

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
October 2, 2007
Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Closed Session

Conferred with legal counsel regarding existing litigation pursuant to Government Code Section 54956.9(a), Roxy Yuba City Partners v. City of Yuba City et al., Sutter County Superior Court case #CVCS 07-1227.

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

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 Serves Employees, First Level Managers, Mid managers and Yuba City Employees, 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, Gill, Ramirez, Maan and Mayor Miller
Absent: None

Invocation

Richard Doscher, Chief of Police, gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Gill led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. Proclamation for Domestic Violence Awareness Month

Mayor Miller presented the Proclamation to a representative of Casa De Esperanza in honor of Domestic Violence Awareness Month.

2. Proclamation for Yuba-Sutter United Way Campaign

Mayor Miller presented the proclamation to of the Yuba Sutter Chapter of the United Way.

3. Senior Commission Presentation

June Bone of the Senior Commission encouraged citizens to become active in the community and become a Senior Commissioner.

Public Hearings

4. General Plan Amendment GP 07-04 and Rezone RZ 07-04 at the southeast corner of Sutter Street and Lamon Way to change the land use designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry and to change the zoning from M-2 X-8, Industrial, Special Standards Combining District to C-M, Heavy Commercial/Light Industrial District. Owner: Tomlinson Family Trust; Applicant: Michael Tomlinson.

Katie Ertmer, Associate Planner, reviewed the maps and the applicants request for a general plan amendment and rezoning.

Mayor Miller opened the public hearing. No one spoke.

Councilmember McBride moved to adopt the finding that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have significant impact on the environment, adopt the Mitigated Negative Declaration as contained in Exhibit A, adopt the finding that

General Plan amendment GP 07-04 to change the General Plan designation from Manufacturing, Processing and Warehousing to Business, Technology and Light Industry is in the public interest, tentatively approve General Plan amendment GP 07-04, postponing final action until the public hearing on the following General Plan amendment and rezoning application, adopt the finding that Rezone RZ 07-04 is consistent with the Business, Technology, and Light Industry land use designation as described in the Yuba City General Plan and tentatively approve Rezone 07-04, postponing final action until the public hearings on the following General Plan amendment and rezoning applications. Councilmember Gill seconded the motion that passed with a unanimous vote.

5. **General Plan Amendment GP 07-03 and Rezone RZ 07-03 at the southwest corner of Harter Parkway and Highway 20 to change the land use designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial and to change the zoning from C-2 X-19, Community Commercial, Special Standards Combining District on the north portion of the property and C-O X-19, Office Commercial, Special Standards Combining District on the south portion of the property to C-3 X-24, General Commercial, Special Standards Combining District. Owner/Applicant: John L. Sullivan Family Limited Partnership.**

Katie Ertmer, Associate Planner, reviewed the maps and the applicants request for a general plan amendment and rezoning.

Mayor Miller opened the public hearing.

Dennis Cook, 1007 Live Oak Boulevard, Suite A6, Yuba City spoke in support of the General Plan amendments.

Councilmember Ramirez moved to adopt the finding that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment, adopt the Mitigated Negative Declaration as contained in Exhibit A, adopt the finding that the General Plan GP 07-03 to change the General Plan designation from Community Commercial on the north portion of the property and office and Office Park on the south portion of the property to Regional Commercial is in the public interest, tentatively approve General Plan amendments GP 07-03, postponing final action until the public hearings on the following General Plan amendment and rezoning applications, and adopt the following findings: rezone RZ 07-03 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan; rezone RZ 07-03 will no cause a project to occur that will be incompatible with existing or planned surrounding land uses; rezone RZ 07-03 will result in quality of development that will be as good as or better than would be accomplished through traditional zoning, and tentatively approve rezone RZ 07-03, postponing final action until the public hearings on the following General Plan amendment and rezoning applications. Councilmember McBride seconded the motion that passed with a unanimous vote.

6. **General Plan Amendment GP 07-02 and Rezone RZ 07-02 at the southeast corner of Harter Parkway and Highway 20 to change the land use designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial and to change the zoning from C-2 X-19, Community Commercial, Special Standards Combining District on the north portion of the property and C-O X-19, Office Commercial, Special Standards Combining District on the south portion of the property to C-3 X-24, General Commercial, Special Standards Combining District on the north portion of the property and C-3 X-25, General Commercial, Special Standards Combining District on the south portion of the property. Owner: David Lanza and Jaswant Bains; Applicant: Steve Downing et al LLC.**

Mayor Miller and Councilmember Ramirez recused themselves from this item to avoid a conflict of interest.

Katie Ertmer, Associate Planner, reviewed the maps and the applicants request for rezoning.

Councilmember McBride opened the public hearing. No one spoke.

Councilmember Gill moved to adopt the finding that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have significant impact on the environment, adopt the Mitigated Negative Declaration as contained in Exhibit A, adopt the finding that General Plan amendment GP 07-02 to change the General Plan designation from Community Commercial on the north portion of the property and Office and office Park on the south portion of the property to Regional Commercial is in the public interest, adopt **Resolution No.07-089** for General Plan Amendment GP 07-02 from Community Commercial and Office and Office Park designation to the Regional Commercial designation, as show on Exhibit A of the resolution , and for General Plan Amendment GP 07-03 form the Community Commercial and Office and Office Park designation to the Regional

Commercial designation, as shown on Exhibit B of the resolution, and for General Plan Amendment GP 07-04 from the Manufacturing, Processing, and Warehousing designation to the Business, Technology, and Light Industry designation, as shown on Exhibit C of the resolution, adopt the following findings for Rezone 07-02: rezone RZ 07-02 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan; rezone RZ 07-02 will not cause a project to occur that will be incompatible with existing or planned surrounding land uses; rezone RZ 07-02 will result in quality of development that will be as good as or better than would be accomplished through traditional zoning, introduce **Ordinance No.012-07** for approval of rezoning RZ 07-02 for amendment to the Official Zoning Map to amend the zoning from the C-2 X-19, Community Commercial, Special Standards Combining District on the north portion of the property and C-O X-19, Office Commercial, Special Standards Combining District on the south portion of the property to C-3 X-24, General Commercial District; Special Standards combining district on the north portion of the property and C-3 X-25, special standards combining district on the south portion of the property, as shown on Exhibit C, and waive the first reading, introduce **Ordinance No.013-07** for approval of rezoning RZ 07-03 for amendments to the Official Zoning Map to amend the zoning from the C-2 X-19, Community Commercial, Special Standards Combining District on the north portion of the property and C-O X-19, Office Commercial, Special standards combining district on the south portion of the property to C-3 X-24, General Commercial District; Special Standards combining district, as show on Exhibit D, and waive the first reading, and introduce **Ordinance No.014-07** for approval of Rezoning RZ 07-04 for amendments to the Official Zoning Map to amend the zoning from the M-2 X-8, Industrial, Special Standards Combining District to C-M, Heavy Commercial/Light Industrial District, as show on Exhibit E, and waive the first reading. Councilmember Maan seconded the motion that passed with the following vote:

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

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

Steven Jepsen, City Manager, reviewed the timeline of the project. The project began in 2003, and is now complete. A small remnant parcel approximately a one third of an acre remaining would accommodate future construction. The parcel is connected to the City's water and sewer. Sunsweet Growers, Inc. will absorb the cost of an ornamental fence to divide the properties.

Councilmember Maan moved to adopt **Resolution No.07-006** authorizing the agreement between Sunsweet Corporation and the Redevelopment Agency of Yuba City providing for the transfer of remnant right-of-way property, (Parcel B), authorize the Agency Chair/mayor to sign the Agreement on behalf of the Agency/City, and authorize the Agency Executive Director/City Manager, or his designee, to execute a quit claim deed transferring the property, identified as Parcel B in Attachment 1, to the Sunsweet Corporation. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

Mayor Miller requested that item number 22 be discussed earlier in the agenda to accommodate the young audience members waiting on this item.

