

AGENDA  
REGULAR MEETING OF  
CITY COUNCIL – CITY OF YUBA CITY  
FEBRUARY 7, 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 the Retirement of Al Butterfield
- B. Senior Commission
- C. Presentation on Housing Authority Expansion Remodel

2. PUBLIC HEARINGS

- A. To apply consistent preannexation zoning (#RZ 05-11) of Public Facilities (PF) District or to a district as deemed appropriate to 10 acres located on the southeast corner of Franklin and Ohleyer Roads. Applicant, City of Yuba City

Recommendation: Conduct a public hearing and, after review and consideration of the negative declaration, concur with the Planning Commission's recommendation, which is to:

- A) Adopt the recommended findings;
- B) Adopt the negative declaration; and
- C) Introduce an ordinance for approval of Rezoning 05-11 for amendments to the Official Zoning Map to apply preannexation zoning of PF District as indicated on Exhibit A, and waive the first reading.

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. 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 Meetings

Recommendation: Approve the special joint City Council/Planning Commission meeting minutes of January 12, 2006 and the regular City Council meeting minutes of January 17, 2006.

B. Monthly Investment Report (December 2005)

Recommendation: Note & File.

C. Grant Deed – Michael and Theresa Tomlinson and William G. Meagher

Recommendation: Adopt a resolution accepting a Grant Deed from Michael and Theresa Tomlinson, and William G. Meagher, Parcel Numbers 58-060-034 and 58-060-035. [land located at the south side of Annette Way at West Onstott Frontage Road]

D. Diamond Pointe – 84-lot single family dwelling subdivision

Recommendation: Adopt a resolution accepting certain street and related improvements pursuant to the Diamond Pointe Subdivision Agreement and authorizing the developer to file a Notice of Completion. [subdivision located on the west side of Garden Highway at Eureka Drive]

E. Summary Vacation of Street Right-of-Way at the Northwest Corner of Lincoln Road and Garden Highway

Recommendation: Adopt a resolution summarily vacating a portion of a street right-of-way at the northwest corner of Lincoln Road and Garden Highway, but retaining a public utility easement.

F. Grant Deed – David W. Lanza and Roy E. Lanza and Fred Northern

Recommendation: Adopt a resolution accepting a Grant Deed from David W. Lanza and Roy E. Lanza and Fred Northern, Parcel Number 53-400-067. [land located at the north side of Lincoln Road and west side of Garden Highway]

G. HOME First Time Homebuyer Program Guidelines

Recommendation: Adopt revised Program Guidelines for the HOME First Time Homebuyer Program.

5. REPORTS & MISCELLANEOUS

A. Police Facility Expansion Planning—Professional Service Agreement

Recommendation: Authorize the City Manager to execute a professional services agreement for a three phased Police Facility Expansion Planning Process with L.P.A. Incorporated of Roseville, California with the finding that it is in the best interest of the City.

B. Wal-Mart Grant Acceptance and Expenditure Authorization

Recommendation: Authorize the Chief of Police to accept a cash grant from Wal-Mart Corporation and utilize same for computer purchases directly benefiting the City's Primary Emergency Operations Center. Authorize the Assistant City Manager for Administrative Services to make budget adjustment as required.

C. Approval Of Purchase Of Pipeline Easement For Water Treatment Plant Expansion Project

Recommendation: Purchase 0.34 acre pipeline easement through Robert Banes' property located at 2229 Live Oak Blvd in Yuba City. The cost of the easement is \$62,000. The easement is required to complete construction of the 42-inch pipeline that conveys Feather River water to Yuba City's Water Treatment Plant. The new pipeline is part of the current expansion project to 30 MGD.

D. Development Application Cost Recovery – Development Applications/Master Plan Applications and other development applications received by the City

Recommendation:

- 1) Direct staff to begin a Development Cost Recovery Program in order to ensure that the costs associated with the processing of development applications are paid by the applicant.
- 2) Direct staff to begin this Program by requiring the applicants for the Sutter Heritage, Walnut Park West, and Monticello/Talavera Master Plans to each post an initial application processing deposit of \$25,000 with the City.
- 3) Authorize the Administrative Services Director to allocate funds received from applicants to pay for staff costs, consultant costs, and technical studies as may be required during the processing of development applications.

E. 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]

F. Budget Adjustments

Recommendation: Adopt a resolution approving certain budget adjustments.

