

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
MARCH 6, 2007 – 7:00 P.M.**

**Closed Session 5:30 p.m.—Butte Room**

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

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

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations with Meridian Property Company regarding possible sale of the following properties thereof: Property APN's 52-380-016 and 52-380-020. Approximately 4.09 acres located at the corner of Plumas Street and Franklin Avenue, Yuba City, CA.

Conferred with labor negotiators Steven Jepsen and Steve Johnson regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Yuba City Employees, pursuant to Section 54957.6 of the Government Code.

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

**Call To Order**

Mayor Miller called the Regular Meeting of the City Council of the City of Yuba City to order at 7:00 p.m.

**Roll Call**

Present: Councilmembers 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.

Mayor Miller announced that agenda items 15 and 16, regarding Sutter Heritage, would be continued at the request of the developer.

**Presentations and Proclamations (Item 1)**

**1. Senior Commission Presentation**

Senior Commissioner Luciea Fisher gave the monthly report.

**Public Hearings (Items 2 – 4)**

**2. User Fees Ordinance Update**

General Services Manager Jack Smith noted this is a replacement ordinance for user fees. It repeals and reenacts Chapter 8 of Title 3 of the Municipal Code.

Mayor Miller opened the public hearing. George Jamison, 2226 Pecan Drive, Yuba City asked why the old levee at Shanghai Bend was not removed when the new setback levee was constructed. Since this question is unrelated to this ordinance, Mayor Miller asked Public Works Director George Musallam to speak separately with Mr. Jamison. Hearing no further comment, the public hearing was closed.

Councilmember Gill moved to introduce Ordinance No. 003-07 repealing and reenacting Chapter 8 of Title 3 of the Yuba City Municipal Code to be entitled User Fee Recovery System and waived the first reading. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

3. **Consideration of a revised citywide fee schedule including changing, increasing and levying new fees to recover the costs reasonably borne by the City for regulations, products or services rendered, not to exceed the reasonable estimated cost for providing the same, as authorized by Section 3, Chapter 8 of the Yuba City Municipal Code**

Councilmember Ramirez moved to continue the Public Hearing to the March 20, 2007 Council Meeting. Councilmember McBride seconded the motion that passed with a unanimous vote.

4. **Amendment to Community Development Block Grant (CDBG) 2006-2007 Annual Action Plan**

Assistant City Manager Steve Kroeger presented the highlights of the proposed amendment to the City's Community Development Block Grant program. The City receives slightly more than \$500,000 each year from the Department of Housing and Urban Development. The funds are to be used for the benefit of low to moderate-income individuals. Council approves the annual action plan for use of the monies. In some instances the monies are not used in a timely manner and there is the potential for loss of future funds. We have identified some projects that have not met the timeliness requirements. Staff is requesting those funds be reprogrammed to another eligible use at Kingwood Commons, formerly Spencer Arms. Approximately \$1.3 million has already been invested in this project. Edward Baker of the Sutter County Housing Authority showed photographs of improvements to date at Kingwood Commons. He said the use of these additional funds, approximately \$400,000, would be for new dual pane windows for energy efficiency, Phase I of hot water improvements, and repairs to the parking lot. Mr. Baker and Mr. Kroeger responded to questions from Council.

Mayor Miller opened the public hearing. Hearing no comment, the public hearing was closed. Councilmember Ramirez moved to adopt Resolution No. 07-019 approving Amendments to the 2006-2007 CDBG Annual Action Plan. Councilmember Maan seconded the motion that passed with a unanimous vote.

#### **Public Communication on Items Not On the Agenda (Items 5 – 6)**

5. **Written Requests - None**

6. **Appearance of Interested Citizens**

Mike Short, 2347 Oregon Way, Yuba City said he has been working with staff on issues on a piece of City owned land near Shanghai Bend between his subdivision and the levee.

Dolores (*unintelligible*) said she is in favor of a minimum 5% pay increase for police officers.

June Bone said she is against a proposed 39-unit complex being considered tomorrow night. She is unable to attend the Planning Commission meeting tomorrow.

#### **Bid Openings (Items 7)**

7. **Sole Source Approval for Purchasing Coagulant Polymer for Use at the Surface Water Treatment Plant from NTU Technologies**

Utilities Director Bill Lewis said that the chemical polymer is used to remove the heavier particles from the water prior to the water being added to the filters. Unlike other chemicals purchased, polymers vary from company to company. Bench scale tests are run at the city's laboratory. Full-scale tests need to be performed on site by the vendor, but we have been unsuccessful in setting this up with the vendors. Other cities are having the same problem. Therefore, staff recommends continuing with our current vendor, NTU Technologies.

