

**AMENDED AGENDA  
REGULAR MEETING  
CITY COUNCIL  
CITY OF YUBA CITY  
MAY 21, 2019  
5:00 P.M. – CLOSED SESSION  
6:00 P.M. – REGULAR MEETING**

**Closed Session — Council Chambers**

**Call to Order**

The Regular Meeting Closed Session of the City Council was called to order by Mayor Harris at 5:00 p.m.

**Roll Call:**

Present: Mayor Harris and Councilmembers Boomgaarden, Cardoza, Espindola and Shaw

**Public Comment:**

None.

Mayor Harris adjourned to Closed Session at 5:02 p.m.

**Closed Session – Butte Room**

- A. Public Employee – Appointment/Employment (Pursuant to Government Code, § 54957.)  
Title: Permanent City Manager
- B. Conference with Real Property Negotiator (Government Code § 54956.8)  
Property: APN 54-010-039, 10.5 acres generally located east of Garden Highway and west of Levee Road, between Burns Drive and River Oaks Drive, to the south of the City's Waste Water Treatment Facility, Yuba City, California 95991  
Negotiator: Diana Langley, Interim City Manager  
Negotiating parties: Yuba City and the John M. Smith/The Marilee Smith Decedents Trust  
Under negotiation: Price and terms of payment.
- C. Confer with Real Property Negotiator (Government Code § 54956.8)  
Property: APN 59-010-119 located at the northwest corner of Poole and Civic Center and 59-120-001 located on the southwest corner of Civic Center and Butte House Road, Yuba City California 95993  
Negotiator: Diana Langley, Interim City Manager  
Negotiating parties: The Church of Jesus Christ of Latter Day Saints/Corporation of the Presiding Bishop  
Under negotiation: Price and terms of payment

**Regular Meeting—Council Chambers**

**Call to Order**

The Regular Meeting of the City Council was called back to order by Mayor Harris at 6:04 p.m.

### **Roll Call:**

Present: Mayor Harris and Councilmembers Boomgaarden, Cardoza, Espindola and Shaw

### **Invocation**

The invocation was provided by Pastor Greg Mansur from Adventure Church in Yuba City.

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

The Pledge of Allegiance was led by Commander Tom Tappe

Assistant City Attorney Roy Santos stated that there were not reportable actions from Closed Session.

Mayor Harris stated that Item 23 has been pulled from the Agenda by request of staff.

### **Presentations and Proclamations**

**1. May is Older Americans Month Proclamation**

Yuba City Senior Commissioners Tony Kurlan and Tanna Thomas received the proclamation in honor of Older Americans Month

**2. May is Maternal Mental Health Awareness Month - Mom's Matter Mental Health**

Michele Blake from Sutter County Children's and Families First Commission received the proclamation in honor of Mom's Matter Mental Health

**3. National Public Safety Telecommunicators Week – April 14-20, 2019**

Public Safety Dispatchers Deidra Geddis, Aarika Campos, Misty Widener, Chandra Stubblefield, along with Communications Coordinator Tawnya Smallwood received the proclamation in honor of Public Safety Dispatcher Week.

**3a. National Police Week Proclamation – May 12 – 18, 2019**

Mayor Harris presented a proclamation to 13 members of the Yuba City Police Department in honor of National Police Week. Councilmember Shaw presented a Thank You sign for the Police facility.

**4. National Public Works Week Proclamation – May 19 – 25, 2019**

Mayor Harris presented a proclamation to 10 members of the Yuba City Public Works Department in honor of National Public Works Week.

**5. Youth Commission Presentation**

Recreation Coordinator Kelsey Myers introduced the members of the Yuba City Youth Commission who provided the Council with an update of their activities and events this year. Mayor Harris provided certificates of appreciation to the four graduating seniors: Joanna Jarvis, Isabelle Smith, Genevieve Hagen and Sameer Gupta.

### **Bid Opening**

**6. 2019 Resurfacing Project (Project Award)**

Councilmember Cardoza moved to A) Adopt a finding of Class 1 Categorical Exemption for the project per CEQA Guidelines Section 15301 (Existing Facilities); B) Award Contract No. 18-09 2019 Resurfacing Project to VSS International, Inc. of West Sacramento, CA in the amount of their total bid of \$534,424.20; and C) Authorize 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. Councilmember Espindola seconded the motion that passed with a unanimous vote.

