

AGENDA
REGULAR MEETING OF
CITY COUNCIL – CITY OF YUBA CITY
AUGUST 2, 2005 – 7:00 P.M.

- CALL TO ORDER

- ROLL CALL

____ Mayor Cartoscelli
____ Vice Mayor Hellberg
____ Councilman Doolittle
____ Councilman Miller
____ Councilman Ramirez

- INVOCATION

- PLEDGE OF ALLEGIANCE TO THE FLAG

1. PRESENTATIONS/PROCLAMATIONS

A. Senior Commission

2. PUBLIC HEARINGS

A. FY 05-06 California Citizens' Option for Public Safety Grant

Recommendation: Conduct a public hearing, then adopt a resolution authorizing the Chief of Police to accept FY 2005/2006 California Citizens' Option for Public Safety (COPS) funding, approve the general expenditure category, authorize sole source contract with Spinitar Systems of Sacramento for audio/visual upgrades in the Police Training Room/City Emergency Operations Center as being in the best interest of the City and authorize the Assistant City Manager to make budget adjustments, as necessary.

B. Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area)

Recommendation: Conduct a public hearing; then adopt a resolution confirming the assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Benefit Assessment Act of 1982.

C. Lighting and Landscape Maintenance Districts No. 1 and No. 2 (annual levy; no CPI adjustment) [Stabler Lane/Garden Highway and Town Square areas respectively]

Recommendation: Conduct a public hearing; then adopt a resolution confirming the diagram and assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Landscaping and Lighting Act of 1972.

D. Lighting and Landscape Maintenance Districts No. 3, 4 & 5 [64 Subdivisions throughout the City]

Recommendation: Conduct a public hearing; then adopt a resolution confirming the diagram and assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Landscaping and Lighting Act of 1972.

E. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit B_5

Recommendation: Conduct a public hearing; then adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit B_5. [Fletcher Place, located on the south side of B Street east of Park Avenue]

F. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_11

Recommendation: Conduct a public hearing; then adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_11. [Canterbury Estates Unit No. 3 located at the north end of Gray Avenue between East Onstott and Live Oak Boulevard]

G. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_1

Recommendation: Conduct a public hearing; then adopt a resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_1. [River Valley Commercial Center located south of Colusa Avenue (State Route 20) where Harter Road currently intersects the highway]

3. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the City Council on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Public comment on public hearing agenda items will be permitted during those hearings.

4. BID OPENINGS

A. Recware Internet Reservation Software

Recommendation: Authorize staff to purchase Internet reservation software in the amount of \$39,267 from The Active Network Ltd. of Burnaby, British Columbia by finding that it is in the best interest of the City to do so.

B. Water Treatment Plant Expansion to 30 Mgd (Contract #05-07); Construction Award

Recommendation: Award a construction contract for the Water Treatment Plant Expansion to 30 mgd to C. W. Roen Construction Company of Danville, CA, for their low bid of \$21,655,542.00; and adopt a resolution awarding the project known as Water Treatment Plant Expansion to 30 mgd to C. W. Roen Construction Company.

C. Police Patrol Vehicle Purchase

Recommendation: Authorize staff to purchase 8 police patrol vehicles in the amount of \$182,600.49 from the low bidder Larry Geweke Ford of Yuba City, California using the County of Sutter 04-05 Vehicle Bid with the finding that it is in the best interest of the City.

D. Custodian Services (Formal Bid 05-23)

Recommendation: Award a bid to the low bidder Five Star Cleaning Service, of Yuba City, CA in the amount of \$30,000 for custodian services at the Waste Water Treatment Facility.

E. Little John/Madden House Furniture and Installation

Recommendation: Authorize staff to purchase furniture and installation in the amount of \$44,090.94 from Miles Treaster and Associates of West Sacramento, CA using the Sacramento County Contract No. AG 6987 with the finding that it is in the best interest of the City.

5. CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

A. Regular City Council Meeting Minutes of July 19, 2005

Recommendation: Approve the regular Meeting Minutes of July 19, 2005.

B. Planning Commission Actions

Recommendation: Note and file

C. Monthly Investment Report (June 2005)

Recommendation: Note and file

D. Regency Park Improvements

Recommendation: Adopt a resolution accepting the subject project and authorizing the Assistant City Manager to file a Notice of Completion.

E. Kumar Parcel Map

- Recommendation:
- 1) Adopt a resolution approving the execution of the Kumar Deferred Improvement Agreement with Neil Kumar providing for the construction of public improvements.
 - 2) Adopt a resolution accepting easements and rights-of-way as shown on the parcel map.

F. Revision of Salary and Compensation Plan to Modify the Compensation for the Community Development Director and City Engineer Classifications

Recommendation: Adopt a Resolution revising the salary and classification plan to adjust the compensation of the Community Development Director and City Engineer.

