

**MINUTES
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
August 21, 2007
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.**

Closed Session

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations with Sunsweet regarding possible exchange of the following property of portions thereof: APN 58-060-037.

Conferred with labor negotiators Steven Jepsen and Steve Kroeger regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employee, pursuant to Section 54957.6 of the Government Code.

Regular Meeting

Call To Order

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

Roll Call

Present: Councilmembers McBride, Ramirez, Maan and Mayor Miller
Absent: Councilmember Gill

Invocation

Richard Doscher, Chief of Police, gave the invocation.

Pledge of Allegiance to the Flag

Councilmember McBride led the Pledge of Allegiance to the Flag.

Public Communication on Items Not on the Agenda

1. Written Requests

None

2. Appearance of Interested Citizens

None

Ordinances

3. Request by Off the Leash Dog Park, Inc. that all the City planning application fees, water connection fees, building fees and any other miscellaneous fees associated with the proposed recreation dog area to be located west of Wile River Drive and South of Bogue Road be waived by the City.

Aaron Busch, Community Development Director, reviewed the use permit request from Off the Leash Dog Park, Inc. a public benefit corporation/non profit corporation. The corporation has asked for a waiver for the fees associated with developing the dog park. A failure to waive the fees would hamper the ability to complete the project in the near future. Staff supports the waiver of fees as this is a public improvement that is a benefit to the community providing a dog recreation area for the city.

Councilmember Ramirez asked for clarification on the lease agreement with CalTrans and Off the Lease Dog Park, Inc. Mr. Busch clarified that the lease agreement is already in place.

Councilmember McBride moved to introduce **Ordinance No. 011-07** waiving all City fees associated with the dog recreation area to be located west of Wild River Drive and south of Bogue Road, waiving the first reading. Councilmember Maan seconded the motion that passed with a unanimous vote.

4. Cable Television Systems Ordinance and the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) Implementation

Devin Barber, Director of General Services/IT, reviewed the ordinance.

Councilmember Ramirez moved adopt **Ordinance No. 010-07** repealing and reenacting Chapter 14 of the Yuba City Municipal Code entitled Cable Television System, which provide regulation to implement the DIVCA of 2006, waiving the second reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Maan asked for item 7 to be removed for further discussion. Councilmember McBride moved to approve Consent Calendar items 5,6,8 and 9. Councilmember Maan seconded the motion that passed with the following vote:

Ayes: Councilmember Maan, Ramirez, McBride and Mayor Miller

Noes: None

Absent: Councilmember Gill

5. City Council Approval of Minutes of July 17 and August 7, 2007

Approved the Council meeting minutes of July 17 and August 7, 2007.

6. Utility Service Agreement – Charles and Sharon Armstrong (606 South Barrett Road)

Adopted **Resolution No. 07-072** authorizing the Mayor to sign a Utility Service Agreement – Annexation Commitment authorizing Parcel No. 20-093-002 (606 South Barret Road) to connect to the City water system.

8. State HOME Investment Partnership Program Application (07-HOME)

Adopted amended **Resolution No. 07-074** authorizing submission of the 07-HOME application for \$800,000.

9. Annual Investment Policy Adoption

Approved Investment Policy as amended.

7. Hampton Court

George Musallam, Public Works Director, reviewed the Utility Service Agreement. This is the City's standard procedure and way to provide improvements in a more efficient manner. This agreement will allow the City to advance as improvements are completed.

Councilmember Maan asked for the overall cost of the project in regards to the water lines and the widening of Lincoln Road. Mr. Musallam explained that the approximate cost of the improvements will be a \$335,000.00 and the City's share will be approximately \$246,000.00, with the remainder of the cost being the responsibility of the developer.

Mayor Miller asked for an explanation of the payment schedule. Mr. Musallam explained that the payments would be made as satisfactory work is completed and inspected.

Councilmember Maan moved to adopt **Resolution No. 07-073** approving the execution of a Subdivision Agreement with Kazmar HC providing for public improvements for Hampton Court with a City contribution of \$251,723.50 plus \$25,000 in contingency for improvements on Lincoln Road. [subdivision located on the south side of Lincoln Road between Railroad Avenue and Garden Highway]. Councilmember seconded the motion that passed with the following vote:

Ayes: Councilmember Maan, Ramirez, McBride and Mayor Miller

Noes: None

Absent: Councilmember Gill

General Items

10. Amendment to the Joint Resolution between the County of Sutter and City of Yuba City in reference to Sales Tax Sharing and the Master Tax Exchange Agreement

Richard Doscher, Chief of Police, reviewed the history of the Master Tax Exchange Agreement. The original agreement was entered into in July, 2006 exacting a joint resolution providing for the Yuba City Sphere of Influence planning, sales tax sharing and a property tax exchange agreement. A secondary agreement provided for a transition of

law enforcement services from the Sutter County Sheriff to the Yuba City Police in two areas when specific growth triggers were met.

Both entities anticipated the triggers being met before the current timeframe. Due to the triggers not being met the City and County have negotiated and modified the agreement that will allow the transfer of approximately 8,000 City residents to the City's law enforcement services effective January, 2008.

Mayor Miller asked for a projection on when the City would be available to take back all of the law enforcement services in the City limits. Chief Doscher explained that the hiring of six Officers and two Non Sworn Personnel would require Council approval. Once that is approval made that would allow enough staff to handle the City's services. The total timeframe from hire to taking back the City's services would be approximately 8-9 months. Mayor Miller is concerned that the citizens are confused as to why they are not receiving City law enforcement services while living in the City limits. He would like to see the transfer from County to City services as soon as possible. Chief Doscher agreed with Mayor Miller and explained that the cost to take over an area to provide services is approximately \$700,000.00 per year.

Councilmember Ramirez moved to adopt **Resolution No. 07-075** amending the Joint Resolution of the County Board of Supervisors and the City of Yuba City relating to the City Sphere of Influence, Planning, Sales Tax, Sharing and Master Property Tax Exchange. Councilmember McBride seconded the motion that passed with the following vote:

Ayes: Councilmember Maan, Ramirez, McBride and Mayor Miller

Noes: None

Absent: Councilmember Gill

11. City Clerk Appointment

Steven Jepsen, City Manager, recommended the appointment of Terrel Locke, Administrative Analyst I to the position of City Clerk, to fill out the remainder of the term vacated by the former City Clerk, Steve Johnson, who left the City on August 3, 2007. The City Council has 30 days to appoint a person to the position of City Clerk or the vacancy would be set for a special election, which would be a costly event.

Mayor Miller recommended that staff, along with the City Clerk, look into having the elected positions of City Clerk and City Treasurer be placed on the June ballot to change them from elected to appointed.

Councilmember McBride moved to appoint Terrel Locke, Administrative Analyst I, as the interim City Clerk to complete the term of the former incumbent through November, 2008. Councilmember Maan seconded the motion that passed with the following vote:

Ayes: Councilmember Maan, Ramirez, McBride and Mayor Miller

Noes: None

Absent: Councilmember Gill

Terrel Locke thanked the Council for their appointment.

12. Great Pacific Associates – Professional Services Agreement

George Musallam, Director of Public Works, reviewed the necessity for the additional sampling of a refined grid pattern to further characterize the extent of the containment plume at the former Yuba City Steel site. This agreement would allow the determination of the southern boundaries of the plume. In addition to the determining the southern boundaries, there will be installation of additional monitoring wells. The installation of the wells will monitor the area for one year. Once the data is gathered, an action plan for clean up can be produced.

Councilmember Ramirez asked if Yuba City Steele is still responsible for the clean up of the former site and if the cost for these additional needs would be covered by Yuba City Steel. Mr. Musallam responded that all the invoices have been paid by Yuba City Steel and they will continue to do so until the site is cleaned up properly.

Councilmember Maan asked for clarification on whether or not a limit has been set for the clean up costs by Yuba City Steel. Mr. Musallam stated there has not been a limit set and Yuba City Steel is current in paying all of their clean up costs.

Councilmember McBride moved to authorize the Public Works Director to execute a modification to the City's current Professional Services Agreement with Great Pacific Associates of El Dorado, California for continuation of the Phase II Environmental Investigation at the former Yuba City Steel Site (AP# 52-380-016) located at the northeast corner of Franklin Avenue and Plumas Boulevard, in an amount not to exceed

\$100,000, with the finding that it is in the best interest of the City; and approve a related supplemental appropriation to Account No. 6011-62701. Councilmember Maan seconded the motion that passed with the following vote:

Ayes: Councilmember Maan, Ramirez, McBride and Mayor Miller

Noes: None

Absent: Councilmember Gill

Business from the City Council/Redevelopment Agency

13. City Council Reports

Councilmember McBride – Nothing to report

Councilmember Maan – Nothing to report

Councilmember Ramirez – Nothing to report

Mayor Miller – Nothing to report

Adjournment

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 7:32 p.m.

John S. Miller
Mayor

Attest:

Traci Sloan
Deputy City Clerk