

AGENDA

REGULAR MEETING

CITY COUNCIL CITY OF YUBA CITY

JUNE 6, 2006
7:00 P.M.
COUNCIL CHAMBERS

ERIC HELLBERG
Mayor

JOHN MILLER
Vice-Mayor

DAVE DOOLITTLE
Councilman



KAREN
CARTOSCELLI
Councilwoman

RORY RAMIREZ
Councilman

JEFFREY FOLTZ
City Manager

TIMOTHY HAYES
City Attorney

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

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City Hall TDD: 530-822-4732*

MINUTES
REGULAR MEETING
CITY COUNCIL – CITY OF YUBA CITY
JUNE 6, 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

Councilman Doolittle led the Pledge of Allegiance to the Flag.

1. PRESENTATIONS/PROCLAMATIONS

A. Proclamation for National Public Works Week

A proclamation for National Public Works Week was presented to Utilities Director Bill Lewis.

B. Senior Commission

Senior Commissioner June Bone gave the report.

2. PUBLIC HEARINGS

A. Development Plan #05-03 to construct the 164,388 square foot Lowe's Home Improvement Warehouse (HIW) retail store that includes an outdoor garden center, loading/pickup area for an indoor lumber yard, and "orchard parking" lot located on the east side of Tharp Road, south of Highway 20 (former Wal-Mart site); Applicant, Lowe's Home Improvement Warehouse, Inc.; Property Owner, Wal-Mart Stores, Inc.

Principal Planner Brian Trudgeon reviewed the Lowe's project and stated staff and the Planning Commission recommend approval. Mr. Trudgeon responded to questions from Council.

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

Councilwoman Cartoscelli said she hoped to see a lot of sitting and bike space in the plans and noted it looks like a good plan. Councilman Miller stated he was glad to see the Planning Commission made improvements to the plan for a quality project prior to submitting it to Council. Councilman Doolittle thought it would be a nice addition to the entrance to the City.

Having conducted the public hearing, Councilman Doolittle moved to concur with the Planning Commission's recommendation, which is to: 1) Adopt the recommended findings; 2) Adopt the mitigated negative declaration and mitigation and reporting program; and 3) Approve Development Plan #05-03 for the Lowe's HIW retail store subject to the conditions of approval. Councilwoman Cartoscelli 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

Tom Tucker, 1495 Broadway, Marysville, is the business property manager for the Harter Packing Company. He spoke about a letter Harter Packing sent to the Council. Without guaranteed approval of sewer capacity, they are unable to proceed with their project. Didar Bains, 381 S. George Washington, Yuba City, voiced his frustration with the project. Staff responded they need time to review the Development Agreement and could return to Council in two weeks to respond to the sewer capacity issue. Council agreed to address Mr. Tucker's concerns at the June 20, 2006 meeting.

4. BID OPENINGS

A. Police Department, Motorcycle Purchase

General Services Manager Jack Smith said this program has been working very well for the City. Mr. Smith said the City purchases the motorcycles from Guidera's who guarantees to buy them back for our purchase price, less \$2,000. Mr. Smith responded to questions from Council.

Councilwoman Cartoscelli moved to award a contract in the amount of \$51,029.55 with a two year buy back amount of \$38,985.00 to Guidera's Harley-Davidson, Inc. for the purchase of three (3) 2006 FLHPI Police Motorcycles with the determination that it is in the best interest of the City to do so. Councilman Miller seconded the motion that passed with a unanimous vote.

5. CONSENT CALENDAR

Councilman Ramirez asked that Item D be removed for further discussion. Councilman Doolittle moved to adopt the balance of the calendar as presented. Councilwoman Cartoscelli seconded the motion that passed with a unanimous vote.

- A. Approved the regular meeting minutes of May 16, 2006 and the special meeting minutes of May 30, 2006 of the City Council, and the regular meeting minutes of the Public Financing Authority of May 16, 2006.
- B. Noted & filed the Monthly Investment Report (April 2006).
- C. Authorized an increase in the use of plan check services for the Building Division Professional Services Account with the firm of Willdan in an amount not to exceed \$125,000 with the finding that it is in the best interest of the City, and approved a supplemental appropriation in the amount of \$125,000 to account number 1920-62701.
- E. Adopted Resolution No. 06-046 authorizing the City Manager or his designee to accept, approve and execute Certificates of Acceptance for any and all real property conveyances, offers of dedication, grant deeds, and easement deeds, made to the City of Yuba City, a municipal corporation.

After clarification of Item D, Councilman Ramirez moved to adopt Item D of the Consent Calendar. Councilman Miller seconded the motion that passed with a unanimous vote.

- D. Adopted Resolution No. 06-045 authorizing the City of Yuba City to substitute Pillsbury, Winthrop, Shaw and Pittman LLP for Kronick, Moskovitz, Tiedemann and Girard, in litigation for the State Water Project energy billing issues with California Department of Water Resources, and authorized the City Manager to sign the contract.

6. REPORTS AND MISCELLANEOUS

A. Lincoln East Specific Plan (LESP)

Community Development Director Aaron Busch said this item is specifically to receive authority to proceed with the technical studies. In March 2005 the City designated Specific and Master Plan areas within the City. Workshops have been held with residents on the Lincoln East Specific Plan. At the January 2006 joint meeting of the City Council and Planning Commission the results were presented. The refined land use plan was re-presented to the stakeholders and their comments are included in the staff report. It was sent to 207 stakeholders. Six comment letters were received and those are in the staff report. Mr. Busch said we just received a petition today from the stakeholders on their concerns on high-density issues, but that does not mean we cannot move forward with the technical analysis.

Councilman Ramirez asked if the cost of this study is borne by the applicant. Mr. Busch responded yes. Councilman Cartoscelli stated she is also concerned about high-density projects but that is not what Council is approving tonight. Councilman Doolittle said he is glad to see we are having stakeholder meetings. Councilman Miller noted, also, that tonight is only to approve technical studies but shares concerns of high-density projects.

Regarding the Lincoln East Specific Plan, the following citizens spoke: Pramod Kumar, 9413 S. Butte Rd., Sutter; Mildred Newton, 308 Ohleyer Road, Yuba City; Geneal Chima, 4920 Waterville, Roseville; and Dr. Cynthia Pettross, 2600 Lincoln Road, Yuba City.

Councilman Miller moved to direct staff to proceed with the technical analysis phase of the Lincoln East Specific Plan process utilizing the refined land use concept. Councilman Ramirez seconded the motion that passed with a unanimous vote.

B. Status of Development Master Plans

Assistant City Manager Phil Carter gave the status of three Master Plans: Braddock & Logan, Reynen & Bardis, and A.G. Montna. Development agreements are being reviewed. Key issues involve the affordable housing component, traffic analysis, impact fees and residential design guidelines. The alignment of Township is being addressed by both the City and County. Impact fees could go higher than originally anticipated. The developers are in favor of an in-lieu fee payment to meet the affordable housing requirement. Council discussed the methodology of the developer proposed \$2,500 figure for the in-lieu of fee.

Darrell Bolognesi, 4155 Blackhawk Plaza Cir., Danville, spoke on behalf of Braddock & Logan. George Carpenter, 141 Marillo Ct., Roseville, spoke on behalf of A.G. Montna Properties. Christian Shenone spoke on behalf of Reynen & Bardis.

Councilman Ramirez noted we are nine months behind schedule in the impact fee study. Council agreed on the need to move forward with these three projects. After a lengthy discussion by Council on issues of affordable housing requirements, impact fees, and residential design guidelines, the Council directed staff to have Development Agreement discussions with Braddock & Logan, Reynen & Bardis, and A.G. Montna projects and that the following motions apply only to these three applicants.

Councilwoman Cartoscelli moved to direct staff, in Development Agreement negotiations with Braddock & Logan, Reynen & Bardis, and A.G. Montna, to implement a \$3,500 in-lieu of fee to meet the City's affordable housing requirement. Councilman Ramirez seconded the motion that passed with a unanimous vote.

Councilman Ramirez moved to direct staff, in Development Agreement negotiations with Braddock & Logan, Reynen & Bardis, and A.G. Montna, to implement payment of a maximum \$60,000 per unit impact fee (which includes levee fees) to be paid when building permits are issued. This impact fee amount of \$60,000 will be collected at the issuance of building permit and will stay in effect for 18 months following the recordation of the first final map in each project. Should additional building permits be issued after 18 months from the recordation of the first final map, then the developers will be required to pay the then current development impact fees. Councilman Cartoscelli seconded the motion that passed with a unanimous vote.

Councilman Ramirez moved to direct staff, in negotiations on Residential Design Guidelines with Braddock & Logan, Reynen & Bardis, and A.G. Montna, that they are not to be held to the draft Residential Design Guidelines but to negotiate in good faith to substantially meet the intention of those guidelines, and Council will review the projects at the point of Master Plan approval. Councilman Miller seconded the motion that passed with a unanimous vote.

All other developments will adhere to the impact fee plan due to be completed shortly and the draft design guidelines.

Al Montna, 678 Steward Road, Yuba City, and Darrell Bolognesi thanked the Council for finalizing these issues.

C. Adoption of Fiscal Year 2006-2007 Operating and Capital Budget and Fiscal Year 2006-2007 Appropriations Limit

Prior to discussion and approval of the budget, Council discussed a request from the Yuba-Sutter Arts Council for a \$7,500 donation for operation of their program. Council has previously given \$5,000. Council agreed to the increase to \$7,500 and directed staff to include that change in the budget.

Finance Officer Robin Bertagna said a study session was held last week with Council on the proposed general budget of \$34.7 million. This dollar figure maintains a 10% reserve.

Councilwoman Cartoscelli moved to adopt Resolution No. 06-047 approving the proposed Fiscal Year 2006-2007 Operating and Capital Budget, with amendments as set forth during the Budget Study Session; and adopt Resolution No. 06-048 approving the City's Appropriations Limit for Fiscal Year 2006-2007, including the increase to the Arts Council from \$5,000 to \$7,500. Councilman Miller seconded the motion that passed with a unanimous vote.

Council discussed the 2007 state bowling tournament and agreed to put a \$500 ad in the state bowling brochure when the state championship is here next year. The ad is subject to Council approval. The bowling tournament is going to bring a great deal of money to the Yuba-Sutter area merchants. Council discussed a \$26,000 web page update at the Chamber of Commerce.

D. Legal Support for Yuba City Water Rights and Reliability Issues

Assistant Utilities Director Tom Glover reported legal counsel is needed to look at special water rights consideration and transfers. The Utilities Department looked for a firm with experience in state water contracts and interviewed three firms. Mr. Glover recommended approval of a contract with Somach, Simmons and Dunn for legal support.

Councilman Ramirez moved to adopt Resolution No. 06-049 authorizing the City of Yuba City to enter into a contract with Somach, Simmons and Dunn for legal support pertaining to Yuba City water rights and reliability issues, and authorized the City Manager to sign the contract. Councilman Doolittle seconded the motion that passed with a unanimous vote.

E. Letters of Understanding with the Executive Service Employees, Mid-Managers and Confidential Group

Human Resources Director Steve Johnson stated Letters of Understanding have been signed with the Executive Service Employees, Mid-Managers and Confidential Groups and asked for Council's approval. Council urged Mr. Johnson to continue to work on the agreement with YCEA.

Councilman Miller moved to adopt Resolution No. 06-050 authorizing the following: 1) Ratification and implementation of the Letters of Understanding for the Executive Service Employees, Mid-Managers and Confidential Group, and authorized the Assistant City Manager to make the appropriate budget adjustments; and 2) Set the compensation for certain employees as determined in the Salary Schedule and General Compensation Plan effective June 24, 2006, and January 1, 2007. Councilman Ramirez seconded the motion that passed with a unanimous vote.

7. BUSINESS FROM THE COUNCIL

A. Reportable Activities

Councilman Doolittle discussed telecommunications bills. Councilwoman Cartoscelli met with Dick Sanchez, George Murray and Darrell Bolognesi. The remaining Councilmembers had nothing to report.

Councilmembers selected 7 p.m., June 29th, at the Refuge for a reception for new City Manager Steven Jepsen.

B. Update by Mayor Hellberg on Recycling Centers

Mayor Hellberg said the bottle/can recycling centers at Albertson's has closed as well as a second facility, and it impacts the surrounding markets. He asked Keith Martin of the Regional Waste Management Authority to speak on the subject.

Mr. Martin said the issue is that once a redemption center for bottles and cans is decertified and there are no others in the convenience zone, the state has the right to notify all stores in the zone that they must redeem bottles and cans in their store. The hope is that the stores will recruit a new recycling center in this zone since the City does not control them other than zoning issues.

8. ADJOURNMENT

At 10:15 p.m., adjourned the regular City Council meeting to the Redevelopment Agency. At 10:17 p.m., reconvened from the Redevelopment Agency to the regular City Council meeting.

Councilman Ramirez announced he would recuse himself from item three of the closed session due to a conflict of interest.

9. CLOSED SESSION

Adjourned to closed session to confer with Jeffrey Foltz, Steve Johnson and with legal counsel regarding existing Worker's Compensation Claim of a former employee, Claim Nos. 2004023885 and 2003010697, pursuant to Government Code Section 54956.9(a) (b) exposure to litigation.

Conferred with legal counsel regarding potential litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code – one potential case.

Councilman Ramirez left the meeting.

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 10:50 p.m., adjourned the regular City Council meeting of the City of Yuba City.

ERIC N. HELLBERG
MAYOR

ATTEST:

STEVE JOHNSON
CITY CLERK