

**MINUTES (draft)
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY
DECEMBER 17, 2019
5:00 P.M. – CLOSED SESSION – BUTTE ROOM
6:00 P.M. – REGULAR MEETING**

Closed Session – Butte Room

Call to Order

The Closed Session Meeting of the City Council was called to order by Mayor Harris at 5:03 pm

Roll Call

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

Public Comment

No one spoke

Mayor Harris adjourned into Closed Session at 5:05 pm

- A. Confer with legal counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1), City of Yuba City vs. Jerry Lee Copeland, as Trustee, et al., Sutter County Superior Court Case No. CVCS 16-1284
- B. Confer with Legal Counsel and Natalie Springer Regarding Existing Litigation (Pursuant to Government Code, 54956.9 (d)(1))
(Richard Parker-NCWA-557727 and NCWA-556716)
- C. Confer with Legal Counsel and Natalie Springer Regarding Existing Litigation (Pursuant to Government Code, 54956.9 (d)(1))
(Stephanie Maky-NCWA-556433 and NCWA-556763)
- D. Conference with Labor Negotiators (Pursuant to Government Code, § 54957.6.)
Agency designated representatives: Michael Rock, City Manager, Natalie Springer, Human Resources Director, Gregory Ramirez, IEDA, Robin Bertagna, Finance Director, Special Counsel Stacey Sheston, Best Best & Krieger
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers; Mid Managers; Sworn Mid Managers; and Public Employees Local No. 1
Unrepresented employees: Confidential Employees; Executive Services Employees

Regular Meeting—Council Chambers

Call to Order

The Regular Meeting of the City Council was called to order by Mayor Harris at 6:12 pm

Roll Call:

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

Invocation/Inspiration

Pastor Chris Finchum from City Walk Church of Yuba City delivered the Invocation

Pledge of Allegiance to the Flag

Robin Bertagna led the Pledge of Allegiance

Agenda Modifications/Approval of Agenda

Agenda Items #2 and #3 (City Manager and City Council Reports) will be made at the end of the Agenda

Reports and Communications

1. City Attorney's Report on Closed Session Items

City Attorney Shannon Chaffin stated that no reportable action was taken during Closed Session

Ceremonial Presentations

4. Proclamation to Finance Director Robin Bertagna retiring after 21 years of service

5. Certificate of Appreciation to Councilmember Dave Shaw – CalPERS Workshops

Public Communication

6. Appearance of Interested Citizens

No written requests received and Stephanie Ruscigno of Yuba City spoke.

Consent Calendar

Item #10 was pulled from the Consent Calendar. Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to approve items #7 - 9 and #11 - 13

7. Minutes of November 19, 26, December 2 and 3, 2019

Approve the City Council minutes of November 19, 26, December 2 and 3, 2019

8. City of Yuba City Advisory Board Appointment List

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

9. City of Yuba City Representatives on the Northern California Cities Self Insurance Fund (NCCSIF) Board of Directors

Adopt **Resolution No. 19-113** appointing the person holding the title of Finance Director as the Board Representative and the person holding the title of City Manager as the Alternate Representative to the NCCSIF Board of Directors

10. Executive Service Contract Terms

This item was pulled.

11. Annual Investment Policy Adoption

Approve Investment Policy as presented

12. Submission of Recertification Application for Tree City USA Designation

Adopt **Resolution No. 19-114** authorizing the City to submit an application for recertification to the National Arbor Day Foundation for consideration of the City to continue its designation as a Tree City USA community

13. Cherry Street and Harding Road – Crash Barrier System Installation

Adopt **Resolution No. 19-115** approving the design and accepting the installation of the crash barrier and guardrail system at the intersection of Cherry Street and Harding Road

The motion was passed with a unanimous vote.

Business Items

14. Review Yuba City Financial Condition Analysis and Unmet Fiscal Needs by Outside/Independent Fiscal Consultant, Russ Branson Consulting

DeAnn of Yuba City spoke

Evaluate and Ask Questions of Consultant or City Staff and Provide Direction as Deemed Necessary

15. Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2019

Councilmember Shaw moved and Councilmember Boomgaarden seconded the motion to:

Accept the Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2019

The motion was passed with a unanimous vote

16. Consideration of the Dollar General development project which includes the following items: GPA19-02, RZ19-02 and EA19-06

Councilmember Espindola moved and Mayor Harris seconded the motion to:

Adopt **Resolution No. 19-116** approving General Plan Amendment 19-02 and Environmental Assessment EA 19-06 (including associated Mitigated Negative Declaration, and introduce an Ordinance, by title only, approving Rezoning 19-02

The motion was passed with a unanimous vote

17. The Bogue-Stewart Master Plan (Master Plan): This includes General Plan Amendment 14-05, Specific Plan Amendment 16-05 (adopting the Master Plan), the Public Facilities Finance Plan, Preannexation Zoning 14-04, and the Environmental Impact Report

Mayor Harris opened the Public Hearing.

