

**MINUTES
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
DECEMBER 21, 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 Shaw at 5:02 PM

Roll Call:

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

Absent: None

Public Comment

None

Closed Session

1. 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

A. Conference with Legal Counsel—Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of Government Code Section 54956.9(d): (One case)

B. Conference with Legal Counsel—Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One case)

Regular Meeting

The Regular Meeting of the City Council was called to order by Mayor Shaw at 6:04 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Greg Mansur - Adventure Church of Yuba City

Pledge of Allegiance to the Flag

Manny Cardoza

City Attorney's Report on Closed Session Items

No reportable action

Agenda Modifications/Approval of Agenda

Staff Correction – Item 11 (2022 City Council Meeting Calendar): The recommendation was to cancel January 4th, May 3rd, and August 2nd 2022 Regular Council Meetings.

Item 12 - Appointments to City Council Regional Boards and Committees was pulled from Consent and was discussed separately.

Ceremonial Presentations

2. Economic Development Commissioners Recognition

Mayor Shaw recognized the Economic Development Commissioners with Certificates of Appreciation for their service:

- Todd Remund
- Christine Ivory
- Stacy Brookman
- Margaret Fernandez
- Steve Hammarstrom
- Vinny Johl – Not in attendance
- Doreen Osumi – Not in attendance

3. Retirement Proclamation for Devin Barber, IT Manager - Special Projects

Mayor Shaw presented Devin Barber, IT Manager with a proclamation in honor of his retirement and 30+ years of service.

Public Communication

4. Appearance of Interested Citizens

Heather Esemann spoke
Tom Burns spoke

Consent Calendar

Vice-Mayor Kirchner moved and Councilmember Harris seconded the motion to approve items 5-11 and 13-29:

5. Minutes of the November 16, 23 and December 7, 2021

Approve the City Council minutes of November 16, 23 and December 7, 2021

6. Sutter Subbasin Groundwater Sustainability Plan Tentative Adoption

Adopt a Resolution to adopt the Sutter Subbasin Groundwater Sustainability Plan acting as the City of Yuba City Groundwater Sustainability Agency

7. Destruction of Specified Yuba City Police Department Records

Adopt a Resolution authorizing the Chief of Police to destroy specified Yuba City Police Department records which have exceeded their retention period, occupy valuable storage space and are of no further use to the City of Yuba City or Yuba City Police Department

8. Submission of Recertification Application for Tree City USA Designation

Adopt a Resolution authorizing the City to submit an application for recertification to the National Arbor Day Foundation for the City to continue its designation as a Tree City USA community

9. River Valley High School Striping and Marking Improvement Project (Plans & Specifications)

Adopt a Resolution which adopts a CEQA Class 1 Categorical Exemption, approves the plans and specifications for the River Valley High School Striping and Marking Improvement Project, and authorizes Public Works staff to solicit quotes from qualified contractors to perform the work

10. 2021 Urban and Multibenefit Drought Relief Funding Grant Application

Adopt a Resolution authorizing the grant application, acceptance, and execution for the Aquifer Storage Recovery System Project, and designate the Public Works Director or designee to execute any documents required for applying to the grant program and executing a funding agreement and related documents on behalf of the City

11. 2022 City Council Meeting Calendar

Cancel the January 5th, May 3rd, and August 3rd 2022 Regular Council Meetings and provide for Special Workshops to be scheduled as needed

~~12. Appointments to City Council Regional Boards and Committees~~

~~Approve the City Council Assignments to Regional Boards and Committees for Calendar Year 2022~~

Item 12 was pulled from Consent to be discussed separately

13. Feasibility Study for Abandoned Railroad Corridor

Adopt a Resolution which takes the following actions:

1. Awards a Professional Services Agreement to Dokken Engineering of Folsom, CA for the Feasibility Study for Abandoned Railroad Corridor Project in the amount of \$224,169.50, subject to material terms, with the finding that it is in the best interest of the City
2. Authorizes the Finance Director to accept grant funds into Account No. 301-43495 in the grant award amount of \$200,000
3. Authorizes the Finance Director to make a supplemental appropriation in the amount of \$200,000 from Account No. 301-43495 to CIP Account No. 901282-

65501

4. Authorizes the Finance Director to make a supplemental appropriation in the amount of \$55,377.98 from unallocated Transportation Development Act funds to CIP Account No. 911282-65501

14. Monroe Road Sewer Improvements Award

Adopt a Resolution approving a sole source justification and awarding a construction contract to Lund Construction Co. of North Highlands, CA in the amount of \$52,255.00 and authorizing the City Manager to execute a Standard Agreement on behalf of the City

15. Accept California Water and Wastewater Arrearage Payment Program financial assistance funding

Adopt a Resolution accepting the California Water and Wastewater Arrearage Payment Program benefits and authorize the Finance Director to make the necessary supplemental appropriations for related revenues and expenditures to 507-43481 and 7120-64103 for the 2021-22 fiscal year

16. Parcel Creation/Lot Line Adjustment – Harter Specific Plan

Adopt a Resolution authorizing the City Manager to execute a Grant Deed and associated documents, to create a new legal parcel for the future park on Harter Parkway, and participate in a Lot Line Adjustment to help facilitate development of the Harter Specific Plan for properties southerly of Butte House Road, westerly of Harter Parkway, and northerly of future Jefferson Avenue

17. National Opioid Settlement

- A. Approve Settlement Participation Form for the City's participation in the National Opioid Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation
- B. Approve Settlement Participation Form for the City's participation in the National Opioid Settlement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc
- C. Approve the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Distributor Settlement
- D. Approve the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Janssen Settlement
- E. Adopt a Resolution authorizing the City Manager to execute the documents identified in Recommendations A through D
- F. Authorize the City Manager to carry out all necessary acts such that the City can participate in the National Opioid Settlements, including, but not limited to, the transmittal of the executed documents in Recommendations A through D (as necessary and applicable)

18. Annual Investment Policy Adoption

Approve Investment Policy as presented

19. CalPERS Employer Paid Member Contribution Resolutions

Adopt Resolutions for CalPERS to pay and report the value of Employer Paid Member Contributions for the Police Sworn Mid-Managers, Mid-Managers and Unrepresented Executive Team

20. Gauche Aquatic Park Verkada Camera System Upgrade (FB22-06)

Adopt a Resolution awarding the contract for the Gauche Aquatic Park Verkada Camera System upgrade to Gaynor Telesystems of Redding, CA in the total amount of \$65,085 plus a 10% contingency for a not to exceed amount of \$71,594 with the finding that it is in the best interest of the City

21. Purchase of four (4) Ford F-150 Police Responders (FB22-04)

Adopt a Resolution awarding the purchase of four (4) Ford F-150 Police Responder vehicles to Geweke Ford of YubaCity, CA, in the amount of \$166,444. Sole source the equipment purchase and install to Cop Shop Installations of Yuba City, CA in the estimated amount of \$157,363

22. Utility Payment Processing and Statement Printing and Mailing Proposal (RFP22-02)

Adopt a Resolution awarding the contract for utility payment processing, statement printing and mailing, bill presentment online, and IVR services to InfoSend, Inc. of Anaheim, CA with the finding that it is in the best interest of the City. The agreement will be in the estimated amount of \$141,400 for one (1) year with the option of four (4) one-year extensions. Authorize the City Manager to approve contract extensions

23. Yuba Sutter Salvation Army Professional Services Agreement - CDBG-CV Low-Income Mortgage Subsistence Program

Adopt a Resolution approving a Professional Services Agreement with Yuba Sutter Salvation Army for the 2020 Community Development Block Grant CARES Act (CDBG- CV) Low-Income Mortgage Subsistence Program

24. Finance Department Position Modifications

Adopt a Resolution approving the following changes to the Finance Department's positions in the FY 2021-22 Operating Budget:

1. Add an Administrative Analyst II and;
2. Reclassify a vacant Field Customer Service Representative I/II to Customer Service Representative I/II; and
3. Authorize a supplemental appropriation to the appropriate Finance Department salary and benefits accounts in the amount of \$45,200

25. Annual Report from the Downtown Yuba City Business Improvement District and Proposed Levy of Annual Assessment for 2022

A. Adopt a Resolution Accepting and Approving the 2021-2022 Annual Report of the Downtown Yuba City Business Improvement District

B. Adopt a Resolution of Intention to Levy and Collect 2022 Annual Assessments and set a Public Hearing for January 18, 2022

26. Blackburn Talley Field Lighting Phase III Project Award

A. Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption; awarding a construction contract to Musco Sports Lighting, LLC in the amount of \$261,866 through Sourcewell Contract No. 071619-MSL, with the finding that it is in the best interest of the City; and authorizing the City Manager to execute an agreement for the Blackburn Talley Field Lighting Phase III project

B. Authorize the Finance Director to make a supplemental appropriation and related transfers in the amount of \$14,959.30 from unallocated general capital improvement project funds to CIP Account No. 901234-65501 for the additional funds necessary to complete construction

27. City of Yuba City Advisory Board Appointment List

Note and File the 2021 Local Appointment List and Direct Staff to post on the City's website

