

**MINUTES  
REGULAR MEETING OF  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
COUNCIL CHAMBERS  
February 19, 2008  
Closed Session 6:00 P.M.  
Regular Meeting 7:00 P.M.**

**Closed Session**

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

Conferred with real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding negotiations with Pal/Avtar K. Takhar regarding the possible purchase of the following property or portions thereof: corner of Walton/Camino de Flores, APN 57-311-017.

**Regular Meeting**

**Call to Order**

Mayor Ramirez called the regular meeting of the City Council for the City of Yuba City to order at 7:00 p.m.

**Roll Call**

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

**Invocation**

Police Chief Richard Doscher 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 Edmund Smith**

Mayor Ramirez presented Edmund Smith a proclamation in honor of his retirement from Sutter County.

**Public Communication**

**2. Written Requests**

None

**3. Appearance of Interested Citizens**

Tatum McDougal of 1130 Queens Avenue, Yuba City spoke.

**Bid Openings**

**4. Cisco Catalyst 4510 Switch (FB 08-14)**

Devin Barber, General Services/IT Director reviewed the bidding process for Mainline Camera System Truck. Mr. Barber explained this truck will allow staff to view sewer line integrity.

Councilmember Gill moved to award the purchase to the low bidder, Wecco Industries of Vacaville, California for a mainline camera system truck in the amount of \$173,650.15. Councilmember McBride seconded the motion that passed with the following vote:

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

**Consent Calendar**

Councilmember McBride moved to approve the consent calendar as presented. Councilmember Gill seconded the motion that passed with a unanimous vote.

**5. City Council Approval of Minutes of February 5, 2008**

Approved the Council meeting minutes of February 5, 2008.

**6. Termination of Local Emergency**

Adopted **Resolution No. 08-010** proclaiming and ordering the termination of a Local Emergency relative to the impact and damage to the community caused by the January 4, 2008 storm.

**7. Purchase of Sanitaire Membrane Disc Fine Bubble Aeration System equipment for the Wastewater Treatment Facility**

Authorized the sole source purchase of Sanitaire Membrane Disc Fine Bubble Aerations System equipment from ITT Industries Inc./Sanitaire of Brown Deer, WI in the amount of \$40,350 with the finding that it is in the best interest of the City.

**8. Approval of a Loan Agreement with the Sutter Butte Flood Control Agency (SBFCA)**

Approved the Loan Agreement with the Sutter-Butte Flood Control Agency (SBFCA) and authorized the Mayor to sign the Agreement.

**General Items**

**9. Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2007**

Robin Bertagna, Chief Financial Officer briefly reviewed the comprehensive report before introducing Maralee Smith of Smith and Knoll CPA and independent audit company.

Ms. Smith recognized the City for its hard work that made the audit a simple process, and staff needs to be recognized for their efforts. She reviewed the reports in detail.

Councilmember McBride applauded Ms. Bertagna for her ongoing efforts in the finance department.

Councilmember Maan expressed his appreciation to all City Department Heads for keeping sound economic decisions in mind at all times.

Councilmember Miller moved to accept the Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2007. Councilmember McBride seconded the motion that passed with a unanimous vote.

**10. Redevelopment Agency Annual Financial Report for the Year Ended June 30, 2007**

Robin Bertagna, Chief Financial Officer and Maralee Smith of Smith and Knoll CPA reviewed the highlights of the Redevelopment Agency's financial report.

Councilmember Miller moved to accept the Redevelopment Agency Annual Financial Report for the Year Ended June 30, 2007. Councilmember McBride seconded the motion that passed with a unanimous vote.

**11. Financial Report for Quarter Ending December 31, 2007**

Robin Bertagna, Chief Financial Officer, reviewed the Financial Report and its high and low points for reporter quarter ending December 31, 2007.

The report was noted and filed.

**12. Reimbursement Agreement – State Route 20/Western Parkway Intersection Improvements**

Councilmember McBride recused herself from this item to avoid a possible conflict of interest.

Diana Langley, Principal Engineer, reviewed the agreement as part of the Teal Hollow Subdivision. The total cost for the improvements is estimated to be 3.4 million dollars, of which Centex homes is responsible for 10.1% of the estimated amount. The term of the agreement is 15 years and fees will be collected as property is developed.

Councilmember Miller moved to adopt **Resolution No. 08-011** approving the execution of a Reimbursement Agreement with Centex Homes for work associated with State Route 20/Western Parkway Intersection Improvements and authorize the Chief Financial Officer to make a supplemental appropriation as fees are collected to support payment of pass through to Centex Homes. Councilmember Gill seconded the motion that passed with the following vote:

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

**13. Analysis of existing “Downtown Movie Theater Ordinance”**

Mayor Ramirez recused himself from this item to avoid a possible conflict of interest.

Brian Trudgeon, Principal Planner, reviewed the need to update the Ordinance that currently restricts construction to a movie theater specifically in the downtown boundary area until January, 2013. The amended ordinance would lift the restriction and allow for other types of construction in the downtown boundary area.

Tom Tucker spoke.

Ryan Dusa of 1817 Rolling Rock Court, Yuba City spoke

Councilmember Gill spoke in favor of the current Ordinance being repealed. He feels that healthy competition in the construction world is good for Yuba City.

Councilmember Maan was in favor of repealing the current ordinance and said that this allows free enterprise and that is a great part of our country.

Councilmember Maan moved to direct staff to propose a amended Ordinance regarding the existing restriction in the City’s zoning Ordinance that limits the construction of new movie theaters to within the boundaries of the Central City Specific Plan until January 1, 2013. Councilmember Gill seconded the motion that passed with the following vote:

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

**14. Adoption of resolution acknowledging flood risk**

George Musallam, Director of Public Works, reviewed the need for the acknowledging flood risk.

Councilmember Gill asked if the resolution could specify Sutter County. Mr. Musallam confirmed that the resolution is related to Star Bend which is Yuba City and in Sutter County.

Councilmember Miller asked if this resolution would make the City legally responsible for the levee and its actions. Tim Hayes, City Attorney, responded that the City is not responsible for the levee actions.

Councilmember Maan moved to adopt **Resolution No. 08-012** acknowledging flood risk related to the Star Bend realignment project. Councilmember Gill seconded the motion that passed with a unanimous vote.

**15. Approve Plan for Use of Proposition 1B Local Street and Road Funds**

George Musallam, Director of Public Works, reviewed the City’s share for these funds. Once the funds are approved, the Public Works Department will come back before Council with the projects the funds will be used for.

Councilmember Gill moved to adopt **Resolution No. 08-013** approving the use of Proposition 1B Local streets and roads funds for rehabilitating various residential streets and authorize an appropriation and amend the FY 2007-2012 Capital Improvement Program Budget to reflect the addition of \$998,562.79 in proposition 1B funds into Account No. 921026-65501 (Residential Street Rehabilitation). Councilmember Maan seconded the motion that passed with a unanimous vote.

**16. Professional Services Agreement with Tepas EC for environmental remediation services for the corporation Yard Hazardous Materials Clean Up-Project**

Kevin Bradford, Associate Planner, reviewed the recommendation to use Tepas EC for the City’s Corporation Yard Underground Storage tank clean up assessment. This project is eligible under a State Underground Storage Tank Clean Up project up to one million dollars.

Mayor Ramirez asked how long it would take to receive reimbursement from the state. Mr. Bradford responded that the state generally has a lag time of four to six months for reimbursement.

Councilmember Gill moved to authorize the City Manager to execute a Professional Services Agreement with Tapa EC of Beale AFB, California for environmental remediation services at the City's Corporation Yard (AP #51-530-018) located at 1185 Market Street, in an amount not to exceed \$346,978, with the finding that it is in the best interest of the City and authorize a total transfer of \$376,978 consisting of \$94,244.50 each from Account Nos. 7120-Z69990 (Water Fund-Transfer Out), 98005-65501 (Sewer CIP – Recurring Plant Projects), 921025-65501 (Streets and Road CIP – Drainage Improvements), and 301-30560 (General Fund – Unallocated Reserve) to Account No. 99012 (Corporation Yard Hazardous Materials Clean Up). Councilmember Miller seconded the motion that passed with a unanimous vote.

**Business from the City Council/Redevelopment Agency Board**

**17. City Council Reports**

Councilmember Gill had nothing to report.

Councilmember Maan had nothing to report.

Councilmember Miller had nothing to report.

Councilmember McBride had nothing to report.

Mayor Ramirez had nothing to report.

**Adjournment**

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 9:45 p.m.

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Rory Ramirez, Mayor

ATTEST:

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Terrel Locke, City Clerk