

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
DECEMBER 4, 2007 – 7:00 P.M.**

Call To Order

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 7:05 p.m.

Roll Call

Present: Councilmembers Gill, Maan, McBride, Miller, and Mayor Ramirez
Absent: None

Invocation

Police Chief Richard Doscher gave the invocation.

Pledge of Allegiance to the Flag

Mayor Pro Tem McBride led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **Proclamation for John Weimholt's Retirement** – Mayor Ramirez presented Mr. Weimholt with a proclamation for 30 years of service with the City.
2. **Proclamation for Skip King's Retirement** - Mayor Ramirez presented Skip King with a proclamation for 17 years of service with the City.
3. **Senior Commission** – Commissioner June Bone gave the monthly report. She noted two candidates have applied for the Senior Commission.

Public Communication on Items Not on the Agenda

4. **Written Requests** - none
5. **Appearance of Interested Citizens**

David Metcalf of 3756 Frakes Road, Yuba City said he has leased a property at 1747 Live Oak Blvd., Ste. I, where mold may be growing in the building and the building is falling apart. The landlord won't do anything about it. Mayor Ramirez asked Mr. Metcalf to contact the Building Department to see if the City can do anything. This may be a situation that has to be resolved between the landlord and Mr. Metcalf.

Consent Calendar

Public Works Director George Musallam asked that Item 7 of the Consent Calendar be removed for further discussion. Councilmember McBride moved to adopt the balance of the consent calendar. Councilmember Gill seconded the motion that passed with a unanimous vote.

6. **Transfer of Property (APN 55-010-040) to the Yuba City Unified School District**

Authorized the City Manager or his designee, to sign a Property Transfer Agreement and execute a quit claim deed transferring title of 9.99 acres of property located at Shanghai Bend Road (APN 55-010-040) to the Yuba City Unified School District with the provision that the use of the property be designated for school facilities, or if sold the proceeds must be used for a school site or for school facility improvements.

8. **Submission of re-certification application for Tree City USA Designation**

Adopted Resolution No. 07-121 authorizing the City to submit an application for re-certification to the National Arbor Day Foundation for consideration of the City continuing its designation as a Tree City USA community.

9. **Completion of the 2006 Storm Damage Repairs to the Yuba City Wastewater Effluent Discharge Ponds**

Adopted Resolution No. 07-122 to accept the completion of the "2006 Storm Damage Repairs to the Yuba City Wastewater Effluent Discharge Ponds" project (07-11) and authorized Utilities Director to file a Notice of Completion.

Public Works Director George Musallam said a property owner would like to speak about this item. Mr. Rob Trojan, 2726 W. Onstott Road, Yuba City, said he has one of the properties impacted by this item. His concern is that he only received notice on November 29, 2007 and feels there should have been more time given. Councilmember McBride verified that Mr. Trojan's only concern is the noticing of the item. Mr. Musallam said although noticing is not required in this instance, the City prefers to notify property owners of items that might be of interest to them. He will make sure more notice is given to property owners in the future.

Councilmember Maan moved to approve Item 7 of the Consent Calendar. Councilmember Miller seconded the motion which passed with a unanimous vote.

7. Reimbursement Agreement – Cresleigh Homes

a. Adopted Resolution No. 07-120 approving the execution of a Reimbursement Agreement with Cresleigh Homes for drainage improvements and roundabout construction in the Butte Vista Neighborhood Area. [located south of Pease Road in the vicinity of Stabler Lane]; b. Authorized the Chief Financial Officer to make a supplemental appropriation as fees are collected to support payment of pass through to Cresleigh Homes Corporation; c. Authorized payment to Cresleigh Homes Corporation for improvements constructed pursuant to the Butte Vista Neighborhood Plan, authorized fee credits towards the Butte Vista Neighborhood Impact Fee for reimbursement of the perimeter conflict mitigation fee in an amount not to exceed \$33,437.31, and authorized the Chief Financial Officer to make a supplemental appropriation for \$246,170.83.

General Items

10. Acceptance and Expenditure Authorization – FY 07/08 Homeland Security Grant - Police Department

Police Chief Richard Doscher said this item is the final phase of a long-term project which has occurred over the past seven years. The Police Department has upgraded its radio infrastructure with over \$1 million in grants obtained through Homeland Security and other state and federal grants. No matching funds are required. This will allow communication with any agency, and will be a model example for the State of California. The County Board of Supervisors will also be asked to approve this item. Chief Doscher responded to Council's questions. Councilmember Maan thanked Chief Doscher for obtaining these grant funds.

Councilmember Gill moved to adopt Resolution No. 07-123 authorizing the acceptance, allocation and expenditure of the Police Department's FY 07/08 Homeland Security Grant. Additionally, authorize the Chief Financial Officer to make a supplemental appropriation and related revenue budget adjustment. Councilmember Maan seconded the motion that passed with the following vote:

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

11. Annual Report from the Downtown Yuba City Business Improvement District and Proposed Levy of Annual Assessment

Assistant City Manager Steve Kroeger said this item is a two part process. Tonight you will be asked to approve the annual report and set a public hearing for December 18, 2007. The Business Improvement District (BID) was put in place in January 1999, and assessments have been collected annually since that time. Mr. Kroeger recognized Judy Sanchez, the City's liaison, and the author of the report. He also introduced Don Covey, President of the Downtown Business Association (DBA).