6. BUSINESS FROM THE COUNCIL

A. Boards and Commissions

Confirm the Screening Committee's recommendation to appoint:

- One member to the Consolidated Area Housing Authority, term to expire 12-31-09
- One member to the Library Advisory Board, term to expire 1-1-08
- Two members to the Senior Commission, terms to expire 12-31-09
- One member to the Parks & Recreation Commission, term to expire 12-31-08
- One member to the Handicapped Board of Appeals, term to expire 9-30-07
- One member to the Traffic Committee, term to expire 1-31-08
- One member to the Personnel Board of Appeals, term to expire 6-30-08

7. CLOSED SESSION

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

8. ADJOURNMENT

MINUTES  
REGULAR MEETING  
CITY COUNCIL – CITY OF YUBA CITY  
FEBRUARY 7, 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

Councilwoman Cartoscelli led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

A. Proclamation for the Retirement of Al Butterfield

Mayor Hellberg presented a proclamation to Al Butterfield for his retirement. Mr. Butterfield worked for the City almost 15 years at the Waste Water Plant.

B. Senior Commission

Senior Commissioner June Bone gave the report.

C. Presentation on Housing Authority Expansion Remodel

Councilwoman Cartoscelli gave a presentation on her trip to Portland to tour a mixed use housing project. The Consolidated Area Housing Authority hopes to remodel the present low-income/migrant housing at the Richland Housing Project. A Master Plan is currently being developed. She said this could be an opportunity for development to participate in achieving the 10% SACOG compact affordable housing requirements adopted by the Council. Many other options for financing will be investigated.

Darin Gale of the Building Industry Association (BIA), 1945 Phillips Road, Yuba City, asked for clarification on what the low-income compact with SACOG actually requires. Mayor Hellberg responded that a meeting would be set up to address the issue.

2. PUBLIC HEARINGS

A. To apply consistent preannexation zoning (#RZ 05-11) of Public Facilities (PF) District or to a district as deemed appropriate to 10 acres located on the southeast corner of Franklin and Ohleyer Roads. Applicant, City of Yuba City

Senior Planner Brian Trudgeon said the subject property was recently purchased by the City for the relocation of Fire Station #4 and for installation of a fire training facility. The public facilities district zoning is consistent with all General Plan designations. This is the first step toward annexation to the City. Once we begin the bid process and LAFCO can show we are moving forward, we can then file for annexation.

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

Councilwoman Cartoscelli moved that after review and consideration of the mitigated negative declaration, to concur with the Planning Commission's recommendation, which is to: (A) Adopt the recommended findings, (B) Adopt the negative declaration, and (C) Introduce Ordinance No. 001-06 for approval of Rezoning 05-11 for amendments to the Official Zoning Map to apply preannexation zoning of PF District as indicated on Exhibit A, and waived the first reading. Councilman Miller seconded the motion that passed with the following vote:

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

3. APPEARANCE OF INTERESTED CITIZENS

None.

4. CONSENT CALENDAR

Councilwoman Cartoscelli asked that Item E be removed for further discussion. Councilwoman Cartoscelli moved to adopt the balance of the calendar as presented. Councilman Doolittle seconded the motion that passed with the following vote:

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

- A. Approved the special joint City Council/Planning Commission meeting minutes of January 12, 2006 and the regular City Council meeting minutes of January 17, 2006.
- B. Noted and filed the Monthly Investment Report (December 2005).
- C. Adopted Resolution No. 06-004 accepting a Grant Deed from Michael and Theresa Tomlinson, and William G. Meagher, Parcel Numbers 58-060-034 and 58-060-035. [land located at the south side of Annette Way at West Onstott Frontage Road]
- D. Adopted Resolution No. 06-005 accepting certain street and related improvements pursuant to the Diamond Pointe Subdivision Agreement and authorizing the developer to file a Notice of Completion. [subdivision located on the west side of Garden Highway at Eureka Drive]
- F. Adopted Resolution No. 06-007 accepting a Grant Deed from David W. Lanza and Roy E. Lanza and Fred Northern, Parcel Number 53-400-067. [land located at the north side of Lincoln Road and west side of Garden Highway]
- G. Adopted the revised Program Guidelines for the HOME First Time Homebuyer Program.

After clarification, Councilwoman Cartoscelli moved to adopt Item E of the Consent Calendar. Councilman Doolittle seconded the motion that passed with a unanimous vote.

- E. Adopted Resolution No. 06-006 summarily vacating a portion of a street right-of-way at the northwest corner of Lincoln Road and Garden Highway, but retaining a public utility easement.

5. REPORTS AND MISCELLANEOUS

A. Police Facility Expansion Planning—Professional Service Agreement

Police Chief Richard Doscher said the Police Department is almost 20 years old. Repairs, including roof repairs, have been deferred a year until an accurate assessment could be conducted to determine if a second story could be added to the current facility. Staff is recommending L.P.A. to do this assessment. L.P.A., formerly part of Foothill Design, worked on the original construction of the police facility. They would do the planning and conceptual design of the building. A maximum \$142,000 is requested for all stages of this initial process. This amount includes a contingency that staff felt was prudent.

Councilwoman Cartoscelli moved to authorize the City Manager to execute a professional services agreement for a three-phased Police Facility Expansion Planning Process with L.P.A. Incorporated of Roseville, California with the finding that it is in the best interest of the City. Councilman Miller seconded the motion that passed with the following vote:

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

B. Wal-Mart Grant Acceptance and Expenditure Authorization

Police Chief Richard Doscher stated Wal-Mart gave \$5,500 to the Police Department for computers for the Emergency Operations Center. City policy requires Council's approval for acceptance of these funds and the proposed use of these funds. Councilmembers commented that Wal-Mart contributed \$15,000 to local agencies and charitable groups.

Councilman Miller moved to authorize the Chief of Police to accept a cash grant from Wal-Mart Corporation and utilize it for computer purchases directly benefiting the City's Primary Emergency Operations Center. Authorized the Assistant City Manager of Administrative Services to make budget adjustments as required. Councilwoman

Cartoscelli seconded the motion that passed with the following vote:

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

C. Approval Of Purchase Of Pipeline Easement For Water Treatment Plant Expansion Project

Utilities Director Bill Lewis said this item is for the purchase of an easement for the 42” water line that is being installed from the water pumping station at the Feather River to the Water Treatment Plant. The pipeline is designed to handle up to 48 mgd. The intention was to place the pipeline parallel to existing pipelines. Existing pipelines were not accurately shown on drawings, therefore, when the new pipeline was laid with a 7-foot center, we ended up going outside the easement. A well was also located on the property and at the time, staff thought the well was on the City’s easement but it was not. The well had to be removed to allow the pipeline to be laid. The cost of purchasing the easement is \$4.19 per square foot. A preliminary appraisal resulted in an estimated value of \$4.00-\$4.25 per square foot. Mr. Lewis recommended approval of the purchase of 0.34 acres at a cost of \$62,000 and the replacement of the property owner’s well by connecting him to City surface water.

Councilwoman Miller asked if the two existing pipelines would be abandoned when the new 42” water line is completed. Mr. Lewis responded all three lines would remain in service. Councilwoman Cartoscelli asked who was responsible for the error. Mr. Lewis responded the easement was not correctly shown on the contract drawings, the existing pipelines were also not where staff envisioned they would be, and the pipelines were not parallel to the easement. She asked if the City would be able to recoup any of this money from the contractor or engineer. Mr. Lewis replied the design engineer would be the liable party. Mayor Hellberg asked how this easement affects the property owner. Mr. Lewis responded the property owner will not be able to build on the property, but it is a trucking company and they could still use it for parking. Council expressed their desire to pursue compensation by any parties whose error resulted in the mislaying of the pipeline.

Councilwoman Cartoscelli moved to purchase 0.34-acre pipeline easement through Robert Banes’ property located at 2229 Live Oak Blvd in Yuba City. The cost of the easement is \$62,000. The easement is required to complete construction of the 42-inch pipeline that conveys Feather River water to Yuba City’s Water Treatment Plant. The new pipeline is part of the current expansion project to 30 mgd. Councilman Miller seconded the motion that passed with a unanimous vote:

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

D. Development Application Cost Recovery – Development Applications/Master Plan Applications and other development applications received by the City

Assistant City Manager Phil Carter said this item is to discuss the development cost recovery program. The idea is to be consistent with the Council’s goals that new development pay for the cost of development, not only the infrastructure, but also staff time allocated to review and process applications. Monthly meetings are being held with the development community to keep them apprised of development related issues in the community. Mr. Carter asked that Council begin this program by requiring three applicants with current projects to deposit \$25,000 toward development cost recovery. Estimates and time schedules will be provided to the developers so they are aware of the costs incurred.

Councilman Ramirez expressed a desire that staff work closely with the applicants so they are aware of all the associated costs incurred. Councilman Doolittle asked for status reports as the projects are progressing. Mayor Hellberg stated the builders/developers should be notified of costs in a timely fashion. Councilman Miller stated that applicants should have input during the process. Councilwoman Cartoscelli added her concurrence, and asked that a full and complete evaluation of reports be conducted.

Darin Gale of the BIA, 1945 Phillips Road, Yuba City, expressed concern that they were not notified of this program prior to it appearing on the agenda. Mayor Hellberg and Councilmen Ramirez and Miller agreed that staff should work with the builders/developers and keep the lines of communication open. Mr. Carter responded staff would work to keep the lines of communication open and felt adequate notice was given.

Mr. Gayle 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. Gayle 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. Gayle, and said, "well thank you for the permission for that Mr. Gayle, I appreciate that." Mr. Gayle then expressed his appreciation for the communication used in working 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.

Councilwoman Cartoscelli moved to (1) Direct staff to begin a Development Cost Recovery Program in order to ensure that the costs associated with the processing of development applications are paid by the applicant, (2) Direct staff to begin this Program by requiring the applicants for the Sutter Heritage, Walnut Park West, and Monticello/Talavera Master Plans to each post an initial application processing deposit of \$25,000 with the City, and (3) Authorize the Administrative Services Director to allocate funds received from applicants to pay for staff costs, consultant costs, and technical studies as may be required during the processing of development applications. Councilman Doolittle seconded the motion that passed with a unanimous vote.

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

Assistant City Manager Phil Carter stated this item would normally be a consent item. The tentative map on this project was approved in May, 2004. One requirement was that the applicant acquire a piece of right-of-way to extend Queens Avenue. The applicant has asked that they be able to phase in the project. Staff determined the project could be phased in with conditions. Since it was previously approved as one tentative map, staff felt it was appropriate to bring it back to Council for approval.

Councilwoman Cartoscelli expressed concern that Mr. Johl has previously stated he has not been able to meet the condition that he acquire the right-of-way. If that condition is to remain, will the City be required to use eminent domain if Mr. Johl is unable to acquire the property, and who will pay for this cost. Mr. Carter responded that all conditions would remain in full force and effect. The phasing of the map does not change those conditions. The condition of the map requires that the applicant pay the cost of acquiring the property. If the applicant is unsuccessful, he may return to the City to ask for help. Council might then be asked to either invoke eminent domain or to ask that the condition be removed, which staff would not recommend. Mr. Carter said he felt the wording of the condition indicates that the City would incur the costs if eminent domain is necessary, but he would like to confer with the City Attorney on the issue. Councilmembers felt this item should be continued until staff can speak with the applicant and the City Attorney to include wording that the applicant bear the full cost of eminent domain proceedings.

Councilwoman Cartoscelli moved to continue the adoption of 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]. Councilman Doolittle seconded the motion that passed with a unanimous vote.

F. Budget Adjustments

Assistant City Manager Steve Kroeger noted periodic budget adjustments need to be made throughout the year. Mr. Kroeger displayed a list of those adjustments by overhead and asked if Council had any questions, which they did not.

Councilwoman Cartoscelli moved to adopt Resolution No. 06-008 approving certain budget adjustments. Councilman Miller seconded the motion that passed with a unanimous vote.

6. BUSINESS FROM THE COUNCIL

A. Boards and Commissions

Councilman Miller stated the Screening Committee met and there were many qualified candidates for the commission vacancies. It was a difficult decision process. Mayor Hellberg thanked Councilmembers Miller and Ramirez for conducting the interviews and recommending the appointments.

Councilman Doolittle moved to confirm the Screening Committee's recommendation to appoint Satwant Takhar to the Consolidated Area Housing Authority, term to expire 12-31-09; Joginder Pardesi-Cheema to the Library Advisory Board, term to expire 1-1-08; Luciea Fisher and Pasqua Halter to the Senior Commission, terms to expire 12-31-09; Clarine Musflet to the Parks & Recreation Commission, term to expire 12-31-08; Jeff

Neidich to the Handicapped Board of Appeals, term to expire 9-30-07; Gwyn Baker to the Traffic Committee, term to expire 1-31-08; and David Koll to the Personnel Board of Appeals, term to expire 6-30-08. Councilwoman Cartoscelli seconded the motion that passed with a unanimous vote.

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Councilman Miller said he had a meeting with Roy and David Lanza last week to discuss the Harter interchange. He also accompanied Al Montna on a tour of KB Homes' high-density housing project last week in the Natomas area.

Councilman Doolittle reported on several SACOG, Tree Foundation, transit and affordable housing meetings he attended this past month. SACOG is focused on a transportation center in Sacramento.

Councilman Ramirez stated he also attended the high-density and single-family housing tour in N. Natomas with Al Montna and Councilman Miller. He also reported on a meeting yesterday with the Roxy theater developers and City staff.

Mayor Hellberg reported on meetings he recently attended and said he also met with the Roxy group yesterday. They will return in 60 days to report on what they will be able to do on the theater project. Substantial increased costs of building materials have been a major problem.

Councilwoman Cartoscelli said she spoke at Rotary Club last week where she was asked about the status of the 5<sup>th</sup> Street Bridge project. She asked Assistant City Manager Phil Carter and City Manager Jeffrey Foltz to provide the current status so she can report back to the club.

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 for 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."

7. CLOSED SESSION

Councilman Ramirez recused himself from Closed Session due to a conflict of interest. At 8:35 p.m. adjourned to closed session to confer with legal counsel regarding potential litigation pursuant to Section 54956.9 (c) of the Government Code.

8. ADJOURNMENT

At 10:00 p.m. reconvened from closed session and immediately adjourned the regular City Council meeting of the City of Yuba City in memory of Margaret Murray.

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ERIC N. HELLBERG  
MAYOR

ATTEST:

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STEVE JOHNSON  
CITY CLERK