

**MINUTES
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
FEBRUARY 6, 2007**

**Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Closed Session – 5:30 p.m.—Butte Room

The Closed Session meeting of the City Council of the City of Yuba City was called to order by Mayor Miller at 5:30 p.m.

Conferred with legal counsel regarding potential litigation pursuant to Government Code section 54956.9 (b)-two potential cases.

No closed session was held on labor negotiations.

Regular Meeting 7:00 p.m.—Council Chambers

Call to Order

The Regular Meeting of the City Council of the City of Yuba City was called to order by Mayor Miller at 7:02 p.m.

Roll Call

Present: Council Members Gill, Maan, McBride, Ramirez, and Mayor Miller
Absent: None

Invocation

Police Chief Richard Doscher gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Gill led the Pledge of Allegiance to the Flag.

Presentations and Proclamations (Item 1)

1. **Senior Commission Presentation** – Senior Commissioner June Bone gave the report.

Public Communication on Items Not On the Agenda (Items 2–3)

2. **Written Requests** – None
3. **Appearance of Interested Citizens** – None

Bid Openings (Item 4)

4. Backhoe Loader (FB 07-08)

Public Works Director George Musallam recommended that Council reject all bids received for the scheduled replacement of a backhoe loader. The Public Works Department, recently reestablished, would like to evaluate the total equipment needs for the Maintenance Division. Mr. Musallam stated he believes the existing backhoe can serve the City for at least another year.

Councilmember Maan moved to reject all bids received. Councilmember McBride seconded the motion that passed with a unanimous vote.

Ordinances (Item 5)

5. Adoption of an Ordinance Amending Chapter 9 of Title 6 of the Yuba City Municipal Code related to the Flood Protection Ordinance

Public Works Director George Musallam said Yuba City has an ordinance for flood protection and participates in the National Flood Insurance Program. To ensure compliance with requirements, FEMA does periodic audits. During the last audit, FEMA found Yuba City's ordinance requires updating to remain in compliance. With the remapping of Yuba City, FEMA could require new guidelines for flood insurance based on baseline elevations. The baseline elevations have not been determined by FEMA. The majority of Yuba City is currently not in a flood zone. If, after the remapping, Yuba City is determined to be in a flood zone, the finding would be appealed.

Councilmember Ramirez moved to introduce Ordinance No. 002-07 amending Chapter 9 of Title 6 of the Yuba City Municipal Code regarding Flood Damage Prevention and waive the first reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

Consent Calendar (Items 6–9)

Mayor Miller asked that Item 8 be removed for a presentation.

Councilmember Gill moved to adopt the remainder Consent Calendar as presented. Councilmember Maan seconded the motion that passed with a unanimous vote.

6. City Council Approval of Minutes of December 5 and December 19, 2006; and January 16, 2007

Approved the Council Meeting minutes of December 5 and December 19, 2006; and January 16, 2007.

7. Amend term expiration date for Planning Commission Member

Approved amended date of December 31, 2008 for Planning Commissioner Craig Starkey.

9. Oak Hollow – 5-lot single family dwelling development

Adopted Resolution No. 07-005 accepting certain street and related improvements pursuant to the Oak Hollow Improvement Agreement and authorizing the developer to file a Notice of Completion; and adopted Resolution No. 07-006 approving the final map for Oak Hollow, accepting dedication of rights-of-way and easements shown thereon and authorizing the filing of the map. [subdivision located on east side of Bunce Road between Hillcrest Avenue and Gilsizer Slough]

Councilmembers Ramirez and Gill recused themselves from Item 8 due to a potential conflict of interest.

Human Resources Administrative Analyst Odeana Chisum reviewed the process for selection of the medical facility to do the City's pre-employment exams and occupational injury medical care. Three proposals were requested and two were returned—Fremont-Rideout Hospital and Sutter North Medical Foundation. While Sutter North's proposal was slightly higher in cost, its medical services and customer service were clearly superior. A committee toured the facilities and spoke to the doctors and administrators then selected Sutter North. Ms. Chisum responded to Council's questions.

8. Medical Services “Request for Proposal” (RFP) results and recommendation

Councilmember McBride moved to adopt Resolution No. 07-004 awarding a three-year professional services agreement, with an option to renew for up to two additional years, to Sutter North Medical Foundation of Yuba City in the amount of \$86,000 to provide medical services as outlined in the contract including, but not limited to, pre-employment examinations, fitness for duty exams, and occupational injury medical care for the City's employees with the finding that it is in the best interest of the City. Councilmember Maan seconded the motion that passed with a unanimous vote, less Councilmembers Ramirez and Gill who were absent.

General Items (Items 10-16)

10. Request for approval to enter into a Joint Use Agreement with Franklin Elementary School District that will allow the City of Yuba City Recreation Department to use Franklin School's new gymnasium

Recreation Manager Brad McIntire requested approval of a joint use agreement between the Franklin Elementary School District and the City of Yuba City. This will allow the youth programs to participate in practices and competition at Franklin School. Mr. McIntire introduced Mr. Doug Reeder, principal of Franklin Elementary School. Mr. Reeder said Franklin is a K-8 school with about 430 students. A \$2 million bond was passed last June for a new gymnasium. The bond language was written to be enabling the use some of the bond proceeds for matching money for joint use projects and new construction. That \$2 million will become \$3 million through a variety of methods. Grants will be requested. A joint use agreement with the City will allow the District to apply to the state for construction funds in the amount of \$604,000. There will be no cost to the City. Councilmembers stated this is a win-win for the City.

Councilmember Gill moved to approve the Joint Use Agreement and authorize the Mayor to sign the Agreement. Councilmember Maan seconded the motion that passed with a unanimous vote.

11. Review of proposed site plan for the new Cinemark Theater and Finding of Consistency with the City's Movie Theater Ordinance

Councilmember Ramirez recused himself due to a conflict of interest.

Community Development Director Aaron Busch said this item is the interpretation of a City ordinance. In February, 2003 a movie theater ordinance was adopted to encourage movie theaters to locate in the downtown, the Central City Specific Plan area. Following adoption of that ordinance, Cinemark advised the City of their expansion plans. While Cinemark is outside the Central City Specific area, the ordinance includes provisions that it is not the intent of the ordinance to limit or restrict expansion of existing movie theaters. Cinemark is proposing a new theater at their location. Staff believes a reasonable interpretation of the ordinance allows Cinemark's expansion project and recommends a finding that Cinemark's site plan is consistent with the ordinance.

Mayor Miller opened this item for public comment and the following citizens spoke:

John Ochipinti
David Van Pelt, 1155 Kimberly Drive, Yuba City
Eric Hellberg, 484 St. James Court, Yuba City
Bob Barkhouse, 1380 Kileen Drive, Yuba City
John Dukes, 1885 Nand Drive, Yuba City
Russ Clark, 631 Daniel Drive, Yuba City
Elaine Miles, 487 Anita Way, Yuba City
Jason Jackson, 1155 Joseph Street, Yuba City
Gregory Scandalis, 788 Andrew Drive, Yuba City
Larry Wasem, Santa Rosa

Larry Wasem, Roxy Yuba City Partners, said he has a Disposition and Development Agreement with the City, which expires the end of this year. Construction costs have not allowed the project to move ahead. Mr. Wasem said he has \$440,000 invested in the downtown theater project and would like to continue with the project. He noted this Council may not have the same desire to have a theater downtown as the previous Council. Councilmember Gill noted we are no closer to a theater downtown than we were three years ago. Mr. Wasem said the project was rebid and the second bids were no better than the first bids received. He is looking at ways to change the design or construction to lower the costs.

Councilmember Gill asked if Mr. Wasem is looking at asking the City for a monetary contribution in addition to the land the City already contributed to the project. Mr. Wasem responded that he may possibly see if the City could contribute redevelopment funds toward the project. He sees great difficulty with his project if the Cinemark expansion moves ahead. While Councilmembers believe the City can support two theaters, Mr. Wasem stated he feels there is not room for two state-of-the-art theaters in the area. Mayor Miller noted there has not been much action on the part of Roxy Partners. Councilmember McBride said she feels Cinemark's expansion is in compliance with the ordinance but she would still like to see Roxy move forward in the downtown. Councilmember Maan stated that he feels the will of this Council is the same as that of the previous Council, and it appears Roxy is not willing to move forward. Councilmember Maan stated we are here to review the expansion of Cinemark and he feels it is in compliance with the ordinance. Mayor Miller noted his support of the Cinemark project.

Councilmember Gill moved to adopt a Finding that the proposed Cinemark site plan is consistent with the City's Movie Theater Ordinance and direct staff to forward the project to the City's Planning Commission for processing and review. Councilmember Maan seconded the motion that passed with a unanimous vote, less Councilmember Ramirez who was absent.

