

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
March 4, 2008
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.**

Closed Session

Conferred with legal council, Steven Jepsen, and Susan Pearson regarding existing Worker's Compensation Claim of former employee Michael Cummins, Claim No. 2007064910, pursuant to Government Code Section 54956.95(b).

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

City Manager Steven Jepsen gave the invocation.

Pledge of Allegiance to the Flag

Mayor Rory Ramirez led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. Senior Commission

June Bone, Senior Commissioner, gave a report.

Public Communication

2. Written Requests

None

3. Appearance of Interested Citizens

Micheal Pasquali, 527 Brown Avenue, Yuba City spoke.

Ordinances

4. Purchasing Ordinance and related policy and procedures manual update

Devin Barber, General Services/IT Director, reviewed the administrative functions that have changed in the current ordinance and recommended changes to ease the process and still remain structured.

Councilmember Gill moved to introduce **Ordinance No. 003-08** repealing and reenacting Chapter 6 of Title 2 of the Yuba City Municipal Code entitled Purchasing System and waive the first reading; and approve related policies and procedures manual to be entitled City of Yuba City Purchasing Policies and Procedures. Councilmember Miller seconded the motion that passed with a unanimous vote.

5. A recommendation from the Park and Recreation Commission to consider an Ordinance Prohibiting the use of Tobacco at Gauche Aquatic Park

Brad McIntire, Director of Parks and Recreation, reviewed the request from the Parks and Recreation Commission to designate Gauche Aquatic Park a Tobacco Free zone. This request was initially suggested by the Substance Abuse Steering Coalition Group, a local group consisting of citizens and professionals in the Tri County area who promote a healthy substance abuse free environment. Mr. McIntire reviewed the cities within the

State of California that have similar ordinances that prohibit tobacco within 25 feet of any playground equipment.

Councilmember Gill asked for clarification on the 90 cities that have the tobacco free Ordinance. Does their ordinance cover just one park or all city parks, and also asked that we look into having all parks in Yuba City be tobacco free as well. Mr. McIntire responded that the cities are prohibiting smoking in all their parks, and that he would be glad to take direction from Council on going forward with all parks in Yuba City being covered by a similar ordinance.

Councilmember Miller asked how it is proposed that the Ordinance Infraction Fee would be imposed on those not adhering to the boundaries. Mr. McIntire stated that he knows law enforcement is extremely busy with other higher crimes. He hopes that the citizens will assist the City with enforcement

Michelle Blake of the Parks and Recreation Commission thanked Council for hearing this item and encourages everyone to take part in the enforcement of this ordinance.

Laura Plya, 1876 Turn Drive, Yuba City spoke.
Julia Aguilar of Yuba City spoke
Tina Levy, 1447 Valley Court, Yuba City spoke.

Councilmember Miller commended the members of the Coalition and the Parks and Recreation Commission for their efforts and supports the adoption of the ordinance.

Councilmember Maan moved to introduce Tobacco Free **Ordinance No. 004-08** for Gauche Aquatic Park and waive the first reading. Councilmember Gill seconded the motion that passed with a unanimous vote.

Consent Calendar

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

6. Subdivision Agreement – La Bella Vita

Adopted **Resolution No. 08-014** approving the execution of a Subdivision Agreement with Surjit K. Timber, Turstee of the Tumber Family Living Trust, providing for public improvements for La Bella Vita. [located at the southeast corner of Butte House Road and Tharp Road]

7. 2007 ADA Sidewalk Improvements Project

Adopted **Resolution No. 08-015** accepting the subject project and authorizing the Public Works Director to file a Notice of Completion and authorize appropriations of \$4,000 from Account No. 6311-65305 9Clark Ave. ADA Improvements) and \$6,000 from Account no. 6358-65305 (Live Oak Blvd. ADA Improvements).

8. Approve Legal Services Transfer Agreement of City Attorney services

Authorized the City Manager to execute Legal Services Transfer Agreement.

General Items

9. Identification and approval of Census Tracts Comprising Targeted Employment Areas in the City of Yuba City for the purposes of providing tax credit opportunities for business in the Enterprise Zone.

Mary Hansen, Zone Manager of the Yuba Sutter Enterprise Zone, presented the new Employment areas that will benefit from the Enterprise Zone. The legislation expanded the benefit zone to tracts within Sutter County, Live Oak and Yuba City. The legislation provides for this to be an automatic benefit and participation is encouraged.

Councilmember Gill moved adopt **Resolution No. 08-016** identifying and approving the Census Tracts comprising Targeted Employment areas for the Yuba Sutter Enterprise Zone. Councilmember Miller seconded the motion that passed with a unanimous vote.

10. Reimbursement Agreement – Teal Hollow Unit II

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

Diana Langley, Principal Engineer, reviewed the agreement.

Councilmember Maan asked if Centex Homes would receive any benefit from this agreement. Mrs. Langley responded that Centex homes did the City a favor by taking care of this oversizing.

Steve Jepsen, City Manager clarified that contract was entered into in order to assist the City with correcting problems in the subdivision for hooking up to sewer lines. As of now we do not enter into reimbursement agreements that are direct out of impact fees they are now paid by future development for oversizing.

Mayor Miller asked if there were any other agreements still outstanding. Mrs. Langley assured Mayor Miller that this was the last of these type of agreements.

