



SPECIAL NOTICE

Precautions to address COVID-19 will apply to this meeting.

OCTOBER 5, 2021

REGULAR MEETING OF THE CITY COUNCIL

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). While the Governor recently issued Executive Orders N-07-21, which lifted certain orders and associated restrictions, there are still public health guidances in place. The City is providing multiple alternatives to viewing Council meetings and providing comments on items on the agenda, including:

- **Web Conference:** The meeting will be conducted live over the internet by PC or Smartphone. Members of the public can join the web-based virtual meeting. (See instructions, below.)
- **Email:** You can email comments to cityclerk@yubacity.net any time before the meeting, or before the hearing is closed on the agenda item, and your comments will be read aloud. Please identify the Agenda item you wish to address in your comments.
- **Public Attendance:** Due to COVID-19, residents are encouraged to attend the City Council meeting via web conference or submit comments by email. Consistent with public health guidelines for social distancing, seating is available in the Council Chamber. A facial covering will be available upon request by any attendee. Comments may be made from the Council Chamber podium. Please participate via web conference or email if you are ill or have been exposed to COVID-19.

To join the web base virtual meeting please follow these instructions:

Click the link to sign up for the webinar at the specified time and date:

https://us06web.zoom.us/webinar/register/WN_aVLFthasTYC1P0dIRAMXMg

You will need to register for the teleconference. Once registered, the following information will pop up.

Yuba City Council Meeting – 10/5/2021

Click here to [join the webinar](#).

Before joining, be sure to [check system requirements](#) to avoid any connection issues.

A confirmation email with information on how to join the webinar has been sent to you and with audio instructions. Questions or Comments? Email contact: cityclerk@yubacity.net

Note – currently the video conferencing process does not allow for verbal comments, but does have a chat function where comments will be read. Comments will also be received via email to cityclerk@yubacity.net.



AGENDA
OCTOBER 5, 2021
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

5:00 P.M. CLOSED SESSION:
SUTTER ROOM/VIRTUAL

6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

MAYOR	• Marc Boomgaarden
VICE MAYOR	• Dave Shaw
COUNCILMEMBER	• Grace Espindola
COUNCILMEMBER	• Shon Harris
COUNCILMEMBER	• Wade Kirchner
CITY MANAGER	• Dave Vaughn
CITY ATTORNEY	• Shannon L. Chaffin

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible



*If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at (530) 822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

AGENDA
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
OCTOBER 5, 2021
5:00 P.M. – CLOSED SESSION - SUTTER ROOM/VIRTUAL
6:00 P.M. – REGULAR MEETING - COUNCIL CHAMBERS/VIRTUAL

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk’s office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City’s website at www.yubacity.net, subject to staff’s availability to post the documents before the meeting.

Public Comment:

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council in the Council Chamber prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

Closed Session

- A. Threats to Public Services or Facilities (Pursuant to Government Code section 54957(a.)
Consultation with: City Attorney, and/or Yuba City Fire Chief, Police Chief, Director of Public Works, IT Manager, and City Manager
- B. Conference With Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of Government Code Section 54956.9(d): (One case)
Existing facts and circumstances for closed session consist of the receipt of an written threat of litigation by Matthew Rexroad on August 11, 2021 to the City Clerk. The letter is available for public inspection
- C. Conference with Legal Counsel – Initiation of Litigation (Pursuant to Government Code Section 54956.9(d)(4).) One case

Regular Meeting

Call to Order

Roll Call: _____ Mayor Boomgaarden
 _____ Vice Mayor Shaw
 _____ Councilmember Espindola
 _____ Councilmember Harris
 _____ Councilmember Kirchner

Invocation/Inspiration

Pledge of Allegiance to the Flag

City Attorney's Report on Closed Session Items

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

- 1. Hispanic Heritage Month Proclamation**
- 2. Kym Crosby Bronze Medalist 2021 Paralympics Proclamation**

Public Communication

3. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be considered at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

- For Items on the Agenda

Public comments on items on the agenda are taken during Council's consideration of each agenda item. If you wish to comment on any item appearing on the agenda, please note the number of the agenda item about which you wish to comment. If you wish to comment on more than one item, please send an email for each item.

