

MINUTES (draft)
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
JULY 6, 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, and Kirchner
[Councilmember Harris joined Closed Session in the Sutter Room at 5:02 PM]

Absent: None

Closed Session (Sutter Room / Virtual)

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

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 6:04 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Dave Shaw, Vice-Mayor, delivered the invocation

Pledge of Allegiance to the Flag

Marc Boomgaarden, Mayor, led the Pledge of Allegiance

City Attorney's Report on Closed Session Items

No reportable action was taken

Agenda Modifications/Approval of Agenda

No modifications were made

CEREMONIAL/PRESENTATIONS

1. Sexual Assault Awareness Proclamation

Mayor Boomgaarden presented a proclamation to Magdalena Arroyo, Sexual Assault Project Director – Casa de Esperanza.

COVID-19

2. 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

3. Appearance of Interested Citizens

Manny Cardoza spoke

Consent Calendar

Items 6 and 7 were held to be voted on separately.

Vice-Mayor Shaw moved and Councilmember Espindola seconded the motion to approve items 4, 5, 8, 9, 10, and 10.5.

4. Minutes of June 15, 2021

Approve the City Council minutes of June 15, 2021

5. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_16 (Dunn Ranch Estates – Unit 1)

Adopt **Resolution 21-085** confirming and ordering annexation of the parcels associated with the Dunn Ranch Estates – Unit 1 Development, APNs 62-020-067 and 62-020-072 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_16 and establishing a levy of assessments for the annexed territory

8. Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area) Resolution of Intent

A. Adopt **Resolution 21-090** Approving Engineer's Reports and Declaring Intention to Levy for Yuba City Residential Street Light Maintenance Districts, to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982:

B. Set a Public Hearing for July 20, 2021 at 6:00 PM to establish assessments for Fiscal Year (FY) 2021-22

9. Proposed City Hall Holiday Closures

Adopt **Resolution 21-091** authorizing the closure of City Hall for Monday, November 22, 2021 through Friday, November 26, 2021 and for Friday, December 24, 2021 through Friday, December 31, 2021

10. Revised Lateral and Academy Graduate Recruiting Incentive Program

Adopt **Resolution 21-092** authorizing a revised Lateral and Academy Graduate Recruiting Incentive Program

10.5 Authorization for City Attorney on Behalf of the City to Join Amicus Curiae Briefs to Support Local Control to Enforce Prohibited or Unlicensed Cannabis Activities

Authorize the City Attorney, on behalf of the City, to join in an amicus curiae (friend of the court) briefs in *People v. Shui Tam*, Second District Court of Appeal Case Number B310738 (“Tam”) (on transfer from the Appellate Division of the Superior Court), *Emily Wheeler v. Appellate Division*, Second District Court of Appeal Case Number B310024 (“Wheeler”) (on a Petition for Writ of Mandate), or related and similar cases

The motion was passed with a unanimous vote

Consent Calendar (continued) – Items to be voted on separately

6. Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area) Resolution of Intent

Mayor Boomgaarden recused himself

Councilmember Kirchner moved and Councilmember Harris seconded the motion to:

- A. Adopt the following Resolutions to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972:
 - **Resolution 21-086** Approving the Engineer’s Report, Yuba City Landscape Maintenance District No. 1
 - **Resolution 21-087** of Intention to Order Improvements, Yuba City Landscape Maintenance District No. 1
- B. Set a Public Hearing for July 20, 2021 at 6:00 PM to establish assessments for FY 21/22

The motion was passed with 4 votes.

7. 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) Resolution of Intent

Vice-Mayor Shaw and Councilmember Harris recused themselves

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

- A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:
 - **Resolution 21-088** Approving Engineer’s Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
 - **Resolution 21-089** of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
- B. Set a Public Hearing for July 20, 2021 at 6:00 PM to establish assessments for Fiscal Year (FY) 2021-22

The motion was passed with 3 votes.

Business Items

11. Yuba-Sutter Economic Development District, Comprehensive Economic Development Strategy (CEDS) and 2020 CEDS Annual Performance and Evaluation

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

Adopt **Resolution 21-093** to approve the 2020 Comprehensive Economic Development Performance Report and the updated Appendices I, IV, and V, and authorize its submittal to the United States Department of Commerce, Economic Development Administration

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 within a certain area by unanimous written consent of the electors

A. Hold a joint Public Hearing for the formation of CFD 2021-1 and a future annexation area thereto, the proposed services to be funded, and the proposed special tax formula

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

Councilmember Espindola moved and Councilmember Kirchner seconded the motion to:

B. Adopt **Resolution 21-094** of Formation to establish CFD 2021-1 and the future annexation area and to authorize the levy of a special tax within the district to finance certain services

C. Adopt **Resolution 21-095** calling an election with respect to special taxes to be levied on territory within CFD 2021-1, authorizing the levy of a special tax, and submitting the levy of tax to the qualified electors

The motion was passed with a unanimous vote

D. Hold an election Public Hearing for the special taxes within the District on the Initial Property (Dunn Ranch Estates – Unit 1 Subdivision, Tentative Subdivision Map No. 20-06) into CFD 2021-1

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

The sealed Ballot was opened by the Deputy City Clerk. Fourteen (14) affirmative votes were received from James R. Scott of Interwest Homes Corporation approving the Ballot Measure. Special Election Ballot, Community Facilities District 2021-1 was unanimously approved.

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

E. Adopt **Resolution 21-096** making certain findings, and declaring and certifying the results of an election approving special taxes in CFD 2021-1

F. Waive reading and introduce an Ordinance authorizing the levy of a special tax within CFD 2021-1

The motion was passed with a unanimous vote

13. Rescind Levee Impact Fee

Heather Esemann spoke

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

Adopt **Resolution 21-097** to rescind the City's Levee Impact Fee, effective immediately

The motion was passed with a unanimous vote

14. Community Development Block Grant (CDBG) Program 2021-2022 Annual Action Plan

A. Conduct a Public Hearing to receive comments on the CDBG 2021-2022 Annual Action Plan 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. Adopt **Resolution 21-098** approving the proposed CDBG 2021-2022 Annual Action Plan and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing

The motion was passed with a unanimous vote

15. Outdoor Dining Ordinance Adoption

A. Conduct a Public Hearing

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

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

B. Introduce by title only an Ordinance 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 first reading

The motion was passed with a unanimous vote

16. Priorities and Goals for Fiscal Year 2021-2022

Heather Esemann spoke

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

Discuss and Consider adopting **Resolution 21-099** adopting the City Council's Priorities and Goals for Fiscal Year 2021-2022

The motion was passed with a unanimous vote

Future Agenda Items

17. Future Agenda Items

No suggestions were made

Reports and Communications

18. 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 Teresa Hellberg, wife of Former Yuba City Mayor Eric Hellberg at 8:08 PM