

**JULY 9, 2019 MINUTES  
REGULAR WHEATLAND CITY COUNCIL MEETING  
WHEATLAND COMMUNITY CENTER  
101 C STREET, WHEATLAND, CA  
6:30 –6:58 P.M.**

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

**OTHERS PRESENT**  
J. Goodwin, City Manager  
J. Buckman, City Attorney  
D. Schilling, City Engineer  
S. Mahoney, Finance Director  
A. Wightman, Police Chief  
S. Riley, Deputy City Clerk

**PLEDGE OF ALLEGIANCE:**

Vice Mayor R. West led the pledge of allegiance.

**PUBLIC COMMENT** – None.

**CONSENT CALENDAR**

Motion was made by Council Member J. Pendergraph, Seconded by Council Member R. Coe **to approve minutes of the regular meeting on June 25, 2019; Public Works Director Employment Agreement and Amendment #1 to Finance Director Employment Agreement.** Vote called – AYES: All. Motion carried.

**PUBLIC HEARING**

1) Finance Director Susan Mahoney presented the staff report for first reading and introduction of Ordinance No. 470 amending the Wheatland Municipal Code Chapter 3.04 Purchasing System Section 2. The City's Purchasing System rules and procedures are contained in the City of Wheatland Municipal Code Chapter 3.04 Purchasing System. The Code is deficient in several areas with regards to modern purchasing methods and best practices for government agencies. Specifically, the Code does not address; Services and Consultant Contracts; Public Works Contracts; Uniform Public Construction Cost Accounting Act; fuel and maintenance supplies; credit card purchases; Environmentally Preferable Purchases and Method for Disposing of Surplus Property. Amendments to the municipal code must be made by ordinance which requires a public hearing and first reading, a second reading at a subsequent meeting, and a 30-day waiting period before the ordinance becomes effective. It is a current generally accepted best practice that cities maintain a Purchasing Policy that contains procedures for the agency's various types, of purchases. A policy can be periodically reviewed and updated by Resolution. This gives Council the flexibility to maintain a policy that reflects current laws and community needs without going through the multiple steps required to amend an Ordinance. Staff is recommending that the current Purchasing System rules and procedures be deleted and replaced with a reference to a Council adopted Purchasing Policy. The new Purchasing Policy will have the full force and effect of the current Purchasing System rules and procedures. Should the Council choose to waive the full reading and introduce Ordinance No. 470; a second reading will be required at the July 23, 2019 meeting. The Ordinance would be effective August 22, 2019, thirty days from the second reading. The City Attorney has advised that a link to the new policy be made available on the City's website.

**Public Comment** – None.

Motion was made by Council Member R. West, Seconded by Council Member J. Pendergraph to **introduce and waive the first reading of Ordinance No. 470 Amending Purchasing System Rules and Procedures**. Vote called – AYES: West, Pendergraph, Coe and Henderson. Motion carried.

## **REGULAR CALENDAR**

1) Finance Director Susan Mahoney presented the staff report for establishing the City of Wheatland Purchasing Policy. The proposed Purchasing Policy will strengthen and clarify existing purchasing procedures. In addition to the rules and procedures currently in Chapter 3.04, the Purchasing Policy also includes; expanded applicability - Fuel, maintenance supplies, consultant or services contracts, utility services contracts, procurement of insurance and bonds, and the award of construction contracts for public works projects are included in the Policy. These items are specifically excluded in Chapter 3.04; credit card purchases - credit card purchase procedures and responsibilities are included; Construction Cost Accounting - On April 9, 2019 Council adopted Resolution 12-19 allowing the City to award public projects subject to the Uniform Public Construction Cost Accounting Act (the "Act"). The Policy includes bidding procedures for public projects as defined in the Act; Environmentally Preferable Purchases - the Policy includes a blueprint for successfully purchasing environmentally preferable products; purchase orders - the Policy has been updated to allow purchases without generating a purchase order since the City does not have a purchase order system and surplus supplies and equipment - The Policy includes the method for declaring and disposing of surplus supplies and equipment.

