

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
NOVEMBER 6, 2007
6:00 p.m. - Closed Session
7:00 p.m. - Regular Meeting**

Closed Session—Butte Room

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.

Regular Meeting—Council Chambers

Call To Order

The City Council of the City of Yuba City was called to order by Mayor Miller at 7:05 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 Maan led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **National Hunger & Homeless Awareness proclamation** – Mayor presented the National Hunger & Homeless Awareness proclamation to Grace Espindola of the Sutter-Yuba Homeless Consortium.
2. **Senior Commission Presentation** – Commissioner June Bone gave the report. Ms. Bone stressed the urgency in finding two commissioners to fill vacant positions. Councilmember Ramirez announced his candidacy for a position on the Commission and said he would help recruit a second candidate. He will confer with the Deputy Clerk tomorrow on the procedure in applying for the Senior Commission position.

Public Hearings

3. **Building Regulations Ordinance and the Adoption of the 2007 edition of the California Building Standards Code**

Chief Building Official Paul Klein said the State has adopted new building codes. Many State agencies, Building Official Associations, and Fire Officers have worked on developing these new codes, which are based on the International Building Code (I-Code). There has been an ongoing effort to get all states on the I-Code for conformity. It is more performance based rather than a prescriptive code. The City is not proposing any technical amendments to the base code. Any amendments in the ordinance are administrative only. The City held a workshop on October 24th to review the new State code. Over 60 stakeholders attended. The enforcement date for the State code is January 1, 2008. The City's current code will be enforced through the end of this year. If approved tonight, the new code will be enforced beginning January 1, 2008.

Councilmember Ramirez asked if an architect from Florida designs a project and submits plans to Yuba City, would it go through plan check without significant problems. Mr. Klein responded that the states that are already using the I-Code would basically be in compliance. Each state does have some amendments that would make them somewhat, but not significantly, different. Even within the State of California some cities, such as Los Angeles or San Francisco, will have amendments which will make their codes somewhat different.

Mayor Miller opened the public hearing. Hearing no comment, he closed the public hearing.

Councilmember Ramirez moved to introduce Ordinance No. 015-07 repealing and reenacting Title 7 and appropriate chapters of the Yuba City Municipal Code entitled

Building Regulations which provides regulations to implement the 2007 edition of the California Building Standards Code; and waive the first reading. Councilmember Maan seconded the motion that passed with a unanimous vote.

4. Fire Code Adoption

Fire Chief Marc Boomgaarden said the fire code is a companion document to the building code changes. This ordinance sets forth the instructions as to how buildings are constructed and maintained. The City has made some amendments to the Code. They are consistent with previous fire codes. Fire Marshall Jim Mathews was instrumental in the completion of this project.

Mayor Miller asked if this ordinance will upgrade the requirements on commercial buildings. Mr. Mathews responded this ordinance is a seamless change since the City's code has been updated every three years.

Mayor Miller opened the public hearing. Hearing no comment, he closed the public hearing.

Councilmember Gill moved to introduce Ordinance No. 016-07 revising Chapter 5, Title 4, of the Yuba City Municipal Code regarding Fire Prevention; and waive the first reading. Councilmember Ramirez seconded the motion that passed with a unanimous vote.

Public Communication on Items Not on the Agenda

5. Written Requests

Dr. Larry Ozeran, Chair of the Yuba-Sutter Healthcare Council, gave an overview of the organization. He said Tim Johnson, formerly of the EDC, began the Yuba-Sutter Healthcare Council in 2003. Their mission is to improve healthcare.

6. Appearance of Interested Citizens – none.

Bid Openings

7. Five Crown Victoria Police Interceptors (FB 08-07)

General Services/I.T. Director Devin Barber stated that each year the vehicle fleet is scored based on age, maintenance history, and type of service. A list is then compiled of those vehicles that should be replaced. In the Police fleet there were five patrol cars that met the criteria. The bid packages were sent to ten vendors and five bids were returned. In this case, a local vendor was the lowest bidder.

