

# DRAFT

MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
SEPTEMBER 5, 2006 – 7:00 P.M.

## Call to Order

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

## Roll Call

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

## Invocation

Police Chief Richard Doscher gave the invocation.

## Pledge of Allegiance to the Flag

David Van Pelton led the Pledge of Allegiance to the Flag.

## Presentations and Proclamations (Item 1 - 2)

### 1. Senior Commission Presentation

Senior Commissioner June Bone gave the monthly report.

### 2. Proclamation for Yuba-Sutter United Way – Introduce Sharman Kobayashi

A proclamation was presented to Sharman Kobayashi who represented the Yuba-Sutter United Way.

## Public Hearings (Item 3)

### 3. Yuba-Sutter Disposal Inc. (YSDI) Rate Adjustment Application for Rate Year 2007 and Related Franchise Amendment

Assistant City Manager Steve Kroeger introduced Dave Vaughn, General Manager of YSDI, and Keith Martin, Executive Director of the Regional Waste Management Authority. In the year 2000, rate adjustment guidelines were established and approved by all local jurisdictions. This year is an indexed year so there is a CPI adjustment of 2.39% and a fuel adjustment of .41%. In odd numbered years there is a full evaluation of YSDI's operations to determine the rate adjustment.

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

Councilmember Cartoscelli asked how much the increase means in monthly terms. Mr. Martin responded the 3 cart residential rate will increase \$.60 per month or from \$21.95 to \$22.55 per month. Commercial and debris boxes will also increase 2.8% across the board.

Councilmember Doolittle moved to adopt Resolution No. 06-083 approving an increase in refuse collection rates and amending the City's franchise agreement with YSDI. Councilmember Miller seconded the motion that passed with the following vote:

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

Mayor Hellberg asked that Item 27 be moved forward in the agenda to be presented at this time. Councilmembers concurred.

## Reports from the City Council/Redevelopment Agency Board (Item 27)

### 27. Update on Development Disposition Agreement with Roxy Yuba City Partners (downtown theater) (RDA)

Deputy City Manager Laura Duncan introduced Dan and Cory Tocchini, and Larry Wasem who are the developers of the downtown theater project. Ms. Duncan said the anticipated construction of the theater was scheduled in 2005. Escalating costs of labor and materials prevented the project from moving forward. The developers are in

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discussions with other potential partners at this time. The City donated land for the project. Staff feels that in today's market there may be room for additional subsidy if the City is committed to having a theater in the downtown. Roxy Yuba City Partners requested the opportunity to present an update of where the project stands at this time.

Larry Wasem, 414 Aviation, Santa Rosa, CA, said originally the project came in over budget. In June, the project was rebid and it, also, was over budget. Residential housing development is slowing now and the partners are getting ready to start the rebidding process again with hopes of beginning construction next spring.

Dan Tocchini, owner of North American Cinemas, gave a history of the family owned and operated company, which began in 1924. In the 1980's they started building multiplex cinemas.

Cory Tocchini presented slides of properties they manage in Clovis, Cathedral City, Santa Rosa, Los Angeles, Lodi, Healdsburg, and Manteca. They operate 13 properties with 103 screens. He noted they have seen revitalization occur in many communities when a multiplex was constructed.

Councilmember Cartoscelli said she is firmly committed to a movie theater in the downtown, and said she would like to see this move forward quickly. Councilmember Miller concurred and added that additional needs by Roxy Yuba City Partners would be considered. Councilmember Doolittle asked questions about revitalization efforts in other cities and Mr. Wasem responded.

## **Public Communication on Items Not On the Agenda (Items 4 – 5)**

### **4. Written Requests**

Councilmembers discussed a letter from Kris and Nancy Teague, 1745 Jordan Road, about ongoing problems at their residence caused by new construction. Engineer Tom Heck said the developer agreed to complete a retaining wall, assure grading would drain properly or install a drain system, and correct broken irrigation. The developer started the corrections but did not follow through. Mr. Heck said staff will write a letter to the developer asking for completion of these corrections and any damages to the homeowner. Council asked for an update at the next meeting or sooner.