Mr. Covey encouraged support by the Council of the BID for another year. The BID has hired a bookkeeper who does all the billing now—a service previously provided by the City. The bookkeeper also does collections and progress is being made in that area. Mr. Covey reviewed the progress of the Streetscape project, past events, and planned events. The slow business climate is adding to the effects of the street construction. He noted they are investigating the formation of a Property Improvement District whereby assessments would be collected through the County and approval by Council would only be required every five years. The BID would then be abandoned.

Councilmembers Miller and Maan thanked Mr. Covey for the wonderful job he does as President of the DBA. Mayor Ramirez commended Mr. Covey and Mrs. Sanchez on the completeness of the annual report.

Councilmember Miller moved to approve the Annual Report as filed, adopt Resolution No. 07-124 of Intention to Levy and Collect 2008 Annual Assessments, and set a public hearing for December 18, 2007. Councilmember Maan seconded the motion that passed with a unanimous vote.

Business from the City Manager

12. Sutter Theater Performing Arts Feasibility Assistance (RDA)

City Manager Steve Jepsen commended Russ Clark and John Tuscano for taking the lead in the preservation of the Sutter Theater. They have purchased the theater and want to determine the feasibility of turning the Sutter Theater into a Performing Arts Center. Mr. Jepsen recommended approval of their request for the City to fund the feasibility study. He noted the City must be good stewards of the City's funds and that Mr. Clark and Mr. Tuscano will probably return at a later date for a request for additional matching funds. The plan is to combine a 175 seat movie house with a 350 seat Performing Arts Center, which would serve as a part time movie theater/part time Performing Arts venue.

John Tuscano said they are trying to keep the non profit status of the theater. He and Mr. Clark feel they can get community donations for the project. They are looking at all possible resources to make the project happen.

Mr. Clark said originally the idea was to make the theater a stand alone Performing Arts Center, but the numbers do not appear to support it. Two screens operating all the time, with the third screen available when there is no performing arts function, would support the venue. Mr. Tuscano noted that even if the theater begins as a combination theater/Performing Arts Center, the goal is to make it a stand alone Performing Arts Center.

Councilmember McBride applauded Mr. Clark and Mr. Tuscano for taking the lead on this project. Councilmember Gill asked that they proceed with caution—\$1.6 million is a lot of money to raise. Councilmember Miller said the project would enhance the downtown, and he would like to see the theater a 100% Performing Arts Center someday. Councilmember Maan agreed that caution needs to be taken in today's economy.

Councilmember McBride moved to: a. Approve a three year forgivable loan in the amount of \$85,000 to the Sutter Performing Arts Association, subject to the inclusion of studies for historic preservation and alternatives to increase the Performing Arts utilization of the building, and b. Direct the Chief Financial Officer to record a supplemental appropriation to Account No. 6011-65501 (RDA – Program Expenditures) in the amount of \$85,000 from unallocated fund balance. Councilmember Gill seconded the motion that passed with the following vote:

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

13. Discuss Canceling or Rescheduling the Council Meeting Scheduled for January 1, 2008

City Manager Steve Jepsen said that the first meeting of 2008 falls on January 1 and Council may wish to cancel or reschedule that meeting. Councilmember Gill asked what will be on the agenda for the January 1 meeting and if it is canceled, how would it impact the January 15 meeting. Mr. Jepsen said he could not say at this point but could advise Council better at the December 18 meeting.

Councilmember Gill moved to cancel the January 1, 2008 meeting and review the option of rescheduling to another date at the December 18, 2007 meeting. Councilmember Maan seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

14. City Council Reports

- Councilmember Gill said both the City's Centennial kickoff and Rideout Hospital's centennial celebration were good, well attended events. He and Mr. Jepsen went to Yuba City High School yesterday to observe concerns with the students' use of the crosswalk on Clark Avenue. Mr. Jepsen has some good ideas for making it a safer crosswalk. The Sutter Butte Flood Control Agency will have their first meeting on December 12, 2007.
- Councilmember Maan concurred the Mayoral/Centennial celebration was a very nice celebration.
- Councilmember McBride also enjoyed the Centennial celebration and received accolades for both the event and the museum from attendees.
- Councilmember Miller concurred the Centennial celebration was great.

- Mayor Ramirez said there was great participation at the Centennial celebration. Sutter County Museum is supporting the Centennial and is preparing a book which is coming out in June of 2008. It will have great historical photos.

Closed Session

Adjourned to closed session at 8:29 p.m. in memory of Rick Barcellus and Mike Montgomery.

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 existing litigation pursuant to Government Code Section 54956.9 (a); Manuel et al. v. Cresleigh Homes et al.; Sutter County Superior Court case # CVCS 07-0341

Adjournment

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

Rory Ramirez
Mayor

ATTEST:

Terrel Locke
City Clerk