Councilmember Gill moved to award the purchase of five (5) Crown Victoria Police Interceptors to the low bidder, Geweke Ford of Yuba City, CA for \$127,690.55. Councilmember McBride seconded the motion that passed with the following vote:

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

8. Capstone Micro Turbine Engines (FB 08-11)

General Services/I.T. Director Devin Barber said in 2003 the Wastewater Treatment Plant installed a co-generation plant utilizing Capstone micro turbines. Four of those engines have ceased to function. Several months ago Council approved a gas cleanliness system for a cleaner fuel source for the micro turbine engines. This should prevent future engine failure. Of the ten bids sent out, three were returned but one of those was late.

Councilmember McBride asked why there was such a big gap in the two bids. Mr. Barber said it is the difference of getting the product directly from the factory and getting it from a value added reseller.

Councilmember Ramirez and Mayor Miller expressed concern that the remaining six original engines may have a shorter life expectancy due to the conditions they have operated under to date. Mr. Barber agreed the life expectancy of those six engines may be shorter. The need to clean the fuel was not anticipated when the system was purchased. The engineer who designed the system has contributed funds to remedy the problem.

Councilmember Ramirez moved to award the purchase of four (4) Capstone Micro Turbine Engines to the low bidder, Capstone Turbine Corporation of Chatsworth, CA for \$67,035.56 and approve budget transfers in the amount of \$55,000.00 from Wastewater Treatment Facility O&M Co-Generation account #8120-63472 and \$12,035.56 from Wastewater Treatment Facility O&M Major Maintenance account #8120-63451 to

Wastewater Treatment Equipment account #8120-69201. Councilmember Maan seconded the motion that passed with a unanimous vote.

9. Pesticides and Fertilizers (FB 08-10)

General Services/I.T. Director Devin Barber said this contract for pesticides and fertilizers was bid in 2005. There was a provision for CPI adjustments. There have been two CPI adjustments with the vendor requesting a third adjustment this year. Staff decided to rebid the contract. Fifteen packages were sent and three were returned.

Councilmembers asked that staff work more diligently with local vendors to obtain bids. Mr. Barber said he would look at a follow up reminder system for bids.

Councilmember Ramirez moved to award a contract to low bidder Sierra Pacific Turf Supply of Rocklin, CA for \$62,383.84. Councilmember Gill seconded the motion that passed with a unanimous vote.

10. Cellular Voice and Data Service Agreement

General Services/I.T. Director Devin Barber said this item is for a three year contract with our current cellular provider, Sprint. It is to provide services for cellular phones and emergency service vehicle equipment. Bid packages were sent to Sprint, AT&T, and Verizon. AT&T did not respond. Sprint has better equipment, performance, and service than Verizon.

Councilmember McBride moved to adopt Resolution No. 07-109 authorizing the City Manager, or his designee, to enter into a three year agreement in the best interest of the City with Sprint to provide equipment, cellular voice, and data services. Councilmember Gill seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Ramirez stated that he must recuse himself from Items 15 and 16 due to a conflict of interest and asked that they be removed from the Consent Calendar. Mayor Miller added he must also recuse himself from Item 15. Councilmember Ramirez moved to adopt the balance of the Consent Calendar. Councilmember McBride seconded the motion that passed with a unanimous vote.

11. City Council Approval of Minutes of October 23, 2007

Approved the Council meeting minutes of October 23, 2007.

12. Tres Picos Estates

Adopted Resolution No. 07-110 accepting certain street and related improvements pursuant to the Tres Picos Estates Subdivision Agreement and authorize the developer to file a Notice of Completion. [subdivision located at north end of Stabler Lane on east side]

13. Tres Picos West Estates

Adopted Resolution No. 07-111 accepting certain street and related improvements pursuant to the Tres Picos Estates Subdivision Agreement and authorize the developer to file a Notice of Completion. [subdivision located at north end of Stabler Lane on west side]

14. Siena Estates West

Adopted Resolution No. 07-112 accepting certain street and related improvements pursuant to the Siena Estates West Subdivision Agreement and authorizing the developer to file a Notice of Completion. [subdivision located west of Hooper Road at the west end of San Niccolo Drive]

17. Residential Street Rehabilitation Project 2007-Extend Limits

Authorized the Public Works Director to extend the limits of the Residential Street Rehabilitation Project in accordance with the Public Contract Code.

