

**NOVEMBER 27, 2018 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:30 –7:16 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, J. Henderson, *L. McIntosh, J. Pendergraph
Absent - R. West
*Council Member L. McIntosh arrived at 6:35 p.m.

OTHERS PRESENT J. Goodwin, City Manager
J. Buckman, City Attorney
D. Schilling, City Engineer
A. Wightman, Police Chief
A. Paquette, Fire Chief

PLEDGE OF ALLEGIANCE:

Council Member R. Coe led the pledge of allegiance.

PUBLIC COMMENT

Epert Cotney commented on timing of the traffic light and heavy traffic.

CONSENT CALENDAR

Motion was made by Council Member R. Coe, Seconded by Council Member J. Pendergraph to **approve minutes of the regular meeting on October 23, 2018; continuation of the Malone Culvert Failure and Emergency Replacement Project; approval to post Notice of Vacancy for Planning Commissioners and the Sutter-Yuba & Vector Control District Board of Directors and Resolution No. 27-18 For a Participating Collaborative Jurisdiction - CalRecycle.** Vote called: AYES – All. Motion carried.

REGULAR CALENDAR

1) City Engineer Dane Schilling presented the staff report for the Hooper Avenue Project. Hooper Avenue from Highway 65 to Olive Street fronts Wheatland Elementary School and serves as the primary route from the north end of the city for school buses, students and school staff that access the school properties in the area. The road surface in this segment is in poor condition with persistent potholes that require continued maintenance. This area is also known for being congested with pedestrians and vehicles before and after school. Wheatland Elementary School has diagonal parking and a concrete sidewalk along the westerly side on school property. Paved diagonal parking is present on the easterly side of Hooper Avenue without any other improvements and is within the City's 50-ft road right of way. During school drop-off and pick-up times this road segment becomes congested with cars parking to drop students off, cars passing through to drop students in the rear drop-off area created by the school, cars passing through the City on Hwy-65 who are attempting to short-cut around the traffic back-up at the traffic signal at First Street and students walking to the front of the school from surrounding neighborhoods and from vehicles. On October 9, 2018, the City Engineer presented concepts for the City Council's consideration and input for a potential project along Hooper Avenue that would attempt to meet the following objectives; improve safety for motorist and students (pedestrians); improve the quality of the road surface to increase safety and reduce maintenance; enhance the aesthetics of the area; create a barrier to prevent trespassing from vehicles associated with the school onto the property to the east and provide safe and

accessible public parking to serve the school and the adjacent business. Input received from the City Council on October 9, 2018, included; support for the general concepts stated above; include diagonal parking (not parallel parking) along the easterly side of Hooper Avenue; include a sidewalk along the easterly side of Hooper Avenue; include high visibility raised crosswalks with bulb-outs at two locations; reduce the width of the one-way travel lane for traffic calming; look at additional striping at Hwy-65 to delineate the local street and include landscape areas as possible to enhance aesthetics of the area. Since the October 9th Council meeting, Staff met with Wheatland School District Superintendent Craig Guensler to gauge the school district's interest in the proposed project and their potential financial participation. Superintendent Guensler provided feedback on what elements are important to the District and indicated that the District could contribute up to \$50,000 in funds toward improvements – specifically the raised crosswalks. Staff has also met with the adjacent property owner Mr. Raj Sharma. Mr. Sharma did not oppose the proposed project but did want to include a driveway from Hooper Avenue to his property in the project design. Staff will investigate the feasibility and costs associated with this request however it is Staff's opinion that the City is under no legal obligation to provide an additional point of access to Mr. Sharma's property. Funding for the project will come from Gas Tax-Capital Outlay, Gas Tax-Anticipated cash available, TDA and the Wheatland School District totaling \$324,000. Expenditures are estimated to be \$323,375.

Council Member L. McIntosh commented on funds for a traffic study for a light at Evergreen and Hwy. 65. D. Schilling provided an explanation of funds.

Council Member J. Pendergraph commented that where to spend funds should be for children's safety.

Council Member J. Henderson stated that a turn out land would be beneficial.

Motion was made by Council Member R. Coe, Seconded by Council Member J. Pendergraph to **adopt Resolution No. 29-18 amending the adopted FY 2018-19 Budget, authorizing the City Manager to enter into a funding agreement with the Wheatland School District and authorizing the City Manager to proceed with design of the Hooper Avenue Improvements Project.** Vote called – AYES: All. Motion carried.

2) Building Official Frank Sturch presented the staff report of Introduction of Ordinance No. 469 readopting and amending the current language of the City of Wheatland Municipal Code, Title 115, to allow for the City of Wheatland to transfer the operational authority of the City Building Department services to the County of Yuba Building Department. The City Council has previously adopted by reference the 2016 California Title 24 codes consisting of the California Building Standards Administrative Code, the California Building Code, the California Residential Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, the California Historical Building Code, the California Fire Code, the California Existing Building Code, the California Green Building Standards Code, the California Referenced Standards Code and are required to repeat this process on a triennial basis by state law as those codes are amended by the California Building Standards Commission and reprinted on a triennial frequency. The City Council also previously adopted by reference the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 1997 Uniform Housing Code, and the 2015 International Property Maintenance Code. The City Council has also previously adopted Chapter 15.19 for the State law requirements for Expedited Permitting of Small Residential Rooftop Solar Energy Systems and Chapter 15.20 for Floodplain Management. These previous 2016 adoptions were amended, repealed, or added to for inclusion into the City of Wheatland Municipal Code under the authority granted by Health and Safety Code sections 17958 et seq. and 18941.5, allowing the City to adopt amendments, deletions and additions to the California Title 24 and International codes when reasonably necessary because of local climatic, geological or topographical conditions. The new proposed amendments to Chapter 15 of the Municipal Code by this Ordinance adoption are necessary to provide for transfer of the operating authority of the services provided by the City of Wheatland Building Department to the County of Yuba Building Department and to provide for an agreed upon coordination with the language of the County of Yuba adopted Building Code for Building Department

operational purposes. The proposed Ordinance amends Chapters 15.01, 15.02, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, 15.15, 15.16, 15.17, 15.18 to adopt and amend the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Code, the 2016 California Referenced Standards Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 1997 Uniform Housing Code, and the 2015 International Code Council Property Maintenance Code. Amendments from earlier code versions have been generally carried forward in the proposed ordinance. There are limited new local amendments. Further this ordinance adopts and amends Chapter 15.19 for Expedited Permitting of Small Residential Rooftop Solar Energy Systems and adopts Chapter 15.20 Floodplain Management.

City Manager J. Goodwin stated the agreement with the County has already been approved by Council and all agency building codes are governed by the California Building Code. Goodwin explained that fees will be paid to the County, not to the City of Wheatland.

Council Member J. Henderson commented of the differential between building fees and impact fees.

Motion was made by Council Member R. Coe, Seconded by Council Member J. Pendergraph to **introduce and waive the first Reading of Ordinance No. 469 Readopting and Amending the Current Language of the City of Wheatland Municipal Code, Title 115, to Allow for the City of Wheatland to Transfer the Operational Authority of the City Building Department Services to the County of Yuba Building Department.** Vote called – AYES: All. Motion carried.

3) City Manager Jim Goodwin presented the staff report for amendments to the lease with AT&T for cell equipment on the city-owned water tower. In November 2008 the City Council approved a lease with New Cingular Wireless (AT&T) to place a cellular antenna on the city-owned water tower at 208 4th Street. The initial term was for five years, with two additional Extension Terms. The initial rent was \$1300 per month and has been adjusted 3 percent annually. The current rent is \$1696.21 per month. The current lease, with extension, would expire in 2023, if AT&T elected this year to continue into the final Extension Term. In June, the City was contacted by AT&T and advised of their interest in renegotiating and extending the terms of the lease. AT&T believes the lease rates have escalated above current market values and provided comps for what they suggested were similar cell tower sites in the region. Current lease rates for these sites, all within a 17-mile radius of Wheatland, vary from \$985.38 per month to \$1257.10 per month. Based on these comps, AT&T has requested a starting rent of \$1200 per month for the extended lease. The lease rate would then escalate by three (3) percent per year as in the current lease. The new terms would be effective November 1, 2018, and would include up to four (4) five (5)-year extension terms. The amendment incorporates the new lease terms. There also is a new requirement that the City of Wheatland bill for any charges, other than rent, within one (1)-year of the end of the calendar year in which the charges were incurred.

Council Member J. Pendergraph suggested the City start at \$1300 instead of \$1200.

Council Member L. McIntosh stated the lease fee should stay the same as it is now.

Council Member J. Henderson on equipment weight issues on the water tower and questioned if it is at capacity. D. Schilling responded that in 2010 without cell towers the City would not meet code requirements.