Councilmember Cartoscelli brought up emails received on the issue of gang related shootings. Councilmember Ramirez suggested looking at more aggressive action in that area of the city. Police Chief Doscher responded Lt. Garcia and Sgt. Baker have been working with the residents. Two of the problem families on Scott Street have moved. Lighting in the area has been completed.

Mayor Hellberg said he received a letter from Columbia University's National Center of Addiction and Substance Abuse requesting a proclamation for Family Day. He asked the Deputy Clerk to prepare the proclamation for the next meeting.

### **5. Appearance of Interested Citizens**

Mark Martin, 670 Shasta Street, Yuba City asked Councilmembers to consider replacing the stop signs and crosswalks at Center/Shasta Streets. It is a dangerous intersection particularly during the Farmer's Market. Councilmembers directed staff to reinstate the stop signs and crosswalks.

David Van Pelt, 1155 Kimberly Drive, Yuba City spoke on three issues. He would like Council to reconsider the ordinance limiting theaters to the downtown, consider turning the abandoned railroad bridge crossing into a vehicular bridge, and phase back the improvements to Plumas Street to include only infrastructure.

Rich Bishop, 1386 Tulio Street, Yuba City said increased traffic on Tulio and Jefferson has been caused from the Centex Homes and KB Homes projects. Residents want to know when Monroe and Paris will be opened. Residents were told Phase 2 of these projects would not be started until the Highway 20/Western Parkway intersection was completed. They have already started Phase 2. Mayor Hellberg asked Engineer Tom Heck to speak to Mr. Bishop now and report back to Council in the next few days.

## **Bid Openings (Items 6 – 8)**

### **6. Polymers (Formal Bid FB 06-19)**

General Services Manager Jack Smith said this is a complicated bid. The City brought the bidders in to try their products and find the appropriate dosage. Staff then looked at the price per pound compared to the dosage. Mr. Smith responded to Council's questions.

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Councilmember Miller moved to 1) award a contract to the low bidder for Belt Press function polymer to Ashland, Inc. of Greensboro, North Carolina in the amount of \$1.20 per pound; and 2) award a contract to the low bidder for Dissolved Air Flotation Thickener (DAFT) function polymer to Polydyne, Inc. of Riceboro, Georgia in the amount of \$1.03 per pound. Councilmember Cartoscelli seconded the motion that passed with a unanimous vote.

## 7. Council Chamber Video Upgrades

General Services Manager Jack Smith noted that last year the City began videotaping and broadcasting Council Meetings, and placing the video on the City's website. The next step is to upgrade to a rear projection screen in Council Chambers. It will also include a wireless microphone and lapel microphone. At a later time, the podium location will be moved and an overhead document camera will be installed to the right of the podium. The podium would be ADA compliant. Handicap seating would be moved for better viewing. An observation window would be installed. He recommended award of the contract for this phase of the Council Chamber upgrades.

Mayor Hellberg commented that the quality of the videotaping of Yuba City's Council Meetings by Ken Miller of Group 20 Productions is outstanding, and he commended Mr. Miller's work. Councilmember Cartoscelli agreed.

Councilmember Doolittle moved to award a contract in the best interest of the City to Spinatar of Elk Grove, CA in the amount of \$41,977.62 for the purchase and installation of video upgrades to City's Council Chamber. Councilmember Cartoscelli seconded the motion that passed with a unanimous vote.

## 8. Plumas Street Improvements

Councilmember Doolittle stated he must recuse himself from this item due to a conflict of interest.

Engineer Tom Heck noted staff was disappointed with the outcome of the bid and the number of responding bidders on the Plumas Street project. Staff recommends Council reject the bid. He reviewed the background of the project. The bid was reviewed by staff and by an independent company. Value engineering is in process. Staff recommends maintaining the construction office at 633 Plumas Street, preparing the project for rebid and moving forward with the work required for utility relocation.

Councilmember Ramirez noted that Center Street was originally included in the estimate. Now it is listed as an alternate piece of the project. He also referred to a newspaper article stating it would cost \$400,000 to relocate utilities. City Manager Steven Jepsen responded authorization would be required from Council prior to that occurring. Mr. Heck noted it would be for design costs and the lease of the Plumas Street construction office.