18. Quit Claim Deed – Sullivan Family Limited Partnership

Adopted Resolution No. 07-115 authorizing the Mayor to execute a Quit Claim Deed to Sullivan Family Limited Partnership for property located south of State Route 20 west of Harter Parkway.

19. Redevelopment Agency Legal Services (Council & RDA)

Confirmed a Legal Services Agreement with Stoel and Rives, LLP, of Sacramento, CA and approve a related supplemental appropriation in the amount of \$100,000.

20. State CalHome (06-CalHome-259)

Adopted amended Resolution No. 07-116 authorizing designation of signing authority of the 06-CalHome-259 application for \$600,000.

Councilmember Gill moved to adopt Items 15 and 16 of the Consent Calendar. Councilmember Maan seconded the motion, which passed by a unanimous vote, less Mayor Miller and Councilmember Ramirez who were recused.

15. Reimbursement Agreement – River Valley High/Commercial Area

Adopted Resolution No. 07-113 approving the execution of a Reimbursement Agreement with Roy E. Lanza, Jaswant S. Bains, Yuba City Unified School District, and Calvary Christian Center; authorized the Chief Financial Officer to make a supplemental appropriation as fees are collected to support payment of pass through to Developer; authorized payment to Yuba City Unified School District in the amount of \$118,159.06 for oversizing the water and sewer lines in the River Valley High School area; and authorized payment to Roy Lanza in the amount of \$18,200 for oversizing of a sewer line in the River Valley Commercial area.

16. River Valley Commercial Center

Adopted Resolution No. 07-114 accepting certain street and related improvements pursuant to the River Valley Commercial Amended Subdivision Agreement #1 and authorize the developer to file a Notice of Completion. [located south of State Route 20 at Harter Parkway]; and authorized payment of \$40,000 to Roy and David Lanza per the Settlement Agreement and Release dated March 2006.

General

21. Downtown Business Association request for marketing funds related to the Plumas Streetscape Project (RDA)

Assistant City Manager Steve Kroeger said Don Covey of the Downtown Business Association (DBA) will be speaking tonight to request marketing funds for Streetscape. As part of the overall budget for the Streetscape Project, \$300,000 was set aside for marketing. Staff met with the DBA and developed a Memorandum of Understanding (MOU). The MOU defined the limits of expenditure authority. Tonight's request is for funds exceeding that authority.

Don Covey introduced Jennifer Tencati of MMC Communications. Ms. Tencati has developed the marketing plan for Streetscape. She presented the branding, signage, and radio and print ad campaign.

Director Gill asked what funds were allocated to Streetscape marketing. Mr. Covey replied the DBA has requested \$244,000. Director Gill asked if that amount will be enough to finish Plumas Street. Mr. Covey responded, no.

Director Maan expressed concern for the amount of money being used to promote one street in our community. He said he hoped the \$244,000 could be stretched to cover all phases of the project. Director Ramirez told Mr. Covey he has taken on a difficult task and is dealing with multiple issues, but he would find it difficult to approve additional funds for future phases.

There was a discussion about speeding up the project by completing the project with only one more phase. Merchants voted two-to-one against this idea. With two more phases, it will be late 2009 before the project is complete. Mayor Miller asked Public Works Director George Musallam if completing the project in one more phase, rather than two, would reduce costs. He responded no, there would be no considerable savings.

Director McBride moved to approve the Downtown Business Association's request to contract for services in excess of \$25,000, using funding set-aside as part of the Plumas Streetscape Project, with the following firms: MMC Communications - \$60,000; EMRL - \$28,000; Appeal Democrat - \$37,000; Ferrari Color -\$45,000. Director Gill seconded the motion that passed with the following vote:

AYES: Directors Gill, Maan, McBride, Ramirez, and Chairman Miller
NOES: None
ABSENT: None

22. Modified Agreement for the formation of the Sutter-Butte Flood Control Agency (SBFCA) Joint Powers Authority (JPA) as the successor agency to the existing West Feather River Levee Reconstruction Agency (WFRLRA)

City Manager Steven Jepsen noted Council first approved this item on July 17, 2007. Shortly after, some member agencies asked for some changes to the JPA that were not significant but were important to them for clarification. It designates the City of Yuba City as the Treasurer and the Auditor for the SBFCA. All agencies have indicated they approve of these changes. Mr. Jepsen anticipates the first meeting of the SBFCA to occur the end of November or first part of December. There are eight agencies and thirteen members of the SBFCA. Mayor Miller and Councilmember Gill are the City's representatives.

