

**MINUTES
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
MARCH 16, 2021**

**5:00 P.M. – CLOSED SESSION - SUTTER ROOM/VIRTUAL
6:00 P.M. – REGULAR MEETING - COUNCIL CHAMBERS/VIRTUAL**

Closed Session

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 Espindola, Harris, and Kirchner

Absent: None

Public Comment

No public comments were received

Closed Session – Sutter Room/Virtual

- A. 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 oral threat of litigation by Chad Lizardo on March 2, 2021 to the City Attorney, and a follow up email from Mr. Lizardo on March 5, 2021. The email is available for public inspection.
- B. 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, City Manager

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

Vice-Mayor Shaw delivered the Invocation

Pledge of Allegiance to the Flag

Councilmember Espindola led the Pledge of Allegiance

City Attorney's Report on Closed Session Items

No reportable action was taken

Agenda Modifications/Approval of Agenda

Item 4 (Franklin Avenue Improvements Project 18-01 – Contingency Increase) was removed from the agenda

Item 12 (Appeal of the Planning Commission's Approval of Tentative Subdivision Map (TSM) 20-05, Domain Estates Phase 3) was continued to the next Regular Meeting on April 6, 2021 as a Public Hearing

COVID-19

1. Discussion and Action on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic

Dave Vaughn, City Manager presented the COVID-19 update

Christopher Burrett spoke

Courtney Allen spoke (*Handouts provided to City Council*)

Jason Khan spoke

Tom Burns spoke

Dave Vaughn, City Manager presented information regarding the COVID-19 Federal Relief – American Rescue Plan Act

Courtney Allen spoke

Tom Burns spoke

Enita Elphic spoke

Gerry Mains spoke

Public Communication

2. Appearance of Interested Citizens

Tom Burns spoke

Enita Elphic spoke

Christopher Burrett spoke

Tom Burns spoke

Gerry Mains spoke

Mike Smith spoke

Jason Khan spoke

Consent Calendar

Excluding Item 4, Vice-Mayor Shaw moved and Councilmember Harris seconded the motion to approve:

3. Minutes of March 1 and 2, 2021

Approve the City Council minutes of March 1 and 2, 2021

4. **Franklin Avenue Improvements Project (18-01) – Contingency Increase**
Removed from agenda
5. **Feather River Air Quality Management District (FRAQMD) Agreement No. VF 20-04 (Blue Sky Grant) for the 2021 School Crossing Improvements Project**
 - A. Adopt **Resolution 21-023** authorizing the City Manager to execute Feather River Air Quality Management District (FRAQMD) Agreement No. VF 20-04 to accept \$45,000 in Blue Sky Grant funds for the 2021 School Crossing Improvement Project
 - B. Authorize the Finance Director to make supplemental appropriations as necessary to facilitate the acceptance of the \$45,000 in Blue Sky Grant funds
6. **Capital Acquisition Request – Wheel Balancer**
 - A. Approve a mid-year capital acquisition to purchase a wheel balancer for the Fleet Division from Tech Supply, Inc. of Hayward, CA
 - B. Authorize budget transfers in the amount of \$620.26 from Account No. 6605-62801 and \$7,803.68 from Account No. 6605-63401 to Account No. 6605-69201
7. **Type 21 Alcohol License for DVR Investments LLC, Mobil Mart, 248 Bridge Street**
 - A. Adopt **Resolution 21-024** making a finding of Public Convenience or Necessity (PCN) for issuance of a Type 21 Alcoholic Beverage Control (ABC) License for DVR Investments LLC located at 248 Bridge Street
 - B. Authorize the Development Services Director to execute associated documents

The motion was passed with a unanimous vote

Business Items

8. **2021 ADA Improvements Project (Award Construction Contract)**

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

Adopt **Resolution 21-025** awarding a construction contract to David Hyatt DBA Hyatt Contracting of Marysville, CA in the amount of their total bid of \$284,992.00 and authorizing the City Manager to execute the contract on behalf of the city, subject to review and approval to legal form by the City Attorney

The motion was passed with a unanimous vote
9. **East Sanborn Estates Subdivision (Subdivision Agreement and Final Map Approval)**

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

Adopt **Resolution 21-026** approving the execution of a Subdivision Improvement Agreement with Interwest Homes Corp. providing for public improvements associated with the East Sanborn Estates Subdivision Map, approving the East Sanborn Estates Final Map, accepting dedication of rights-of-way and easements shown thereon and authorizing the filing of the map. [Subdivision is located north of Jodi Drive, east of Sanborn Road, and south of La Rabyn Way]

