

CITY COUNCIL A G E N D A

MONDAY FEBRUARY 5, 2024

6:00 P.M. Special Session

33 Church Street, Sutter Creek CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

**THE CITY OF SUTTER CREEK CITY COUNCIL MEETING WILL BE AVAILABLE VIA ZOOM AND
IN PERSON.**

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Please note: Zoom participation is only available for viewing the Council meeting.

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Dial by phone:

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Meeting ID: 956 852 0224

Unless stated otherwise on the agenda, every item on the agenda is exempt from review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC FORUM

At this time, the public is permitted to address the City Council on items not appearing on the agenda. Comments may not exceed 5 minutes. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The City Council may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the City Council may discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2. Public comment on any item listed below shall be limited to five minutes, unless additional time is permitted by the Mayor/Council.

4. CITY MANAGER'S REPORT

This section is an opportunity to provide Council members with a brief status update on staff activities. No action is expected to be taken by the Council.

5. PRESENTATIONS – None

6. APPROVAL OF MINUTES

A. City Council Minutes of January 16, 2024.

Recommendation: By motion approve minutes as presented.

7. CONSENT AGENDA

Items listed on the consent agenda are considered routine and shall be enacted in one motion. Any item may be removed for discussion at the request of Council or the Public.

A. City Council 2024 Committee Assignments – LATE PACKET

8. ORDINANCES & PUBLIC HEARING – None.

9. ADMINISTRATIVE AGENDA

A. Fiscal Sustainability: Long Range Financial Forecast – LATE PACKET

B. Waste Water Plant Grant Update

C. City Response Letter to School District Draft EIR – LATE PACKET

D. Potential Land Acquisition Near Plant

10. MAYOR AND COUNCIL MEMBER REPORTS

This section is to provide Council members an opportunity to present updates on their activities and to request items be placed on future agendas.

11. CITY ATTORNEY’S REPORT

This section provides an opportunity for the City Attorney to report on any activities or upcoming legislation of importance to the City. No action is expected to be taken by the Council.

12. FUTURE AGENDA ITEMS

This section provides an opportunity for Council members to request items to be added to the agenda in the future with a majority Council vote.

13. INFORMATION/CORRESPONDENCE

14. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)

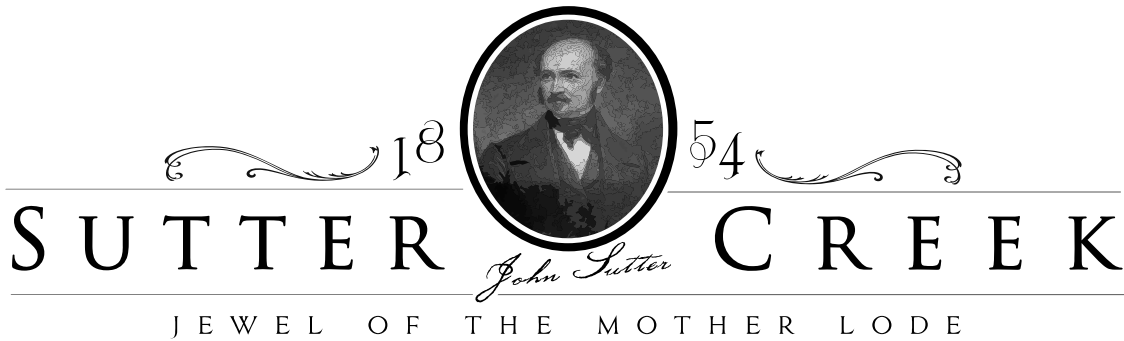
SEIU Local 1021 v. City of Sutter Creek, Pub. Emp. Rel. Bd.

Case No. SA-CE-1244-M

15. REPORT FROM CLOSED SESSION

16. ADJOURNMENT

The next regularly scheduled meeting is TUESDAY, FEBRUARY 20th at 6:00 P.M



**CITY COUNCIL MINUTES
TUESDAY, JANUARY 16, 2024**

**THIS MEETING WAS CONDUCTED IN-PERSON AT 33 CHURCH STREET,
THE PUBLIC WAS ABLE TO VIEW FROM HOME:**

Join Zoom Meeting
<https://us02web.zoom.us/j/9568520224>

6:00 P.M. 1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING

Council members present:
Feist, Riordan, Sierk and Gunselman
Vicky Runquist, City Treasurer
Absent: Swift

Staff Present:
Tom DuBois, City Manager
Derek Cole, City Attorney
Karen Darrow, City Clerk
Erin Ventura, Planning Consultant

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ELECTION OF MAYOR AND VICE MAYOR FOR 2024

Recommendation:

1. Elect a Mayor for 2024.

M/S Council member Sierk/Riordan to re-appoint Council member Claire Gunselman as Mayor for 2024.

AYES: Feist, Riordan, Sierk and Gunselman
NOES: None
ABSTAIN: None
ABSENT: Swift
MOTION CARRIED

2. Elect a Vice Mayor for 2024.

M/S Council member Riordan/Feist to re-appoint Council member Julia Sierk as Vice Mayor for 2024.

AYES: Feist, Riordan, Sierk and Gunselman
NOES: None
ABSTAIN: None
ABSENT: Swift
MOTION CARRIED

4. PUBLIC FORUM – None.

5. CITY MANAGER’S REPORT

City Manager DuBois presented an overview highlighting:

The new City Council meeting time is 6pm.

The new City logo design contest kick off.

Looking at the City sponsoring some events in town.

He has been spending time making connections within the county.

Staff working to be more active with code enforcement.

Public Works took down the Christmas decorations.

Staff were able to publish the agenda earlier in the week and is working to continue to do that.

6. PRESENTATIONS- None.

7. APPROVAL OF MINUTES

A. City Council Minutes of December 18, 2023.

Recommendation: By motion approve minutes as presented.

M/S Council member Riordan/Feist to approve the City Council Minutes of December 18, 2023, as amended.

AYES: Feist, Riordan, Sierk and Gunselman

NOES: None

ABSTAIN: None

ABSENT: Swift

MOTION CARRIED

8. CONSENT AGENDA

A. Approve Amador County Regional Traffic Mitigation Fee Program Annual Report for Fiscal Year 2022/2023

M/S Council member Sierk/Riordan to Adopt Resolution 23-34-19 Approve Amador County Regional Traffic Mitigation Fee Program Annual Report for Fiscal Year 2022/2023.

AYES: Feist, Riordan, Sierk and Gunselman

NOES: None

ABSTAIN: None

ABSENT: Swift

MOTION CARRIED

9. ORDINANCES & PUBLIC HEARING- None.

10. ADMINISTRATIVE AGENDA

A. Amador Unified School District Draft EIR Response Letter- *discussion and staff direction.*

Planning Consultant Erin Ventura gave an overview and noted that this was previously presented to the Planning Commission.

City Manager Tom DuBois distributed a copy of a summary of potential impacts to be considered.

The Council directed staff to collect more information and bring back a draft letter for approval on consent at the next meeting.

B. Community Satisfaction and Priorities for Budget Planning- *discussion and staff direction*

City Manager Tom DuBois presented a recommendation priding options for long-range financial forecasting.

Council member Riordan commented that the consultants' expense appears to be justified.

Mayor Gunselman suggested that a lesson can be learned from the School Boards failed measure.

Council member Sierk noted her concern about the expense.

Member of the public, Sandy Anderson commented that 30% of the city's income comes from tourism.

M/S Council member Sierk/Riordan to Authorize the City Manager to retain consultants to assist with preparation of a long-range financial forecast and conduct community polling on resident satisfaction with local government and City priorities.

AYES: Feist, Riordan, Sierk and Gunselman

NOES: None

ABSTAIN: None

ABSENT: Swift

MOTION CARRIED

11. MAYOR AND COUNCIL MEMBER REPORTS

Council member Riordan reported that ACTC is putting together a letter about the school consolidation and noted that he is working with Council member Sierk on the Bike/Ped committee.

Mayor Gunselman noted that the SCCBF is working on a response to the SCHOOL EIR and noted that a popular lecture series is starting again at the Grammar School. She also reported that Fire Chief Dominic Moreno confirmed that the Fire department is working on the emergency sirens.

Council member Sierk noted that she has been out of state for a few weeks. She also reported that the Air District met and discussed the low turn in rate of the small exhaust producing yard equipment and that they are offering a \$250 rebate to incentivize electric equipment purchases when spending \$350.

Council member Feist noted her interest in bringing back the Dusck races and hosting a 4th of July event.

12. CITY ATTORNEY'S REPORT – None.

13. FUTURE AGENDA ITEMS

14. INFORMATION/CORRESPONDENCE

- A. Monthly Police Report
- B. Monthly Public Works Report
- C. Treasurer's Report
- D. Monthly Administrative Services Report
- E. Monthly Finance Department Report
- F. Warrants- Jan 1st & 16th, 2023
- G. Monthly Engineer's Report
- H. Monthly Planning Report

So noted.

15. ADJOURNMENT

The meeting was adjourned into closed session at 7:31 p.m in honor of Pearl Campbell for her contribution and service to the City of Sutter Creek.

16.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(2). Three potential cases.

- B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)
SEIU Local 1021 v. City of Sutter Creek, Pub. Emp. Rel. Bd.
Case No. SA-CE-1244-M

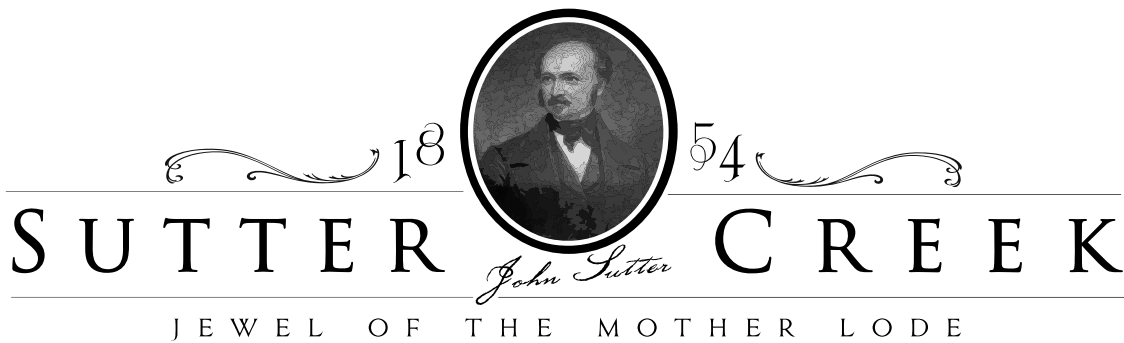
REPORT FROM CLOSED SESSION

No reportable action.

Claire Gunselman, Mayor

Karen Darrow, City Clerk

Date Approved:



TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: FEBRUARY 5, 2024
FROM: DAN LAFONTAINE, PUBLIC WORK DIRECTOR
SUBJECT: UPDATE ON NEW WWTP GRANT
TYPE: INFORMATION REPORT

RECOMMENDATION: Information update to Council on WWTP grant status and direction of.

BACKGROUND: Sutter Creek is the recipient of a \$500,000 planning grant from the State Water Resources Control Board to do the planning and pre-design work for a new wastewater tertiary treatment plant. The original grant expiration date was September 30, 2023, but staff has requested an extension from the Water Board to continue working on the grant. The extension was filed on July 18, 2023, with the Division of Financial Assistance (DFA). The extension requested to change scope to a traditional design, bid, build with 5% plans and specifications and to reduce the number of alternatives in the technical memorandum.

DISCUSSION: DFA has indicated that they will more than likely approve an amendment to extend the project schedule and adjust the scope. DFA staff have directed COSC staff to revise the amendment extension date and request scope of work to include only the work that can be completed for the budgeted amount of \$500,000. The original scope of work is listed below:

- Task 1: Project Report (including technical memorandum)
- Task 2: Preparation of RFP/RFQ for Design-Build Project/Construction Selection
- Task 3: Rate Study/Prop 218
- Task 4: Project Administration and report of waste discharge
- Task 5: Environmental Documents (Including EIR)

DFA has recommended that the amendment scope remove the preparation of RFP/RFQ and Environmental documents (essentially Task 2 and 5). DFA also requested that all of the alternatives remain in the tech memo. COSC staff have negotiated with Carollo engineers to finalize the project report for \$15,500 by February 29, 2024. The project report will include a technical memorandum that includes a present worth analysis of capital (based on 2021 costs) and operations and maintenance costs over a 20-year period for all of the original six (6) alternatives. This information will be used to update the master plan and determine the best path

forward for the new treatment plant classification and disposal method. This will complete Task 1 of the planning application with approximately \$250,000 spent and \$250,000 available. DFA has indicated to COSC staff that completing the reduced level of planning work under this agreement for less than \$500,000 would mean additional funding would be available to the City at a later date for an additional amendment and or new planning/construction agreements.

Based on discussions with Carollo and consulting engineers, COSC staff will be sending an additional amendment to DFA to address the Infiltration and Inflow (I&I) issues associated with the collection system. Grant funds will be requested to study the I&I and implement a plan to eliminate major contributors to the I&I. The reduction of I&I will allow the City to reduce the peaking factor (currently 8x normal flows) thus reducing the size of the plant at considerable cost savings to the City.

Reduced peaking factors will be incorporated into the master plan and subsequent project design. At this point, cost estimates can be updated to the current date (anticipated to be 2025 dollars) and incorporated into a rate study. Based on the updated master plan, updated costs, and funding level (rates), the COSC will be ready to complete the 5% design and specifications and environmental documents. All of these documents will be incorporated into a construction funding application.

BUDGET IMPACT: Original grant award amount \$500,000. Percent of budgeted award spent 42% (\$210,188). All money spent has been reimbursed as of Claim #5 received on January 22, 2024. Current work authorized with Carollo Engineers, (\$19,800 spent in October and November for project rescoping) and \$15,500 to finish the Project Report. Grant award left over after Task 1 are approximately \$250,000. Based on current assumptions the remaining task costs are between \$300,000 and \$400,000. The remaining Grant funds will be used to complete as many of the tasks above as possible, but it is anticipated that City funds will be needed to augment Grant funding prior to the construction application being filled.

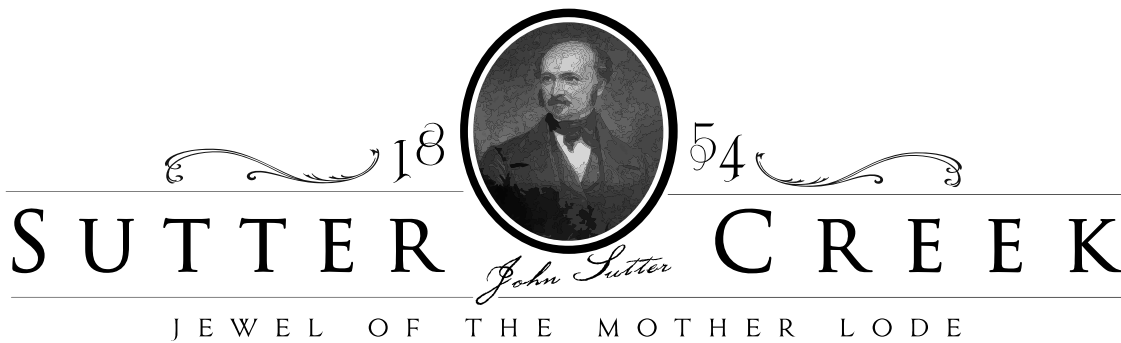
CONCLUSION AND NEXT STEPS:

The City needs to complete its planning process, and if determined to be the best option, get to the RFP and construction phase. Due to past city actions to start and stop this grant, excessive funds were spent on project administration and updates, leaving a shortfall for the remaining tasks. The project was initially scoped to be a design-build project and money was spent that did not deliver useful results. We now need to try to complete this process several years later with higher cost rates, for less money. It is likely it will require some use of wastewater fees.

Remaining steps are:

1. Complete current grant
2. Update Rate Study
3. I&I data collection and analysis
4. I&I repairs
5. Update Master plans
6. Update cost estimates
7. Complete environment documents
8. Prepare Construction funding application
9. Issue RFP

We anticipate the remaining planning work to take us into 2025.



TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: FEBRUARY 5, 2024
FROM: CITY MANAGER
SUBJECT: POTENTIAL LAND ACQUISITION NEAR THE WWTP
TYPE: ACTION ITEM

RECOMMENDATION: Authorize staff to negotiate price and terms and bring back to Council for consideration (likely in Closed Session)

BACKGROUND: For many years, WWTP planning has cited the lack of space as a major constraint on improvements to the Waste Water Treatment Plant (WWTP). We are currently in the process of completing a planning grant that will partially determine a preferred alternative. Due to wasted time and effort by starting and stopping planning over a number of years, we will need to continue that work past the grant completion. The final plan will include both capabilities of our WWTP as well as options with ARSA for disposal. It is difficult to assign a value to land acquisition without a definitive plan in place. Planning is anticipated to take up to another 12 months.

In almost all cases it is clear we are space constrained. The opportunity is before us now, so we need to make a decision without all needed information.

DISCUSSION:

Our engineers have been looking at the property to see if the city can possibly use it or a portion of it.

There are alternatives where we work within the existing footprint. Other alternatives would use the adjacent land but require expensive pumping up the hill to new facilities.

