

AGENDA
REGULAR MEETING OF
CITY COUNCIL – CITY OF YUBA CITY
FEBRUARY 21, 2006 – 7:00 P.M.

- CALL TO ORDER

- ROLL CALL

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

- INVOCATION

- PLEDGE OF ALLEGIANCE TO THE FLAG

1. PRESENTATIONS/PROCLAMATIONS

- A. Proclamation for Lisa Bush
- B. Certificate of Appreciation for Donna Edwards
- C. Youth Commission

2. PUBLIC HEARING

A. Fremont Rideout Health Group Revenue Bond Issuance

- Recommendation:
- 1) Hold a public hearing to provide the opportunity for public input.
 - 2) Adopt a resolution approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit the Fremont-Rideout Health Group and certain affiliates.

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. Robotic Total Station with GPS Rover Kit

Recommendation: Authorize staff to purchase a Robotic Total Station with GPS rover kit in the amount of \$62,000 from California Surveying and Drafting Supply of Sacramento, California.

5. ORDINANCES

A. Preannexation zoning (#RZ 05-11) of 10 Acres on the SE Corner of Franklin and Ohleyer Roads to Public Facilities (PF) District

Recommendation: Adopt Ordinance No. 001-06 to rezone APN 20-030-012, applicant City of Yuba City, to a PF District for relocation of Fire Station No. 4 and establishment of a fire training facility; waive the second reading.

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. Minutes of Yuba City Council Meeting

Recommendation: Approve the regular meeting minutes of February 7, 2006.

B. Planning Commission Actions

Recommendation: Note and file.

C. Easement Deed – Richard C. Wilbur

Recommendation: Adopt a resolution accepting an Easement Deed from Richard C. Wilbur, Parcel No. 59-030-024. [land located south of Pease Road between Tres Picos Estate Subdivision and West Onstott Frontage Road]

D. 2006 ADA Sidewalk Improvement Project

Recommendation: 1) Adopt a resolution approving the plans and specifications for the project.
2) Authorize the Administrative Services Director to appropriate \$71,850 to the project from CDBG funds.

E. Sign Contract for Payment and Allow PG&E to Install New Electrical Service at Water Treatment Plant Low Lift Pump Station at the Feather River

Recommendation: Authorize payment to Pacific Gas and Electric in the amount of \$42,560.39 and instruct staff to sign the contract allowing PG&E to install an additional electrical service at the Water Treatment Plant's Low Lift Pump Station at the Feather River, which is necessary for the upgrades in the current Water Treatment Plant's expansion project.

7. REPORTS & MISC.

A. Domain Estates, Phase 1 – 28-lot single family dwelling development

Recommendation: Adopt a resolution approving the execution of a Subdivision Agreement with Piara Johl, providing for public improvements for Domain Estates, Phase 1. [subdivision located north of Butte House Road and west of Blevin Road]

B. Walnut Park Estates Unit 2

Recommendation: Authorize the Assistant City Manager – Development Services to issue foundation-only permits for Walnut Park Estates Unit 2.

C. Update on Development-Related Issues

Recommendation: No specific action is being requested. Staff will provide an update on development issues and the City Council may choose to give direction as deemed appropriate.

8. BUSINESS FROM THE COUNCIL

A. Boards and Commissions

Confirm the Screening Committee’s recommendation to appoint:

- Five members to the Youth Commission
- One member to the Planning Commission

B. Appointment of a Yuba City Planning Commissioner to the Sutter County Planning Commission

Recommendation: Recommend that the Sutter County Board of Supervisors appoint Preet Didbal to replace Craig Starkey on the Sutter County Planning Commission.

C. Reportable Activities

9. CLOSED SESSION

Adjourn to closed session to confer with legal counsel regarding potential litigation pursuant to Section 54956.9 (c) of the Government Code.

10. ADJOURNMENT

MINUTES
REGULAR MEETING OF
CITY COUNCIL – CITY OF YUBA CITY
FEBRUARY 21, 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. Mayor Hellberg asked Vice Mayor Miller to conduct the meeting tonight because of his limited voice.

- ROLL CALL

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

- INVOCATION

Councilwoman Cartoscelli gave the invocation.