6. BUSINESS FROM THE COUNCIL

7. CLOSED SESSION

Adjourn to closed session to confer with real property negotiators Jeffrey Foltz and Laura Duncan pursuant to Government Code Section 54956.8 regarding possible purchase of APN 52-251-018 located at 731 Plumas Street.

8. ADJOURNMENT

Adjourn the regular City Council meeting to a joint Study Session of the City Council and Planning Commission at 5:00 p.m., Thursday, August 4, 2005; at the Yuba City Fire Department Headquarters, 824 Clark Ave., Yuba City.

MINUTES
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
AUGUST 2, 2005 – 7:00 P.M.

- CALL TO ORDER

The City Council of the City of Yuba City was called to order by Mayor Cartoscelli at 7:00 p.m.

- ROLL CALL

Present: Councilmembers Doolittle, Hellberg, Miller, Ramirez, and Mayor Cartoscelli
Absent: None

- INVOCATION

Police Chief Richard Doscher gave the invocation.

- PLEDGE OF ALLEGIANCE TO THE FLAG

Councilman Hellberg led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

A. Senior Commissioner June Bone gave the monthly report.

2. PUBLIC HEARINGS

A. FY 05-06 California Citizens' Option for Public Safety Grant

Police Chief Richard Doscher explained that, as in prior years, the State Department of Finance has notified us that the Yuba City Police Department will receive \$100,000 from the COPS fund. Staff is requesting that Council authorize the use of these funds in the main category of technological advancements for assistance to frontline law enforcement. Chief Doscher pointed out that this grant, coupled with the \$16,638 Federal Grant Council authorized on May 17, 2005 for audio/visual upgrades in Police Facility areas such as the Training/EOC Room, would allow for total completion of that project.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

It was noted that there was a typographical error in the resolution. The word contact is to be changed to contract.

Councilman Doolittle moved to adopt Resolution No. 05-147, as corrected, authorizing the Chief of Police to accept FY 2005/2006 California Citizens' Option for Public Safety (COPS) funding, approve the general expenditure category, authorize a sole source contract with Spinitar Systems of Sacramento for audio/visual upgrades in the Police Training Room/City Emergency Operations Center as being in the best interest of the City and authorize the Assistant City Manager to make budget adjustments, as necessary. Councilman Hellberg seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: None

B. Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area)

Assistant City Manager Phil Carter explained that this public hearing is required to allow protest before establishing assessments for the coming year to pay for street light operation and maintenance in the annexed areas.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Doolittle moved to adopt Resolution No. 05-148 confirming the assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Benefit Assessment Act of 1982. Councilman Ramirez seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: None

C. Lighting and Landscape Maintenance Districts No. 1 and No. 2 (annual levy; no CPI adjustment) [Stabler Lane/Garden Highway and Town Square areas respectively]

Assistant City Manager Phil Carter explained that this public hearing is required to allow protest before establishing assessments for the coming year. These assessments will pay for a variety of things including street landscaping, street trees, and street lighting.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Miller moved to adopt Resolution No. 05-149 confirming the diagram and assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Landscaping and Lighting Act of 1972. Councilman Doolittle seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSTAIN: Councilman Hellberg

D. Lighting and Landscape Maintenance Districts No. 3, 4 & 5 [64 Subdivisions throughout the City]

Councilman Miller left the meeting due to a conflict of interest.

Assistant City Manager Phil Carter explained that this public hearing is required to enable the present and future lot owners to pay for the street lighting and landscape maintenance costs along the subdivision streets, and operation and maintenance costs of the detention ponds.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Doolittle moved to adopt Resolution No. 05-150 confirming the diagram and assessment and levying the assessment for fiscal year 2005-2006, pursuant to the Landscaping and Lighting Act of 1972. Councilman Hellberg seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: Councilman Miller

Councilman Miller returned to the meeting.

E. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit B_5

Assistant City Manager Phil Carter explained that this public hearing is required by State law to establish the Lighting and Landscape Maintenance District which is required in the Fletcher Place Map to enable the future lot owners to pay the cost and maintenance of street lighting and landscaping within the subdivision.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Doolittle moved to adopt Resolution No. 05-151 confirming the diagram and assessment and levying the assessment for fiscal year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit B_5. [Fletcher Place, located on the south side of B Street east of Park Avenue.] Councilman Miller seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: None

F. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_11

Assistant City Manager Phil Carter explained that this public hearing is required by State law to establish the Lighting and Landscape Maintenance District which is required in the Canterbury Estates Unit No. 3 Map to enable the future lot owners to pay the cost and maintenance of landscaping materials, irrigation systems, lighting, and street trees within the subdivision.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Doolittle moved to adopt Resolution No. 05-152 confirming the diagram and assessment and levying the assessment for fiscal year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_11. [Canterbury Estates Unit

No. 3 located at the north end of Gray Avenue between East Onstott and Live Oak Boulevard.] Councilman Miller seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: None

G. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_1

Assistant City Manager Phil Carter explained that this public hearing is required by State law to establish the Lighting and Landscape Maintenance District which is required in the River Valley Commercial Center Map to enable the future lot owners to pay the cost and maintenance of landscaping materials, irrigation systems, lighting, and street trees within the subdivision.