It's going to be a speculative decision for the city to acquire some land. We need to minimize our downside risk and avoid paying a lot for hilly land and then have the city not be able to use it. It would not really be worth anything to anyone else.

The city could potentially use 6 - 7 acres nearest the plant, a big chunk of which is hilly and not that useable to anyone. Some additional acreage would enable possible solar generation to offset some of the power costs of the WWTP and could also provide space for a city maintenance yard.

There are some state utility grants the city could use for future construction, which require a local government funding match. That match can include the city contributing land. In that situation, we would want the city-owned land value to be high, in order to maximize our matching contribution. In

order for that to work, given our financial situation, the current owner would need to donate some of the land to the city for tax writeoffs.

Another option would be paying for the land over time, but would need to be structured as a lease to own, similar to what we are doing with the Boitano Parking lot.

The City could potentially support lot splits and site plans to make the remaining property more attractive to a purchaser in exchange for an attractive price for the city purchased portion. The City is not an active developer, we would need to determine how to go about designing lot splits, sort of a small specific plan.

Tonight, in public session, we are looking for a level of interest from Council and ideas on the approach. More specifics of an actual negotiation would be conducted in a future closed session, based on interest from the property owner.

Potential Scenarios:

Scenario 1.

1. The Owner donates all the land to the City of Sutter Creek and has a tax deduction
2. The city uses a portion of the land for wastewater treatment and creates open space / park with the rest. We could potentially name the park after The Owners family.

Scenario 2.

1. The Owner donates 6-7 acres of land to the City of Sutter Creek and have a tax deduction
2. The city does a new map and lot splits with the remaining acreage based on the zoning to include a neighborhood commercial site near State route 49 (if The Owner wants that), a road into a cul-de-sac and residential lots according to the zoning.
3. The Owner sell those lots

Scenario 3.

1. The City buys 6-7 acres of land at a negotiated price and terms, allowing payment over 30 years. Need to be a lease to own arrangement, which owner might not desire.
2. The city does a new map combining the remaining land into one larger lot.
3. The Owner sell that lot.

BUDGET IMPACT

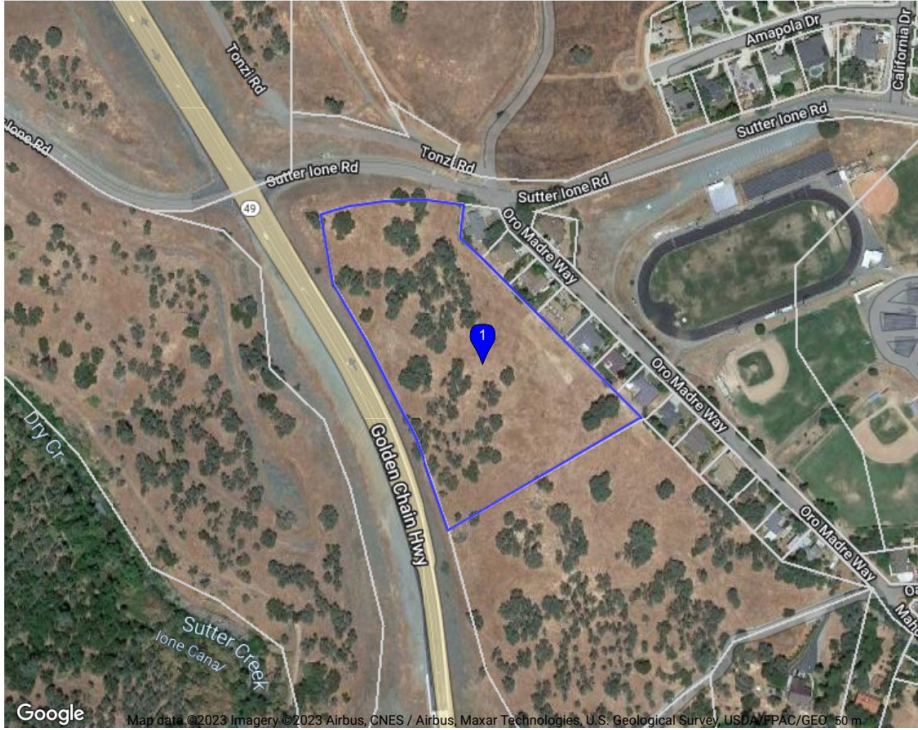
To be determined.

ATTACHMENT: Presentation

Land Near WWTP

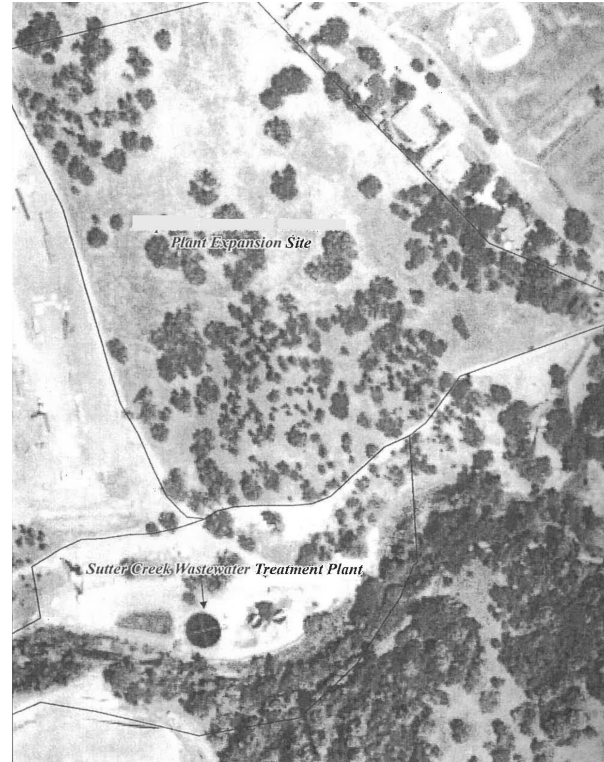
Meeting of Feb 5, 2024

Item 5A - Property Available for ARSA, COSC WWTP



- Top Parcel -
7.6 acres, assessed value \$435,000
- Bottom Parcel (adjacent to plant) -
10.6 acres, \$588,673
- Zoned Res. Low Density with a
Planned Development Overlay
- Planned Development overlay
allows limited neighborhood
commercial and public facilities.
Protects some open space

Item 5A - Four acres from lot 2 Considered Previously



Past Analysis

- Improvements would be located on property to the north of the existing WWTP site.
- Influent flows would enter the existing WWTP and flow through the existing mechanical bar screen and roto-strainers.
- An influent pumping station will be constructed on the existing WWTP site to pump the wastewater up to the new site.
- The existing trickling filter structure will be converted into a flow equalization basin, and the outside wall will be raised to provide additional storage.
- Effluent would be conveyed, after disinfection, to the ARSA pipeline.
- With the added altitude gained by placing the new plant at a higher elevation, the ARSA pipeline would have a capacity of about 4 mgd.
- Based on including flow equalization to reduce peak flows, the ARSA line may not have to be expanded prior to about 2035.

Acquire 4 Acres to the North of the WWTP

- **Environmental Considerations** - Oak trees on the site would have to be removed and replaced at a 3 to1 ratio.
- **Constructability** - The existing plant operation will not interfere with the new plant construction. Construction sequencing is not an issue and contractors will have ample space for equipment and staging.
- **Utilization of Existing Facilities** - The mechanical bar screen, roto-strainers, screw press, trickling filter, and emergency storage basin will be used by the new plant.
- **Flood Protection** -Facilities on the new plant site will not require flood protection. The influent pumping station and equalization basin on the existing site will have to be protected.
- **Influent Pumping** -A pumping station and forcemain will be constructed to pump influent from the screening boxes at the existing plant for subsequent treatment at the new site.
- **ARSA Capacity** - With the added 50 ft of head from the higher elevation of the new plant site, the ARSA pipeline will have a capacity of about 4 mgd.
- **Equalization** - The existing emergency storage basin can be used for equalization. Additional equalization capacity can be provided by converting the trickling filter in the existing site to an equalization basin. This will increase the ARSA pipeline capacity.
- **Effluent Pumping** - An effluent pumping station will not be required.
- **Accessibility** - The site and equipment is accessible to operators.
- **Expandability** - Utilizing the new and existing site allows for more flexibility in designing future expansions

Strategic Considerations

- The City is going to have to address expansion/replacement of the existing plant in the future but at this time no one knows exactly what that will look like. It's prudent to consider purchasing the adjacent property if it can be acquired for a “decent” price. This will also provide a buffer next to the plant as the last thing the City wants is a subdivision next to the plant in the future.
- The old master plan included a cost of \$26,500 for the property and estimated \$13,000 in costs of pumping. Both of these have gone up considerably. Solar could be used to offset some of these pumping costs.