A discussion followed on the need for the construction office at this time. It was determined that since the City has a dedicated technician there on a daily basis working on the electrical and gas line drawings that the office would be maintained until the first of the year. At that time Council will review the issue. Councilmember Cartoscelli asked if the utility work would cause disruption to Plumas Street during the holidays. Mr. Heck said the work is primarily interior work on gas lines and hooking up meters.

Mr. Heck said he anticipates rebidding the project in early December with a recommendation to Council the second meeting in January.

Councilmember Ramirez stated it would be helpful if study sessions were held on this project after the three new Councilmembers are on board in November. Council concurred.

Councilmember Cartoscelli moved to 1) reject the bid from Granite Construction Company, and authorize staff to proceed with identification of cost saving design alternatives and development of a financing plan for the project; and 2) authorize staff to proceed with design of the required utility work to support PG&E work. Councilmember Ramirez seconded the motion that passed with a unanimous vote, less Councilmember Doolittle who was recused.

Gregory Scandalis, 788 Andrew Drive, Yuba City, spoke about the commitment of public money to benefit the few merchants.

Don Covey, 669 Plumas Street, Yuba City, spoke in favor of financial responsibility on the project.

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## Consent Calendar (Items 9 - 18)

Councilmember Cartoscelli asked that Item 14 removed for further discussion. Councilmember Ramirez asked that Item 16 be removed for further discussion. Councilmember Cartoscelli moved to adopt the balance of the calendar as presented. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

**9. City Council Approval of Minutes of August 15, 2006**

Approved the Council meeting minutes of August 15, 2006.

**10. Amendment of the May 16, 2006 City Council Meeting Minutes**

Approved the amended minutes.

**11. Monthly Investment Report (July 2006)**

Noted and filed.

**12. Landscape Maintenance Contract (Formal Bid 04-18)**

Authorized the continued use of Landscapes by Stentzel for all Landscape Maintenance Districts outsourced by the city.

**13. Groundwater Plants 1 and 2 Filter Rehabilitation Project Plans and Specifications Approval**

Adopted Resolution No. 06-084 approving plans and specifications for Groundwater Plants 1 and 2 Filter Rehabilitation Project, and direct the advertisement for competitive bids on the proposed project.

**15. Phillips Estates – 72-lot single family dwelling development**

Adopted Resolution No. 06-086 accepting certain street and related improvements pursuant to the Phillips Estates Amended Subdivision Agreement and authorizing the developer to file a Notice of Completion. Authorize the Administrative Services Director to appropriate funds from account 97003-65501 to account 97093-65501. [Subdivision located at the southeast corner of Lincoln Road and Phillips Road]

**17. Professional Service Agreement for Environmental Review for the Yuba City Feather River Diversion Structure Fish Screen Project**

Adopted Resolution No. 06-088 authorizing the City Manager to enter into a contract with Jones & Stokes for environmental review for the Yuba City Feather River Diversion Structure Fish Screen Project.

**18. Adoption of National Incident Management System (NIMS) Principles and Policies into the Emergency Management System of the City of Yuba City**

Approved Resolution No. 06-089 adopting the National Incident Management System (NIMS) principles and policies into the City of Yuba City's emergency management system.

**14. Bill and JoAnn Stevenson Parcel Map, between Kiley Avenue and Francis Way north of Teegarden Avenue**

Councilmember Cartoscelli asked for clarification on the subject property. After clarification, Councilmember Cartoscelli moved to adopt Resolution No. 06-085 approving the parcel map for Bill and JoAnn Stevenson located between Kiley Avenue and Francis Way north of Teegarden Avenue, accepting dedication of public utility easements shown thereon and authorizing the filing of the map. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

**16. Phillips Estates Reimbursement Agreement**

Councilmember Ramirez recused himself due to a potential conflict of interest. Councilmember Doolittle moved to adopt Resolution No. 06-087 approving the execution of a Reimbursement Agreement with Atkinson & Oji Development, Inc. and Westmark Partners, LP, for Phillips Estates. Authorize the Assistant City Manager – Administrative Services to make a supplemental appropriation. [Subdivision located at the southeast corner of Lincoln Road and Phillips Road]. Councilmember Cartoscelli seconded the motion that passed with a unanimous vote, less Councilmember Ramirez who was recused.

