

**MINUTES (draft)**  
**REGULAR MEETING**  
**OCTOBER 5, 2021**  
**5:00 P.M. – CLOSED SESSION - SUTTER ROOM/VIRTUAL**  
**6:00 P.M. – REGULAR MEETING - COUNCIL CHAMBERS/VIRTUAL**

**Call to Order**

The Closed Session Meeting of the City Council was called to order by Mayor Boomgaarden at 5:00 PM

**Roll Call**

Present: Mayor Boomgaarden, Vice-Mayor Shaw, and Councilmembers Harris, and Kirchner  
[Councilmember Espindola joined Closed Session in-progress at 5:07 PM]

Absent: None

**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

**Public Comment**

No public comments were received

**Regular Meeting**

The Regular Meeting of the City Council was called to order by Mayor Boomgaarden at 6:00 PM

**Roll Call**

Present: Mayor Boomgaarden, Vice-Mayor Shaw, and Councilmembers Espindola, Harris, and Kirchner

Absent: None

### **Invocation/Inspiration**

Yuba City Police Department Chaplain Bob Fischetti

### **Pledge of Allegiance to the Flag**

Police Chief Brian Baker

### **City Attorney's Report on Closed Session Items**

No reportable action was taken

### **Agenda Modifications/Approval of Agenda**

No modifications were made

### **Ceremonial Presentations**

#### **1. Hispanic Heritage Month Proclamation**

Mayor Boomgaarden presented a proclamation to the Alliance for Hispanic Advancement

#### **2. Kym Crosby Bronze Medalist 2021 Paralympics Proclamation**

Mayor Boomgaarden presented a proclamation to Kym Crosby, 3-time Olympic Bronze Medalist

### **Public Communication**

#### **3. Appearance of Interested Citizens**

Written Request: Kathryn Kilgore (Not present)

Jeff Stephens spoke

Christopher Burrett spoke

### **Consent Calendar**

Councilmember Espindola moved and Vice-Mayor Shaw seconded the motion to:

#### **4. Minutes of September 21, 2021**

Approve the City Council minutes of September 21, 2021

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

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**

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**

- 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]**

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**

- 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**

Approve the Recommendation of Appointments to the Youth Commission

**11. Adoption of Sutter County Local Hazard Mitigation Plan Update**

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**

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**

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**

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)

The motion was passed with a unanimous vote

## **Business Items**

### **15. Cannabis Presentation**

Written Requests: Sheriff Brandon Barnes spoke  
Pastor Michael Ciociola spoke  
Bill Embleton spoke

Karen Liggett spoke  
Robert Fischetti spoke  
Tom Reusser spoke  
Stephanie McKenzie spoke  
DJ Christ spoke  
Matt Conant spoke  
Courtney Ortega spoke  
James Ferreira spoke  
Stephanie Ruscigns spoke  
William Zapata spoke  
Sammy Menchaca spoke  
Paul Hundal spoke  
Janet Johnson spoke  
Michael Ciociola spoke  
Doug Corosio spoke  
Dr. Flora Varghese spoke  
Jeff Stephens spoke  
Monica Mason spoke

The City Clerk's Office received 3 emails on this item. Emails from the following residents were read allowed by the Deputy City Clerk:

Johanna Goodman  
Charles Brooke  
Michael Ziegenmeyer

A total of 21 emails were received by City Staff.

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

Councilmember Kirchner moved and Vice-Mayor Shaw seconded the motion to:

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

The motion was passed with a unanimous vote

### **17. Rescission of the Lincoln East Specific Plan**

Mayor Boomgaarden opened the Public Hearing

Heather Esemann spoke  
Walter Covington spoke  
Rebecca Singh spoke

Mayor Boomgaarden closed the Public Hearing

Councilmember Espindola moved and Vice-Mayor Shaw seconded the motion to:

Introduce an Ordinance to rescind Ordinance 006-10, thereby rescinding the City's Lincoln East Specific Plan and waive the first reading

The motion was passed with a unanimous vote

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

Vice-Mayor Shaw moved and Councilmember Kirchner seconded the motion to:

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

The motion was passed with a unanimous vote

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

Councilmember Kirchner moved and Councilmember Espindola seconded the motion to:

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

The motion was passed with a unanimous vote

**20. Youth Commission Ordinance Update**

Vice-Mayor Shaw moved and Councilmember Harris seconded the motion to:

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

The motion was passed with a unanimous vote

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

Mayor Boomgaarden opened the Public Hearing

No one spoke

Mayor Boomgaarden closed the Public Hearing

**Future Agenda Items**

**22. Future Agenda Items**

No suggestions were made

## **Reports and Communications**

### **23. City Council Reports**

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

## **Adjournment**

Mayor Boomgaarden adjourned the Regular Meeting of the City Council at 10:18 PM