28. Sidewalk Maintenance and Repairs Ordinance

Adopt an Ordinance of the City Council of the City of Yuba City establishing sidewalk maintenance and repair responsibilities by adding Chapter 11 (Sidewalk Maintenance and Repairs) to Title 6 of the Yuba City Municipal Code by title only, and waive the second reading

Business Items

12. Appointments to City Council Regional Boards and Committees

[Item moved from Consent]

Tod Kimmelshue spoke
Charlie Hoppin spoke
Mark Mullner spoke

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

Approve the City Council Assignments to Regional Boards and Committees for Calendar Year 2022

The motion was passed with 4 votes (Councilmember Espindola opposed)

29. Homekey 2.0 Habitat for Humanity Presentation

John Nicoletti spoke

Pat Bruner spoke
Victoria Yeager spoke
Tom McFerran spoke
Maria Smith spoke
Patricia Jaeger spoke
Luis Rodriguez spoke
Julie Shuffield spoke
Manny Cardoza spoke
Johnny Burke spoke
Charles Ernst spoke
Carol Howe spoke
Steve Smith spoke
Mike Morris spoke
Tom Burns spoke
James Burgis spoke
Marylee Bondslet spoke
Cammie [*Last name not provided*] – from Habitat for Humanity spoke
Stephanie Miller spoke

City Council requested that Habitat for Humanity provide additional information

RECESS: 9:02 PM – 9:09 PM

30. Public Hearing No. 3 – Consideration of proposed maps for District voting divisions per California Elections Code Sections 10010(a)(2) and 10010(b)

Mayor Shaw opened the Public Hearing

Heather Esemann spoke
Tom Burns spoke
Mike Morris spoke

Mayor Shaw closed the Public Hearing

- A. Receive NDC's presentation of draft District voting division maps and the sequencings of division elections and public comments regarding the draft maps
- B. Provide direction on preferred map(s) for additional analysis, revisions, or comment and possibly new maps
- C. Provide comments on the sequencing of elections for the divisions to be established
- D. Confirm the next public hearing for January 18, 2022

City Council chose to move forward with the Green Map and will consider potential sequencing at the next regular meeting on January 18, 2022

31. Yuba City Purchasing System Ordinance and Purchasing Policies Update

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

- A. Introduce an Ordinance amending Chapter 6 (Purchasing System) of Title 2 of the Yuba City Municipal Code by title only, and waive the first reading
- B. Adopt a Resolution adopting the Purchasing Policies and Procedures Manual

Update (to become effective concurrently with the proposed ordinance)

The motion was passed with a unanimous vote

32. Yuba City Wastewater Collection and Treatment Ordinance Update

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

Introduce an Ordinance amending Chapter 5 (Wastewater Collection and Treatment) of Title 6 of the Yuba City Municipal Code by title only, and waive the first reading

The motion was passed with a unanimous vote

33. Bridge Street Widening Project (21-01) – Plans & Specifications

Crystal Woody spoke

Ian Gaddis spoke

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

Adopt a Resolution approving the plans and specifications for the Bridge Street Widening Project (21-01) and authorizing advertisement for bids on the project.

The motion was passed with a unanimous vote

34. Harter Parkway Park Project Award

Heather Esemann spoke

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

Adopt a Resolution which makes the following actions:

1. Awards a construction contract to Marina Landscape, Inc. of Orange, CA in the amount of their total bid \$2,507,985.49 and authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney
2. Awards a construction contract to American Ramp Company, Inc. in the amount of \$227,401.57 through Sourcewell Contract No. 112420-ARC, with the finding that it is in the best interest of the City; and authorizes the City Manager to execute an agreement for the Bike Park project
3. Awards a contract for construction and inspection services to Coastland Civil Engineering, Inc. of Auburn, CA in the amount of \$141,850 and authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to form by the City Attorney
4. Authorizes the Finance Director to make necessary appropriations from American Rescue Plan Act funds, in the amount of \$1,260,480.77 to CIP Account No. 941207-65501 (Harter Parkway Park and Bike Connection) in order to bridge the funding shortfall and ultimately fund the Park project

The motion was passed with a unanimous vote

35. City Manager Employment Agreement

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

Adopt a Resolution Approving A City Manager Employment Agreement, Effective December 10, 2021 at 5:00PM

The motion was passed with a unanimous vote

36. Future Agenda Items:

No suggestions were made

Reports and Communications

37. City Manager Report

38. City Council Reports

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

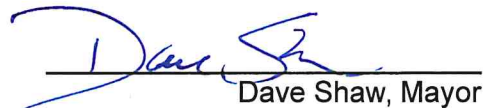
Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council at 10:32 PM

ATTEST:


Ciara Wakefield, Deputy City Clerk




Dave Shaw, Mayor