Mayor Cartoscelli opened the public hearing. Hearing no comment, the public hearing was closed.

Councilman Miller moved to adopt Resolution No. 05-153 confirming the diagram and assessment and levying the assessment for fiscal year 2004-2005 for Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_1. [River Valley Commercial Center located south of Colusa Avenue (State Route 20) where Harter Road currently intersects the highway.] Councilman Ramirez seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, & Mayor Cartoscelli
NOES: None
ABSENT: None

3. APPEARANCE OF INTERESTED CITIZENS

- A. Fire Chief Marc Boomgaarden gave an overview and update of the recent structure fire which occurred early Monday morning at the Harter House on Harter Road. He stated that the fire is listed as suspicious and remains under investigation.
- B. Rob Wilson, KB Homes, gave an update regarding the drainage issues with Walnut Park Estates. He also gave an update of the detention pond.
- C. Robert Mackensen, Sutter County Heritage: Stated that they are not questioning the professionalism of the Fire Department regarding the recent fire at the Harter House. He asked that a comprehensive investigation be done on the fire.

4. BID OPENINGS

A. Recware Internet Reservation Software

Recreation Manager Brad McIntire explained that the City has provided internet access to the Recreation Department's facility/class reservation system over the last three years. Today, the demand for even more automation of these services exceeds the ability of the present software. The Active Network, our current provider, has software which provides an enhanced interface for Internet access to their software suite.

Councilman Hellberg voiced his concerns, including not going out to bid on this item, listing as a sole source purchase, and using a vendor that is out of the country.

After further discussion, Councilman Miller moved to authorize staff to purchase Internet reservation software in the amount of \$39,267 from The Active Network Ltd. of Burnaby, British Columbia by finding that it is in the best interest of the City to do so. Councilman Doolittle seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Miller, Ramirez, & Mayor Cartoscelli
NOES: Councilman Hellberg
ABSENT: None

B. Water Treatment Plan Expansion to 30 Mdg (Contract #05-07); Construction Award

Utilities Director Bill Lewis explained that this is the beginning of phase two of the four phases of the Yuba City Water Master Plan. This phase will provide an additional 6 mgd of treatment capacity, with total capacity of 30 mgd by June 2006. Funding will be derived from a combination of recurring revenues, retained earnings (fund balance), and tax exempt securities.

Councilman Hellberg moved to adopt Resolution No. 05-154 awarding the project known as Water Treatment Plant Expansion to 30 mgd to C.W. Roen Construction Company of Danville, CA for their low bid of \$21,655,542.00. Councilman Doolittle seconded the motion that passed with a unanimous vote.

C. Police Patrol Vehicle Purchase

General Services Manager Jack Smith read staff's recommendation and noted that there is a typographical error and that the amount of the recommendation should read \$185,277.45.

Councilman Doolittle moved to authorize staff to purchase 8 police patrol vehicles in the amount of \$185,277.45 from the low bidder, Larry Geweke Ford of Yuba City, California using the County of Sutter 04-05 Vehicle Bid with the finding that it is in the best interest of the City. Councilman Miller seconded the motion that passed with a unanimous vote.

D. Custodian Services (Formal Bid 05-23)

General Services Manager Jack Smith stated that staff recommends the award of this bid to Five Star Cleaning Services of Yuba City, CA.

Councilman Hellberg stated that he was surprised that there was no prior discussion of this item before it went out to bid. Councilman Miller asked if the City has used this vendor in the past. Mr. Smith answered no, that this is the first time the City has asked for this type of contract.

Councilman Miller moved to award a bid to the low bidder Five Star Cleaning Service, of Yuba City, CA in the amount of \$30,000 for custodian services at the Waste Water Treatment Facility. Councilman Doolittle seconded the motion that passed with a unanimous vote.

E. Little John/Madden House Furniture and Installation

General Services Manager Jack Smith stated that staff recommends the purchase of furniture and installation in the amount of \$44,090.94 from Miles Treaster and Associates of West Sacramento, CA.

Councilman Doolittle moved to authorize staff to purchase furniture and installation in the amount of \$44,090.94 from Miles Treaster and Associates of West Sacramento, CA using the Sacramento County Contract No. AG 6987 with the finding that it is in the best interest of the City. Councilman Miller seconded the motion that passed with a unanimous vote.

5. CONSENT CALENDAR

Councilman Ramirez asked that Item F be removed from the consent calendar. Councilman Hellberg asked that Item D be removed from the consent calendar. Councilman Doolittle moved to adopt the balance of the consent calendar. Councilman Miller seconded the motion that passed with a unanimous vote.

A. Approved the regular Meeting Minutes of July 19, 2005.

B. Noted and filed the Planning Commission actions.

C. Noted and filed the monthly investment report for June 2005.

E. Adopted Resolution No. 05-156 approving the execution of the Kumar Deferred Improvement Agreement with Neil Kumar providing for the construction of public improvements. Adopted Resolution No. 05-157 approving the Kumar Parcel Map, accepting for dedication the public right-of-way and utility easements and rights-of-way, and authorizing recordation of the parcel map.

Regarding Item D, Councilman Hellberg stated that the park is outstanding and that staff did an excellent job on the grand opening. Council concurred. Councilman Hellberg moved to adopt Item D of the consent calendar. Councilman Doolittle seconded the motion that passed with a unanimous vote.

D. Adopted Resolution No. 05-155 accepting the subject project and authorizing the Assistant City Manager to file a Notice of Completion for Regency Park Improvements.

Regarding Item F, Councilman Ramirez voiced his concern over placing salary issues on the consent calendar. He would like to have the opportunity to discuss such items.

City Manager Jeffrey Foltz explained that the current salary levels only showed a 1.4% difference between the Director position and his supervisor, Assistant City Manager-Development Services. The proposed change would separate the two positions by 5%. Human Resources Director Steve Johnson further explained that in today's market, engineering positions are in high demand. The proposed change to the City Engineer position will help with our ability to recruit for and fill this position.

Councilman Ramirez moved to adopt Item F of the consent calendar. Councilman Miller seconded the motion that passed with a unanimous vote.

- F. Adopted Resolution No. 05-158 revising the salary and classification plan to adjust the compensation of the Community Development Director and City Engineer classifications.

6. BUSINESS FROM THE COUNCIL

Councilman Hellberg asked that before the water tower on Plumas Street is painted, Council be given the opportunity to discuss the project. He also asked for the status of a response to the letter received from Mr. and Mrs. Teague. City Manager Jeffrey Foltz stated that the Mayor was in contact with Mr. Teague regarding a grade separation between his lot and a new subdivisions lot. Councilman Hellberg said that he would not be available August 22 – 29, 2005, except for emergencies.

Councilman Doolittle said that he just returned from a Mayor/Councilmembers meeting in Monterey and that the meeting was very good. He also noted that the proposed Proposition 76, "Live within your Means," was being referred to special session and would more than likely be considered in the future.

Mayor Cartoscelli said that the Transportation Bill was passed in Washington D.C. and it includes four million dollars for the 5th Street bridge conversion.

7. CLOSED SESSION

At 8:07 p.m. adjourned to closed session and conferred with real property negotiator Jeffrey Foltz and Laura Duncan, pursuant to Government Code Section 54956.8 regarding possible purchase of APN 52-251-018 located at 731 Plumas Street.

8. ADJOURNMENT

At 8:20 p.m., reconvened from closed session and immediately adjourned in memory of Tom Cooke, Mayor of Fortuna, CA to a joint Study Session of the City Council and Planning Commission at 5:00 p.m., Thursday, August 4, 2005; at the Yuba City Fire Department Headquarters, 824 Clark Avenue, Yuba City.

KAREN CARTOSCELLI
MAYOR

ATTEST:

STEVE JOHNSON
CITY CLERK

AGENDA
SPECIAL JOINT MEETING OF THE
CITY COUNCIL & PLANNING COMMISSION
CITY OF YUBA CITY
STUDY SESSION
FIRE DEPT. HEADQUARTERS' TRAINING ROOM
AUGUST 4, 2005 – 5:00 P.M.

- CALL TO ORDER

- ROLL CALL
CITY COUNCIL

_____ Mayor Cartoscelli
_____ Vice Mayor Hellberg
_____ Councilman Doolittle
_____ Councilman Miller
_____ Councilman Ramirez

- ROLL CALL
PLANNING COMMISSION

_____ Melia Campbell
_____ Michael Cartoscelli
_____ Maynard Dunn
_____ Tejinder Maan
_____ Craig Starkey
_____ Jeffrey Spencer
_____ Satwant Takhar

1. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the Council concerning any item that has been described in the notice for the meeting.

2. GENERAL PLAN REVIEW AND PRESENTATION ON DEVELOPMENT OF HIGH DENSITY HOUSING

City Council and the Planning Commission to review the General Plan Policies and High Density Housing.

