

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
April 15, 2008
Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Closed Session

Conferred with labor negotiators Steven Jepsen and Susan Pearson regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Yuba City Employees, pursuant to Section 54957.6 of the Government Code.

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations with Kam Takhar of Crowne Development regarding possible sale of the following property or portions thereof: APN 52-380-17, located at the southwest corner of C and Wilbur Ave (Redevelopment Agency)

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible purchase of the following properties or portions thereof: APN 52-077-011.

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, Mayor Pro Tem McBride, Councilmember 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 Public Safety Dispatchers Week

Mayor Ramirez presented Shawna Pavey, Operations Support Manager, and the staff of the Yuba City Police Department a Proclamation in honor of Public Safety Dispatchers Week.

Mrs. Pavey also received the Police Achievement Ribbon First Oak Leaf Cluster award presented by Richard Doscher, Chief of Police.

Public Hearings

2. Zoning code amendment 08-01 to delete Footnote No. 8 of Section 8-5.1302 of the Zoning Regulations, which limits the development of motion picture theaters to the Central City Specific Plan area until January 1, 2013.

Mayor Ramirez recused himself to avoid a possible conflict.

Brian Trudgeon, Principal Planner, reviewed the original request from Council to amend the current Ordinance to lift the limits of development of a movie theater to the Central City Specific Plan area.

Mayor Pro Tem McBride opened the Public Hearing.

Eric Hellberg, 484 St. James Court, Yuba City, California spoke.

Mayor Pro Tem McBride closed the Public Hearing.

Councilmember Gill is concerned that the request by Mr. Hellberg to delay the adoption of the Ordinance would be a loss to the community.

Councilmember Miller moved to introduce **Ordinance No. 005-08** for zoning code amendment #08-01 for the deletion of Footnote No. 8 of Section 8-5.1302 of the Zoning Regulations which pertains to the limitation of new motion picture theaters to the boundaries of the Central City Specific Plan and Revitalization Strategy; waiving the first reading. Councilmember Gill seconded the motion that passed with the following vote:

AYES: Councilmembers Miller, Gill, Maan and Mayor Pro Tem McBride

NOES: None

ABSENT: Mayor Ramirez

Public Communication

3. Written Communication

None

4. Appearance of Interested Citizens

None

Bid Opening

5. Chemical Bid (FB08-19)

Devin Barber, General Services/IT Manager, reviewed the bid received for the annual purchase of chemicals needed for the water reclamation plant. Sixty-eight vendors were asked to participate in the bidding process. Ten bid were received.

Councilmember Gill moved to award formal bid contracts for the period May 1, 2008 through April 30, 2009 based on low bid Categories A,B,C,D,F,G,H and I as listed in the staff report and reject bids for Category E and J. Mayor Pro Tem McBride seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Gill moved to approve the Consent Calendar as presented. Councilmember Miller seconded the motion that passed with a unanimous vote.

6. City Council Approval of Minutes of April 1, 2008

Approved the Council meeting minutes of April 1, 2008.

7. 2008 Water Main Extension Project

Adopted **Resolution No. 08-030** approving the plans and specifications for the 2008 Water Main Extension Project and authorizing advertisement for bids on the project.

8. Approve Two Service Agreements with McDonough Holland & Allen (MHA) for supplemental Attorney Services for Yuba City and for the Redevelopment Agency of Yuba City

Authorized the Mayor to execute a supplemental Legal Services Agreement with MHA; and authorized the Redevelopment Agency Chairperson to execute a supplemental Legal Services Agreement with MHA.

9. Amended Loan Agreement with Sutter Butte Flood Control Agency – Star Bend Setback Levee Project

Authorized the Mayor to execute an amended loan agreement with Sutter Butte Flood Control Agency for an amount of \$1.6 million.

General Items

10. Funding Agreement with Siller Brothers, Inc. and Professional Services Agreement with SWCA Environmental Consultants for preparation of the Siller Ranch Environmental Impact Report

Councilmember Miller recused himself from this item to avoid a possible conflict.

Katie Ertmer, Associate Planner, requested approval for the funding agreement with Siller Brothers, Inc. and a Professional Services Agreement with SWCA Environmental Consultants. The funding agreement requires Siller Brothers Inc. to pay an initial 20% of the entire contract amount and provide the City with a Stand By Letter of Credit, to insure the City has funding available should invoices need to be paid. The agreement with SWCA Environmental Consultants has a 15 day termination clause. Should the applicant need to abandon the project, the City would be protected.

Mayor Ramirez asked if the agreement is approved, is it with SWCA on behalf of Siller Brothers, Inc.? Ms. Ertmer responded that the agreement is between SWCA and the

City. This is a common practice in California to maintain the independence the Environmental Consultant. The agreement is based on a project description provided by the applicant, Siller Brothers, Inc.

Mayor Pro Tem McBride moved to authorize the City Manager to sign a Funding Agreement with Siller Brothers, Inc. for payment of costs associated with preparation of the Siller Ranch Environmental Impact Report and to authorize the City Manager to sign a Professional Services Agreement with SWCA Environmental Consultants to prepare the Siller Ranch Environmental Impact Report, in an amount not to exceed \$380,240, with the finding that it is in the best interest of the City. Councilmember Maan seconded the motion that passed with the following vote:

AYES: Councilmembers Maan, Gill, Mayor Pro Tem McBride, and Mayor Ramirez

NOES: None

ABSENT: Councilmember Miller

11. Exclusive Right to Negotiate Agreement with Crowne Development, Inc. related to Redevelopment Agency property located at the Southwest corner of Wilbur Avenue and C Street (APN#02-120-017)(Redevelopment)

Steve Kroeger, Assistant Executive Director, requested approval for an Exclusive Right to Negotiate Agreement with Crowne Development, Inc. for Redevelopment Agency Property located at Wilbur Avenue and C Street. The Agency has owned this property for a long period of time and it was part of the overall Town Center Development. The developers desire to erect a banquet facility with catering services on the property. The Agreement with Crowne Development is for a period of 90 days. During the agreement period the terms of sale would be defined for the property, price, financing and aesthetics for the facility.

Director Miller asked if timelines would be included in the final agreement. Mr. Kroeger confirmed that there would be milestone accomplishment requirements in the final document to ensure a timely completion.

Director Gill moved to authorize the Executive Director to execute and implement an Exclusive Right to Negotiate Agreement with Crowne Development, Inc. Director McBride seconded the motion that passed with a unanimous vote.

12. Ground Lease and Lease-Purchase Agreement with Sun Trust Equipment Finance and Leasing Corp.

Robin Bertagna, Finance Director, reviewed the agreement with Sun Trust Equipment Finance Company and Leasing Corporation for the construction of Fire Station No. 4. The terms of the financing agreement are a fixed rate of 3.89% with semi annual payments totaling \$721,692 per year with no capitalized interest. The terms of the lease include repayment over a 10 year period. Sun Trust will place a lien on the property in order to provide security for the loan. Once the final payment is made by the City, the lien will be released. The City will maintain on the property title for the entire lease period.

Councilmember Gill asked why there was an increase in the percentage rate from the initial meetings with Sun Trust. Ms. Bertagna responded that the rate was not locked in at the initial steps and wanted Council approval prior to locking in the rate to move forward.

Councilmember Miller asked if penalties would be applied if the City decided to pre pay this obligation. Ms. Bertagna clarified that there are penalties at a rate of 3%.

Councilmember Gill moved to adopt **Resolution No.08-031** authorizing lease financing of the Fire Station 7 Construction Project and approving related document and actions. Councilmember Miller seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

16. City Council Reports

Councilmember Gill had nothing to report.

Councilmember Maan met with the Yuba-Sutter Economic Development Committee. They are moving forward with retaining a Fundraising firm to assist with events being organized to raise funds for the committee.

Councilmember Miller mentioned that the Sutter-Butte Flood Control Agency did not meet this week due to a lack of quorum.

Councilmember McBride will attend a SACOG meeting this week. The meeting will include a tour of the Yuba and Sutter County areas. This will allow the committee members to get a first hand look at the area in order to make better decisions.

Mayor Ramirez spoke about a Citizen Advocacy meeting he attended with Steve Jepsen, City Manager, regarding the Hillcrest Water Issues.

Adjournment

Mayor Ramirez adjourned the regular City Council Meeting of the City of Yuba City at 8:01 p.m.

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk