

CITY OF YUBA CITY
STAFF REPORT

Date: December 20, 2022
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes from the November 15, and December 6, 2022
Recommendation: Approve the minutes from November 15, and December 6, 2022
Fiscal Impact: None

Approve the minutes from the November 15, and the December 6, 2022 meeting

Attachments:

1. 11-15-2022 - Regular Meeting Minutes (DRAFT)
2. 12-06-22 - Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
REGULAR MEETING CITY COUNCIL,
THE SUCCESSOR HOUSING AGENCY TO THE REDEVELOPMENT AGENCY,
AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
CITY COUNCIL - CITY OF YUBA
CITY NOVEMBER 15, 2022
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 5:00 PM

Roll Call:

Present: Mayor Shaw, Vice-Mayor Kirchner, and Councilmembers Boomgaarden and Harris
[Councilmember Espindola joined Closed Session in the Sutter Room at 5:09 PM]

Absent: None

Closed Session

- A. Confer with Real Property Negotiator (Government Code § 54956.8)
Property Public Utility Easement on APN 23-110-007 located on the east side of Garden Highway at Stewart Road, 2700 Garden Highway, Yuba City, California 95991
Negotiator Diana Langley, City Manager
Negotiating parties Michael Dennis Netherby and Ann Shealy Netherby
Under negotiation Price and terms of payment

- B. Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.)
Agency designated representatives Diana Langley, City Manager, Jesse Alexander, Fire Chief, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Michael Jarvis, LCW
Employee Organizations Firefighters Local 3793

- C. Conference with real property negotiator
(Govt. Code § 54956.8) Properties:

APN: 57-150-001, 0.47 acres located at 217 S Walton Avenue, Yuba City, CA 95991
APN: 57-150-050, 1.0 acres located at 211 S Walton Avenue, Yuba City, CA 95991
APN: 57-220-065, 0.11 acres generally located on S Walton Avenue between 211 and 217 S Walton Avenue, Yuba City CA 95991
Negotiator: Diana Langley, City Manager
Negotiating parties: Habitat for Humanity
Under negotiation: Price and terms of

payment

No public comment received

Regular Meeting

Call to Order

The Regular Meeting of the City Council, the Successor Housing Agency to the Redevelopment Agency, and the Successor Housing Agency to the Redevelopment Agency were called to order by Mayor Shaw at 6:06 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Chaplain Bob Fischetti

Pledge of Allegiance to the Flag

Jesse Alexander, Fire Chief

City Attorney's Report on Closed Session Items

No reportable Action

Agenda Modifications/Approval of Agenda

No changes were made

Ceremonial Presentations

1. Native American Heritage Month Proclamation

Mayor Shaw presented a proclamation to Creig Marcus, Tribal Administrator, and Enterprise Rancheria Tribal members

2. Sam Brannan Park Presentation

Brad McIntire, Community Services Director, gave a presentation

Public Communication

3. **Appearance of Interested Citizens**

Piara Johl spoke
Heather Esemann spoke
Steven Smith spoke

Consent Calendar

Councilmember Boomgaarden moved and Councilmember Harris seconded the motion to:

4. **Minutes of the November 1, 2022 meeting**

Approve the November 1, 2022 minutes

5. **Millennium Family Entertainment - Department of Alcoholic Beverage Control Application**

Adopt **Resolution 22-158** making a finding of public convenience or necessity for the issuance of a Type 40 (on-sale beer) Alcoholic Beverage Control (ABC) License at 901 Spiva Avenue, Suite A (Millennium Family Entertainment Center)

6. **Homeland Security Grant**

A. Adopt **Resolution 22-159** authorizing the Fire Chief to enter into a Memorandum of Agreement with the County of Sutter/Sutter Operational Area to accept items purchased by Sutter County on behalf of the Yuba City Fire Department, upon review and approval by the City Attorney

B. Authorize the Fire Chief to accept items purchased by Sutter County/Sutter Operational Area under the 2020 & 2021 Homeland Security Grant Award

7. **Fire Management Memorandum of Understanding**

Adopt **Resolution 22-160** approving the Fire Management Memorandum of Understanding (MOU)

8. **Bargaining Units Dental and Vision Side Letters**

Adopt Resolution **22-161** approving side letters with all bargaining units to enhance dental and vision benefits and approving the enhanced dental and vision benefits for unrepresented classifications

9. **Water Treatment Plant Surveillance Camera Replacement & Purchase**

A. Approve the following surveillance camera replacement & purchase:

1. Two (2) replacement Avigilon surveillance cameras
2. One (1) Avigilon surveillance camera

B. Adopt **Resolution 22-162** awarding the sole source purchase and installation of two (2) replacement Avigilon surveillance cameras and one (1) new Avigilon surveillance camera to Gaynor Telesystems, Inc. of Chico, CA in the amount of \$17,147 plus a 10% contingency, with the finding that it is in the best interest of the City. The total should not exceed the amount of \$18,862

10. 2023 City Council Meeting Calendar

Cancel the January 3, July 4, and August 1, 2023 Regular Council Meetings and provide for Special Workshops to be scheduled as needed

11. Fiscal Year 2023-2024 Waste Tire Enforcement Grant Application

Adopt **Resolution 22-162** authorizing Yuba County, as the Lead Agency of the Yuba-Sutter Local Enforcement Agency, to perform Waste Tire Enforcement activities on behalf of the City of Yuba City and submit a Collaborative Application for the Waste Tire Enforcement Grant to CalRecycle for Fiscal Year 2023-24

12. Appointments to the City of Yuba City Youth Commission

Approve the Recommendations for Appointments to the Youth Commission

13. Records Retention Schedule for the City of Yuba City

Adopt **Resolution 22-164** approving the Records Retention Schedule for the City of Yuba City

The motion was passed with a unanimous vote

Business Items

14. Annual Report from the Downtown Yuba City Business Improvement District and Proposed Levy of Annual Assessment for 2023

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

A. Adopt **Resolution 22-165** Accepting and Approving the 2022-2023 Annual Report of the Downtown Yuba City Business Improvement District

B. Adopt **Resolution 22-166** of Intention to Levy and Collect 2023 Annual Assessments and set a Public Hearing for December 20, 2022

The motion was passed with a unanimous vote

15. Repeal and Replace the Massage Establishment and Therapist Ordinance by title only

Mayor Shaw opened a Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

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

Introduce an Ordinance to repeal and replace Yuba City Municipal Code Title 5, Chapter 3 to include administrative penalties, revocation of permits, and clarity of ordinance for massage establishments/therapists by title only and waive the first reading

The motion was passed with a unanimous vote

16. Emergency Operations Plan

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

Adopt **Resolution 22-167** approving the City of Yuba City's Emergency Operations Plan

The motion was passed with a unanimous vote

17. Fire Prevention Ordinance and the adoption of the 2022 California Fire Code based on the 2021 Edition of the International Fire Code

Mayor Shaw opened a Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

Introduce an Ordinance of the City Council of the City of Yuba City Repealing and Re-Enacting Chapter 5 of Title 4 Regarding Fire Prevention and the 2021 International Fire Code by title only and waive the first reading

The motion was passed with a unanimous vote

18. Building Regulations Ordinance and the adoption of the 2022 edition of the California Building Standards Code

Mayor Shaw opened a Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

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

Introduce an Ordinance of the City Council of the City of Yuba City Repealing Chapters 1 Through Chapter 14 of Title 7 of the Yuba City Municipal Code and Re-Enacting Chapters 1 Through Chapter 14 of Title 7 Adopting by Reference the 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California

Historical Code, 2022 California Existing Building Code, 2022 California Referenced Standards Code, 2022 California Residential Building Code, 2022 California Green Building Standards (CALgreen) Code, 2021 Uniform Swimming Pool Spa & Hot Tub Code, Etc., With Certain Amendments, Additions and Deletions Thereto, by title only and waive the first reading