The following persons spoke:

Will Rickey – Sutter County
Sharon Smith – Sutter County

John Teague – Sutter County
Joann Murdock – Yuba City

Patti Leland – Yuba City
Sean Minard – MHM Engineering

Thomas Burns – Yuba City

Mayor Harris Closed the Public Hearing

Mayor Harris moved and Councilmember Cardoza seconded the motion to:

After holding a Public Hearing, adopt **Resolution No. 19-117** certifying the Environmental Impact Report (EIR) (SCH #2017012009) prepared for the project, adopt **Resolution No. 19-118** approving General Plan Amendment (GPA) 14-05, adopt **Resolution No. 19-119** approving Specific Plan Amendment (SPA) 16-05 (including the Public Facilities Finance Plan), and waive the first reading and introduce an Ordinance approving Pre-annexation Zoning (RZ) 14-04

The motion was passed with a unanimous vote

18. Development Agreement 19-01 for the Newkom Ranch Subdivisions

Sean Minard from MHM Engineering spoke

Councilmember Boomgaarden moved and Councilmember Cardoza seconded the motion to:

Introduce an Ordinance approving the Newkom Ranch Subdivision's Development Agreement between the City of Yuba City and Newkom Ranch, LLC, waiving the first reading

The motion was passed with a unanimous vote

19. Development Agreement 19-02 for the Kells East Ranch Subdivisions

Sean Minard from MHM engineering spoke

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

Introduce an Ordinance for the approval of Development Agreement 19-02 with Bains Properties LP (property owner and developer), for the development of the Kells East Ranch Subdivisions (TSM 15-02 and TSM 15-03) and waive the first reading

The motion was passed with a unanimous vote

20. Updated Yuba City Municipal Services Review (MSR) for the Bogue-Stewart Master Plan area, and Initiation of Amendment of Sphere of Influence

Councilmember Boomgaarden moved and Councilmember Cardoza seconded the motion to:

Adopt **Resolution No. 19-120** of the City Council:

- A. Accepting the updated municipal services review (MSR) for the expansion of the Yuba City sphere of influence (SOI) to include the area covered by the Bogue-Stewart Master Plan;
- B. Authorizing and requesting amendment of the current MSR as updated; and
- C. Authorizing and requesting an application for, and the initiation of, a SOI amendment
- D. Authorize staff to make minor modifications or changes to address incorrect items and bring information back to the City Council

The motion was passed with a unanimous vote
21. Camping and Storage of Personal Property Ordinance

Mayor Harris opened the Public Hearing

Laura Clauson Ferree from CRLA in Marysville spoke

Mayor Harris closed the Public Hearing

Councilmember Shaw moved and Councilmember Espindola seconded the motion to:

- A. Conduct a Public Hearing and after consideration,
- B. Introduce an Ordinance adding Chapter 5.23 Camping and Storage of Personal Property on Private and Public Property to Title V (Public Welfare, Morals, and Conduct) of the Yuba City Municipal Code, and waiving the first reading

The motion was passed with a unanimous vote

22. Yuba City Water Regulations Ordinance Update

Councilmember Shaw moved and Councilmember Cardoza seconded the motion to:

Adopt **Ordinance No. 008-19** amending Yuba City Municipal Code Title 6 Chapter 6, Yuba City Water Regulations, and waive the second reading

The motion was passed with a unanimous vote

23. Development Impact Fees

Councilmember Shaw moved and Councilmember Espindola seconded the motion to:

- A. Adopt **Resolution No. 19-121** authorizing that the current Development Impact Fees, including Water and Wastewater Connection Fees, remain in effect until otherwise modified by the City Council

The motion was passed with a unanimous vote.

Councilmember Cardoza moved and Councilmember Espindola seconded the motion to:

- B. Adopt **Resolution No. 19-122** designating Councilmembers Shaw and Espindola to steer the Ad Hoc Development Impact Fee Committee to be formed for a period of not more than one year. Councilmember Boomgaarden was designated as the alternate.

The motion was passed with a unanimous vote.

24. Cellular Water Meter Replacement Project

Will Rickey of Yuba City spoke

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

- A. Adopt **Resolution No. 19-123** approving the plans and specifications for the Cellular Water Meter Replacement Project and authorizing advertisement for bids on the project
- B. Adopt **Resolution No. 19-124** authorizing the use of specialized equipment from Badger Meter, Inc. with the finding that it is in the best interest of the City
- C. Authorize the City Manager to amend the Professional Services Agreement with Coastland Civil Engineering of Auburn, CA, subject to approval as to form by the

City Attorney, in the amount of \$97,000 for a total contract amount of \$122,000 to provide additional pre-construction data analysis/integration and engineering services during construction for the Cellular Water Meter Replacement Project, with the finding that it is in the best interest of the City

The motion was passed with a unanimous vote

25. Feather River Mill Hotel Incentive

Simon Gill of Yuba City spoke

Councilmember Cardoza moved and Mayor Harris seconded the motion to:

Discuss and consider the approval of **Resolution No. 19-125** of the City of Yuba City Transient Occupancy Taxes Reimbursement Agreement with Yuba City Hotel, L.P. to incentive operation of a Holiday Inn Express on the former Feather River Mill Project site. Approval of this Agreement supersedes and replaces the 2018 Agreement

The motion was passed with a unanimous vote.

26. Professional Services Agreement with FM3 Research for a Public Opinion Survey

Discuss and Consider Authorizing the City Manager to enter into a Professional Services Agreement with FM3 Research , in an amount not to exceed \$30,000, with approval by the City Attorney, to provide a Public Opinion Survey, with the finding that it is in the best interest of the City.

Council gave direction to City Manager Michael Rock not to enter into a Professional Services Agreement at this time and instead proceed with Special Meeting/Study Sessions on this Item with Community Engagement.

27. Appointments to City Council Regional Committees

Councilmember Espindola moved and Councilmember Cardoza seconded the motion to:

Approve the Mayor's Assignments to Regional Boards and Committees for Calendar Year 2020

The motion was passed with a unanimous vote

Future Agenda Items

28. Future Agenda items

No items were discussed

Reports and Communications

2. City Manager's Report

City Manager Michael Rock

3. City Council Reports

- Councilmember Cardoza
- Councilmember Espindola
- Councilmember Shaw

- Vice Mayor Boomgaarden
- Mayor Harris

Adjournment

Mayor Harris adjourned the Regular Meeting of the City Council at 11:16 pm

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk