

**AGENDA**

**REGULAR MEETING**

**CITY COUNCIL  
CITY OF YUBA CITY**

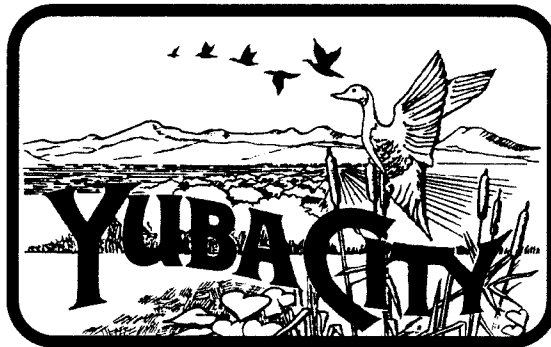
**MAY 16, 2006  
7:00 P.M.  
COUNCIL CHAMBERS**

**ERIC HELLBERG  
Mayor**

**JOHN MILLER  
Vice-Mayor**

**KAREN  
CARTOSCELLI  
Councilwoman**

**DAVE DOOLITTLE  
Councilman**



**RORY RAMIREZ  
Councilman**

**JEFFREY FOLTZ  
City Manager**

**TIMOTHY HAYES  
City Attorney**

**Council Chambers Wheelchair Accessible  
1201 Civic Center Blvd., Yuba City, CA**

*If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4601 at least 72 hours in advance so such aids or services can be arranged.  
City Hall TDD: 530-822-4732*

MINUTES  
REGULAR MEETING  
CITY COUNCIL – CITY OF YUBA CITY  
MAY 16, 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

Dr. Robert Peppercorn led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

A. Proclamation for Dr. Robert Peppercorn

Mayor Hellberg presented a proclamation to Dr. Robert Peppercorn.

B. Youth Commission

Youth Commissioner Rachanee Jackson gave the monthly report.

2. PUBLIC HEARINGS

A. Request for Proposal for Solar Energy Project (RFP 05-03)

General Services Manager Jack Smith said this is the same project he brought to Council last year, which was contingent upon receiving \$2.4 million in grant funds in 2005. The grant was approved in February of this year for \$2 million. The grant is smaller than anticipated and the cost of the project has gone up. Now, an outright purchase is not feasible. Staff found there is a 30% tax credit now available. The City cannot directly take advantage of the tax credit. By using the solar services agreement, it allows a private firm to build and operate the facility and sell us the power at a price less than that of PG&E. After 25 years the system will be paid off and the warranty expires. We could buy out the system earlier. Mr. Smith recommended the City buy out Solar Star YC, LLC at year six of the agreement. This will give the City the opportunity to have some control over electric consumption. Staff believes this makes economic and ecological sense. Mr. Smith recommended approval of the solar energy agreement with Solar Star YC, LLC. He responded to Council's questions.

Mark Filligen of Power Light Corporation, the manufacturer of the solar panels, responded to Council's questions about wind tunnel testing. He stated solar panels are designed to withstand the wind ratings of each individual section of the country.

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

Councilman Doolittle moved to adopt Resolution No. 06-038 authorizing the City Manager to enter into a Solar Services Agreement with Solar Star YC, LLC to provide solar electricity to the Wastewater Treatment Facility with the Council finding that the anticipated cost to the City for the electric energy under the contract will be less than the anticipated marginal cost to the City of other energy that would have been consumed by the City in the absence of this purchase. Councilwoman Cartoscelli seconded the motion that passed with the following vote:

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

B. Public Utility Easement At 935 Tharp Road Vacation

City Engineer Pamela Babjack stated Lowe's has purchased the former Wal-Mart site and plans to demolish the present structure and build a new store. A portion of the proposed building site sits on a public utility easement, which contains a City water line. Lowe's proposes that the present water line be abandoned and a new water line will be rerouted.

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

Councilwoman Cartoscelli moved to adopt Resolution No. 06-039 vacating the portion of a Public Utility Easement at 935 Tharp Road [assessor's parcel number 58-050-044; formerly Wal-Mart]. 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. ORDINANCES

A. Amendment to Municipal Code, Zoning Code on Signs

Councilwoman Cartoscelli moved to adopt Ordinance No. 004-06 amending the Zoning Code Article 63 (Signs), Article 73 (Non-conforming structures and uses), and Article 80 (definitions) regarding non-conforming signs, special event signs, prohibited signs, under canopy signs and window signs; and waive the second reading. Councilman Ramirez 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 when the ordinance will become effective. City Attorney Timothy Hayes responded 30 days. Mayor Hellberg said he thought we should publicize the ordinance due to the number of violations in the City.

5. CONSENT CALENDAR

Mayor Hellberg announced that staff has requested that Item C, Memorandum of Understanding with Centex Homes for the Route 20 and Western Parkway intersection, be withdrawn from the Consent Calendar. Council agreed to the removal of Item C. Mayor Hellberg asked that Item B be removed from the Consent Calendar for further discussion.

Councilwoman Cartoscelli moved to adopt the consent calendar, excluding Items B and C, as presented. Councilman Ramirez seconded the motion that passed with a unanimous vote.

- A. Approved the regular meeting minutes of May 2, 2006.
- D. Adopted Resolution No. 06-042 authorizing the continuance of the neighborhood permit parking system on Frederick Street between Clark Avenue and Cooper Avenue through May 31, 2008.
- E. Terminated the emergency action to repair the sanitary sewer and storm drain at the intersection of Cold Water Street and Royal River Drive in accordance with Public Contract Code Section 22050.

After discussion, Councilman Doolittle moved to adopt Item B of the Consent Calendar. Councilman Ramirez seconded the motion that passed with a unanimous vote.

- B. Adopted Resolution No. 06-040 to submit a grant application for homeless funding under the Continuum of Care, Supportive Housing Program (SHP) grant.

6. REPORTS AND MISCELLANEOUS

A. Transfer of Lease Agreement for 134 Burns Drive (Yuba-Sutter Household Hazardous Waste Facility)

City Manager Jeffrey Foltz said the hazardous waste facility has been on City property since the early 1990's. Staff recommends transferring the lease from Yuba-Sutter Disposal, Inc. (YSDI), a private agency, to the Regional Waste Management Authority (RWMA), which is a public agency.

Keith Martin, Administrator of the RWMA, explained that the facility was developed and paid for by YSDI at a cost of \$467,000 in 1991. It has been paid off by the jurisdictions and ratepayers, but is still under ownership by YSDI. It is appropriate that it be under ownership of a public entity. An alternative is for the City to own and operate the facility.

Mr. Martin said the RWMA plans to put in about \$250,000 in improvements to allow the facility to become an electronic waste collection site for Sutter County. Presently, all electronic waste must be taken to the Marysville site. Assuming Council is in agreement, Mr. Martin said a formal transfer agreement would be presented to Council at a later date.

Councilwoman Cartoscelli moved to direct staff to proceed in coordination with the Regional Waste Management Authority to transfer the City's current lease of 134 Burns Drive in Yuba City (Yuba-Sutter Household Hazardous Waste Facility) from Yuba-Sutter Disposal, Inc. to the Regional Waste Management Authority. Councilman Miller seconded the motion that passed with a unanimous vote.

B. GIS Services – Water/Sewer/Storm Drain Geodatabase

Information Services Manager Devin Barber stated this project started about a year ago. Staff systematically surveyed the visible evidence of the underground utilities network. Over 33,000 individual survey points were mapped. Tonight is Phase 2 of that project. Engineering drawings will be used to verify what was mapped. All pertinent data, i.e., dates, sizes of pipes for sewer, water, etc., will be entered into the computer system. The system will give us a huge database to use in emergencies, building, and planning. Phase 3 is the analysis portion of the system. It will be brought to Council later this year.

Councilman Doolittle moved to adopt Resolution No. 06-043 authorizing the Assistant City Manager to enter into an agreement with Nobel Systems, Inc. of San Bernardino, CA in the amount of \$146,300 for GIS Services with the finding that it is in the best interest of the City; and approve related supplemental appropriations. Councilman Ramirez seconded the motion that passed with a unanimous vote.

C. Issuance of Certificates of Participation to Finance the Gauche Park/Aquatics Complex Project

Assistant City Manager Steve Kroeger said that on May 2 of this year Council asked staff to solicit bids for the Gauche Park/Aquatics Complex project. It is anticipated those bids will be received by the end of the month and will be brought before you at the June 6, 2006 meeting. Staff is putting together three possible financing structures: first, the sale of parkland; second, impact fees; and lastly, certificates of participation could be issued. The structure would use the Public Financing Authority, which is a financial vehicle. The City would lease the structure from the Public Financing Authority. The proposed amount is \$12.5 million. Councilman Ramirez asked which impact fees would be used, the current fees or future fees. Mr. Kroeger responded that when estimating impact fees, the current impact fee of \$3,600 per home is used.

Councilwoman Cartoscelli moved to adopt Resolution No. 06-044 authorizing the issuance and sale of certificates of participation in the principal amount of not to exceed \$12,500,000 for improvements to Gauche Park, and approving related documents and actions. Councilman Miller seconded the motion that passed with the following vote:

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

D. Participation with Sutter County in an Agreement with Peterson, Brustad and Pevetti for Flood Management Services

City Manager Jeffrey Foltz said this item is to enter into an agreement with Sutter County for flood control management services with Peterson, Brustad and Pevetti. This is in concert with our flood management and flood control programs dealing with the Corps, FEMA and the Regional Water Board. Mapping the levees is occurring now. Assistance is needed in the effort to study the levee system and their condition and to apply for funding for improvements. Sutter County is recommending to the Board that they hire Peterson, Brustad and Pevetti based on work they have conducted in San Joaquin addressing flood control issues. Staff has met with this firm to review what services they would provide. Sutter County is providing office space and is planning to hire additional engineers to work on flood control issues. This is the administrative process. The next step will be to have the borings completed. It is recommended a hole be bored every 1,000 feet to meet criteria to identify levee conditions. It will cost approximately \$2.3 million to bore approximately 26 miles. \$1.4 to \$1.5 million is currently available through Prop 13 funds. Another \$1 million will need to be identified. Peterson, Brustad and Pevetti will help in identifying these additional resources. Mr. Foltz responded to Council's questions.

Councilman Ramirez moved to authorize the City Manager to enter into an Agreement with Sutter County to pay for the Services of Peterson, Brustad and Pevetti on a 50/50 cost share basis, not to exceed \$100,000. Councilwoman Cartoscelli seconded the motion that passed with a unanimous vote.

E. Award a Contract for Architectural Services for Design and Development of Plans and Specifications Related to the Development and Construction of a New Fire Station

Fire Chief Marc Boomgaarden said this item is for the relocation of Fire Station 4, which is presently on Walton. In 2005 the land was purchased. Since then, five firms specializing in fire stations were interviewed for architectural services. Ratcliff Architects is the company staff recommends. Mary McGrath of Ratcliff Architects has been a project architect, project manager, and principal in charge for a wide variety of public projects. She is respected and well known for her fire station designs.

Ms. McGrath said she has been working on fire stations for 15 years. She presented site plans and elevation drawings. She reviewed the public and secured firefighter parking areas and the 10,000 square foot fire station. Because the facility will not initially be part of the City's infrastructure, it will be designed for future utility hookups as well as leach fields, retention basin and a well for present use. A goal for the apparatus bay and interior spaces is to provide as much daylight as possible. Windows will be operable. Part of the contract is to improve Ohleyer Road.

Councilman Ramirez asked if there is a budget figure. Ms. McGrath responded that number is \$4.9 million, which includes the fire station, specialty equipment, furnishings, contingencies and site work. It does not include the off site improvements to Ohleyer.

Chief Boomgaarden corrected the fiscal impact number on the staff report. It should be \$536,928. Councilman Ramirez confirmed this number is to provide the architectural services and development of the plans and specifications. Ms. McGrath responded yes. Councilman Miller asked if the timeframe for the architectural phase is 7-8 months. Ms. McGrath confirmed that is correct, and the project could go out to bid in January.

Councilwoman Cartoscelli asked how the City would pay for this project. City Manager Jeffrey Foltz responded various methods; possibly impact fees and certificates of participation. Councilman Miller asked if the sale of the present Fire Station 4 could be used. Mr. Foltz responded it could, but the new station will have to be built before that could occur. Mayor Hellberg stated he would like to see the financing plan now. Councilmembers engaged in a discussion of the financing of the project. They expressed concern with all the projects the City presently in progress and would like to see the City's obligations. Assistant City Manager Steve Kroeger stated the City could also institute a Mellow Roos or Community Facilities District.

Ms. McGrath suggested that since the contract is in phases, Council could approve each phase separately. Task 1 takes us through the end of schematic design and the completed cost estimate would be \$137,128 plus reimburseables of about \$10,000, Task 2 for construction documents would be \$292,930, and Task 3 would be for the bidding and construction administration for \$106,870. Councilmembers were in favor of being able to reassess the project in phases. City Manager Jeffrey Foltz asked when we could expect the completion of Task 1. Ms. McGrath replied the end of July or first of August. Councilman Miller asked Mr. Kroeger if by doing the project in phases, would that allow him time to determine the financing, and he responded yes.

Councilman Ramirez moved to adopt Resolution No. 06-045 authorizing the City Manager to sign an Agreement with Ratcliff Architects of Emeryville, to provide architectural services and development of plans and specifications for the development of a new fire station described as Task 1, Items A, B & C including reimburseables not to exceed \$150,000. Councilwoman Cartoscelli seconded the motion that passed with a unanimous vote.

7. BUSINESS FROM THE COUNCIL

A. Appointment of Two Council Members to the Governor's Office of Planning and Research for Beale Land Use Planning

Councilwoman Cartoscelli asked if this committee is to review land use on or around Beale Air Force Base. City Manager Jeffrey Foltz clarified it is around the base. Councilwoman Cartoscelli moved to appoint Councilman Miller and Councilman Ramirez to the Governor's Office of Planning and Research for Beale Land Use Planning. Councilman Doolittle seconded the motion that passed with a unanimous vote.

B. Reportable Activities

Councilwoman Cartoscelli had no reportable activities.

Councilman Miller reported he attended a Homeless Summit on May 3<sup>rd</sup> at the Yuba County Government Center. Today he attended a meeting with a number of developers, including Randy Collins, Darin Gale, Al Montna, George Carpenter, and Darrell Bolognesi, to discuss development issues.

Councilman Ramirez reported he was in the same meeting with the developers that Councilman Miller reported.

Councilman Doolittle had no reportable activities.

Mayor Hellberg had no reportable activities. He did attend the Changing of Command at Beale AFB.

8. ADJOURNMENT

At 9:13 p.m. adjourned the regular City Council meeting to the Public Financing Authority. Reconvened to the regular City Council meeting from the Public Financing Authority.

Councilman Ramirez asked that the two Closed Session items be reversed and declared he must recuse himself from the item on the possible sale of property on Almond Street due to a conflict of interest. Council agreed to conduct the Closed Session on labor negotiations first and the sale of property second.

9. CLOSED SESSION

At 9:17 p.m. adjourned to confer with labor negotiators Jeffrey Foltz and Steve Johnson regarding negotiations with Executive Service Employees, Mid-Managers, First Level Management and Confidential Employees pursuant to Government Code Section 54957.6.

Councilman Ramirez recused himself.

Conferred with real property negotiators Jeffrey Foltz and Phil Carter pursuant to Government Code Section 54956.8 regarding the possible sale of excess City property located on Almond Street lying between Del Norte Avenue and Baptist Lane, APN No.-none, public road.

10. ADJOURNMENT

At 11:00 p.m. the meeting adjourned to May 30, 2006 at 6:00 p.m. for a Special Joint Meeting of the City Council and Redevelopment Agency in the Sutter Room, City Hall, 1201 Civic Center Blvd., to review the 2006-2007 Budgets and Capital Improvement Programs.

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ERIC N. HELLBERG  
MAYOR

ATTEST:

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STEVE JOHNSON  
CITY CLERK