22. Stabler Lane Pedestrian Traffic

George Musallam, Public Works Director, and his staff conducted a study on the intersections and the impact on pedestrian. The finding resulted Jamie Drive requiring a stop sign. The Bradley Estates intersection study found that a stop sign is not needed, but a sidewalk should be installed. Studies will continue and staff will monitor the traffic and should need the arise for a stop sign at Bradley Estates Drive intersection, staff would come back to Council for approval.

Councilmember McBride commended Mr. Musallam and his staff on the quick response to the request from the public. She also applauded the young man who initiated the study, and his concerns for the pedestrians at such a young age.

Kaleb , expressed his appreciation to the City Council and staff for responding to his request so quickly.

Councilmember Gill moved to adopt **Resolution No. 07-090** approving the installation of stop signs at the Stabler Lane/Jamie Drive intersection, creating a four way stop, authorize the Public Works Department to mark the crosswalks located at the intersections of Jamie Drive/Stabler Lane and Bradley Estates Drive/Stabler Lane, authorize the Public Works Department to purchase and implement Pedestrian Crosswalk beacons for Stabler Lane at the intersections of Jamie Drive and Bradley Estates, and authorize the Public Works Department to prepare plans and specifications,

and contract work in accordance with the Public Contract Code for street improvements along Stabler Lane and Jamie Drive. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

Public Communication on Items Not On the Agenda

8. Written Requests

Larry Ozeran, M.D. submitted a letter to Council regarding Healthcare issues in Sutter County.

Mayor Miller continued the request until the November 6, 2007 Council Meeting at the request Dr. Ozeran.

9. Appearance of Interested Citizens

None

Bid Openings

10. Stabler Lane Overlay – Regional Surface Transportation (RSTP) 2007

George Musallam, Public Works Director, requested approval to award a contract to the low bidder, Central Valley Engineering.

Mayor Miller asked for a clarification on the add alt in the bid and if the raised area of the road will be level. Mr. Musallam explained that the add alt will cover the cost of the railroad track removal, and that the road will remained at the same raised level, as the cost to remove the raised area is extremely expensive.

Councilmember Gill moved to award Contract No. 07-07, Stabler Lane Overlay – RSTP 2007, to the lowest, responsive , responsible bidder in the amount of their total bid, including the Add Alternate, Railroad Track Removal, authorize the City Manager to execute the contract on behalf of the City, following approval buy the City Attorney, and adopt Resolution No. authorizing the City manager to execute the Master Agreement, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements needed to be executed with the California Department of Transportation to claim Federal/State project funding for this project and future Federal Aid projects. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

11. 2007 ADA Sidewalk Improvements Project

George Musallam, Public Works Director, reviewed the map of the affected areas on the improvements. He requested approval of a contract with Sutter Constructors to complete this project.

Councilmember Gill asked for a clarification on the use of the funds and any deadlines behind the funding. Mr. Musallam explained that this project will be completed by the end of December, 2007, and that we have until April, 2008 to use the funds. Any portions of the funds would be rolled over into other projects.

Councilmember Maan asked for clarification on how the sidewalks included in the map were chosen. Mr. Musallam explained that due to a high flow of pedestrian traffic at Live Oak Boulevard near the Mental Health Facility would be a good place to start the improvement project.

Councilmember McBride moved to award Contract No. 04-19, 2007 ADA Sidewalk Improvements Project, to Sutter Constructors, Inc. of Yuba City in the amount their bid of \$332,650.00, and authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Gill seconded the motion that passed with a unanimous vote.

Consent Calendar

Mayor Miller and Councilmember Ramirez requested Item number 17 be removed from the Consent Calendar. Councilmember Ramirez also asked that the minutes be split into two different motions as he was not in attendance at the September 18, 2007 meeting and unable to approve the minutes. Councilmember Maan also was not in attendance at the September 18th meeting.

Councilmember McBride moved to approve items 13,14,15,16,18 of the Consent Calendar and the minutes of the September 11,2007 City Council meeting. Councilmember Maan seconded the motion that passed with the following vote:

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

ABSTEIN: None

12. City Council Approval of Minutes of September 11 &18, 2007

Approved the City Council meeting minutes of September 11, 2007.

13. Domain Estates Phase 1

Adopted **Resolution No.07-091** approving the execution of and Amended Subdivision Agreement with Piara Johl providing for public Improvements for Domain Estates Phase 1 [subdivision located on the west side of Blevin Road north of Queens Avenue].

14. Hetherington Place

Adopted **Resolution No.07-092** accepting certain street and related improvements pursuant to the Hetherington Place amended Subdivision Agreement and authorized the developer to file a Notice of Completion. [subdivision located on the north side of Franklin Road west of Walton Avenue].

15. Masera Ranch Unit 1

Adopted **Resolution No.07-093** accepting certain street and related improvements pursuant to the Masera Ranch Unit 1 revised subdivision Agreement and authorized the developer to file a Notice of Completion. [subdivision located north of Lincoln Road and west of Walton Ave].

16. Masera Ranch Unit 2 Phase 3

Adopted **Resolution No.07-094** accepting certain street and related improvements pursuant to the Masera Ranch Unit 2 Phase 3 Amended Subdivision Agreement #2 and authorized the developer to file a Notice of Completion [subdivision located north of Lincoln Road and West of Walton Avenue].

18. Harter Storage and Pumping Plant Project – Contract 04-07 Revised Final Payment

Adopted **Resolution No.07-095** authorizing the Utilities Director to make a revised Final Payment for the Harter Storage and Pumping Plant Project.

Councilmember McBride moved to approve the minutes of the September 18, 2007 City Council minutes. Councilmember Gill seconded the motion that passed with the following vote:

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

17. Reimbursement Agreement – Harter Parkway/State Route 20 Intersection Improvements

Councilmember moved to adopt **Resolution No.07-096** approving the execution of a Reimbursement Agreement with Roy E. Lanza, Jaswant S. Bains, and Yuba City Unified Scholl District, and authorize the Chief Financial Officer to make supplemental appropriation as fees are collected to support payment of pass through to Developer. Councilmember seconded the motion that passed with the following vote:

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

General Items

19. Employment Medical Benefits Package for the Calendar Years 2008-2010

Odeana Chisum, Administrative Analyst III, reviewed the potential increase of the cost of medical insurance through Blue Cross. Terri Ezaki, ABD Insurance Services, the City's insurance broker was asked to review our current medical plans and discuss market trends regarding premiums. Ms. Ezaki initiated a Request for Proposal (RFP) on the City's behalf to obtain bids from various medical providers. The RFP was sent to eight insurance carriers and two public agency insurance pools. The Benefits Committee was called together to review the received proposals. Increases varied from 35.7% to 129.11%. California State Association of Counties (CSAC) proposal came in at 12.6% over the current Blue Cross rates, proving to be the lowest cost of the proposals received. The CSAC proposal would require the City to change from Blue Cross to Blue Shield as a medical insurance provider. Representatives from Blue Cross and CSAC Blue Shield attended a Benefits Committee meeting to answer any questions employees had regarding coverage. The Blue Shield plan will provide comparable benefit in most areas, office visits will increase approximately five dollars, brand name prescription will decrease in cost approximately five dollars, over all there it is a comparable plan and a balance in cost and benefits to the employee.

Mayor Miller commented that medical insurance is on the rise all over the place. He commended staff on the diligent research done to provide the best for our employees.

Councilmember Gill moved to adopt **Resolution No.07-097** authorizing the City Manager to enter into a three year contract with California State Association of Counties (CSAC) effective January 1,2008, to provide health insurance for our employees administered by Blue Shield of California. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

20. Planning and Design Consultant Services for a Citywide Parks Master Plan

Gary Marler, Parks Manager, reviewed the proposals received. After review of the proposals it is recommended that Carter and Burgerss, Inc. of Sacramento be chosen as a planning and design consultant. Carter and Burgess have previously worked with Yuba City Parks and have produced a highly desirable product.

Councilmember Gill asked if Carter and Burgess will address the new proposed parks. Mr. Marler confirmed that they will review all the parks in place and those being proposed to ensure we are providing adequate services to our community.

Councilmember Ramirez moved to adopt **Resolution No.07-098** determining it is in the best interest of the City of Yuba City to enter into a Professional Services Agreement with Carter and Burgess of Sacramento, California, for the Parks/Facilities/Physical/Development Master Plan. Councilmember Maan seconded the motion that passed with a unanimous vote.

21. Approve the filing of an Application to apply for additional Grant Funds of \$1,000,000 for the California River Parkways Grant Program under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50).

Gary Marler, Parks Manager, requested authorization to file an application for additional grant monies for the Feather Parkway Project. When the City accepted the grant money earlier this year the state indicated that they would be interested in further funding for this project. This application will be the last funding available under Proposition 50 for this project.

Councilmember Gill asked if the funding to be received would cover the cost of one groundskeeper. Mr. Marler explained that this money would be for the project itself and not maintenance. The cost of an additional Groundskeeper would not be incurred until approximately 2010 when this project is complete.

Mayor Miller asked what the grant money would be used for. Mr. Marler explained that the main focus of the money will be the north side of the Willow Island project. The current funding is currently covering the south side of the Willow Island project.

Councilmember Maan moved to adopt **Resolution No.07-099** approving the filing of an application for additional funding from the California River Parkways Grant Program and appoint the Public Works Director or his designee as the City's agent to work with the Sutter County Resource Conservation District to ensure that all negotiations, execution and submittal of all documents including, but not limited to, applications, agreements and payment requests, which may be necessary for the completion of the California River Parkways Grant Program, are taken care of in the proper manner. Councilmember McBride seconded the motion that passed with a unanimous vote.

23. Community Service Organization FY 07/08

Robyn Bertagna, Chief Financial Officer, reviewed the requests from Community Service Organizations for funding from the City.

Laura Nicholson, Executive Director, Yuba Sutter Chamber of Commerce expressed appreciation to City staff, the City Manager and the City Council for reviewing the request for funding. The Yuba Sutter Chamber of Commerce has also requested funding from other jurisdictions. The monies received will be used for the Tourism Program within the Chamber of Commerce.

Bob Reich, Executive Director, Yuba Sutter Regional Arts Council, works with the California Arts Council to promote Arts through a variety of programs. The funding from Yuba City would allow programs that would provide for more programs through the Council into the Yuba City/Marysville area.

Kurt Schroeder, of the Acting Company reviewed some of the programs available through the non profit organization and his excitement and appreciation of the funding available through the City. The funding would be used would be used to cover costs that the tickets sales don't cover.

Mayor Miller asked Mr. Schroeder if there is an annual patronage program within his organization. Mr. Schroeder explained that there are vendors that sponsor shows,

annual memberships, seat purchase programs, and fundraisers that all contribute to the variety of programs.

Councilmember Ramirez asked for feedback regarding the application process. Mr. Schroeder felt that the process was not difficult. Mr. Reich felt the process was much less complicated than other applications he has completed.

Councilmember Gill commended the three organizations for the efforts within the community and continuing to offer the variety of programs to the community.

Mayor Miller would have like to make a recommendation to staff that the requested amounts of the Arts Council (\$15,000) and The Acting Company (\$7,500) be issued. He feels that the organizations are so important to this community that the requested amounts if possible be issued.

Ms. Bertagna assured Council that the additional funding to the Arts Council and The Acting Company is possible if they approve the higher dollar amounts.

Councilmember Gill expressed concern that if the additional funds were distributed to the two organizations that the Chamber of Commerce would come back and ask for additional monies.

Councilmember Ramirez recommended that a proportionate percentage be given to the three organizations equally. Divide the additional \$7,500 dollars amongst the three organizations.

Councilmember Ramirez moved to approve the funding requests for Community Service Organizations for FY 07/08 with an additional \$7,500 dollars divided proportionately to the organizations share of the recommended funding of \$33,196. Councilmember Gill seconded the motion that passed with the following vote:

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

Business from the City Council/Redevelopment Agency Board

20. City Council Reports

Adjournment

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 8:45 p.m. in memory of Gregory Scandalis.

John S. Miller, Mayor

ATTEST:

Terrel Locke, City Clerk