Mayor J. Henderson questioned if department heads have a credit card. S. Mahoney answered yes.

Motion was made by Council Member R. Coe, Seconded by Council Member R. West to **adopt Resolution No. 22-19 Adopting the City of Wheatland Purchasing Policy**. Vote called – AYES: Coe, West, Henderson and Pendergraph. Motion carried.

2) City Manager Jim Goodwin presented the staff report for adoption of Memorandum of Understanding #2 between the City and Bishop Pumpkin Farm regarding dust and gravel control, and safety measures. The 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. Bishop Pumpkin Farm agrees with the need to complete the additional work. As a result, it is prudent to complete the paving work as one contract. The new project will include three areas of work; new asphalt paving on the Pumpkin Farm access road between Main Street and Roddan Lane; asphalt overlay of damaged pavement on Main Street from E Street to the westerly Terminus and asphalt overlay of damaged pavement on Wheatland Road between the high school and middle school near the secondary access for the Pumpkin Farm. The anticipated costs (including bidding, construction, contract administration and inspection) for the project are \$81,500. In order to complete the project prior to the 2019 Pumpkin season, staff recommends using a modified bid procedure that allows for informal bid procedures that conform to the State of California Uniform Construction Cost Accounting Act. This process is competitive and transparent but allows for some flexibility with regard to advertising and the length of the bid period MOU #2 recognizes the need for the additional work and the agreement to proceed with

all paving work as one project. The 2019 Dust and Gravel Control and Safety Measures as described are considered exempt under the California Environmental Quality Action (CEQA) Section 15303 (d). This CEQA section provides categorical exemption for New Construction or Conversion of Small Structures, with subsection (d) referencing the extension of utility services, including street improvements of reasonable length, to serve the project. Approval of the MOU does not require any additional CEQA review.

Vice Mayor R. West questioned if the work will be complete by the time the pumpkin farm is open for the season. D. Schilling answered yes.

Motion was made by Council Member J. Pendergraph, Seconded by Council Member R. Coe to **adopt Memorandum of Understanding #2 Regarding Dust and Gravel Control and Safety for the 2019 Operating Season at Bishop Pumpkin Farm**. Vote called – AYES: Pendergraph, Coe, Henderson and West. Motion carried.

\*\* Council Member R. Coe excused himself from the following agenda item.

3) City Engineer Dane Schilling presented the staff report for approval of plans and specifications, and authorize bidding of the Malone Avenue Culvert Replacement Project Phase 2. On March 22, 2018, City staff became aware that the 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 performing 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 an 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 relocate, remove or protect these utilities in-place. The most notable cost item of this change order was due to the City's 8-inch sewer force main. This change order totaled \$70,222 plus the associated design work provided by Coastland. It should be noted that this change order work would have been required in Phase 2 if timing and physical constraints hadn't necessitated its removal in Phase 1. The removal of the old culvert and utility relocation work is now complete and the waterway is now clear of obstructions. The roadway remains closed until Phase 2 is complete. In the course of the design of Phase 2, Coastland examined various options for the replacement culvert including a steel plate arch, precast reinforced concrete pipe, galvanized steel pipe and precast concrete arch designs. In that process Coastland determined that the costs associated with trying to preserve the natural bottom of the waterway to avoid environmental permitting was more costly than obtaining a permit and employing conventional methods for the culvert construction. This revised approach is expected to save \$120,000 or more in construction costs which will more than offset the additional design and environmental efforts. The environmental consultant performed the necessary environmental surveys. Staff has obtained a streambed alteration permit from the State which included the purchase of wetland mitigation bank credits to offset the minor loss of natural streambed habitat. Raney Planning and Management prepared a CEQA Notice of Exception for the project. Staff is recommending that the construction of the project and procurement of the culvert materials be done in two separate contracts to save time and eliminate the contractor's mark-up for the culvert materials. Staff also recommends using an informal bid procedure in accordance with the California Uniform Public Construction Cost Accounting Act. According to the Act public projects in the amount of \$200,000 or less may use the informal bidding procedures set forth in Section 22032(b) of the Act. Staff anticipates that the replacement work will be complete, and the roadway re-opened before the 2019 rain season begins.