The motion was passed with a unanimous vote

19. Expedited Permitting for Electric Vehicle Charging Systems, Ordinance Update pursuant to Assembly Bill 970

Mayor Shaw opened a Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

Introduce an Ordinance of the City Council of the City of Yuba City Amending Section 7-17.04 (Permit Application Processing) of Chapter 17, Title 7 of the Yuba City Municipal Code to implement the provisions of Assembly Bill 970 by title only and waive the first reading

The motion was passed with a unanimous vote

20. Declaration of Surplus Land – Successor Housing Agency to the Yuba City Redevelopment Agency Properties

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

Adopt **Resolution SA22-002** declaring certain Successor Housing Agency-owned properties to be surplus land and directing the City Manager to follow the procedures set forth in the Surplus Land Act for the sale of such properties

The motion was passed with a unanimous vote

Future Agenda Items

21. Future Agenda Items

No Suggestions

Reports and Communications

22. City Manager's Report

23. City Council Reports

- Councilmember Espindola
- Councilmember Harris
- Councilmember Boomgaarden

- Vice Mayor Kirchner
- Mayor Shaw
-

Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council, the Successor Housing Agency to the Redevelopment Agency, and the Successor Housing Agency to the Redevelopment Agency at 8:16 PM

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (DRAFT)
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
DECEMBER 6, 2022
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Regular Meeting

Call to Order

The Regular Meeting of the City Council called to order by Mayor Shaw at 6:02 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Chris Kersting, Pastor – St. Andrews Presbyterian Church

Posting of the Colors

Police Color Guard

Pledge of Allegiance to the Flag

Gilbert Hilleary, Vietnam Combat Veteran

Agenda Modifications/Approval of Agenda

Staff provided an updated Resolution for Item 4, including the Certified Election Results from Sutter County. Printed copies were made available in the lobby and this information was also posted on the website.

Public Communication

1. Appearance of Interested Citizens

Tony Farley spoke

Business from the City Council

2. Presentation to Outgoing Councilmember Espindola

Mayor Shaw presented Councilmember Espindola with a proclamation and a gift

Braden Pisani presented a Certificate of Recognition from Assemblyman Gallagher
Councilmember Espindola spoke

3. Comments and Presentation to Outgoing Mayor Shaw

Vice-Mayor Kirchner presented Mayor Shaw with a proclamation and ceremonial gavel

Braden Pisani presented Certificate of Recognition from Senator Nielsen & Assemblyman Gallagher

Mayor Shaw spoke

Election Results

4. Declaration of Election Results

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

Adopt **Resolution 22-168** declaring the results of the November 8, 2022 General Municipal Election

The motion was passed with a unanimous vote

Recess [3 Minutes]

Call to Order

The Regular Meeting of the City Council called back to order by Mayor Shaw at 6:54 PM

5. Administer Oaths of Office

- **Council-elect – District 2: Marc Boomgaarden**

Oath given by Former Mayor, Rory Ramirez

- **Council-elect – District 3: Michael Pasquale**

Oath given by Ciara Wakefield, City Clerk Administrator

- **Council-elect – District 1: Dave Shaw**

Oath given by Ciara Wakefield, City Clerk Administrator

Further Business from the City Council

6. Comments from New Councilmembers

- Councilmember Boomgaarden

- Councilmember Pasquale

- Councilmember Shaw

7. Election of New Mayor

Councilmember Harris moved and Councilmember Boomgaarden seconded the motion to:

Elect Wade Kirchner as Mayor

Roll Call:

Ayes: Councilmembers Boomgaarden, Harris, Pasquale, Shaw

Noes: None

The motion was passed with 4 votes

Election of New Vice-Mayor

Elect Shon Harris as Vice-Mayor

Roll Call:

Ayes: Councilmembers Boomgaarden, Pasquale, Shaw, and Mayor Kirchner

Noes: None

The motion was passed with 4 votes

8. Comments from Vice-Mayor Shon Harris

9. Comments from Mayor Wade Kirchner

Adjournment

Mayor Kirchner adjourned the Regular Meeting of the City Council at 7:24 pm

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk