

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
September 4, 2007**

**Closed Session 5:30 p.m.**

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations with Crowne Development regarding possible sale of the following property or portions thereof: APN 52-380-017, located at the southwest corner of C and Wilbur Streets (RDA).

Conferred with legal counsel, Steve Jepsen and Steve Kroeger, regarding existing Worker's Compensation Claim of former employee, Dawn Noonan v. The City of Yuba City, pursuant to Government Code Section 54956.9(a).

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 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.**

**Call To Order**

The City Council of the City of Yuba City was called to order by Mayor Miller at 7:02 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 Ramirez led the Pledge of Allegiance to the Flag.

**Presentations and Proclamations**

1. **Proclamation for Constitution Week**-Mayor Miller presented a proclamation for Constitution Week to D.A.R. representative Carolyn Manies.
2. **Proclamation for National Preparedness Month**-Mayor Miller presented a proclamation to Fire Chief Marc Boomgaarden to recognize National Preparedness Month.
3. **Certification of Excellence - Cash Handling Program from the Association of Public Treasurer's of United States and Canada**-continued.
4. **Senior Commission Presentation**-none.

**Public Hearings**

5. **Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H\_7**

Public Works Director George Musallam announced there were issues with publishing the public notification of this item and asked that it be continued to September 18, 2007.

Mayor Miller opened the public hearing. Hearing no comment, he closed the public hearing. Councilmember McBride moved to continue the public hearing until 7:00 p.m., September 18, 2007 for the formation and assessment for Lighting and Landscape Maintenance District No. 5, Zone of Benefit H\_7. [Improvements associated with 1085 Sessler Drive, Sessler Commercial Building; property located on the west side of Sessler Drive at the intersection of Lincoln Road]. Councilmember Gill seconded the motion that passed with a unanimous vote.

6. **Reimbursement and Contribution Agreement between the City of Yuba City and the Yuba City Redevelopment Agency for construction of the Gauche Park improvements (City Council & RDA)**

Assistant City Manager Steve Kroeger said this item concerns the contribution of redevelopment funds for Gauche Park. Certificates of Participation were issued by the City. Fifty percent of the debt service will come from impact fees and fifty percent will come from the Redevelopment Agency. Legislation requires a public hearing and adoption of this action by both the City and Redevelopment Agency.

Mayor Miller opened the public hearing of the City and the Redevelopment Agency. Hearing no comment, he closed the public hearing.

Councilmember Ramirez moved to 1) adopt Resolution No. 07-076 of the City Council approving and authorizing execution of a Reimbursement and Contribution Agreement with the Redevelopment Agency for construction of the Gauche Park improvements; and 2) adopt Resolution No. 07-005 of the Redevelopment Agency approving and authorizing execution of a Reimbursement and Contribution Agreement with the City of Yuba City for construction of the Gauche Park improvements. Councilmember McBride seconded the motion that passed with a unanimous vote.

#### **Public Communication on Items Not On the Agenda**

**7. Written Requests** – none.

**8. Appearance of Interested Citizens**

Caleb Conner, 1799 Capri Drive, Yuba City spoke about the need for stop signs and crosswalks on Stabler to make it safer for children to walk or bicycle to Butte Vista School. Councilmembers directed staff to look at adding these safety measures. Public Works Director George Musallam said he would investigate solutions and confer with the School District.

#### **Bid Openings**

**9. FY 2007-08 Slurry Seal Project**

Public Works Director George Musallam said four bids were received on this project. The slurry seal of these streets will extend their life by seven or eight years by sealing them against water penetration. Staff recommends award of the contract to California Pavement.

Councilmember Gill moved to 1) award Contract No. 07-17, FY 2007-08 Slurry Seal Project, to California Pavement Maintenance Company, Inc., of Sacramento in the amount of their bid of \$221,108.47; and 2) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Maan seconded the motion that passed with a unanimous vote.

**10. Residential Street Rehabilitation Project 2007**

Public Works Director George Musallam stated this CIP project is for overlays. These streets are too damaged for a slurry seal. They require reconstruction and overlay.

Councilmember Maan moved to 1) award Contract No. 07-16, Residential Street Rehabilitation Project 2007, to Baldwin Contracting Company, Inc. in the amount of their bid of \$520,230.40; and 2) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

**11. Various Railroad Track Removal Project 2007**

Public Works Director George Musallam stated this item was included in the budget and Council previously approved obtaining bids. This contract will remove all railroad tracks and crossings from City streets except those crossing Highways 99 and 20, which will be removed by CalTrans. Councilmember Maan asked if the City would be able to recoup the cost from the railroad. Mr. Musallam said they are tracking expenses and will do their best to obtain reimbursement from Union Pacific.

Councilmember Gill moved to 1) award Contract No. 07-15, Various Railroad Track Removal Project 2007, to Sutter Constructors, Inc., of Yuba City in the amount of their total bid of \$281,590.00, including the Add Alternate, Tharp Road Railroad Track Removal; 2) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney; 3) authorize transfer of \$26,781.20 from Account No. 911050-65501 (Railroad Track Removal) to the Design/Engineering Account No. 911050-65502 to cover the Engineering Division's design and engineering costs; 4) authorize transfer of \$26,781.20 from Account No. 911050-65501 (Railroad Track Removal) to the Construction/Administration Cost Account No. 911050-65503 to cover the Engineering Division's project management and inspection costs; 5) adopt Resolution No. 07-077 of the City Council approving and authorizing execution of a public works

agreement with the Redevelopment Agency for construction of the Various Railroad Track Removal Project; and 6) adopt Resolution No. 07-006 of the Redevelopment Agency approving and authorizing execution of a public works agreement with the City of Yuba City for construction of the Various Railroad Track Removal Project. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

### Ordinances

- 12. All the City planning application fees, water connection fees, building fees and any other miscellaneous fees associated with the proposed recreation dog area will be waived by the City**

Principal Planner Brian Trudgeon said this is the second reading for waiving fees for the dog park. The park is on CalTrans land designated as the future third bridge right of way.

Councilmember Ramirez moved to adopt 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 second reading. Councilmember Gill seconded the motion that passed with a unanimous vote.

### Consent Calendar

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

- 13. Walton Avenue and Camino De Flores Signal Project**

Adopted Resolution No. 07-078 approving the plans and specifications for the Walton Avenue and Camino De Flores Signal Project and authorizing advertisement for bids on the project.

- 14. Amendment to Fiscal Agent Agreement for Tierra Buena Water Assessment District No. 2003-1**

Adopted Resolution No. 07-079 amending Exhibit C Paragraph 9 of the Fiscal Agent Agreement for Tierra Buena Water Assessment District No. 2003-1 to allow for Reserve Funds to be invested in the Local Agency Investment Fund (LAIF).

- 15. Public Works Agreement between the City of Yuba City and the Yuba City Redevelopment Agency for construction of the Sunsweet Boulevard Improvement Project (City Council & RDA)**

1) Adopted City Council Resolution No. 07-080 approving and authorizing execution of a public works agreement with the Redevelopment Agency for construction of the Sunsweet Boulevard Improvement Project; and

2) Adopted Redevelopment Agency Resolution No. 07-007 approving and authorizing execution of a public works agreement with the City of Yuba City for construction of the Sunsweet Boulevard Improvement Project.

- 16. First Amendment to the Exclusive Right to Negotiate Agreement with Meridian Property Company (RDA)**

Authorized the Executive Director of the Redevelopment Agency to Execute the First Amendment to Exclusive Right to Negotiate Agreement with Meridian Property Company for approximately 4.09 acres located at the corner of Plumas Street and Franklin Avenue (APN 52-380-016 and 52-380-020).

### General Items

- 17. Fiscal Year 2007/08 vendor contracts for purchases in excess of \$25,000**

Mayor Miller said he will need to abstain from the Kennedy-Jenks Consultants and Sprint of the City of Industry approvals due to business relationship with them. Councilmember McBride said she will also need to abstain from the approval of Indoor Environmental Services.

General Services/I.T. Director Devin Barber this item is to streamline the purchasing process for the City. General Services has reviewed vendors used in the past three years and felt the following companies would exceed \$25,000 per year. Councilmember Ramirez noted many of these vendors are sole source. He asked if there are performance standards for sole source vendors. Mr. Barber replied they are constantly looking for other vendors and do negotiate costs when the costs seem out of the norm. Councilmember Ramirez asked Mr. Barber to consider implementing performance standards. Councilmember Maan concurred. Councilmember Mann also asked about the use of consultants. He said he thought the City was trying to refrain from the use of

consultants. City Manager Steve Jepsen responded that the Community Development Department is doing data entry for electronic files and should complete the project by the end of the fiscal year.

Councilmember Gill moved to award Fiscal Year 2007/08 for purchases in excess of \$25,000 with the finding that it is in the best interest of the City for: NTU Technologies of Solana Beach, CA, \$60,000; Telstar of Concord, CA, \$30,000; Ken Grady of Novato, CA, \$34,000; HDR Engineering Inc., of Folsom, CA, \$35,000; Office Depot of Los Angeles, CA, \$100,000; Appeal-Democrat of Marysville, CA, \$35,000; Stuart & Graham Associates of Lincoln, CA, \$79,000; Mercy Housing California, Inc. of West Sacramento, CA, \$150,000; Nextel Communications, Inc. of Sacramento, CA, \$45,000; Spillman Technologies of Logan, UT, \$140,000; Sungard Pentamation of Bethlehem, PA, \$120,000; Group 20 Productions of Yuba City, CA, \$35,000; Compucom of Sacramento, CA, \$50,000; Sam's Club of Yuba City, CA, \$30,000; A-D Agency of Marysville, CA, \$80,000; LN Curtis & Sons of Oakland, CA, \$100,000; All-Star Fire Equipment of Baldwin Park, CA, \$26,000; Sutter Buttes Communications of Yuba City, CA, \$205,000; HDL, Coren & Cone, Inc. of Diamond Bar, CA, \$52,000; Check Processors, Inc. of Sacramento, CA, \$36,000; Smith & Newell of Yuba City, CA, \$32,000; The PFM Group of Philadelphia, PA, \$28,000; MBIA Asset Management Group, Inc. of Denver, CO, \$26,000; MuniFinancial of Temecula CA, \$65,000; The Plus Group of Yuba City, CA, \$35,000; Linhart Peterson Powers, Assoc., Inc. of Pleasanton, CA, \$50,000; Fehr & Peers of Roseville, CA, \$100,000; and West Yost & Associates of Davis, CA, \$40,000. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Ramirez moved to award Fiscal Year 2007/08 for purchases in excess of \$25,000 with the finding that it is in the best interest of the City for Kennedy-Jenks Consultants, Inc. of Rancho Cordova, CA, \$35,000; and Sprint of City of Industry, CA, \$110,000. Councilmember Maan seconded the motion that passed with a unanimous vote, less Mayor Miller who abstained.

Councilmember Ramirez moved to award Fiscal Year 2007/08 for purchases in excess of \$25,000 with the finding that it is in the best interest of the City for Indoor Environmental Services, Inc. of Sacramento, CA, \$63,000. Councilmember Maan seconded the motion that passed with a unanimous vote, less Councilmember McBride who abstained.

#### **18. Gauche Aquatic Park Update**

Principal Engineer Diana Langley provided an update on the Gauche Aquatic Park Project. She illustrated the Park's features with photographs taken of the building's approach, reception area, activity pool, 23' slide, competition pool which will hold 350,000 gallons of water, and mechanical room. There have been eight contract change orders to date. The completion date is October 4, 2007. The budget for the project was \$18,580,403. Expenses to date are approximately \$12 million. Projected final cost is \$16,376,000 and staff hopes to come in less than that.

Councilmember Ramirez noted the opening date has been adjusted from mid-September to the first of October. Ms. Langley responded that is correct. The dedication date is tentatively set for October 4 with an opening to the public of October 6. The goal is to have the park open to the public for several weekends. That will give staff the opportunity to use the facility and respond to any problems that may arise. Councilmember Ramirez commended staff for staying within budget. All Councilmembers concurred. Mayor Miller said this will be the City's crown jewel and something everyone can take pride in.

#### **19. Agreement with Sunsweet Corporation providing for the transfer of remnant right-of-way property from the construction of Sunsweet Blvd. back to Sunsweet Corporation (City Council & RDA)**

City Manager Steve Jepsen said this item is to return a remnant parcel leftover from the construction of Sunsweet Boulevard back to Sunsweet Corporation. Mr. Jepsen asked that it be continued until September 18, 2007. The agreement has not yet been fully explored with Sunsweet and staff needs the additional time to get closure on the agreement. Basically, Sunsweet would sign off on all outstanding issues related to the Sunsweet Boulevard project. The City would lose about one-tenth of an acre of land in the exchange. Benefits the City received in the construction of the project include Sunsweet funding 50% of the decorative fence. Councilmember Ramirez stated the agreement looks excellent and it will bring closure to the project.

Councilmember Ramirez moved to continue approval of the Agreement between Sunsweet Corporation and the Redevelopment Agency/City of Yuba City providing for the transfer of remnant right-of-way property, (Parcel B); and authorizing the Agency Chair/Mayor to sign the Agreement on behalf of the Agency/City, and authorizing the Agency Executive Director/City Manager, or his designee, to execute a quitclaim deed transferring the Property, identified as Parcel B in Attachment 1, to Sunsweet Corporation

to the September 18, 2007 meeting. Councilmember Maan seconded the motion that passed with a unanimous vote.

**Business from the City Council/Redevelopment Agency Board (Item 22)**

**20. Resolution supporting the locating of the new Cyber Command Center to Beale Air Force Base**

City Manager Steve Jepsen stated Beale Air Force Base (BAFB) is a large employer, and it brings \$700 million in economic benefit to our area. This new opportunity for employment could add approximately 10,000 jobs and billions of dollars to the payroll. BAFB's amount of land is a big asset in obtaining the Cyber Command Center.

Councilmember Ramirez moved to approve Resolution No. 07-081 supporting the locating of the new Cyber Command Center to Beale Air Force Base. Councilmember McBride seconded the motion that passed with a unanimous vote.

**21. City Council Reports**

- Councilmember Gill said Council will be attending the League of California Cities Annual Conference in Sacramento Wednesday through Friday.
- Councilmember Maan reminded everyone that the Cultural Celebration to celebrate diversity in our community is this Saturday.
- Councilmember McBride – nothing to report.
- Councilmember Ramirez – nothing to report.
- Mayor Miller said he and Councilmember Maan attended the grand opening of Riverbend School, which is a state-of-the-art educational facility.

**Adjournment**

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 8:12 p.m.

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John S. Miller  
Mayor

ATTEST:

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Terrel Locke  
City Clerk