MINUTES
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
JULY 20, 2021
5:00 P.M. – CLOSED SESSION - SUTTER ROOM/VIRTUAL
6:00 P.M. – REGULAR MEETING - COUNCIL CHAMBERS/VIRTUAL

Closed Session

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

Closed Session (Sutter Room / Virtual)

A. Conference with Labor Negotiators (Pursuant to Government Code, § 54957.6.)
Agency designated representatives: Dave Vaughn, City Manager, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Diana Langley, Public Works Director, Michael Jarvis, LCW
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Fire Management; Police Sworn Mid Managers; and Public Employees Local No. 1

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, IT Manager, and City Manager

C. Conference with Legal Counsel – Potential Litigation (Pursuant to Government Code Section 54956.9(d)(1).) One case

Mayor Boomgaarden adjourned the Closed Session at 5:45 PM

Public Comment

No public comments were received

Regular Meeting (Council Chambers)

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

George Barlow delivered the invocation

Pledge of Allegiance to the Flag

John Miller, Former Mayor, led the Pledge of Allegiance

City Attorney's Report on Closed Session Items

No reportable action was taken

Agenda Modifications/Approval of Agenda

Item 10 pulled from the agenda

CEREMONIAL/PRESENTATIONS

1. **Yuba City Police Department K-9 Presentation**

   Mayor Boomgaarden presented a proclamation to Police K-9 Fasko and Gunner, along with shadow boxes from Police Chief Rob Landon

2. **Sutter Performing Arts Association Proclamation**

   Mayor Boomgaarden presented a proclamation to the Sutter Performing Arts Association Board, (Terri Tomlinson, Susan Miller, Cheryl Dahlman, Patty Sievers, Janet Siller, Linda Plummer, Hardeep Singh, Alison Robinson and Glen Everett), Property Owners Nancy Tuscano and Russ Clark

3. **SAYLove Recognition**

   Mayor Boomgaarden presented a Certificate of Recognition to the founder of SAYLove Jeff Stephens and wife Cherie

COVID-19

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

   Dave Vaughn, City Manager, presented the COVID-19 update

Public Communication

5. **Appearance of Interested Citizens**

   The following individuals spoke:
   - Elaine Miles
   - Heather Esemann
   - Tom Burns

Consent Calendar

Item 10 was pulled from the agenda

Vice-Mayor Shaw moved and Councilmember Kirchner seconded the motion to approve items 6, 7, 8, 9, 11, 12, 13 and 14.

6. **Minutes of July 6, 2021**

Approved the City Council minutes of July 6, 2021

7. **Fire Management (FM) Side Letter**

   Adopt **Resolution 21-100** approving a Side Letter with FM pertaining to the Fire Marshal's eligibility for supplemental administrative leave

8. **Proposition 1 Integrated Regional Water Management Subrecipient Agreement with Butte County**

   Adopt **Resolution 21-101** authorizing the City Manager to enter into a Subrecipient Agreement with Butte County, allowing the allocation of Proposition 1 Integrated Regional Water Management grant funds for two of the City's Storm Water Resource Plan's recommended projects

9. **Small Wireless Facility Policy**

   Adopt **Resolution 21-102** establishing City Policy regarding Small Wireless Facilities in the public right-of-way and direct staff to place the Policy on the City's webpage

~~10. **Appointments to City of Yuba City Youth Commission**~~

~~Approve the Recommendation of Appointments to the Youth Commission~~

11. **California Senate Bill 1205 Compliance Report for State-Mandated Annual Fire Inspections**

    Adopt **Resolution 21-103** acknowledging receipt of the Yuba City Fire Department's annual inspections report and recognizing the Department's level of compliance with California Health and Safety Code Sections 13146.2, 13146.3, and 13146.4

12. **Outdoor Dining Ordinance Adoption**

    Adopt by title only **Ordinance 004-21** to update the Yuba City Municipal Code to allow for continued use of Outdoor Dining by adding Article 49, Chapter 5 of Title 8, and amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code and waive the second reading