The motion was passed with a unanimous vote

10. East Sanborn Estates Subdivision (Annexation #2 of property into CFD 2017-1)

Jason Khan spoke

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

- A. Adopt **Resolution 21-027** stating the intention to annex certain territory into City of Yuba City Community Facilities District 2017-1 (Municipal Services), setting a time and date for the Public Hearing thereon, and adopting a boundary map showing the territory proposed to be annexed

The motion was passed with a unanimous vote

- B. Hold a Public Hearing for the annexation of Tentative Map No. 20-04 into CFD 2017-1

Mayor Boomgaarden opened the Public Hearing. Hearing no Public Comment, Mayor Boomgaarden closed the Public Hearing

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

- C. Adopt **Resolution 21-028** authorizing Annexation No. 2 of territory into City of Yuba City Community Facilities District 2017-1 (Municipal Services), authorizing the levy of a special tax, and submitting the levy of tax to the qualified electors

The motion was passed with a unanimous vote

- D. Hold an election Public Hearing for the annexation of Tentative Map No. 20-04 into CFD 2017-1

The sealed Ballot was opened by the Deputy City Clerk. Two (2) Votes were received from James R. Schott, Owner and President of Interwest Homes Corporation approving the Ballot Measure. Special Election Ballot, Annexation No. 2 was unanimously approved

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

- E. Adopt **Resolution 21-129** making certain findings, declaring and certifying the results of an election and adding property as City of Yuba City Community Facilities District 2017-1 (Municipal Services), Annexation No. 2

The motion was passed with a unanimous vote

11. Sanborn Parcel Map – Annexation #3 of property to CFD 2017-1 to fund Municipal Services

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

- A. Adopt **Resolution 21-030** stating the intention to annex certain territory into City of Yuba City Community Facilities District 2017-1 (Municipal Services), setting a time and date for the Public Hearing thereon, and adopting a boundary map showing the territory proposed to be annexed

The motion was passed with a unanimous vote

- B. Hold a Public Hearing for the annexation of Tentative Parcel Map No. 17-04 into CFD 2017-1

Mayor Boomgaarden opened the Public Hearing. Hearing no Public Comment, Mayor Boomgaarden closed the Public Hearing

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

- C. Adopt **Resolution 21-031** authorizing Annexation No. 3 of territory into City of Yuba City Community Facilities District 2017-1 (Municipal Services), authorizing the levy of a special tax, and submitting the levy of tax to the qualified electors

The motion was passed with a unanimous vote

- D. Hold an election Public Hearing for the annexation of Tentative Parcel Map No. 17-04 into CFD 2017-1

The sealed Ballot was opened by the Deputy City Clerk. One (1) Vote was received from James R. Schott, Owner and President of Interwest Homes Corporation approving the Ballot Measure. Special Election Ballot, Annexation No. 3 was unanimously approved

Enita Elphic spoke

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

- E. Adopt **Resolution 21-032** making certain findings, declaring and certifying the results of an election and adding property as City of Yuba City Community Facilities District 2017-1 (Municipal Services), Annexation No. 3

The motion was passed with a unanimous vote

12. Appeal of the Planning Commission's approval of Tentative Subdivision Map (TSM) 20-05, Domain Estates Phase 3

Continued to the next Regular Meeting on April 6, 2021 as a Public Hearing

13. Syringe Exchange Program Regulatory Consistency

Councilmember Espindola recused herself

Tom Burns spoke

Christopher Burrett spoke

Jason Khan spoke

Lawrence Mertz spoke

Councilmember Harris moved and Councilmember Kirchner seconded the motion to:

Authorize the Mayor to submit an objection to the California Department of Public Health's efforts to eliminate local control under a series of regulatory actions including DPH-18-015 (Syringe Exchange Program Regulatory Consistency) related to needle exchange programs

The motion was passed with four (4) votes

Future Agenda Items

14. Future Agenda Items

Councilmember Espindola requested a workshop and an update regarding homelessness

Reports and Communications

15. City Council Reports

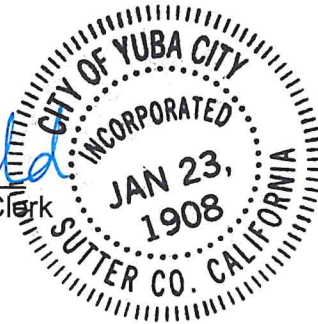
- Councilmember Espindola
- Councilmember Harris
- Councilmember Kirchner
- Vice Mayor Shaw
- Mayor Boomgaarden

Adjournment

Mayor Boomgaarden adjourned the Regular Meeting of the City Council at 8:09 PM

ATTEST:


Ciara Wakefield, Deputy City Clerk




Marc Boomgaarden, Mayor