- PLEDGE OF ALLEGIANCE TO THE FLAG

Lisa Bush led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

- A. Vice-Mayor Miller presented a proclamation to Lisa Bush for her years of service to the City and for her support to the City Council as Deputy City Clerk.
- B. Vice-Mayor Miller presented a Certificate of Appreciation to Donna Edwards for her contribution to the City of Yuba City Senior Commission.
- C. Youth Commission – no report given.

2. PUBLIC HEARING

A. Fremont Rideout Health Group Revenue Bond Issuance

Councilman Ramirez recused himself from the Public Hearing due to a conflict of interest.

City Manager Jeffrey Foltz presented the report on the Fremont-Rideout Health Group's Revenue Bond Issuance. Fremont-Rideout has applied for a \$30 million bond issued by the California Statewide Community Development Authority (CSCDA). The proceeds of the Bonds will be used to finance the cost of acquisition, construction, renovation, expansion and equipping of certain health facilities located in Yuba City, and to pay certain expenses incurred in connection with the issuance of the bonds.

While the CSCDA will issue the bonds, the financing cannot proceed without Yuba City's approval of the financing pursuant to Section 147(f) of the Internal Revenue Code of 1986. The issuance of the Bonds must be approved by the City because the facilities are located within the territorial limits of the City.

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

Councilman Doolittle moved to adopt Resolution No. 06-009 approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit the Fremont-Rideout Health Group and certain affiliates. Councilwoman Cartoscelli seconded the motion that passed with the following vote:

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

Councilwoman Cartoscelli commented that the project included the construction, improvement and equipping of additional senior living facilities, a new independent living facility of 80 units, and an expansion of 10 units to the existing assisted living facility on Williams Way, and expansion of 23 units to the existing Alzheimer care facility, which are desperately needed.

Councilman Ramirez rejoined the meeting.

3. APPEARANCE OF INTERESTED CITIZENS

None.

4. BID OPENINGS

A. Robotic Total Station with GPS Rover Kit

City Engineer Pamela Babjack reported that the Engineering Division's existing total station instrument is over 15 years old. With the current instrument, it takes two persons to conduct a survey. The proposed total station is robotic, which will allow one person to operate the instrument and perform a survey. The robotic total station is interchangeable with GPS. Other departments will also be able to use the robotic total station. Information Technology can use it to obtain data in the field for input into the City's GIS system. The budget was for two different line items totaling \$88,000. With the proposed system costing \$62,000, this is a savings of \$26,000 to the City.

Councilman Doolittle asked if this was a sole source purchase. Ms. Babjack responded yes. Councilman Doolittle asked if we should have a specification that it is in the best interest of the City.

Mayor Hellberg asked if this was the only company who manufactured this instrument. Ms. Babjack said that this company included everything that the City needed. Mayor Hellberg said that this item was presented as a bid yet there were no comparisons available of what other vendors responded. Ms. Babjack stated that the research was done prior to her employment with the City. Mayor Hellberg suggested that the General Services Department be involved in the research process.

Councilwoman Cartoscelli moved to authorize staff to purchase a Robotic Total Station with GPS rover kit in the amount of \$62,000 from California Surveying and Drafting Supply of Sacramento, California, as it is in the best interest of the City to do so. Councilman Doolittle seconded the motion that passed with a unanimous vote.

5. ORDINANCES

A. Preannexation zoning (#RZ 05-11) of 10 Acres on the SE Corner of Franklin and Ohleyer Roads to Public Facilities (PF) District

Councilwoman Cartoscelli moved to adopt Ordinance No. 001-06 to rezone APN 20-030-012, applicant City of Yuba City, to a PF District for relocation of Fire Station No. 4 and establishment of a fire training facility; waived the second reading. Councilman Doolittle seconded the motion that passed with the following vote:

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

6. CONSENT CALENDAR

Councilman Ramirez asked that Item A be removed from the Consent Calendar. Mayor Hellberg asked that Item D be removed. Councilwoman Cartoscelli asked that Item E be removed.

Councilwoman Cartoscelli moved to adopt the balance of the Consent Calendar as presented. Councilman Ramirez seconded the motion which passed with a unanimous vote.

B. Noted and filed the Planning Commission Actions.

C. Adopted Resolution No. 06-010 accepting an Easement Deed from Richard C. Wilbur, Parcel No. 59-030-024. [land located south of Pease Road between Tres Picos Estate Subdivision and West Onstott Frontage Road]

Councilman Ramirez said he would suggest adding language to Items 5D and 6A of the February 7, 2006 minutes. He suggested that the additional language under Item 5D, third paragraph, end of the first sentence read:

"Mr. Gale went on to say he would like to see an accounting monthly for deposits made, and he would prefer to meet and discuss items such as this with staff prior to the issuance coming to Council for action.