## General Items (Items 19 - 26)

### **19. Acceptance and Expenditure Authorization – FY 06/07 Homeland Security Grant - Police Department**

Police Chief Richard Doscher said a proposal was sent to the Department of Homeland Security (DHS) in February for the replacement of a base station radio, a change out of the antenna arrays, and installation of Phase I of a radio interoperability project in the Sutter Buttes. The DHS has allocated \$94,163.43 for the project. Federal and State Homeland Security and the County Board of Supervisors approved the project. Council must also accept the grant, concur with the projects, concur with the use of multiple sole source contracts with Motorola USA and Sutter Buttes Communications to remain consistent with \$1 million of present equipment, and approve the use of additional grant monies to complete additional phasing of the interoperability project.

Councilmember Miller moved to approve Resolution No. 06-090 authorizing the acceptance, allocation and expenditure of the Police Department's FY 06/07 Homeland Security Grant. Councilmember Cartoscelli seconded the motion that passed with a unanimous vote.

### **20. 2006 Homeland Security Grant Program**

Fire Chief Marc Boomgaarden stated this is the same grant program that Police Chief Doscher presented. The Fire Department is requesting \$30,600 to replace hazardous response protective suits and \$27,773 to cover overtime, backfill and tuition costs to send one member to Hazardous Materials School. The supplemental appropriation requested is \$31,373. Mr. Boomgaarden thanked Bill Fuller for his wonderful job in securing grants for the City. He then responded to Council's questions.

Councilmember Miller moved to approve a supplemental appropriation to allow the Fire Chief to spend up to \$31,373 for the purchase of equipment and training related to hazardous materials response, fire rescue, communications and related training. Councilmember Cartoscelli seconded the motion that passed with a unanimous vote.

### **21. Authorize Professional Services with Larry Walker & Associates For Consulting Services Relating to the Wastewater Treatment Facility's National Pollution Discharge Elimination System (NPDES) Permit, WDR No. R5-2003-0085**

Utilities Director Bill Lewis stated this item is for the continued professional services of Larry Walker & Associates. They have been providing services to the City since 2001 when the City began the process of obtaining a permit for the wastewater facility. The application was submitted in January 2002. The Central Valley Regional Water Quality Control Board took action in the summer of 2003. The City appealed that decision to the State who made their decision in 2004 and the application has been there since that time. Larry Walker was instrumental in achieving that remand. Other communities use that decision to assist them in the process.

Councilmember Doolittle commented on his frustration on the time the process has taken. Mr. Lewis responded that the Regional Water Board has a new executive officer and staff in the permit section. He is hopeful the process will proceed more quickly. Councilmember Ramirez asked about alternatives. Mr. Lewis responded staff could attempt to provide the services of the consultant, but he would not recommend it.

Councilmember Ramirez moved to authorize the extension of engineering services with Larry Walker & Associates of Davis to provide professional services associated with obtaining a fair and equitable NPDES Permit from the Central Valley Regional Water Quality Control Board, and find it is in the best interest of the City. Councilmember Miller seconded the motion that passed with a unanimous vote.

### **22. Utilize Four State Park Grants as One of the Funding Sources for Gauche Park/Aquatic Facility**

Parks & Recreation Director Skip King stated that in 2000 and 2002 the voters approved the Safe Neighborhoods Parks Clean Water, Clean Air and Coastal Protection bond acts and the Roberti-Z'berg-Harris Urban Open Space and Recreational Grant programs. The total of the four grants to the City of Yuba City is \$680,320. These grants have been identified as funding sources for the Gauche Park project. Mr. King responded to questions from Councilmembers.

Mayor Heilberg stated he feels we should approach the County for funds for the Gauche Park project since County residents will also use the park. He asked about funding for Shanghai Bend Park upgrades. Assistant City Manager Steve Kroeger responded that would require separate action by the Council. Impact fees have already been set aside for that project.

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Councilmember Cartoscelli moved to adopt Resolution Nos. 06-091, -092, -093 and -094 authorizing the Parks and Recreation Director as the City's agent to conduct all negotiations, execute and submit all documents, agreements, and payment requests to receive funds from 2000 and 2002 Bond Act Per Capita Grants and the 2000 and 2002 Bond Act Roberti-Z'berg-Harris Grants to be used as one of the funding sources for Gauche Park/Aquatic Facility. Councilmember Doolittle seconded the motion that passed with a unanimous vote.

## **23. Formation of a Community Facilities District and an Assessment District to serve New Residential Development**

Assistant City Manager Steve Kroeger said the City Council adopted growth polices a year and a half ago. As part of those policies it was acknowledged that new development does not always pay its own way although that is Council's desire. Cost of municipal services (Police, Fire and Park's services) can be covered by a Community Facilities District (CFD). It would be annual assessment or special property tax voted in by the property owner at the forefront of development. Approval of the CFD would be a condition of annexation to the City. Cost of street maintenance could be determined and included in the CFD. If Council approves this item, an analysis of the costs would be determined and included in the development agreement. Present legislation is on the Governor's desk to include street maintenance in CFD's. This would allow one financing vehicle instead of two. Mr. Kroeger responded to Council's questions. Councilmember Ramirez asked that as the CFD is developed that those who are directly impacted be allowed timely notification for review and comment.

Councilmember Cartoscelli moved to 1) direct staff to proceed with the creation of a Community Facilities District for municipal services and, if required, an Assessment District for street maintenance services; and retain the necessary professional services; and 2) approve a supplemental appropriation in the amount of \$85,000 to fund the cost of creating the Districts. Councilmember Doolittle seconded the motion that passed with a unanimous vote.

## **24. Teal Hollow Unit No. 2 – 80-lot single family dwelling subdivision**

Senior Engineer Diana Langley stated staff is recommending approval of this item. The developer is requesting the ability to move forward with the construction of the public improvements. The conditions of approval are currently worded that the developer cannot obtain building permits until the Western Parkway intersection is open to Highway 20 or until the Planning Commission modifies their conditions of approval. Centex has submitted an application to Community Development requesting review of this item by the Planning Commission. Councilmember Cartoscelli asked Ms. Langley if the Planning Commission can modify the conditions without Council's approval. Ms. Langley responded yes. Ms. Langley added that one of the reasons they want to move forward with the improvements is that in Unit 1 some of the drainage needs to go to Unit 2. To facilitate that drainage Centex wants to move forward with the infrastructure.

Councilmembers discussed the rights of the City Council to appeal decisions of the Planning Commission with City Attorney Timothy Hayes. Mr. Hayes stated a revised ordinance is in process. City Manager Steven Jepsen asked Ms. Langley to estimate the timing of when the intersection might be open. Ms. Langley stated the developer has not started the Project Study Report (PSR), which takes 6-8 months. Approved plans would probably take two years. Actual construction would be 2½ to 3 years away.

Chris Fallbeck of Centex Homes stated they are under contract with a consultant for design improvements on the Western Parkway. They estimate 12-18 months for approval of the plans. Originally, the City was to do the PSR. This spring Centex became aware that the City did not have the funding for the project and at that time Centex agreed to fund it. City Manager Steven Jepsen stated the project has inherited challenges. Centex and KB Homes were committed to 50% of the funding for the interchange of the Western Parkway at Highway 20 with the City providing the additional 50%. The City was unable to meet that commitment when the developer was ready to move forward. The City also changed the sewer design connections. Mr. Jepsen recommended bringing back alternatives to Council on handling the traffic in the area. Councilmember Ramirez asked for a good faith commitment from Centex to address the traffic problems stated earlier this evening, and Mr. Fallbeck agreed.

Councilmember Doolittle moved to adopt Resolution No. 06-095 approving the execution of a Subdivision Agreement with Centex Homes providing for public improvements for Teal Hollow Unit No. 2. [Located east of Western Parkway between Monroe Drive and North Colusa Frontage Road]. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

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## 25. Annual Construction Cost Increase – Development Impact Fees

Senior Engineer Diana Langley stated that in August, 2004 Public Works brought an increase in impact fees to Council. Provisions were made for an annual increase based on the Consumer Price Index, construction cost index or actual cost. The first increase was to go before Council in June, 2005 for implementation in January, 2006. With the reorganization of Public Works and staffing changes the increase in impact fees, resulting in an estimated loss of \$150,000, did not occur in 2005. Staff recommends moving forward by approving the increase effective immediately. If the new revised impact fees are not adopted and implemented prior to January 1, 2007, staff recommends a 4.62% increase at that time. To prevent an omission in the future, the Development Services Department is instituting a master calendar.

Councilmember Ramirez moved to concur with the annual construction cost increase of 4.82% effective immediately and 4.62% effective January 1, 2007, for the development impact fees by adopting Resolution No. 06-096. Councilmember Doolittle seconded the motion that passed with a unanimous vote.

## 26. Yuba City Unified School District New South K-8 School (River Bend) – Exception for Road Construction and Undergrounding of Dry Utilities on Garden Highway

Engineer Tom Heck presented the efforts of staff to work with the School District on the new River Bend School for an exception to road construction and undergrounding of utilities on Garden Highway. The School District is trying to build the road without purchasing any additional right-of-way. Mayor Hellberg and Councilmembers were not in favor of changing the City's criteria for building. They should be held to the same standards as builders.

City Manager Steve Jepsen pointed out the road transition is currently situated in front of the school at Stewart Road. The transition could be moved south of Stewart. He stated he wasn't sure of the leverage the City has with the School District. Councilmembers agreed they prefer that the transition point occur south of Stewart Road and that the School District should underground the utilities. Mr. Jepsen said the Council may want to speak to the School District on their motivation. Councilmember Cartoscelli asked City Attorney Timothy Hayes for his opinion on the City's right to require the School District to perform off site road improvements. Mr. Hayes stated there is a possibility the City does not have that authority. It is a complicated issue. Councilmember Ramirez suggested continuing this item for 30 days. Councilmembers agreed.

Councilmember Miller moved to continue action for 30 days on the construction of a portion of the required right-of-way (ROW) for the River Bend K-8 school at Garden Highway and Stewart Road and allow the utilities to remain overhead. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

## Reports from the City Council/Redevelopment Agency Board (Item 28)

### 28. City Council Reports

- Councilmember Cartoscelli – None.
- Councilmember Doolittle – None.
- Councilmember Miller – None.
- Councilmember Ramirez – None.
  
- Mayor Hellberg received a phone call from Phil Gardner about posting exemption signs on Stabler or removing the red lights at the railroad tracks. Buses still have to stop without the exemption signs. Councilmembers asked when the tracks would be removed. City Manager Steve Jepsen stated he would have an update of the whole railroad corridor in two weeks. Mayor Hellberg said there was a great turnout at the Veteran's Stand Down on August 25<sup>th</sup>. Mayor Hellberg asked that tonight's meeting be adjourned in memory of George Herr and that staff prepare a letter of condolence to be sent to his family.

## Closed Session (Items 29 - 30)

29. **Adjourned to closed session at 10:35 p.m. and conferred with real property negotiators Julie Cline and John Almazan pursuant to Government Code Section 54956.8; Parcel No. 53-500-041, 998 Garden Highway.**
30. **Conferred with real property negotiators Julie Cline and John Almazan pursuant to Government Code Section 54956.8; Parcel No. 17-115-001, Domain Estates.**
31. **Conferred with legal counsel regarding existing litigation pursuant to Subdivision (a) of Section 54956.9 of the Government Code, Moore vs. City of Yuba City, Case No. CV CS 04-1314.**

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## Adjournment

At 11:40 p.m., adjourned the regular City Council meeting of the City of Yuba City in memory of George Herr.

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Eric N. Hellberg  
Mayor

Attest:

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Steve Johnson  
City Clerk