J. Goodwin explained the City Council could choose to direct staff to renegotiate with AT&T for a higher fee or the City could choose not to renew the lease with a maximum risk of loss of funds for \$14,000 per year.

City Council Member R. Coe questioned when other equipment leases on the tower come up for renewal could the City ask for an increase in fees.

Motion was made by Council Member J. Henderson, Seconded by Council Member R. Coe to **direct the City Manager to renegotiate with AT&T for a fee of \$1500 per month as a starting point. If agreed upon the**

City Council approve amendments to lease with AT&T for cell equipment on city-owned water tower and direct the Mayor to sign. Vote called – AYES: J. Henderson, R. Coe and J. Pendergraph. NOES: L. McIntosh.

4) City Manager Jim Goodwin presented the staff report for discussion and consideration of approving a loan agreement with the Yuba Water Agency for financing of a Flood Risk Reduction Feasibility Study. In May 2016 the City Council adopted Resolution 08-2016 approving an application to the California Department of Water Resources (DWR) Small Community Flood Risk Reduction (SCFRR) Program. The purpose of the program is to help small communities conduct feasibility studies leading to the design and construction or implementation of flood risk reduction projects with proven feasibility. Wheatland was awarded \$500,000 to complete the project. The contract was executed on April 12, 2018 by the former City Manager and by DWR on July 26, 2018. All work on the project must be completed by December 1, 2019. In September, the City Council approved a Professional Services Agreement with MBK Engineers to complete the project. While this is a grant-funded project, payment from DWR is on a reimbursement basis, and reimbursement can take in excess of 90 days, and in some cases much longer. Staff anticipates the bulk of the work will be compressed into a few months, causing the contractors to experience cash flow problems with the \$500,000 project. Yuba Water Agency has agreed to provide a short-term loan to cover the cash flow demands of the project. The loan is interest free for a period of 24 months, a term long enough to cover the anticipated delays in reimbursement from DWR. Should the City fail to repay the loan within 24 months, interest will be charged on any unpaid balance remaining from the date the loan was disbursed. Staff does not anticipate the inability to repay the loan within 24 months.

J. Goodwin added that the City applied for a \$500K grant for a study by MBK Engineering with all funds to be spent by December 2018. The Yuba Water Agency offered an interest free loan for 24 months. Council Member L. McIntosh commented that an update of the study should be provided for council every six months.

Motion was made by Council Member J. Pendergraph, Seconded by Council Member L. McIntosh to **approve a Loan Agreement with Yuba Water Agency for Financing of Flood Risk Reduction Feasibility Study and direct the City Manager to execute the agreement and promissory note for the loan.** Vote called – AYES: All. Motion carried.

5) City Manager Jim Goodwin presented the staff report for adoption Resolution No. 28-18 expressing support for a SACOG application to Caltrans on behalf of Sutter and Yuba Counties and the Cities of Live Oak, Marysville, Wheatland and Yuba City for a Sustainable Transportation Planning Grant. The California Department of Transportation (Caltrans) is offering a FY 2019-20 cycle of Caltrans Sustainable Transportation Planning Grants, including a Strategic Partnership Program. The Sacramento Area Council of Governments (SACOG) is eligible as the Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA) for Yuba and Sutter Counties to act as the lead applicant for a Strategic Partnership Program grant proposal. Grant applications are due November 30, 2018. If awarded, the funds will be used for the Transportation Infrastructure Planning for Economic Prosperity project to identify key transportation projects to support existing and new industries in the Yuba-Sutter region and help increase economic growth and development. The Sutter and Yuba Boards of Supervisors, and the Cities of Live Oak, Marysville, Wheatland and Yuba City have been asked to express their support for the project. Staff from all agencies has worked collaboratively with SACOG to develop the grant proposal.

Motion was made by Council Member J. Pendergraph, Seconded by Council Member R. Coe to **adopt Resolution No. 28-18 In Support of SACOG's Strategic Partnership Program Grant Application and direct the City Manager to forward a copy to SACOG for inclusion in the grant application.** Vote called – AYES: All. Motion carried.

REPORTS

Council Member R. Coe reported on the meeting for Bi-County Homeless Services.
Council Member J. Henderson reported on the Yuba Water Agency presentation for the City.

ADJOURN

There being no further business, Council Member J. Henderson adjourned the meeting at 7:16 p.m.

Minutes approved and adopted this 11th day of December 2018.



Lisa J. Thomason, *City Clerk*



Joseph Henderson, *Mayor*