Mr. Gale stated, I am not saying that the Council should not pass it, but I would hope in the future, at which time Councilwoman Cartoscelli interrupted Mr. Gale, and said, "well thank you for the permission for that Mr. Gale, I appreciate that". Mr. Gale then expressed his appreciation for the communication used in wording on the City's Historical Ordinance and concluded his comments by asking Council to encourage staff to contact the BIA on development issues in a timely matter."

Under item 6A, Councilman Ramirez suggested adding this language after the last sentence:

Councilwoman Cartoscelli said, "additionally, we received another copy of our ethics requirements for the Council, and it has come to my attention that Council members have asked for staff reports from the Planning Commission prior to the Planning Commission getting those reports. I would encourage Council to remember that part of those ethic standards include Council not trying to unduly influence members of the Planning Commission or the Planning Commission process."

Councilwoman Cartoscelli mentioned that the minutes are not required to be verbatim, but supported Councilman Ramirez's suggestions.

Councilwoman Cartoscelli added that Councilman Ramirez was required to recuse himself from the Closed Session and that was not reflected in the minutes. Councilman Ramirez concurred that the minutes should reflect that *he recused himself prior to the Closed Session.*

Councilman Ramirez moved to adopt Item A of the Consent Calendar with the corrections as stated. Councilwoman Cartoscelli seconded the motion which passed with a unanimous vote.

A. Adopted the regular meeting minutes of February 7, 2006, as corrected.

Mayor Hellberg said he received a call from a contractor stating this project had previously been placed out to bid. City Engineer Pamela Babjack confirmed that it had been and she pulled the bid as it had not been authorized to go out to bid. Mayor Hellberg asked if the ADA sidewalks were five or six feet wide. Ms. Babjack responded that they were five feet. Mayor Hellberg said that Council had previously established a policy that the sidewalks were to be six feet wide. Assistant City Manager Phil Carter stated that if this is a policy, he has not seen it in any documents he has reviewed. Mr. Carter said he would like to continue this item to allow the City Manager the opportunity to research the minutes.

Councilman Ramirez moved to continue Item D of the Consent Calendar. Councilwoman Cartoscelli seconded the motion which passed with a unanimous vote.

D. Continued the 2006 ADA Sidewalk Improvement Project.

Councilwoman Cartoscelli said she removed Consent Item E to clarify that there was a late change in the staff report recommendation and that is to "adopt a resolution" authorizing payment. Staff responded that adoption of the resolution was omitted from the earlier staff report but it should be a part of the motion.

Councilwoman Cartoscelli moved to adopt Item E of the Consent Calendar. Councilman Ramirez seconded the motion which passed with a unanimous vote.

E. Adopted Resolution No. 06-011 authorizing payment to Pacific Gas and Electric in the amount of \$42,560.39 and instruct staff to sign the contract allowing PG&E to install an additional electrical service at the Water Treatment Plant's Low Lift Pump Station on the Feather River, which is necessary for the upgrades in the current Water Treatment Plant's expansion project.

7. REPORTS & MISC.

A. Domain Estates, Phase 1 – 28-lot single family dwelling development

Assistant City Manager Phil Carter reported that this item was continued from the meeting of February 7, 2006, to allow staff time to discuss issues with the applicant relating to acquisition of future right-of-way as conditioned on the original tentative map.

Mr. Carter reported that project applicant, Piara Johl, has provided a letter ensuring that should the City be required to use its power of eminent domain, all costs associated with such action would be borne by the project applicant.

Gurjeet Johl, the son of Piara Johl, addressed the City Council. Mr. Johl said he and his father had been working on the Queens Avenue extension for two years. Mr. Johl had been working with the landowner prior to approval of the tentative map and kept them informed of the steps. For the past two years, all efforts to reach an agreement have failed.

Councilwoman Cartoscelli moved to adopt Resolution No. 06-012 approving the execution of a Subdivision Agreement with Piara Johl, providing for public improvements for Domain Estates, Phase 1. [subdivision located north of Butte House Road and west of Blevin Road] including language to pay all costs of right-of-way acquisition presented in the letter from Piara Johl dated February 14, 2006. Councilman Ramirez seconded the motion which passed with a unanimous vote.

B. Walnut Park Estates Unit 2

Assistant City Manager Phil Carter reported that Walnut Park Estates was approved in June, 2004 with numerous conditions including the requirement to make certain improvements to the intersection of Township Road and Highway 20 prior to issuance of building permits for Phase 2. (Condition No. 9). KB Home has been unable to continue their applications for additional building permits pending compliance with this condition. KB Home has been working with CalTrans and Sutter County to secure the necessary encroachment permits in order to make these required improvements.

Staff recommends the issuance of foundation-only permits for Phase 2 of this project. These permits will have no impact on the intersection improvements. Mr. Carter responded to Council's questions.

Mr. Gregory Scandalis, 788 Andrew Drive, Yuba City spoke against allowing foundation-only permits to be issued prior to the completion of the Highway 20/Township Road improvements. He noted the number of homes completed in Phase 1 and scheduled for Phase 2 has changed. Originally, there were around 60-70 homes in Phase 1 and around 200 in Phase 2. In actuality, 162 have been constructed with 20 still awaiting construction in Phase 1. This has already caused more traffic than originally mitigated. He urged enforcement of Condition 9. Councilmembers responded to Mr. Scandalis' concerns.

Rob Wilson, KB Home, 2420 Del Paso Road, Sacramento spoke in favor of allowing foundation-only permits. He said KB has stopped selling and has had construction layoffs since they have been restricted from applying for permits. They are ready to start the intersection improvements as soon as weather permits and they receive their CalTrans and Sutter County encroachment permits.

Mayor Hellberg asked City Attorney Timothy Hayes for his legal opinion on this matter. Mr. Hayes responded it is a policy decision for Council. There was a discussion among Council.

Councilman Ramirez moved to authorize the Assistant City Manager – Development Services to issue foundation-only permits for Walnut Park Estates Park Estates Unit 2. Councilman Doolittle seconded the motion which passed with the following vote:

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

C. Update on Development-Related Issues

Assistant City Manager Phil Carter reported on development related issues. City Council asked for monthly status reports on development activities in the city and written staff reports to review prior to the presentations. Mr. Carter gave a brief update on the Master Plans and reported that staff is currently working with three property owners: Braddock & Logan, (Sutter Heritage), A&G Montna Properties (Walnut Park West), and Reynen & Bardis (Monticello/Talavera). Mr. Carter also reviewed the Specific Plan Update for Lincoln East.

Mr. Carter reported that staff has had ongoing discussions about the proposed Walnut Park West site plan because they are proposing 4 and 6-pack small lot development at the western urban edge. Mr. Carter said they would support site plans that are consistent with the policies of the City Council. If policies have not been established for those, we will identify areas of concern from a technical standpoint.

Councilwoman Cartoscelli said that regarding the 4 and 6-pack small lot cluster homes, the Council has to have some real serious discussion as to how we feel about that kind of direction at the edge of the Sphere or Citywide. We could set an agenda item for a very near Council meeting. It needs to be addressed and we have not set a policy.

Mr. Carter said staff began holding monthly meetings with the Building Industry Association (BIA) and with interested developers. Major items discussed include the fee study updates, sewer discharge permits, and costs to provide school facilities in the city. City Manager Jeffrey Foltz gave an overview of flood and levee protection issues. There was discussion about the joint use park and school district facilities.

Mayor Hellberg asked for an update on the traffic study on Bridge Street.

City Manager Jeffrey Foltz said we are submitting a letter to the state water board requesting increased permit capacity from the present 9 mgd to 10.5 mgd. Councilwoman Cartoscelli said it is important when looking at setting policies for the 6-pack developments that sewer capacity is available. She said we can set policy all we want, but if we do not get the permit, it would be difficult to let any project move forward.

Councilwoman Cartoscelli asked about the Fee Study Update timeframe. Mr. Carter said they are working diligently on the fees study but do not yet have a defined time schedule. As soon as there is a defined time schedule, the City Council will be first to receive that information, and shortly thereafter, the development community.

Councilwoman Cartoscelli commented that regarding the joint use of park areas with the school district, you need to consider the school's definition of a playground versus a park. There are parks in this community that people like to utilize for family gatherings and BBQs—where they might enjoy a beer/beverage. In a joint use facility with the school district, that may need to be revoked. Councilwoman Cartoscelli said we might consider that when meeting with the school district because there may be a wonderful park site that has what the community would like but the residents will not have the opportunity to use it.

Mr. Foltz said it has been our experience with the last two new parks (Shanghai Bend Park and Regency Park), that those neighborhoods cherish their individual parks and use the parks all the time.

8. BUSINESS FROM THE COUNCIL

A. Boards and Commissions

Councilman Ramirez moved to confirm the Screening Committee's recommendation to appoint Emily Dominiak, Spencer Hedrick, Lyz Hoffman, Rachanee Jackson and Brittany Sheahan to the Yuba City Youth Commission; and John Sanbrook to the Yuba City Planning Commission. Councilwoman Cartoscelli seconded the motion which passed with a unanimous vote.

B. Appointment of a Yuba City Planning Commissioner to the Sutter County Planning Commission

City Manager Jeffrey Foltz recommended that Council continue this item to allow staff the time to have a discussion with Sutter County. He would also like to confer with the City Attorney to assure that we are in compliance with the appropriate laws. Councilman Ramirez moved to continue this item. Councilwoman Cartoscelli seconded the motion that passed with a unanimous vote.

C. Reportable Activities

Councilwoman Cartoscelli reported she met with Darin Gale of the BIA to discuss City development concerns, met with Tim Dalske to discuss his ideas about the Lincoln East Specific Plan, met with Governor Schwarzenegger and discussed plans for a bond measure to pay for infrastructure and flood control, went to a meeting related to flood control needs and possible bond measures that Governor Schwarzenegger is presenting, met with a women's group to discuss issues of elected office, and attended a Yuba-Sutter Transit meeting and discussed future service expansions and changes in the budget.

Councilwoman Cartoscelli noted that she had asked staff to review the Joint Powers Agreement guidelines and look into naming an alternate for the Housing Authority. Sometimes she is unable to attend the Housing Authority meetings due to conflicting meetings.

Mayor Hellberg reported he attended a private meeting with Governor Schwarzenegger at Paradise, met with the BIA, and held television interviews and radio talk shows. He said he was approached at the Police Officers Awards Dinner about DSL not being available to residents in the west and some in the north side of the City. He asked if the City could put in a request to SBC. Mayor Hellberg asked Mr. Foltz to ask Devin Barber to research his request.

Councilman Ramirez reported he received a call from Vice-Mayor Miller bringing to his attention a potential conflict of interest issue coming soon. He received a call from Rick Sanders regarding a finished floor elevation and from Jim Ratliff whose application for a variance was denied by the Planning Commission. Councilman Ramirez congratulated Police Chief Richard Doscher and his staff for producing the Police Department's Comcast Cable program, "Community Beat", and for the Police Department's website.

Councilman Doolittle reported he met with Tim Dalske whose ideas on the Lincoln East Specific Plan are worth consideration, met with legislators regarding flood control, attended a Waste Management board meeting, attended a two day board meeting with the League of California Cities in Los Angeles, and attended a SACOG board meeting. He mentioned Supervisor Silva from Sutter County is the lead on flood control for the SACOG region, and he made a good point that if the levees fail here, Natomas will be under water.

Councilman Miller advised that he was also contacted by Mr. Dalske about the Lincoln East Specific Plan and stated that his ideas do merit consideration, attended a Gilsizer board meeting, and was asked to participate on a panel hosted by the Democratic Women's Committee on levee issues. Councilman Miller reminded everyone of the upcoming Bok Kai parade, and he volunteered to supply John Deere Gators for Council to ride in.

Mayor Hellberg said state Senator Aanestad held an Eminent Domain meeting in the Council Chambers. Mayor Hellberg thanked Councilmen Ramirez and Miller for being on the Screening Committee and conducting the interviews.

9. CLOSED SESSION

Councilman Ramirez recused himself from the closed session due to a conflict of interest. At 8:55 p.m. Council adjourned to closed session and conferred with legal counsel regarding potential litigation pursuant to Section 54956.9 (c) of the Government Code.

10. ADJOURNMENT

At 10:20 p.m., reconvened from closed session and immediately adjourned the regular City Council meeting of the City of Yuba City.

ERIC N. HELLBERG
MAYOR

ATTEST:

STEVE JOHNSON
CITY CLERK