Councilmember McBride moved to approve the sole source justification for NTU Technologies not to exceed \$55,000 in FY 06/07; finding that it is in the best interest of the City to do so. Councilmember Maan seconded the motion that passed with a unanimous vote.

#### **Consent Calendar (Items 8 - 11)**

Councilmember Gill moved to adopt the consent calendar as presented. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

8. **City Council Approval of Minutes of February 20, 2007**

Approved the Council meeting minutes of February 20, 2007.

**9. Walnut Park Estates Unit No. 2**

- 1) Adopted Resolution No. 07-020 accepting certain street and related improvements pursuant to the Walnut Park Estates Unit No. 2 Subdivision Agreement and authorizing the developer to file a Notice of Completion.
- 2) Authorized the transfer of \$11,560.30 from Account No. 97078-65501 (Distribution System Recurring Capital Project) to Account No. 97093-65501 (City Contribution for Oversizing Water), transfer \$8,081.70 from Account No. 98082-65501 (Recurring Collection or Rehab System Project) to Account No. 98103-65501 (City Contribution for Oversizing Sewer), and perform all supplemental appropriations as required.

[subdivision located west of Western Parkway and north of State Route 20]

**10. Teal Hollow Unit No. 1**

Adopted Resolution No. 07-021 accepting certain street and related improvements pursuant to the Teal Hollow Unit No. 1 Subdivision Agreement and authorizing the developer to file a Notice of Completion. [subdivision located east of Western Parkway between Monroe Drive and Jefferson Avenue]

**11. Bay Drive Estates Unit No. 2**

Adopted Resolution No. 07-022 accepting certain street and related improvements pursuant to the Bay Drive Estates Unit No. 2 Subdivision Agreement and authorizing the developer to file a Notice of Completion. [subdivision located east of Sanborn Road north of Pebble Beach Drive]

**General Items (Items 12 - 17)**

**12. Gauche Aquatic Park Project Update**

Senior Engineer Diana Langley asked if Council had any questions on the staff report provided. Councilmember Ramirez thanked Ms. Langley for providing the answers to the many questions he had. Mayor Miller asked Ms. Langley to review the process, the cost, and the schedule for the Gauche Park project.

Ms. Langley said in August, 2006 Council awarded the Gauche Aquatic Park contract to Hilbers, Inc. with a direct construction cost of approximately \$17,013,313, value engineering reduction items in the amount of \$807,910, and indirect construction costs of \$2,375,000 for a total construction cost of \$18,580,403. Since that time, three change orders have been issued. The first, for value engineering items, reduced the cost \$845,617.50. The second provided \$563,633.26 in savings. The third added \$18,187.62. There has been a total of about \$1.6 million reduction in costs and approximately \$270,000 in additions for a final total of \$13,772,249.86. The approved indirect costs were \$2.375 million, and we have spent \$1.3 million. It is anticipated the final cost will be about \$2 million for an additional savings of about \$375,000. We are at 30% on the schedule. Good weather has allowed for all the underground construction, construction of the pools, tiling is presently being done on the competition pool, and the foundation for the building is complete with erection of the structural steel starting tomorrow. The contract completion date is September 9, 2007, but we are hoping for an actual completion date of August 1.

Mayor Miller said it appears we will have cost savings of over \$2 million with an early completion date, which is a real plus. Ms. Langley responded yes.

**13. Plumas Street Streetscape Project**

Public Works Director George Musallam estimated the cost of the revised Plumas Street Streetscape project at \$14 million, not including alternate bid items. Original plans were modified to reduce costs. These modifications include step down curbs. Palm trees were eliminated, except at Bridge Street, Center Street, and Colusa Avenue. Shade tree will replace most of the palm trees. Suggestions to bidders include doing the project in blocks and that night work is acceptable. Protection of existing utilities will result in considerable savings. Councilmember Ramirez complimented Mr. Musallam on his staff report. He said staff's work in cost reduction on this project has been innovative. Councilmember Gill asked about the new \$6.3 million bond bringing the total to \$12.6 in redevelopment bonds. Assistant City Manager Steve Kroeger said additional redevelopment bonds would be needed. At the next council meeting a financing plan will be presented. Councilmember Gill asked what our remaining bonding capacity would be for future projects. Mr. Kroeger said we currently have about \$13 million in bonding capacity within the Redevelopment Agency, less the \$6.3 million, leaves \$6.7 million. Councilmember Gill noted some drainage work is coming from a different fund. He would like to see a total of all projects on Plumas Street regardless of the fund they come from.

Mr. Kroeger said it would be included as will staff's time on the project. Mayor Miller asked if borings were completed on Plumas Street. Mr. Musallam responded yes, and soil samples were taken to see if there were any hazardous materials. Mayor Miller asked when this item would go to bid. Mr. Musallam responded the beginning of May. Mr. Musallam added that the contract requires 51% of the work to be completed by the contractor, not subcontractors.

Councilmember Ramirez moved to 1) adopt the Mitigated Negative Declaration for the project, 2) approve the plans and specifications for the Plumas Street Streetscape Project and authorize Public Works to bid the project, and 3) direct staff to proceed with issuance of additional Redevelopment bonds that will require further Council action at a subsequent date. Councilmember McBride seconded the motion that passed with the following vote:

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

**14. To amend the current Letters of Understanding with the City's Police Officer Association and Police Sergeants Association in order to provide competitive salaries for Police Officers and Sergeants**

Human Resources Director Steve Johnson said this item is the culmination of several months of hard work by staff and negotiators. The present market indicates the City's pay for police officers and sergeants is 13% below the median. Staff recommends three actions: an immediate 5% increase, addition of a 6<sup>th</sup> salary step, and maintenance of a 19.39% spread between police sergeants and police officers. This will help us to remain competitive. Mayor Miller said we need to pay our police officers and employees a competitive wage to retain them. Councilmember Maan concurred and said the most important service we provide our citizens is police and fire service. Councilmember Gill agreed and noted we can't lose our talent to other cities. Councilmember Ramirez reminded Council this is a difficult issue. Safety is a major concern, but we have a budget and other priorities, such as levee repairs. We will have to work hard to raise the revenue to cover all these priorities. Councilmember McBride agreed security and safety are important and there will be challenges with the budget and covering our priorities.

Councilmember Ramirez moved to adopt Resolution No. 07-023 approving the recommended amendments to the City's Letters of Understanding with the Police Officers Association and the Police Sergeants Association (Exhibits "A" and "B"). Councilmember McBride seconded the motion that passed with the following vote:

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

**15. Formation of a Community Facilities District (CFD No. 2007-1) to fund Municipal Services within the Sutter Heritage Development**

Item continued.

**16. Formation of Benefit Assessment District (BAD No. 2007-1) to fund Street Maintenance Services within the Sutter Heritage Development**

Item continued.

**17. Harter Parkway Access Opening at State Route 20**

Senior Engineer Diana Langley said State Route 20 is a controlled access highway. CTC approval is required and a project report must be completed and approved by CalTrans prior to opening a new road on a controlled access highway. The next step is to be placed on the CTC agenda for April 25 for approval of the new access opening on State Route 20 for the Harter Parkway.

Councilmember Gill moved to adopt Resolution No. 07-024 authorizing the execution of a Superseding Controlled Access Highway Agreement on State Route 20 from 0.15 miles east of Township Road (Post Mile 12.82) to State Route 99 (Post Mile 15.57) upon approval of the City Attorney as to form. Councilmember Maan seconded the motion that passed with a unanimous vote.

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

**18. City Council Reports**

Councilmember Gill congratulated Chad Lizardo who was named Officer of the Year. City Manager Steve Jepsen is in the process of setting up a meeting in Sacramento with our legislators on levees.

Councilmember Maan asked the public to apply for the Citizen's Flood Committee with the City Clerk's office.

Councilmember McBride reported SACOG's Flood Management Committee is monitoring 19 bills on flood protection. She noted the Yuba-Sutter area is well represented on this committee with Sutter County Supervisor Dan Silva as Chairman, Yuba County Supervisor Don Schrader, Christina Billeci representing Marysville, and herself.

Councilmember Ramirez had nothing to report.

Mayor Miller said Vice Mayor Ramirez, City Manager Steve Jepsen and he would be going to Washington, D.C., along with Sutter County Supervisors and their administrator, to lobby for federal monies for levee improvements. It takes federal, state and local money to make these needed improvements happen.

**Adjournment**

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 8:13 p.m.

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John S. Miller  
Mayor

ATTEST:

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Steve Johnson  
City Clerk