AYES: Councilmembers Gill, Maan, McBride, and Mayor Miller
NOES: None
ABSENT: Councilmember Ramirez

Councilmember Ramirez rejoined the meeting.

12. 2007 Slurry Seal Project

Public Works Director George Musallam displayed maps of areas recommended for slurry seal for 2007. The cost is approximately \$200,000 of budgeted funds. Slurry seal extends the life of the streets 7 or 8 years.

Councilmember McBride moved to adopt Resolution No. 07-007 approving the plans and specifications for the 2007 Slurry Seal Project and authorizing advertisement for bids on the project. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

13. Storm Drain Project on Bridge Street between Plumas and Shasta Streets

Public Works Director George Musallam stated this item is for the construction of a storm drainpipe on Bridge Street between Plumas and Shasta Streets. It is needed to drain Plumas Street in conjunction with the Streetscape project. Construction costs are \$150,000 and are available in this year's budget. Removing existing railroad tracks between Plumas and Shasta are part of this project. Mr. Musallam noted he is preparing to return to the next meeting with a report of his meetings with Union Pacific Railroad on the removal of all tracks in the downtown.

Councilmember McBride moved to approve the plans and specifications for the construction of a storm drain project on Bridge Street between Plumas and Shasta Streets in Yuba City. Councilmember Maan seconded the motion that passed with a unanimous vote.

14. Addition of two Positions Assigned to the New Aquatic Facility - one Recreation Coordinator and one Customer Service Representative II

Parks & Recreation Director Skip King said that during budget meetings in 2006 it was determined two new positions would be needed to help with the operation of the new aquatic's facility. Opening of the facility is estimated for August 1, 2007. The Coordinator needs to be hired this spring and the customer service representative in June to prepare for the opening. Sixty-eight percent of costs of operating the facility will be recovered in fees. Staff is requesting approval of these two positions. Councilmember Gill asked for a cost comparison of operating the pool seven to eight months per year vs. twelve months per year. Mr. King responded that they are working on that.

Councilmember Ramirez moved to approve the addition of one Recreation Coordinator effective March 3, 2007 and one Customer Service Representative effective June 9, 2007. Councilmember Maan seconded the motion that passed with a unanimous vote.

15. Financial Report for Quarter Ending December 31, 2006

Assistant City Manager Steve Kroeger said the timing of government revenues is generally not normal. The timing of expenditures is normal. For example, there are salaries and operating costs that are paid each month. However, revenues for the first six months of the year may not be the same as the second six months. For example, there is no property tax revenue in the first six months of the year. Mr. Kroeger gave an overview of the revenues and expenditures for quarter ending December 31, 2006. Councilmember Ramirez complimented Mr. Kroeger on his report.

16. Presentation of Treasurer's Report – Quarter Ended December 31, 2006

Assistant City Manager Steve Kroeger reviewed the investment portfolio, valued at \$112,475,717, and maturity distribution for quarter ending December 31, 2006. Mr. Kroeger responded to questions from Council.

Councilmembers expressed a desire to continue to have the financial reports presented to Council rather than listing them as consent items.

Business from the City Council/Redevelopment Agency Board (Item 17-18)

17. Approval of Board Member Appointments to Feather River Air Quality Management District (FRAQMD)

Councilmember Ramirez moved to approve Councilman Mike Selvidge, selected by the City of Marysville; Councilman Al Fortino, selected by the City of Live Oak; and Councilman Charles Epp, selected as alternate for the City of Live Oak, to the FRAQMD Board of Directors. Councilmember McBride seconded the motion that passed with a unanimous vote.

18. City Council Reports

Councilmember Gill asked the City Manager to look at the selection process for members of the Planning Commission. He also would like to see the cost comparison of the operation of the aquatics pool previously requested tonight.

Councilmember Maan had nothing to report.

Councilmember McBride had nothing to report.

Councilmember Ramirez proposed that staff schedule a joint workshop with the Planning Commission. The Planning Commission serves at the will of the Council so it is important that they understand the Council's philosophy.

Mayor Miller concurred with Councilmember Ramirez and asked staff to schedule a joint study session with the Planning Commission.

Closed Session

Adjourned to closed session at 8:50 p.m. to confer with legal counsel regarding potential litigation pursuant to Government Code section 54956.9 (b)-two potential cases.

Adjournment

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 9:15 p.m.

John S. Miller
Mayor

ATTEST:

Steve Johnson
City Clerk