3. ADJOURNMENT

AGENDA
SPECIAL JOINT MEETING OF THE
CITY COUNCIL & PLANNING COMMISSION
CITY OF YUBA CITY
STUDY SESSION
AUGUST 5, 2005
DEPART CITY HALL 8:00 A.M.

- CALL TO ORDER

- ROLL CALL
CITY COUNCIL

____ Mayor Cartoscelli
____ Vice Mayor Hellberg
____ Councilman Doolittle
____ Councilman Miller
____ Councilman Ramirez

- ROLL CALL
PLANNING COMMISSION

____ Melia Campbell
____ Michael Cartoscelli
____ Maynard Dunn
____ Tejinder Maan
____ Craig Starkey
____ Jeffrey Spencer
____ Satwant Takhar

1. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the Council concerning any item that has been described in the notice for the meeting.

2. HIGH DENSITY HOUSING

City Council and the Planning Commission to tour Housing Projects in Hercules, Vallejo and Mare Island.

3. ADJOURNMENT

AGENDA
SPECIAL JOINT MEETING OF THE
YUBA CITY CITY COUNCIL & SUTTER COUNTY BOARD OF SUPERVISORS
STUDY SESSION AT THE
SUTTER COUNTY HEALTH BUILDING AUDITORIUM
1445 VETERANS MEMORIAL CIRCLE
YUBA CITY, CA
AUGUST 16, 2005 – 5:30 P.M.

- CALL TO ORDER

- ROLL CALL-CITY COUNCIL

_____ Mayor Cartoscelli
_____ Vice Mayor Hellberg
_____ Councilman Doolittle
_____ Councilman Miller
_____ Councilman Ramirez

1. IMPACT FEES

Recommendation: Discussion concerning policy issues and alternatives related to
City and County development impact fees.

2. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the Council concerning any item that has been described in
the notice for the meeting.

3. ADJOURNMENT

AGENDA
REGULAR MEETING OF
CITY COUNCIL – CITY OF YUBA CITY
AUGUST 16, 2005 – 7:00 P.M.

- CALL TO ORDER

- ROLL CALL

____ Mayor Cartoscelli
____ Vice Mayor Hellberg
____ Councilman Doolittle
____ Councilman Miller
____ Councilman Ramirez

- INVOCATION

- PLEDGE OF ALLEGIANCE TO THE FLAG

1. PRESENTATIONS/PROCLAMATIONS

A. Youth Commission

2. WRITTEN COMMUNICATIONS

A. Request for Funds from the Yuba Sutter Sting

3. PUBLIC HEARINGS

A. Yuba City Lighting and Landscape Maintenance District No. 4, Zone of Benefit D_2

Recommendation: Conduct a public hearing; THEN Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 4, Zone of Benefit D_2. [Tres Picos Estates located in the Buttes Vista Neighborhood at the southeast corner of Stabler Lane and Pease Road]

B. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit C_8

Recommendation: Conduct a public hearing; THEN Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit C_8. [Bay Drive Estates Unit No. 2, located north of Pebble Beach Drive on the east side of Sanborn Road]

C. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_12

Recommendation: Conduct a public hearing; THEN Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_12. [Canterbury Estates Unit No. 4 located on the south side of Pease Road between East Onstott Road and Gray Avenue]

D. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_13

Recommendation: Conduct a public hearing; THEN Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_13. [Teal Hollow Unit No. 1 located north of State Route 20 and west of Royo Ranchero Drive]

E. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_14

Recommendation: Conduct a public hearing; THEN Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_14. [Domain Estates located north of Queens Avenue and west of Blevin Road]

4. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the City Council on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Public comment on public hearing agenda items will be permitted during those hearings.

5. BID OPENINGS

A. Capstone Micro Turbine Full Service Maintenance Agreement

Recommendation: Purchase 3-Year Full Service Extended Warranty Contract from Capstone Turbine Corporation and find that it is in the best interest of the City to do so.

6. CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

A. Regular City Council Meeting Minutes of August 2, 2005

Recommendation: Approve the regular Meeting Minutes of August 2, 2005.

B. Summary Vacation of Public Utility Easement – Lot 16 Langtree Plaza

Recommendation: Adopt a resolution summarily vacating a public utility easement on Lot 16 of Langtree Plaza.

C. Oak Hollow – 5-lot single family dwelling development

Recommendation: Adopt a resolution approving the execution of an Improvement Agreement with Michael Tomlinson and Theresa Tomlinson, Trustees of the Michael Tomlinson and Theresa Tomlinson 1997 Revocable Inter Vivos Trust created April 15, 1997 providing for public improvements for Oak Hollow, located on the east side of Bunce Road just south of Gilsizer Slough.

D. Grant Deed – The City of Yuba City to Wheeler Investment Company
Recommendation: Adopt a resolution authorizing the Mayor to execute a Grant Deed to Wheeler Investment Company.

E. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2
Recommendation: Adopt the following resolutions to create the Lighting and Landscape Maintenance District:

Resolution to modify Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2 (Geweke Crossing located on Sunsweet Boulevard west of State Route 99).

Resolution of Intention, Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2 (pursuant to the Landscaping and Lighting Act of 1972).

7. REPORTS & MISCELLANEOUS

A. Acquisition of Property for Site of Fire Station and Water Storage/Distribution Facility and Lease Agreement
Recommendation: Adopt a Resolution authorizing the City Manager to sign all documents (including closing documents) in support of the City’s acquisition of approximately 10-acres at the southeast corner of Franklin Road and Ohleyer Road (APN 20-030-12) between the City of Yuba City and the “Cervantes Bypass 12/13/99 Trust” and approving related appropriations, and

Adopt a Resolution authorizing the City Manager to enter into a lease agreement with Mrs. Maria Cervantes to allow her to farm the walnut crop located on the subject property through November 25, 2005.

B. Code of Ethics
Recommendation: Adopt a Resolution establishing a Code of Ethics for members of Council, Boards and Commissions.

8. BUSINESS FROM THE COUNCIL

A. Councilman Hellberg’s Request to Review the Plumas Street Water Tank Capital Project

9. CLOSED SESSION

Adjourn to closed session to confer with legal counsel regarding existing litigation pursuant to Section 54956.9(a) of the Government Code, Phoenix Assurance Company of New York v. City of Yuba City, Sutter County Superior Court Case No. CV CS03-1912.

10. ADJOURNMENT

MINUTES
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
AUGUST 16, 2005 – 7:00 P.M.

- CALL TO ORDER

The City Council of the City of Yuba City was called to order by Mayor Cartoscelli at 7:00 p.m.

- ROLL CALL

Present: Councilmembers Doolittle, Hellberg, Miller, Ramirez, and Mayor Cartoscelli
Absent: None

- INVOCATION

Police Chief Richard Doscher gave the invocation.

- PLEDGE OF ALLEGIANCE TO THE FLAG

Councilman Miller led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

A. Youth Commission

Youth Commissioner Masson Hart gave the monthly report.

2. WRITTEN COMMUNICATIONS

A. Request for Funds from the Yuba Sutter Sting

Mayor Cartoscelli stated Council received a letter requesting funds for the Yuba-Sutter Sting. No one from the team attended the meeting to elaborate on the softball teams' participation in a World Series tournament and their request for funds. Mayor Cartoscelli stated that although this is a worthwhile cause, it has always been the City's policy that it does not make donations of public funds to private organizations. Council concurred.

3. PUBLIC HEARINGS

Mayor Cartoscelli announced there would be one public hearing on the five lighting and landscape maintenance districts on tonight's agenda. She read the title of each district, and then asked if Council had any questions or comments. Councilman Hellberg asked what constitutes the cost difference in the assessments. City Manager Jeffrey Foltz responded it is an engineering calculation based on the number of lights, landscaping requirements, whether parkways are included, and maintenance of masonry walls, etc.

Mayor Cartoscelli opened the public hearing for agenda items 3A-E. Hearing no comment, the public hearing was closed.

A. Yuba City Lighting and Landscape Maintenance District No. 4, Zone of Benefit D_2

Councilman Doolittle moved to adopt Resolution No. 05-159 confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 4, Zone of Benefit D_2. [Tres Picos Estates located in the Buttes Vista Neighborhood at the southeast corner of Stabler Lane and Pease Road]. Councilman Ramirez seconded the motion that passed with a unanimous vote.

B. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit C_8

Councilman Ramirez moved to adopt Resolution No. 05-160 confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit C_8. [Bay Drive Estates Unit No. 2, located north of Pebble Beach Drive on the east side of Sanborn Road]. Councilman Miller seconded the motion that passed with a unanimous vote.

C. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_12

Councilman Ramirez moved to adopt Resolution No. 05-161 confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_12. [Canterbury Estates Unit No. 4 located on the south side of Pease Road between East Onstott Road and Gray Avenue]. Councilman Miller seconded the motion that passed with a unanimous vote.

D. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_13

Councilman Ramirez moved to adopt Resolution No. 05-162 confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_13. [Teal Hollow Unit No. 1 located north of State Route 20 and west of Royo Ranchero Drive]. Councilman Hellberg seconded the motion that passed with a unanimous vote.

E. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_14

Councilman Ramirez moved to adopt Resolution No. 05-163 confirming diagram and assessment and levying assessment for Fiscal Year 2004-2005 for Lighting and Landscape Maintenance District No. 5, Zone of Benefit K_14. [Domain Estates located north of Queens Avenue and west of Blevin Road]. Councilman Doolittle seconded the motion that passed with a unanimous vote.

4. APPEARANCE OF INTERESTED CITIZENS

None.

5. BID OPENINGS

A. Capstone Micro Turbine Full Service Maintenance Agreement

Utilities Director Bill Lewis said this item is for an extended service warranty on the micro turbines installed as an upgrade at the Wastewater Treatment Facility. The normal warranty period is coming to an end. The micro turbines are a free fuel source and we recover the heat off the turbines, which generates about \$275,000 per year in power. The extended warranty covers maintenance, parts and labor. Annual cost is \$30,429. Mr. Lewis responded to Council's questions. Replacing a turbine engine costs about \$17,000 each, or \$30,000 for a new turbine, and we have ten turbines.

Councilman Miller moved to purchase a 3-Year Full Service Extended Warranty Contract from Capstone Turbine Corporation and find that it is in the best interest of the City to do so. Councilman Doolittle seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, and Mayor Cartoscelli
NOES: None
ABSENT: None

6. CONSENT CALENDAR

Mayor Cartoscelli asked that Items A and C be removed for further discussion. Councilman Hellberg asked that Item E be removed for further discussion. Councilman Doolittle moved to adopt the balance of the calendar as presented. Councilman Hellberg seconded the motion that passed with a unanimous vote.

B. Adopted Resolution No. 05-164 summarily vacating a public utility easement on Lot 16 of Langtree Plaza.

D. Adopted Resolution No. 05-166 authorizing the Mayor to execute a Grant Deed from the City of Yuba City to Wheeler Investment Company.

Mayor Cartoscelli noted on the last page of the August 2, 2005 minutes, under Business from Council, paragraph 3, "for the third bridge project" should read "for the 5th Street bridge conversion." Mayor Cartoscelli moved to adopt Item A of the Consent Calendar, as corrected. Councilman Doolittle seconded the motion that passed with a unanimous vote.

A. Approved the regular City Council meeting minutes of August 2, 2005, as corrected.

Mayor Cartoscelli reported Council has been provided with additional information on Item C. After discussion, Councilman Ramirez moved to adopt Item C of the Consent Calendar, as amended. Councilman Miller seconded the motion that passed with a unanimous vote.

C. Adopted Resolution No. 05-165 approving the execution of an Improvement Agreement, as amended, with Michael Tomlinson and Theresa Tomlinson, Trustees of the Michael Tomlinson and Theresa Tomlinson 1997 Revocable Inter Vivos Trust created April 15, 1997 providing for public improvements for Oak Hollow, a 5-lot single family dwelling development, located on the east side of Bunce Road just south of Gilsizer Slough.

Regarding Item E, Councilman Hellberg asked if the fiscal impact was \$220/acre. City Manager Jeffrey Foltz confirmed the amount as being correct. Councilman Hellberg moved to adopt Item E of the Consent Calendar. Councilman Doolittle seconded the motion that passed with a unanimous vote.

- E. Adopted the following resolutions to create Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2: Resolution No. 05-167 to modify Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2 (Geweke Crossing located on Sunsweet Boulevard west of State Route 99); and Resolution of Intention No. 05-168, Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit A_2 (pursuant to the Landscaping and Lighting Act of 1972).

7. REPORTS AND MISCELLANEOUS

A. Acquisition of Property for Site of Fire Station and Water Storage/Distribution Facility and Lease Agreement

Fire Chief Marc Boomgaarden recapped the planning and negotiations during the past year for acquisition of land for Fire Station #4 and the establishment of water storage tanks in the west/central portion of Yuba City. One point of consideration of the purchase is the naming of the fire station in honor of Daniel P. Cervantes. Staff feels it would be a great honor to name the fire station after him.

Councilman Doolittle moved to adopt Resolution No. 05-169 authorizing the City Manager to sign all documents (including closing documents) in support of the City's transaction of approximately 10-acres at the southeast corner of Franklin Road and Ohleyer Road (APN 20-030-12) between the City of Yuba City and the "Cervantes Bypass 12/13/99 Trust" and approving related appropriations, and to adopt Resolution No. 05-170 authorizing the City Manager to enter into a lease agreement with Mrs. Maria Cervantes to allow her to farm the walnut crop located on the subject property through November 25, 2005. Councilman Miller seconded the motion that passed with a unanimous vote.

Mrs. Cervantes thanked the Council and staff for all their hard work in making this transaction a reality. She expressed special thanks for naming the fire station after her late husband.

B. Code of Ethics

City Manager Jeffrey Foltz noted that a year ago while working on the budget, Council had included an initiative to assure high ethical standards in our public officials. Staff felt a policy to initiate ethical standards was appropriate to meet this initiative. Presently, the legislature is going through the process of establishing ethical standards with AB1234. Staff looked at the Code of Ethics established in other cities; i.e., Mountain View, Fresno, Rocklin, Calistoga, and West Sacramento. Staff recommended approval of the resolution establishing a Code of Ethics.

After discussion, Council agreed to the following changes to the proposed Code of Ethics: Item 5 should have ", with an open mind," inserted after "attentively"; Item 10 should end with the words "financial interest" with the remainder of the paragraph deleted; and Item 20, paragraph 2, needs to be changed from "Code of Code" to "Code of Ethics."

Councilman Doolittle moved to adopt Resolution No. 05-171, as amended, establishing a Code of Ethics for members of Council, Boards and Commissions. Councilman Miller seconded the motion that passed with the following vote:

AYES: Councilmembers Doolittle, Hellberg, Miller, Ramirez, and Mayor Cartoscelli
NOES: None
ABSENT: None

8. BUSINESS FROM THE COUNCIL

A. Councilman Hellberg's Request to Review the Plumas Street Water Tank Capital Project

Councilman Hellberg stated he would like to see the water tower returned to its original state, which was block letters. Soft floodlights could be used to light it up. Mayor Cartoscelli said she needed to know more about the project described in the City's CIP. City Manager Jeffrey Foltz noted \$37,000 was set aside in the capital budget to repaint the letters on the water tower and to provide for a new lighting system. Research is needed on the lighting system since the fiber optic lights did not work out that well. Councilman Miller asked if the \$37,000 is for painting the entire water tower or just the letters. Mr. Foltz stated it is for replacing the letters and lighting. Repainting the tank is another budget item, but it may not need to be repainted for some time.

Resident Gregory Scandalis, 788 Andrew Street, supported restoring the water tank's large block letters while Downtown Business Association President Don Covey, 669 Plumas Street, stated merchants liked the present look of the water tower and the lights.

Councilman Ramirez agreed with Councilman Hellberg that something simple and easy to maintain would be his choice. Mayor Cartoscelli noted this would be an entrance to Plumas Street where we are going to be spending millions of dollars on a major makeover.

Councilman Hellberg moved to restore the water tank to the original lettering with some indirect lighting. Councilman Ramirez seconded the motion that failed with the following vote:

AYES: Councilmembers Doolittle and Ramirez
NOES: Councilmembers Doolittle, Miller, and Mayor Cartoscelli
ABSENT: None

Mayor Cartoscelli noted there has been much discussion on residential design guidelines by Council. She asked Council if they are ready to move forward. Councilman Miller gave high praise of Council's recent tour of housing projects in Hercules and Mare Island. He stated he feels flexible design guidelines are in order to guide the City in providing quality housing projects. Councilman Ramirez stated he supports moving forward with design guidelines as long as the developers have some input in the process. Councilman Doolittle concurred with Council's statements. Councilman Hellberg thanked staff for arranging the tour last week. He found the form based codes used in Hercules very interesting. Council directed staff to begin setting up residential design guidelines for the City based on form-based codes.

Mayor Cartoscelli asked how close we are in completing the updated Zoning Code. City Manager Jeffrey Foltz responded the draft is being edited now. The contractor will then make any necessary changes. Mayor Cartoscelli asked if it would be logical to address the changes on the specialty signs at the same time. Mr. Foltz responded it is up to Council's desire. Councilman Hellberg stated that we need to move ahead with the specialty sign ordinance. Mayor Cartoscelli responded that we still need to schedule a study session on sign ordinances with Council, the Planning Commission, the Sign Ordinance Committee, and interested citizens. Mayor Cartoscelli directed staff to move ahead with the study session on the specialty sign ordinance.

Mayor Cartoscelli reported on a letter regarding a dog problem near Lincoln and Sanborn. Although that area is not within the City limits, she has asked Police Chief Richard Doscher to get involved since small children are involved. Mayor Cartoscelli stated Gold Sox Public Safety night was a huge success. She also said she had received a letter from the Board of Directors of the Downtown Business Association requesting that Council consider naming the fountain plaza in the Town Center "Foltz Plaza." She asked that the request be considered at the next meeting.

Councilman Hellberg commended General Services Manager Jack Smith on the sale of the railroad depot on E-Bay. Council was happy to see it will be put to use and not demolished.

9. CLOSED SESSION

At 8:35 p.m., adjourned the regular City Council meeting to closed session and conferred with legal counsel regarding existing litigation pursuant to Section 54956.9(a) of the Government Code, Phoenix Assurance Company of New York v. City of Yuba City, Sutter County Superior Court Case No. CV CS03-1912.

10. ADJOURNMENT

At 8:45 p.m., reconvened from closed session and adjourned the regular City Council meeting of the City of Yuba City.

KAREN CARTOSCELLI
MAYOR

ATTEST:

CITY CLERK