Councilmember Gill moved to adopt a **Resolution No. 08-017** approving the execution of a Reimbursement Agreement with Centex Homes for work associated with Teal Hollow Unit II, authorize payment to Centex Homes in the amount of \$280,349.92 as reimbursement towards 40% of the sanitary sewer connection fees and 100% of the West Yuba City Sewer Trunk Line Fee, authorize fee credits to Centex Homes in the amount of \$119,448.00 towards 40% of the sanitary sewer connection fees and 100% of the West Yuba City Sewer Trunk Line Fee, authorize payment of \$42,893.76 for oversizing the sanitary sewer line on Royo Ranchero Drive from an 8" line to an 18" line, authorize payment of \$466,133.56 to Centex Homes as payment for the construction of a 15" sanitary sewer line on North Colusa Frontage Road between Western Parkway and Royo Ranchero Drive, and authorize the Chief Financial Officer to make a supplemental appropriation as required. Councilmember Maan seconded the motion that passed with the following vote:

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

11. Fremont Hospital Raised Crosswalk

George Musallam, Director of Public Works, reviewed the need for the crosswalk. The Public Works Department has prepared plans, specifications, and dollar estimates for the needed raised crosswalk.

Councilmember Miller moved to adopt **Resolution No. 08-018** approving the plans and specifications for the construction and marking of the east-west, raised pedestrian crosswalk located at the main entrance to the Fremont Hospital on Plumas Street and authorize the Public Works Department to bid the project. Councilmember Maan seconded the motion that passed with a unanimous vote.

12. Professional Services Agreement with MuniFinancial for maintenance District Re-engineering and Re-balloting in accordance with the requirements of Proposition 218 for District 1, District 2, and District 5

Diana Langley, Principal Engineer, reviewed the 3 firms that submitted proposals on this item. MuniFinancial was selected from the 3 firms due to their overall ranking score. The scoring committee was made up of staff from Engineering and Finance.

Councilmember Gill moved to award a professional services agreement to MuniFinancial of Temecula, California, for Maintenance District Re-engineering and Re-balloting in an amount not to exceed \$69,000 with the finding that it is in the best interest of the City, approve budget transfers as follows: \$4,189 from Account No. 240-30600 (District 1A Fund Balance) to Account No. 6110-62701 (District 1A Professional Services) \$21,381 from Account No. 241-30600 (District 1B Fund Balance) to Account No. 6120-62701 (District 1B Professional Services), \$10,417.52 from Account No. 242-30600 (District 2 Fund Balance) and \$1,532.48 from Account No. 242-10100 (District 2 Cash in Bank) to Account No. 6130-62701 (District 2 Professional Services), \$1,720 from Account No. 246-30600 (District 5B Fund Balance) to Account No. 6161-62701 (District 5B Professional Services), and \$29,760 from Account No. 247-30600 (District 5C-K Fund Balance) to Account No. 6162-62701 (District 5C-K Professional Services). Councilmember McBride seconded the motion that passed with the following vote:

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

13. Police Department Expansion Project – Award of Contract

George Musallam, Director of Public Works, along with staff reviewed the 12 bids received for the expansion project. The lowest bidder was Randy Hill Construction with a bid amount of \$1,975,941.00. It has been determined that Randy Hill Construction was responsive and met all the guidelines outline in the plans and specifications. The bid from Randy Hill Construction was also \$800,000 less than estimated budget amount.

Councilmember Gill moved to award the subject contract to the lowest responsive bidder, Randy Hill Construction, at a base bid amount of \$1,975,941.00, eliminate the Add Alt bid item listed in Randy Hill Construction's bid from the contract, authorize the City Manager to execute the contract on behalf of the City, and authorize borrowing \$2.3 million from the General Fund to cover the funding shortfall with no interest charged to be repaid as

the Police Department's share of impact fees becomes available. Councilmember Miller seconded the motion that passed with a unanimous vote.

14. 2007 Assistance to Firefighters Grant Program

Marc Boomgaarden, Fire Chief, reviewed the application process that was done in 2007 for the Annual Grant Program. A grant in the amount of \$83,696.00 was awarded to the City of Yuba City for the use of implementing a fitness and wellness program. A stipulation of the grant is that the City must give a "local match" of 20% totaling \$20,924.20.

Councilmember Gill moved to direct the City's Chief Financial Officer to make the budget transfers supplemental appropriations as outline in the Fiscal Impact portion of the staff report. Councilmember Maan seconded the motion that passed with a unanimous vote,

15. Approval of a Professional Services Agreement with Ingersoll Rand Security Technologies of Pleasanton, CA to design, supply, and install the electronic security system at the Water Treatment Plant and the Wastewater Treatment Facility. Approval to advertise the Security Gate Upgrade Plans and Specifications for the Water and Wastewater Treatment Facilities.

Staff requested this item be continued to the next meeting on March 18, 2008.

Business from the City Council/Redevelopment Agency Board

16. City Council Reports

Councilmember Gill had nothing to report.

Councilmember Maan had nothing to report.

Councilmember Miller reminded the public of the Bok Kai Festival in Marysville occurring the weekend of March 8, 2008.

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 9:10 p.m in memory of Councilmember Gill's father in law Joginder Greenwall.

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk