

**MINUTES (draft)**  
**REGULAR MEETING**  
**CITY COUNCIL - CITY OF YUBA CITY**  
**MAY 18, 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 Labor Negotiators (Pursuant to Government Code, § 54957.6.)  
Agency designated representatives: Dave Vaughn, City Manager, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Diana Langley, Public Works Director, Michael Jarvis, LCW, Jack Hughes, LCW  
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers; Mid Managers; Police Sworn Mid Managers; and Public Employees Local No. 1  
Unrepresented employees: Confidential Employees; Executive Services Employees
- 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
- C. Conference with Legal Counsel—Existing Litigation; Govt. Code §54956.9  
Diana Barrett v. City of Yuba City, et.al. CVCS20-0001102

**Adjourn Closed Session**

Mayor Boomgaarden adjourned the Closed Session Meeting of the City Council at 5:35 PM

**Regular Meeting – Council Chambers/Virtual**

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**

Pastor Dan Callaghan, First Baptist Church of Yuba City, delivered the invocation

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

Dan Flores, Sutter County Supervisor, led the Pledge of Allegiance

## **City Attorney's Report on Closed Session Items**

No reportable action was taken

## **Agenda Modifications/Approval of Agenda**

The Grateful Nation Remembers Proclamation presentation was rescheduled to the next Regular Meeting on June 1<sup>st</sup>.

Item 17 (**Bogue-Stewart Master Plan – Master Tax Exchange Agreement with Sutter County**) was moved to the first item of business (just before Item 10).

## **Presentations**

### **1. ~~Grateful Nation Remembers Proclamation~~**

Moved to Regular Meeting on June 1<sup>st</sup>

### **2. State Route 99 at Live Oak Blvd Cal Trans Presentation**

Johny Tan, PE – CalTrans District 3 Project Management presented virtually via MS Teams

## **COVID-19**

### **3. 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

Tom Burns spoke

## **Public Communication**

### **4. Appearance of Interested Citizens**

Tom Burns spoke

Christopher Burrett spoke

## **Consent Calendar**

Councilmember Harris moved and Councilmember Espindola seconded the motion to approve:

**5. Minutes of May 4, 2021**

Approve the City Council minutes of May 4, 2021

**6. Franklin Avenue Improvements Project (18-01) – Contingency Increase**

- A. Adopt **Resolution 21-044** authorizing an increase in the construction contingency of \$210,000, with a finding that it is in the best interest of the City
- B. Authorize a supplemental appropriation and direct the Finance Director to make a budget transfer in the amount of \$210,000 from Unallocated TDA Funds to CIP Account No. 1242 (Franklin Avenue Pedestrian Improvements)

**7. Presentation of Investment Report – Quarter Ended March 31, 2021**

Note & File Quarterly Investment Report

**8. Representation on the Yuba City Planning Commission and the Sutter County Planning Commission**

- A. Confirm the appointment of Yuba City Planning Commissioner Stacy Brookman to the Sutter County Planning Commission and forward that appointment to the Sutter County Board of Supervisors
- B. Confirm the Sutter County Planning Commission appointment of Richard Doscher to represent Sutter County on the City of Yuba City Planning Commission

**9. Appointment to City of Yuba City Parks and Recreation Commission**

Approve the Recommendation for Appointment to the Parks and Recreation Commission

The motion was passed with a unanimous vote

**Business Items**

**17. Bogue-Stewart Master Plan – Master Tax Exchange Agreement with Sutter County**

Dan Flores, Sutter County Supervisor, spoke  
Steve Smith, County Administrator, spoke  
Tom Burns spoke  
Courtney Allen spoke  
Christopher Burrett spoke

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

Adopt **Resolution 21-052** approving the Bogue Stewart Master Plan – Master Tax Exchange Agreement with Sutter County

The motion was passed with a unanimous vote

**10. Feather River Parkway Phase 1 Repairs (Award Construction Contract)**

Tom Burns spoke

Councilmember Espindola moved and Councilmember Harris seconded the motion to approve:

Adopt **Resolution 21-045** awarding a construction contract to R&R Horn Contractors, Inc. of Chico, CA in the amount of their total bid of \$550,550.00, 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, and authorizing the Finance Director to record a supplemental appropriation in the amount of \$640,000.00 from Development Impact Fee funds to CIP Account No. 1273 for construction, contingency, and construction management costs

The motion was passed with a unanimous vote

**11. Wastewater Treatment Facility Effluent Discharge Outfall Diffuser Project – Final Design Authorization**

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

Adopt **Resolution 21-046** to award Amendment No. 4 to the Professional Services Agreement with CH2M Hill Engineers, Inc. to initiate Final Design activities for the Wastewater Treatment Facility Effluent Discharge Outfall Diffuser Project, including new scope of work tasks identified from the Predesign activities and authorize the City Manager to execute the amendment following approval as to form by the City Attorney, with the finding that it is in the best interest of the City

The motion was passed with a unanimous vote

**12. Formation of a Community Facilities District (CFD No. 2021-1) to fund Municipal Services and provide for future annexation by unanimous written consent of the electors**

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

- A. Adopt **Resolution 21-047** adopting policies related to Community Facilities Districts for services
- B. Adopt **Resolution 21-048** declaring the intention to establish City of Yuba City Community Facilities District 2021-1 (Municipal Services), authorizing the levy of a special tax therein to finance certain services, and authorizing the annexation of future territory in the future annexation area to the district by unanimous written approval

The motion was passed with a unanimous vote

**13. Amended and Restated Resolution to Confirm Participation in the Statewide Community Infrastructure Program (SCIP)**

Tom Burns spoke

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

- A. Open a public hearing, and after consideration;
- B. Adopt the proposed Amended and Restated **Resolution 21-049** making certain findings and authorizing certain matters necessary to participate in the Statewide Community Infrastructure Program (SCIP)

The motion was passed with a unanimous vote

**14. City Sponsorship Requests**

Sandee Drown spoke

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

- A. Consider a Sponsorship request from the Yuba Sutter Chamber of Commerce of \$1,100.00 In-kind for use of the Senior Center Facility
- B. Consider a Sponsorship request from the Downtown Business Association of \$10,500.00 for the Summer Stroll event
- C. Consider a Sponsorship request from the Downtown Business Association of \$1,900.00 In-kind for the Summer Stroll street closure services

The motion was passed with a unanimous vote

#### **15. Richland Village Affordable Housing – Regional Housing Authority Funding Request**

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

- A. Approve a low-mod funding commitment of \$1,000,000 contingent on the successful project approval from the state Affordable Housing and Sustainable Communities program, for a proposed multiphase 176-unit affordable housing complex and authorize the City Manager to execute any associated documentation related to the commitment of the funding
- B. Funding commitment time duration to coincide with the planning entitlement schedule (not to exceed 2 years). Any extensions of the funding duration are to be null and void without reconsideration by Council
- C. Adopt **Resolution 21-050** to execute a Cooperation Agreement between The City of Yuba City, the Regional Housing Authority, and Sutter Community Affordable Housing to Comply with the Requirements of grant application under the Affordable Housing and Sustainable Communities Funding Program for Richland Village Affordable Housing

The motion was passed with a unanimous vote

#### **16. Shopping Carts Ordinance Update**

Kevin Cotter submitted comments via email

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

- A. Open a public hearing, and after consideration;
- B. Introduce Amending Chapter 22 to Title 5 of The Yuba City Municipal Code Regulating Shopping Carts, and waive the first reading. The motion amended draft ordinance Section 5-22.130 to retain the original language for penalties and \$50 dollar charge amount in the existing Section 5-22.110, as revised, and as previously noted. (See below.)

The motion was passed with a 4-1 vote (Mayor Boomgaarden opposed)

Ordinance language updated at first reading:

Section 5-22.130: Penalties

- (a) Any person who violates any provision of this chapter may be subject to the following penalties:
  - (i) Any person who violates Section 5-22.040 of this chapter shall be guilty of an infraction. Any person who violates Section 5-22.040 of this chapter more than two times within a six-month period shall be guilty of a misdemeanor;
  - (ii) Subject to the administrative penalties and citation process set forth in Title 1, Chapter 6 of this Code; and
  - (iii) Subject to a civil penalty of \$50.00 for every business day of non-compliance in excess of three during a six-month period.
- (b) Any business who violates any provision of this chapter may be subject to the following penalties:
  - (i) The administrative penalties and citation process set forth in Title 1, Chapter 6 of the Yuba City Municipal Code; and
  - (ii) A civil penalty of \$50.00 for every business day of non-compliance.
- (c) The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth within the Yuba City Municipal Code. None of the penalties or remedies authorized by, or set forth within the Yuba City Municipal Code shall prevent the City from using another penalty or remedy under local ordinance and/or State statute which may be available to enforce this chapter or to abate a public nuisance.

~~17. **Bogue-Stewart Master Plan – Master Tax Exchange Agreement with Sutter County**~~

~~Recommendation: Adopt a Resolution approving the Bogue-Stewart Master Plan – Master Tax Exchange Agreement with Sutter County~~

This item was moved to the first business item

**18. Rescind 2005 City Growth Policies**

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

Adopt **Resolution 21-051** rescinding Resolution No. 05-049, City Growth Policies for the City's Sphere of Influence, including the Development of Specific and Master Plans, prior to annexing to the City with the finding that the 2005 policies are no longer applicable and/or necessary, with the associated CEQA Categorical Exemption determination per CEQA Section 15601(b)(3)

The motion was passed with a unanimous vote

**Future Agenda Items**

**19. Future Agenda Items**

No suggestions were made

**Reports and Communications**

**20. City Council Reports**

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

**Adjournment**

Mayor Boomgaarden adjourned the Regular Meeting of the City Council in memory of Vice-Mayor Shaw's father, Don Allen Shaw at 9:30 PM

\_\_\_\_\_  
Marc Boomgaarden, Mayor

ATTEST:

\_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk

**MINUTES (draft)**  
**SPECIAL MEETING - PRIORITIES WORKSHOP**  
**CITY COUNCIL - CITY OF YUBA CITY**  
**MAY 19, 2021 - 10:00 AM**

**Special Meeting – City Council Chambers**

The Special Meeting of the City Council was called to order in the Council Chambers by Mayor Boomgaarden at 10:01 AM

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

Absent: None

**Public Communication on Items on the Agenda**

**1. Appearance of Interested Citizens**

No public comment

**General Items**

**2. Priorities Workshop**

Facilitated by Juan Lopez, Amistad and Associates

Toni Kurlan spoke

Manny Cardoza spoke

Angelika Corchado commented via ZOOM

Tawny Dotson commented via ZOOM

Sandee Drown spoke

**Adjournment**

Mayor Boomgaarden adjourned the Special Meeting at 2:23 PM

ATTEST:

\_\_\_\_\_  
Marc Boomgaarden, Mayor

\_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk



**MINUTES (draft)**  
**SPECIAL MEETING - BUDGET WORKSHOP**  
**CITY COUNCIL - CITY OF YUBA CITY**  
**MAY 25, 2021 – 6:00 PM**

**Special Meeting – Council Chambers**

The Special Meeting of the City Council was called to order in the Council Chambers by Mayor Boomgaarden at 6:00 PM

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

Absent: None

**Pledge of Allegiance to the Flag**

Undersheriff Scott Smallwood led the Pledge of Allegiance

**General Items**

**1. Proposed Fiscal Year 2021 – 2022 Operating Budget and Capital Improvement Project Budget**

Presented by: Spencer Morrison, Finance Director  
Diana Langley, Public Works Director

- A. Conduct a workshop to review the Proposed FY 21/22 Operating and Capital Improvement Project Budgets. Discussion and direction to staff.
- B. Review Proposed FY 2021/22 Water and Wastewater Rates Information only. Full presentation scheduled for Regular City Council Meeting on June 1, 2021

Manny Cardoza spoke

**Public Communication on Items on the Agenda**

**2. Appearance of Interested Citizens**

Manny Cardoza spoke

**Adjournment**

Mayor Boomgaarden adjourned the Special Meeting at 8:16 PM

ATTEST:

\_\_\_\_\_  
Marc Boomgaarden, Mayor

\_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk