

**ATTORNEY MINUTES (Draft)
NOTICE AND CALL OF SPECIAL MEETING
CITY COUNCIL
CITY OF YUBA CITY
JANUARY 31, 2019
6:30 P.M. – CLOSED SESSION**

PLEASE TAKE NOTICE, that pursuant to California Government Code Section 54956, Mayor Shon Harris has called a Special Meeting of the City Council as set forth in this Agenda

Call to Order

The Special Meeting of the City Council was called to order by Mayor Harris at 6:45 pm

Roll Call

Present: Mayor Harris and Councilmembers Boomgaarden, Cardoza, Espindola and Shaw

Public Comment

No one spoke

Closed Session – Butte Room

The Council adjourned into Closed Session

- A. Public Employee – Appointment/Employment (Pursuant to Government Code, § 54957.)
Title: Interim City Manager
- B. Public Employee – Appointment/Employment (Pursuant to Government Code, § 54957.)
Title: Permanent City Manager
- C. Conference with Labor Negotiators (Pursuant to Government Code, § 54957.6)
City Negotiator: Mayor Harris, Councilmember Boomgaarden
Employee: Interim or Permanent City Manager

Report from Closed Session

The Special Meeting of the City Council was called back to order by Mayor Harris at 8:24 pm

- A. Public Employee – Appointment/Employment (Pursuant to Government Code, § 54957.)
Title: Interim City Manager

Mayor Harris reported that the Council voted during Closed Session to appoint Diana Langley as Interim City Manager starting February 6, 2019. Staff is directed to bring back an agreement regarding the provision of the Interim City Manager services to the City Council for consideration. Mayor Harris and Councilmember Boomgaarden are the negotiators.

Ayes: Mayor Harris and Councilmembers Boomgaarden, Espindola and Shaw

Noes: Councilmember Cardoza

Adjournment

Mayor Harris adjourned the Special Meeting of the City Council at 8:25 pm.

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

**MINUTES (draft)
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY
FEBRUARY 5, 2019
5:00 P.M. – CLOSED SESSION
6:00 P.M. – REGULAR MEETING**

Call to Order

The Regular Meeting of the City Council was called to order by Mayor Harris at 4:58 pm

Roll Call

Present: Mayor Harris and Councilmembers Boomgaarden (arrived at 5:04 pm), Cardoza, Espindola and Shaw

Public Comment

No one spoke

Mayor Harris adjourned to Closed Session at 4:59 pm

Closed Session – Butte Room

- A. Confer with Legal Counsel and Natalie Springer Regarding Existing Litigation (Pursuant to Government Code, § 54956.9 (d)(1))
(Ken Reische-NCWA-557248)
- B. Public Employee Regarding Appointment/Employment (Pursuant to Government Code, § 54957.)
Title: Interim City Manager
- C. Public Employee Regarding Appointment/Employment (Pursuant to Government Code, § 54957.)
Title: Permanent City Manager
- D. Conference with Labor Negotiators (Pursuant to Government Code, § 54957.6)
City Negotiator: Mayor Harris, Councilmember Boomgaarden
Employee: Interim or Permanent City Manager
- E. Conference with Labor Negotiators (Pursuant to Government Code, § 54957.6.)
Agency designated representatives: Steve Kroeger, City Manager
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers; Mid Managers; Sworn Mid Managers; and Public Employees Local No. 1
Unrepresented employees: Confidential Employees; Executive Services Employees

Regular Meeting—Council Chambers

Call to Order

The Regular Meeting of the City Council was called back to order by Mayor Harris at 6:03 pm

Roll Call:

Present: Mayor Harris and Councilmembers Boomgaarden, Cardoza, Espindola and Shaw

Invocation

Councilmember Shaw delivered the Invocation

Pledge of Allegiance to the Flag

Councilmember Espindola led the Pledge of Allegiance

City Attorney Shannon Chaffin stated no reportable action was taken at Closed Session and that the Council would resume Closed Session after the Regular Meeting

Presentations and Proclamations

1. Proclamation for Teen Dating Violence Awareness and Prevention Month

Marina Cavanaugh from Casa de Esperanza received the Proclamation

2. Proclamation for City Manager, Steve Kroeger

Mayor Harris presented City Manager Steve Kroeger a Proclamation for his over 19 years of service to the City of Yuba City.

Laura Nicholson representing Senator Nielson and Zac Brown representing Assemblyman Gallagher also presented Proclamations to City Manager Steve Kroeger.

The following persons also spoke:

John Buckland – Former Yuba City Mayor

Cindy Payne – Downtown Business Association

Preet Didbal – Former Yuba City Mayor

Public Hearing

3. Consideration of an appeal of the Planning Commission's approval of Use Permit 17-05, Development Permit 17-03 and Environmental Assessment (EA) (Subsequent Mitigated Negative Declaration) 17-10, filed on behalf of "Stop the Dump." The site is located at 140 Epley Drive (South of Lincoln Road, east of Garden Highway (A.P.N.s 54-083-014, 015, and 023) (EA 17-10 and Use Permit 17-05 are continued from the meeting of January 15, 2019)

Mayor Harris opened the Public Hearing

The following persons spoke:

Bridget Barnes – Stop the Dump Attorney

Patrick Mitchell – Recycling Industries Attorney

Mayor Harris closed the Public Hearing

Councilmember Shaw moved and Councilmember Cardoza seconded the motion to:

Conduct Public Hearing, incorporate all documents and comments provided at the January 15th hearing into the record, and after consideration:

Consistent with prior direction of the City Council, adopt **Resolution No. 19-005** denying the appeal, and approving and adopting the Subsequent Initial Study/Mitigated Negative Declaration EA 17-10 for the project, Development Permit 17-03 and Use Permit 17-05 with amended conditions of approval

The motion was passed with a unanimous vote.

Bid Opening

4. Service of Pre-Emergent and Post-Emergent Chemicals for Weed Abatement at Various Locations (RFP19-04)

The following persons spoke:

Sterling Barrow – Barrow’s Landscape

Mark Mulliner – Pipefitters Union #228

Thomas Burns – Yuba City

Donavan Denny – Custom Agronomic Solutions

Councilmember Cardoza moved and Councilmember Shaw seconded the motion to:

Reject awarding the contract to Custom Agronomic Solutions of West Sacramento, CA or the alternatives as was recommended by staff and instead award the Contract to Barrow’s Landscaping, Inc. of Yuba City for \$76,584.75. Staff is directed to include updated writing supporting the Council’s findings.

The motion was passed with a unanimous vote.

Public Communication

5. Written Requests

None received

6. Appearance of Interested Citizens

The following persons spoke:

John Whiteman – Yuba City

Pamela Thompson – Yuba City

Cassandra Ruiz – Yuba City

Consent Calendar

Councilmember Cardoza moved and Councilmember Shaw seconded the motion to:

7. Minutes of January 15 and 22, 2019

Approve the City Council Meeting Minutes of January 15 and 22, 2019

8. Annual Community Facilities District Report Pursuant to Government Code Section 53411

Note and File

9. City Hall Carpet Replacement Contract Amendment

Authorize the City Manager to execute a contract amendment, subject to approval as to legal form by the City Attorney, with French’s Floor Fashions of Yuba City, CA in the amount of \$9,626.23 for a total contract amount of \$59,626.23, with the finding that it is in the best interest of the City following approval

The motion was passed with a unanimous vote.

General Items

10. 2019 Striping and Markings Project (Plans & Specifications)

Councilmember Cardoza moved and Councilmember Espindola seconded the motion to:

- A. Adopt **Resolution No. 19-006** approving the plans and specifications for the 2019 Striping and Marking Project and authorizing advertisement for bids on the project
- B. Authorize the City Manager to execute the contract on behalf of the City, following approval as to legal form by the City Attorney
- C. Adopt **Resolution No. 19-007** approving the installation of stop signs and stop legends to create an all-way stop at the intersection of Western Avenue and Morton Street, and to install high-visibility pedestrian crosswalks, and an ADA ramp compliant ramp at the intersection of Western Avenue and Morton Street

The motion was passed with a unanimous vote.

11. Feather River Air Quality Management District (FRAQMD) Agreement No. VF 18-05 (Blue Sky Grant) for the School Crossing Improvement Project

Councilmember Espindola moved and Councilmember Cardoza seconded the motion to:

Adopt **Resolution No. 19-008** authorizing the Public Works Director to execute FRAQMD Agreement No. VF 18-05 to accept \$80,000 in Blue Sky Grant funds for the School Crossing Improvement Project

The motion was passed with a unanimous vote.

12. Transportation Development Act (TDA) Claim for FY 2018-2019 of \$1,689,778 in Local Transportation Funds (LTF)

The following person spoke:

Thomas Burns – Yuba City

Councilmember Cardoza moved and Councilmember Boomgaarden seconded the motion to:

Adopt **Resolution No. 19-009** authorizing submission of the City's FY 2018-2019 TDA claim to the Sacramento Area Council of Governments (SACOG)

The motion was passed with a unanimous vote.

Business from the City Council

13. Boards and Commissions Appointment Process Discussion

The following person spoke:

Mark Mulliner – Pipefitters Union #228

Mayor Harris asked Councilmember Espindola to draft in detail her vision for the appointment process and bring it back to Council. Councilmember Espindola asked that Darin Gale assist her as well as members of the Community.

14. Consideration of Adoption of a Resolution Approving an Agreement for Employment of Interim City Manager with Diana Langley

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

Adopt **Resolution No. 19-010** approving the agreement for employment of Interim City Manager between Diana Langley and the City of Yuba City.

The motion was passed with a unanimous vote

15. City Council Reports

- Councilmember Boomgaarden
- Councilmember Espindola
- Councilmember Shaw

Councilmember Shaw directed staff to review the Planning Commission's policy to expedite contentious land use permits from the Planning Commission directly to the City Council. Mayor Harris asked City Attorney Shannon Chaffin to work with Darin Gale and bring this back to Council.

- Vice Mayor Cardoza
- Mayor Harris

Adjournment of Regular Meeting

Mayor Harris adjourned the Regular Meeting of the City Council at 8:31 pm in honor of City Manager Steve Kroeger.

Closed Session

Closed session resumed at 8:45 pm in the Butte Room

Closed Session was adjourned at 9:39.

Adjournment

No reportable action was taken during Closed Session and Mayor Harris adjourned the Meeting at 9:40 pm

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk