the benefit received from reduced flood risk. All properties within the proposed assessment district benefit, some more than others (e.g., prevention of direct flooding v. prevention of flooding of utilities and property access roads). In general, benefit is calculated by flood risk (location), potential flood depths, land use type and lot size (acreage). The lower the risk, the lower the annual assessment. The proposed services, method of assessment, and RD 2103 budget are detailed in the Preliminary Draft Engineer's Report. The balloting process is subject to Proposition 218 law. Ballots were sent to property owners on October 2, 2021. Balloting will remain open until the close of the official public hearing, which is scheduled for 6:30 p.m., Thursday, November 18, at the Wheatland Community Center. If the assessment is approved by property owners, it will take effect in fall 2021. District representatives state that if the assessment is not approved, the existing assessments will remain in place and levee maintenance service levels will be reduced to account for insufficient funding. Staff is seeking direction from the City Council regarding voting on the assessments. Based on direction provided at this meeting, the appropriate resolution will be drafted and brought back to the City Council for consideration on November 9. Representatives of Districts 2103 and 817 Tom Engler and Kim Floyd attended the meeting to provide a presentation on the assessments and answer questions.

Mayor R. West questioned if there are plans for the Dry Creek levee.

Council Member J. Pendergraph commented on replacement ballots.

Council Member P. Shelton commented on the two Reclamation District Boards and the number of members and which City owned properties are affected by the assessments.

C. Walsh commented on the number of ballots, impact on flood insurance, the recent rainstorm and what effect it had on the levees.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **provide direction to staff proceed with a resolution to the City Council at the next meeting to either support or oppose the proposed assessments.** Vote called – AYES: All. Motion carried.

2) City Engineer Dane Schilling presented the staff report for award of contract for the Tom Abe Field Lighting Project. Earlier this year, a storm damaged the lighting system at Tom Abe field located in Nichols Park next to Wheatland City Hall. Two of the existing wooden poles that support the lighting and safety netting sustained damage in the storm. A claim was submitted to the City's insurer and the City received an insurance payment in the amount of \$58,164.06. Payment from the insurer is based

solely on the damage that occurred during the storm and does not account for the age and condition of the lighting system. Each year, the City's insurance carrier, CIRA, approves liability insurance program dividends for participating agencies. The City has accumulated dividends totaling \$108,527. The Tom Abe Field Lighting Project is an eligible use for these funds. Staff subsequently evaluated the remaining light poles and determined the majority of the remaining poles were structurally compromised and should be replaced. In addition, staff determined that the existing incandescent lighting which also sustained damage should be replaced with more energy efficient LED lighting. Estimates received just after the storm damage indicated that removal and replacement of the lighting system would not exceed \$160,000. More recent estimates indicated substantially higher costs than originally estimated. On August 24, 2021, City Council approved the Bid Documents and authorized the City Engineer to proceed with soliciting bids for the Project. Bids were received and opened on October 5, 2021. Four contractors submitted bids. The low bidder and second low bidder neglected to include an acknowledgement of Addendum #4 which added an "additive alternate" bid item to the bid form. However, since the determination for award of construction of the project is based on the base bid amount (no additive alternates), the omission of Addendum #4 does not constitute an advantage to the bidders that omitted the acknowledgement of Addendum #4. Also, Sactown Contractors Corp. subsequently provided a letter of explanation, acknowledgement of Addendum #4 and bid form. Other than the omission, the apparent low bidder appears to be a responsive and responsible bidder. Staff is recommending that the City Council waive bid irregularities for the bid submitted by Sactown Contractors Corp., award a construction contract to Sactown Contractors Corp. for the base bid amount of \$181,600.00, and authorize the City Manager to execute change orders not to exceed ten percent (10%) of the contract amount or \$18,160.00. The project will be paid with funds from the insurance payment, the CIRA Flexible Spending Fund, and the City's General Fund unrestricted reserves.

Council Member P. Shelton questioned if replacement of lights is for only the damaged ones; questioned if the contract with the company is locked in if approved and will the project be required to be completed in a timely manner and will costs of material be fluctuating.

Council Member L. McIntosh commented on local contractors; if the project should go out to bid again; fiscal impact and unrestricted reserves.

Council Member J. Pendergraph commented on time frame for completion of the project.

Mayor R. West commented on concerns with lowest bidder and project management costs in bids.

C. Walsh commented on delay of completion of project and arrival of materials.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve Resolution No. 38-21 Amending the Fiscal Year 2021-2022 Budget Allocating Additional Funds, Authorizing the City Manager to Award a Construction Contract with Sactown Contractors Corp. in the Amount of \$181,600.00 and Authorizing the City Manager to Execute Change Orders Not to Exceed \$18,160.00 for the Tom Abe Field Lighting Project.** Vote called – AYES: All. Motion carried.

## REPORTS

City Manager J. Goodwin reported on the recent 200 year storm event and the performance of the City's drainage system.

Council Member J. Pendergraph reported the lakes on Beale AFB have been replenished from storm water.

There being no further business, Mayor R. West adjourned the meeting at 7:05 p.m.

Minutes approved and adopted on this 9<sup>th</sup> day of November 2021.

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Rick West, Mayor

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Lisa J. Thomason, City Clerk

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