### **Ordinances**

#### **7. Yuba City Economic Development Commission Ordinance Amendment**

Councilmember Boomgaarden moved to adopt **Ordinance No. 001-19** amending Sections 2-12.01 and 2-12.05 of Chapter 12 of Title 2 of the Yuba City Municipal Code – Economic Development Commission, and increasing the composition of members from five (5) to seven (7), waiving the second reading. Councilmember Shaw seconded the motion that passed with a unanimous vote.

### **Public Hearing**

#### **8. Research and Prevention Tobacco Tax Act Enforcement Grant, to include identification of problematic retailers, ordinance compliance inspections, educational training, and shoulder tap operations**

Mayor Harris opened the public hearing. Hearing no comment, he closed the public hearing.

Councilmember Espindola moved to A) Adopt Resolution No. 19-027 authorizing receipt, allocation and expenditure of the FY 2018-2021 Research and Prevention Tobacco Tax Act of 2016 through the Department of Justice (DOJ), and approve expenditure recommendations; and B) Authorize a supplemental appropriation in the amount of \$53,895 to Account No. 100-43116 [Federal Law Enforcement Grant]. Councilmember Cardoza seconded the motion that passed with a unanimous vote.

### **Public Communication**

#### **9. Written Requests**

None.

#### **10. Appearance of Interested Citizens**

None.

### **Consent Calendar**

Item 14 was removed from the consent item for discussion.

Councilmember Cardoza moved to adopt Items 11 - 13 and Items 15 - 18. Councilmember Espindola seconded the motion that passed with a unanimous vote.

#### **11. Minutes of April 16, 2019**

Approved the City Council Meeting Minutes of April 16, 2019.

#### **12. Temporary Transfer – Police Lieutenant (NET-5)**

Adopted **Resolution No. 19-028** authorizing one temporary Police Lieutenant position and the promotion of Yuba City Police Sergeant (NET-5) to the temporary Police Lieutenant position.

**13. City of Yuba City Planning Commissioner representation on the Sutter County Planning Commission**

Confirmed the appointment of City of Yuba City's Planning Commissioner Dale Eyler to the Sutter County Planning Commission and forward that confirmation to the Sutter County Board of Supervisors.

**15. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_10 (Carriage Square)**

Adopted **Resolution 19-029** confirming and ordering annexation of Zone of Benefit B\_10 (Carriage Square) into Yuba City Lighting and Landscape Maintenance District No. 6 and establishing a levy of assessments for the annexed territory.

**16. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_12 (Hilbers Corporate Headquarters)**

Adopted **Resolution No. 19-030** confirming and ordering annexation of Zone of Benefit B\_12 (Hilbers Corporate Headquarters) into Yuba City Lighting and Landscape Maintenance District No. 6 and establishing a levy of assessments for the annexed territory.

**17. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_13 (Larson Orthodontics)**

Adopted **Resolution No. 19-031** confirming and ordering annexation of Zone of Benefit B\_13 (Larson Orthodontics) into Yuba City Lighting and Landscape Maintenance District No. 6 and establishing a levy of assessments for the annexed territory.

**18. Cooperative Agreement – City/County Road Projects**

Adopted **Resolution No. 19-032** authorizing the execution of a Cooperative Agreement with the County of Sutter for the roadway and roadway component improvements associated with the Bogue Road Rehabilitation, Franklin Avenue Improvements, and Sanborn Road Improvement Improvements Projects.

**14. Professional Services Agreement with Denis Cook for Planning Consulting Services**

Councilmember Espindola moved to authorize the City Manager to amend the existing Professional Services Agreement between the City of Yuba City and Denis Cook of Yuba City, CA, to increase the contract amount from \$47,500 to \$87,500, subject to approval as to legal form by the City Attorney, with the finding that it is in the best interest of the City. Councilmember Shaw seconded the motion that passed with a unanimous vote.

**General Items**

**19. Urban Forest Management Plan**

Councilmember Cardoza moved to A) Award a Professional Services Agreement to Davey Resource Group of Kent, OH in the amount of \$226,234 to develop an Urban Forest Management Plan and perform a comprehensive tree inventory, with the finding that it is

in the best interest of the City; and B) Authorize the City Manager to enter into an agreement with Davey Resource Group on behalf of the City, in substantial compliance with the grant criteria and Scope of Work provided in the RFP process, subject to review and approval by the City Attorney. Councilmember Shaw seconded the motion that passed with a unanimous vote.

**20. Presentation of Investment Report – Quarter Ended March 31, 2019**

The Quarterly Investment Report was noted and filed as presented.

**21. Consideration of the 2019-2020 Community Development Block Grant (CDBG) funding to applicants**

The following persons spoke:

Chaya Galicia, Yuba County Homeless Project Manager  
Ann Acton, FREED  
John Nicoletti, Sutter-Yuba Homeless Consortium  
Joseph Hale, Habitat for Humanity

Councilmember Shaw moved to approve Staff recommendation with amendments for Program Year Funding for 2019-2020 as follows:

- |  |           |
|--|-----------|
| • Administration costs   | \$130,000 |
| • Public Services: Homeless Services Consolidation                         | \$ 97,500 |
| • Housing Projects: FREED Home Repair                                      | \$ 15,000 |
| • Housing Projects: Owner Occupied Rehabilitation                          | \$ 47,501 |
| • Housing Projects: Kingwood Commons Roofing                               | \$ 60,000 |
| • Public Facilities: ADA Sidewalk & Facility Improvements                  | \$140,000 |
| *Additional funding for ADA improvements to be supplemented from SB1 Funds |           |
| • Public Facilities: Sam Brannan Park Playground                           | \$160,000 |

Councilmember Espindola seconded the motion that passed with a unanimous vote.

Interim City Manager Langley and Assistant City Attorney Santos asked for clarification on the direction concerning Public Services. Mayor Harris called for a motion of reconsideration. Mayor Harris moved to reconsider the vote for Item 21. Councilmember Shaw seconded the motion that passed with a unanimous vote.

Councilmember Shaw moved to adopt the recommendation listed above with the clarification that 50% of \$97,500 grant for Homeless Services Consolidation be held with the City for contribution to the Sutter Homeless Shelter. Councilmember Boomgaarden seconded the motion that passed with a unanimous vote.

**22. Additional Affordable Housing Capital Funding Deferred Loan of \$600,000 with the Regional Housing Authority for a 40 Unit Development at the Corner of Garden Highway and Miles Avenue**

The following persons spoke:

Tony Kurlan, Anna Drive, Yuba City  
Gustavo Becerra, Regional Housing Authority Director  
Joseph Hale, Habitat for Humanity  
Chaya Galicia, Yuba County Homeless Project Manager  
John Nicoletti, Sutter-Yuba Homeless Consortium

Mayor Harris moved to continue this item to the June 4<sup>th</sup> City Council meeting. Councilmember Shaw seconded the motion that passed with the following vote:

Ayes: Councilmembers Boomgaarden, Shaw and Mayor Harris

Noes: Councilmembers Cardoza and Espindola

**23. Sutter County Board of Supervisors use of City Council Chambers**

This item was pulled from the Agenda by Staff for discussion at a later date.

**24. Bogue Stewart Master Plan – Master Tax Exchange Agreement – Designation of Council Sub-Committee**

Councilmember Espindola moved to designate Councilmembers Boomgaarden and Shaw to assist with negotiations of a Master Tax Exchange Agreement with Sutter County for a period of less than one year. Councilmember Cardoza seconded the motion that passed with a unanimous vote.

**25. Wastewater Treatment Facility Biosolids Disposal**

Councilmember Cardoza moved to authorize the City Manager to negotiate a Side Letter Agreement with Recology Yuba-Sutter for the hauling and disposal of biosolids from the City's Wastewater Treatment Facility. Councilmember Boomgaarden seconded the motion that passed with a unanimous vote.

**Business from the City Council**

**26. City Council Reports**

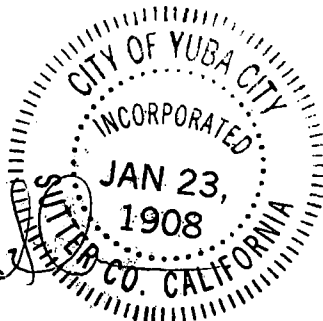
- Councilmember Boomgaarden
- Councilmember Espindola
- Councilmember Shaw
- Vice Mayor Cardoza
- Mayor Harris

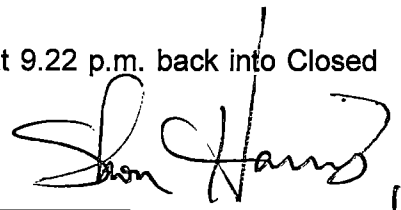
**Adjournment**

Mayor Harris adjourned the Regular Meeting of the City Council at 9.22 p.m. back into Closed Session.

ATTEST:

  
Patricia Buckland, City Clerk



  
Shon Harris, Mayor