- Items not listed on the Agenda

Public comments on items not listed on the agenda will be considered at this time. Oral comments from members of the public will normally be allotted 3 minutes. Members of the public submitting written requests at least 24 hours prior to the meeting will normally be allotted 5 minutes to comment. In addition to written comments, the public is welcome to submit a video presentation in electronic format to be played during public comment or during the hearing item. Due to staffing limitations, formatting, and video streaming related issues, presentations must be submitted to the City Clerk no later than 5:00 p.m. the day before the meeting to ensure the presentation is available for streaming at the time the Agenda item is called. Presentations submitted after 5:00 p.m. the day before the meeting may not be available to be streamed at the meeting.

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

4. Minutes of September 21, 2021

Recommendation: Approve the City Council minutes of September 21, 2021

5. Water Treatment Plant (WTP) Membrane Filter Replacement – Phase 2

Recommendation: Adopt a Resolution authorizing the purchase of 800 Memcor S10N membrane filtration modules and related appurtenances from DuPont Water Solutions in the amount of \$750,904.99, with the finding that it is in the best interest of the City, and adoption of a Class 1 (Existing Facilities) Categorical Exemption per CEQA

6. Reclassification of Administrative Analyst III to Division Fire Chief

Recommendation: Adopt a Resolution authorizing:

- A. Reclassification of Administrative Analyst III to Division Fire Chief in the Fire Department
- B. Authorize the Finance Director to record a supplemental appropriation to 2305-61210 in the amount of \$54,157 to cover the additional salary and benefits increases for 15 pay periods in the current fiscal year.

7. Mid-Year Capital Acquisition Requests

Recommendation: A. Approve the following mid-year capital acquisition purchases:

- 1. Two (2) Servotough Oxygen Analyzers and Sampling System
 - 2. Three (3) Kurz Instruments Wet Biogas Flowmeters
 - 3. Endress Hauser Promag Flowmeter
 - 4. Amperometric Titrator
 - 5. Three (3) Badger Magnetic Flowmeters
 - 6. Caterpillar Model 302 Compact Excavator
- B. Authorize a supplemental appropriation and related transfers in the amount of \$50,941.59 from Account No. 8120-63451 (WWTF Major Maintenance) to 8120-69201 (WWTF Equipment) for the purchase of two (2) Servotough Oxygen Analyzers and Sampling System (Item 1)
 - C. Authorize a supplemental appropriation and related transfers in the amount of \$29,345.57 from Account No. 8120-63473 (WWTF Special O&M Stonegate) to 8120-69201 (WWTF Equipment) for the purchase of three (3) Kurz Instruments Wet Biogas Flowmeters (Item 2) and three (3) Badger Magnetic Flowmeters (Item 5)
 - D. Authorize a supplemental appropriation and related transfers in the amount of \$19,682.85 from Account No. 8120-62701 (WWTF Professional Services) to 8120-69201 (WWTF Equipment) for the purchase of one (1) Endress Hauser Promag Flowmeter (Item 3)
 - E. Authorize a supplemental appropriation and related transfers in the amount of \$6,320.29 from Account No. 8120-63101 (WWTF Dues & Subscriptions) to 8120-69201 (WWTF Equipment) for the purchase of one (1) Amperometric Titrator (Item 4)
 - F. Authorize a supplemental appropriation and related transfers in the amount of \$44,502.96 from unallocated wastewater

funds (Fund 518) to Account No. 6610-69415 (Vehicle Replacement Fund 620) for the purchase of a Caterpillar Model 302 Compact Excavator (Item 6)

- G. Adopt a Resolution awarding the purchase of two (2) Servotough Oxygen Analyzers and Sampling System (Item 1) to Servomex Company of Sugar Land, TX in the total amount of \$50,941.59, with the finding that it is in the best interest of the City
- H. Adopt a Resolution awarding the purchase of three (3) Kurz Instruments Wet Biogas Flowmeters (Item 2) for the WWTF digesters to Clipper Controls Inc. of Sacramento, CA in the total amount of \$19,516, with the finding that it is in the best interest of the City
- I. Adopt a Resolution awarding the purchase of an Endress Hauser Promag Flowmeter (Item 3) for the WWTF effluent flow to Telstar Instruments of Concord, CA in the amount of \$19,682.85, with the finding that it is in the best interest of the City
- J. Adopt a Resolution awarding the purchase of an Amperometric Titrator (Item 4) to Borges & Mahoney Inc. of Concord, CA in the amount of \$6,320.29, with the finding that it is in the best interest of the City
- K. Adopt a Resolution awarding the purchase of three (3) Badger Magnetic Flowmeters (Item 5) for the WWTF digesters to Ken Grady Company, Inc. of Novato, CA in the amount of \$9,829.57, with the finding that it is in the best interest of the City

8. City Sewer Service Connection for 535 Sanborn Road [APN #20-040-048]

Recommendation: Adopt a Resolution authorizing the City Manager to execute an Extraterritorial Sewer Service Agreement with the property owner of 535 Sanborn Road for connection to City sewer following approval as to legal form by the City Attorney, subject to material terms

9. Groundwater Well Rehabilitation Pilot Testing and Preliminary Design

- Recommendation:
- A. Adopt a Resolution awarding a Professional Services Agreement to Murraysmith, Inc. of Portland, OR for pilot testing and preliminary engineering design for Groundwater Wells Nos. 5 and 8 in the amount of \$69,450 plus \$15,000 contingency, with the finding that it is in the best interest of the City
 - B. Authorize a supplemental appropriation and related transfers in the amount of \$84,450 from unallocated water funds to Account No. 971293-65501 for the Groundwater Well Rehabilitation pilot testing and preliminary design report

10. Appointments to City of Yuba City Youth Commission

Recommendation: Approve the Recommendation of Appointments to the Youth Commission

11. Adoption of Sutter County Local Hazard Mitigation Plan Update

Recommendation: Adopt a Resolution to adopt the Sutter County Local Hazard Mitigation Plan Update and direct staff to submit the Resolution to the California Office of Emergency Services and FEMA Region IX officials

12. Axe Me LLC. Department of Alcoholic Beverage Control (ABC) Application

Recommendation: Adopt a Resolution making a finding of public convenience and necessity for the issuance of a Type 40 (On-Sale Beer) Alcoholic Beverage Control (ABC) License at 651 North Palora Avenue (Axe Me, LLC)

13. Set Development Liaison salary and add Limited Term Code Enforcement Officer to the Development Services Department Budget

Recommendation: Adopt a Resolution authorizing:

- A. The Finance Director to amend the salary schedule to add Development Liaison position
- B. The Finance Director to add a Limited Term Code Enforcement Officer to the Development Services budget
- C. Authorize the Finance Director to record a supplemental appropriation and transfer funds from the Special Revenue ARPA fund 236 to the General Fund division 1920 for the cost to hire a Limited Term Code Enforcement Officer

14. Yuba-Sutter Lodging Association Annual Report 2021

Recommendation: Adopt a Resolution accepting the Annual Report and approving the preliminary budget for the Yuba-Sutter Tourism Improvement District for FY 2021-2022 as recommended by the Yuba-Sutter Lodging Association (YSLA)

Business Items

15. Cannabis Presentation

Receive presentation

16. Amended Regional Waste Management Authority Joint Powers Agreement and Regional Agency Formation Agreement

Recommendation: Adopt a Resolution approving the proposed Regional Waste Management Authority Fourth Amended and Restated Joint Powers Agreement and Regional Waste Management Authority Amended Regional Agency Formation Agreement

17. Rescission of the Lincoln East Specific Plan

Recommendation: A. Conduct a Public Hearing, and
B. Introduce an Ordinance to rescind Ordinance 006-10, thereby rescinding the City's Lincoln East Specific Plan and waive the first reading

18. Alternative City Council Use Permit and Development Plan Review Process

Recommendation: Introduce an Ordinance to amend the Yuba City Municipal Code to allow for direct City Council review of Use Permits, as well as to add direct review of Development Plans, by amending sections 8-5.7001, and 8-5.7003 of Article 70 of Chapter 5 of Title 8; and Section 8-5.7101 of Article 71, of Chapter 5 of Title 8; of the Yuba City Municipal Code and waive the first reading

19. Electronic and paperless filing of Fair Political Practices Commission disclosure statements

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City adding Chapter 13 (Disclosure Statement Filings and Retention) to Title 2 of the Yuba City Municipal Code to allow for paperless electronic filing, and availability of statements for public review and record retention, and waive the second reading

20. Youth Commission Ordinance Update

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City updating the Yuba City Municipal Code to allow for three alternate members for the Youth Commission by amending Sections 2-11.01 and 2-11.02 of Chapter 11 of Title 2 of the Yuba City Municipal Code, and waive the second reading

21. Public Hearing No. 2 to Receive Input from the Community Regarding a District Based Election System for City Council

Recommendation: Hold a Public Hearing to receive input from the community regarding a district-based election system for City Council

Future Agenda Items

22. Future Agenda Items

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

23. City Council Reports

- Councilmember Harris
- Councilmember Espindola
- Councilmember Kirchner
- Vice Mayor Shaw
- Mayor Boomgaarden

Adjournment