Mayor J. Henderson questioned how wide the proposed span is. D. Schilling responded, 48-50 feet from end to end. Henderson questioned if the canal dries up. D. Schilling answered yes.

Motion was made by Council Member J. Pendergraph, Seconded by Council Member R. West to approve plans and specification, and authorize bidding of the Malone Culvert Replacement Project Phase 2. Vote called – AYES: Pendergraph, West and Henderson. ABSENT: Coe and McIntosh. Motion carried.

\*\* Council Member R. Coe returned to the meeting.

4) City Manager Jim Goodwin presented the staff report for an agreement to accept a donation from David Creps for Operations and Maintenance of a Community Swimming Pool in Wheatland. David Creps, a long-time Wheatland resident, believes a public swimming pool to be a great addition to the City of Wheatland. Mr. Creps understands there are two essential parts of the equation that could establish a pool to the community; a one-time investment to build a pool and the ongoing obligations associated with operating and maintaining a pool. Public swimming pools do not operate at break-even and are usually subsidized as a component of a community's parks and recreation services, typically a General Fund expense. Ongoing maintenance costs include labor, utilities chemicals and repair. Daily operational costs include lifeguards, supervision and administration. A survey of surrounding communities demonstrates that pool operations and maintenance costs in smaller communities is approximately \$100,000 per year. Cost-recovery varies greatly by community and is largely dependent on the demographics of the community, the types of programming, and the qualities and features of the pool facility. Cost recovery comes in the form of fees for lessons, day use, sponsorship, events and facility rentals. Currently, Wheatland's General Fund could not fund the difference between operations and maintenance costs of a pool and the expected cost recovery. The donation, once invested according to the City of Wheatland's conservative investment policy, could be expected to generate approximately 5 percent per year in today's market, yielding approximately \$50,000 annually to underwrite pool operations and maintenance costs, prior to any cost recovery generated from future pool operations. Even under a best-case scenario where a pool could be constructed quickly, the city could expect a minimum of two years of earnings prior to opening of a pool. The use of the funds is specifically limited to operation and maintenance of the pool and aquatic recreational programming at the pool. The donation is conditioned upon construction of a pool within 7 years. If a pool is not in operation in that time frame, the gift, plus any investment earnings, must be returned to Mr. Creps or his estate. After 25 years the restrictions on use of the funds are removed. The acceptance of the gift does not trigger environmental review under the California Environmental Quality Act because this is merely a financial transaction. Once received, staff would begin serious efforts toward establishing a pool within the 7-year time frame allowed by the agreement.

Vice Mayor R. West commented that the City is very fortunate to have received the donation. Mayor J. Henderson commented on the horizon of the contract. J. Goodwin responded 25 years from now there is a provision in the gift that the conditions are removed from date of execution of the agreement. Council Member R. Coe commented that David Creps is an extremely generous Wheatland and he loves the City of Wheatland.

Resident Pat Worley questioned it is possible to contribute to this fund. J. Goodwin responded yes.

Motion was made by Council Member R. Coe, Seconded by Council Member R. West to **approve Resolution No. 25-19 Accepting a Gift for Operation and Maintenance of a Community Swimming Pool in the City of Wheatland.** Vote called – AYES: All. Motion carried.

**CLOSED SESSION** – Cancelled.

## REPORTS

Council Member J. Pendergraph reported on the Wheatland Fire Authority fire season.  
Mayor J. Henderson reported on the 4<sup>th</sup> of July picnic.

## ADJOURN

There being no further business, Council Member J. Henderson adjourned the meeting at 6:58 p.m.

Minutes approved and adopted this 13<sup>th</sup> day of August 2019.

  
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Lisa J. Thomason, *City Clerk*

  
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Joseph Henderson, *Mayor*