Councilmember Gill noted that it has taken a very long time to get this Agency operational. He said Yuba City is providing auditing services and has the biggest exposure and risk of flooding. He would like to see Yuba City as the lead agency of the SBFCA. Mr. Jepsen said the Agency is an independent board and the members will have total discretion. One of the first things the Agency will need to do is hire an Executive Director and someone to handle the business interests. You can designate anyone you desire as a recorder.

Councilmember Maan moved to: authorize the Mayor to sign the Modified Agreement providing for the formation of the Sutter-Butte Flood Control Agency Joint Powers Authority, superseding the prior agreement approved on July 17, 2007; and authorize the City Manager to negotiate and draft loan documents for the new JPA operating cost and for the advancement of funds for LD1's Feather River Levee project at Star Bend. Councilmember Gill seconded the motion that passed with the following vote:

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

23. City Manager's Employment Agreement for 2007 through 2012

City Manager Steven Jepsen stated he appreciates being in Yuba City. It has been the most rewarding and cooperative time of his career. He thanked the Council for their leadership. This item is a five year employment agreement which will replace the existing two year agreement. He reviewed the components of the agreement, which was negotiated with an Ad Hoc Committee comprised of the Mayor and Vice Mayor.

Mayor Miller said Mr. Jepsen has shown great leadership and has brought a breath of fresh air to the City. He works well with the Council and staff members. The five year contract shows the commitment by both the City and Mr. Jepsen.

Councilmember Ramirez noted a resident asked about the decision to have a five year contract. The reality of the contract is that it is enforced one year at a time.

Councilmember Gill appreciates the City Manager's honesty and open door policy. City Hall is business friendly. It's nice to see Mr. Jepsen at most of the community's events.

Councilmember McBride noted Mr. Jepsen has become a part of Yuba City, and she appreciates the fact that he and his family are ingrained in the community.

Councilmember Maan agreed with Council's comments. He noted Mr. Jepsen is very practical. Both he and his wife attend most community events.

Councilmember Gill moved to authorize the Mayor to sign the Agreement providing for the City Manager's employment from November 1, 2007 through November 1, 2012. Councilmember McBride seconded the motion that passed with the following vote:

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

24. Presentation of Treasurer's Report – Quarter Ended September 30, 2007

Assistant City Manager/City Treasurer Steve Kroeger stated the City has a \$123 million portfolio. There has been a decrease of \$6.7 million in the last quarter due to the timing of funds and three large projects—Gauche Aquatics Park and the Water Treatment Plant expansion project were completed, and Streetscape was started. Mr. Kroeger reviewed maturity distributions, weighted average years, historical interest rates on two year U.S. Treasury yields, weakening housing and Treasury yield curve.

Business from the City Council/Redevelopment Agency Board

25. City Council Reports

Councilmember Gill said the Sikh Parade, fireworks, and open house occurred last weekend. There were 70-75,000 attendees this year.

Councilmember Maan congratulated everyone involved in the Sikh Parade. He attended the Bi County Transportation Agency Meeting recently. They discussed the 5th Street railroad bridge and its possible conversion to auto traffic. Supervisor Schrader would like all agencies to sign a letter to CalTrans asking them to use the money intended for a study of a bridge over Ellis Lake for a 3rd Bridge instead.

Councilmember McBride had nothing to report.

Councilmember Ramirez thanked Councilmembers Mann and Gill for the hospitality he received at the Sikh open house. He announced the first meeting of the Walton Water Ad Hoc Committee will occur on November 13, 2007 at 3:00 p.m.

Mayor Miller congratulated everyone on the success of the Sikh Parade.

Adjournment

Mayor Miller adjourned the regular City Council meeting of the City of Yuba City at 9:30 p.m.

John S. Miller
Mayor

ATTEST:

Terrel Locke
City Clerk