13. **Rescinding the Proclamation of Local Emergency (COVID-19)**

    Adopt a **Resolution 21-104** rescinding the Proclamation of the Existence of a Local Emergency within the City (COVID-19)

14. **State Route 20 Corridor Improvements Project – Phase 2 Time Extension Request**

    Adopt **Resolution 21-105** approving a time extension request letter extending the Sacramento Area Council of Governments Community Design Program Category 3 funds Memorandum of Understanding 9 months (to September 30, 2022) and authorizing the Public Works Director to execute an amended Memorandum of Understanding with the Sacramento Area Council of Governments for Community Design Grant Funding for the Highway 20 Revitalization Corridor Enhancement Project upon SACOG Board approval of extension request

The motion was passed with a unanimous vote

Business Items

15. Community Sponsorship Requests

Councilmember Kirchner recused himself

Public Comment: Elaine Miles

Councilmember Harris moved and Councilmember Espindola seconded the motion to:

A. Approve the monetary Sponsorship request from the Beale Military Liaison Council of $2,500.00 for support in enhancing the quality of life for Beale Airmen and their families

B. Approve the In-Kind Sponsorship Requests, adopt **Resolution 21-106** waiving the facility use fees for the following organizations:

   1. The Acting Company for $4,400.00 for Shakespeare in the Park at Gauche Aquatic Park
   2. The Alzheimer's Association for $1,025.00 for the walk to End Alzheimer's at Gauche Aquatic Park
   3. The Yuba-Sutter-Colusa United Way of $1,360.00 for the Community Resource Fair at Sam Brannan Park
   4. The Yuba-Sutter-Colusa United Way of $1,075.00 for the 5k/10k Spooktacular River Run at Gauche Aquatic Park

The motion was passed with 4 votes

16. Enterprise Fleet Management Lease Agreement

Presented by: Enterprise representatives, Allison Bonet and Anthony Emlen

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

Adopt **Resolution 21-107** authorizing the City Manager to enter into a contract with Enterprise FM Trust, Delaware statutory trust, to lease City vehicles

The motion was passed with a unanimous vote

17. Fire Apparatus Purchase Agreement

Presented by: NHA Advisor, Christian Sprunger

Public Comment: Thomas Burns, Lawrence Merk?

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

A. Adopt **Resolution 21-108** authorizing the City Manager to enter into a sole source agreement with Golden State Fire Apparatus to purchase two City fire apparatus, utilizing Sourcewell pricing

B. Authorize the City Manager to advance funds for the purchase using an interim appropriation with subsequent reimbursement from the equipment lease financing after closing following the August 17, 2021 Council Meeting

C. Authorize the Finance Director to appropriate $1,906,688.33 in the Vehicle Replacement Fund, 6610-69415, for the purchases and 620-49010 for the reimbursement

The motion was passed with a unanimous vote

18. Consideration of inclusion of delinquent charges and penalties for water and wastewater services on secured tax roll

A. Conduct a Public Hearing, and after consideration

Mayor Boomgaarden opened the Public Hearing.

Public Comment: Dick Thomassian, Robert (Bob) Agles, Thomas Burns, Joaquin Binnings, Vince Burns, Sudee ? unknown last name

Public Comments received, Mayor Boomgaarden closed the Public Hearing.

Item was pulled and will be revisited at a later date, no vote

B. ~~Adopt a Resolution for the inclusion of delinquent charges and penalties for water and wastewater services on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject properties~~

19. Levying Assessments for Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area)

Mayor Boomgaarden recused himself

A. Conduct a Public Hearing, and after consideration

Vice Mayor Shaw opened the Public Hearing.

Public Comment: Thomas Burns

Public Comments received, Vice Mayor Shaw closed the Public Hearing.

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

B. Adopted **Resolution 21-109** confirming and ordering the annual levy of assessments for Fiscal Year 2021-22, pursuant to the Landscaping and Lighting Act of 1972

The motion was passed with 4 votes

20. Levying Assessments for Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and 69 subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District)

Vice-Mayor Shaw and Councilmember Harris recused themselves

A. Conduct a Public Hearing, and after consideration

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

Councilmember Kirchner moved and Councilmember Espindola seconded the motion to:

B. Adopted **Resolution 21-110** confirming and ordering the annual levy of assessments for Fiscal Year 2021-22 for the Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, & 6 (Town Center, 69 subdivisions throughout Yuba City including the Palisades Subdivisions and Butte Vista neighborhood, and commercial district)

The motion was passed with 3 votes

21. Levying Assessments for Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area)

A. Conduct a Public Hearing, and after consideration

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

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

B. Adopted **Resolution 21-111** confirming and ordering the annual levy of assessments for Fiscal Year 2021-22 within Yuba City Residential Street Light Maintenance District No. 1 (Tierra Buena) and Residential Street Light Maintenance District No. 1 (Walton Area)

The motion was passed with a unanimous vote

22. Community Facilities District (CFD No. 2021-1) – Ordinance Authorizing the Levy of a Special Tax within the District

Councilmember Espindola moved and Councilmember Harris seconded the motion to:

Waived the first reading and introduced an Ordinance of the City Council of the City of Yuba City Acting in its Capacity as the Legislative Body of the City of Yuba City Community Facilities District No. 2021-01 (Municipal Services) authorizing the Levey of a Special Tax within said District by title only

The motion was passed with a unanimous vote

23. 2020 Urban Water Management Plan and Water Shortage Contingency Plan

A. Conduct a Public Hearing, and after consideration

Mayor Boomgaarden opened the Public Hearing.

Public Comment: Thomas Burns

Public Comments received, Mayor Boomgaarden closed the Public Hearing.

B. Adopted **Resolution 21-112** adopting the 2020 Urban Water Management Plan and authorizing the Public Works Director to submit the Plan to the California Department of Water Resources

C. Adopted **Resolution 21-113** adopting the Water Shortage Contingency Plan and authorizing the Public Works Director to submit the Plan to the California Department of Water Resources

The motion was passed with a unanimous vote

24. Emergency Water Restrictions to Achieve 15% Voluntary Conservation

Public Comment: Thomas Burns

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

Adopted **Resolution 21-114** declaring that water supply conditions are such that they dictate and justify the need for the implementation of voluntary conservation measures to achieve 15% conservation, which aligns with the implementation of State 2 of the Water Shortage Contingency Plan

The motion was passed with a unanimous vote

25. Garden Highway Trunk Line Rehab Phase I Project (Plans & Specifications)

Public Comment: Thomas Burns

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

Adopted **Resolution 21-115** adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications for the Garden Highway Trunk Line Rehab Phase I Project and authorizing advertisement for bids on the project

The motion was passed with a unanimous vote

26. Public Employees Union, Local 1 Memorandum of Understanding (MOU)

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

A. Adopted **Resolution 21-116** approving a three-year Memorandum of Understanding with the Public Employees Union, Local 1

B. Authorize the Finance Director to transfer funds from Contingency account 4215-65601 in the amount of $225,300

C. Approve a supplemental appropriation to Salary and Benefits, Fund 507 in the amount of $226,400

D. Approve a supplemental appropriation to Salary and Benefits, Fund 518 in the amount of $309,500

The motion was passed with a unanimous vote

Future Agenda Items

27. Future Agenda Items

No suggestions were made

Reports and Communications

28. City Council Reports

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

Adjournment

Mayor Boomgaarden adjourned the meeting at 9:25 PM

ATTEST:

Judy Sanchez, Deputy City Clerk

CITY OF YUBA CITY
INCORPORATED
JAN 23, 1908
SUTTER CO. CALIFORNIA

Marc Boomgaarden, Mayor