

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY**

**MAY 20, 2008**

Closed Session – 6:00 p.m.

Regular Meeting – 7:00 p.m.

**Closed Session**

Conferred with labor negotiators Steven Jepsen and Steve Kroeger 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.

**Regular Meeting**

**Call To Order**

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 7:00 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**

Councilmember McBride led the Pledge of Allegiance to the Flag.

**Public Hearings**

**1. Specific Plan Amendment SP 08-01, to include the Flexible Zone and Sidewalk Outdoor Dining Standards for use on the concrete-paved areas on Plumas Street from Colusa Avenue to Bridge Street in the Central City Specific Plan**

Community Development Director Aaron Busch stated that in 2006 the Flex Zone concept was introduced. Some Plumas Street merchants have now asked that the Flex Zones be implemented. Flex Zones allow dining in parking and sidewalk areas. The Planning Commission has reviewed the request and recommends approval with the following criteria: for dining establishments only, only on Plumas Street, the area must be in front of the business and is limited to three parking spaces, tables and chairs must be of high quality, no disposable utensils or napkins can be used, only standard umbrellas may be used, limited from May 15 through November 15, limited to a maximum 25% of any block, required planters would be collected and maintained by the City during the off season, an encroachment permit and \$1,000,000 liability insurance would be necessary, and implementation would not begin until the completion of Streetscape.

Mayor Ramirez opened the public hearing. The following individuals spoke:

Don Covey, 669 Plumas St., Yuba City  
Chuck Brooks, 700 Plumas St., Yuba City  
Tim McKenna, 668 Plumas St., Yuba City

Hearing no further comments, Mayor Ramirez closed the public hearing.

Councilmembers asked questions regarding loss of parking spaces, safety, and requirements from the Alcoholic Beverage Control Department for alcohol usage if this specific plan amendment is approved. Mayor Ramirez asked how many parking spaces have been permanently lost due to Streetscape. Mr. Busch responded about 30. Councilmembers McBride and Miller gave their support to sidewalk dining vs. usage of parking stalls. Mr. Busch said Council could also defer the issue of Flex Zones until the update of the Central City Specific Plan.

City Manager Steven Jepsen suggested that, in the beginning, permits for sidewalk dining could be issued on a case by case basis and reviewed by Council. Councilmembers supported Mr. Jepsen's suggestion.

Councilmember Gill moved to direct staff to bring a sidewalk dining policy back that will initially require Council's approval of the encroachment permits. Councilmember McBride seconded the motion, which passed with a unanimous vote.

### **Public Communication on Items Not on the Agenda**

**2. Written Requests - none**

**3. Appearance of Interested Citizens**

Claudia Hollis of FREED Center for Independent Living spoke on the need for new sidewalks at the Acting Company and safety markings for the Plumas Street sidewalks.

### **Bid Openings**

**4. Award Water Treatment Plant Storage Building Construction Contract**

Utilities Director Bill Lewis said this bid is for a storage building at the Water Treatment Plant. Five bids were received with the low bid of \$101,145 submitted by Truitt. Staff recommends award of the contract. Mr. Lewis responded to Council's questions.

Councilmember Miller moved to: a) award Contract No. 08-12, Water Treatment Plant – Storage Building Project, to Truitt Group Construction, of Oroville, CA in the amount of their bid of \$101,145; b) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney; and c) approve a budget transfer in the amount of: (1) \$26,145 from the Water Enterprise Fund 507 (Water Operations) to Storage Building Construction account No. 971036 – 65501, (2) \$8,000 from the Water Enterprise Fund 507 (Water Operations) to Storage Building Contingency account No. 971036 – 65504, and (3) \$7,000 from Construction Administration account No. 971036-65501 to Storage Building Contingency account No. 971036 – 65504. Councilmember Gill seconded the motion that passed with a unanimous vote.

**5. Security Gate Upgrade Project at the Water and Wastewater Treatment Facilities (Formal Bid 07-21)**

Utilities Director Bill Lewis stated this project is for three security gates, decorative fencing, conduit, security cameras, card readers, asphalt repair, and widening of the entrance to the Wastewater Treatment Plant. Four bids were received. Koch Excavating of Penn Valley was the low bid. The project is scheduled for completion this fall. Mayor Ramirez asked if grant monies are available for these types of projects. Mr. Lewis said although they applied for them, they were not granted.

Councilmember Gill moved to: a) award Contract No. 07-21, Security Gate Upgrade Project at the Water and Wastewater Treatment Facilities, to Koch Excavating, Inc. of Penn Valley, CA in the bid amount of \$316,713.26; and b) authorize the City Manager to execute the contract on behalf of the City following approval by the City Attorney not to exceed \$350,000. Councilmember Miller seconded the motion that passed with a unanimous vote.

**6. Water Treatment Plant Administration Building remodel design**

Utilities Director Bill Lewis said this item is for architectural design services for remodeling the Water Treatment Plant Administration building. It was constructed around 1971 and has had no improvements. Staff is currently working in trailers. Air conditioning will be replaced and ADA issues will be resolved. Eight local firms were solicited for bids. Three were unable to handle any additional workload. Three did not respond and two submitted bids. Estrada Engineering has completed several City projects and staff recommends award. Mr. Lewis responded to questions from Council.

Councilmember Maan moved to award a professional services agreement to Estrada Engineering and Design of Yuba City in an amount not to exceed \$90,000 for design engineering services for Water Treatment Plant Administration Building remodel with the finding that it is in the best interest of the City to do so. Councilmember McBride seconded the motion that passed with a unanimous vote.

**7. Liquid Oxygen Bid (FB08-27)**

General Services Director Devin Barber stated this bid is for a one year contract for liquid oxygen. In March, the annual Water Treatment Plant chemical bids were brought to Council. No bids were received on this item. Staff worked with the vendors to restructure the bid and asked five firms that we have worked with in the past to submit bids. Two bids were received. Low response was due to the vendors' view of the volatility of the energy market.

Councilmember Gill moved to award a one year Contract FB08-27, Liquid Oxygen for the

Wastewater Treatment Facility to Matheson Tri Gas of Irving, TX in the bid amount of \$111,000 and authorize the City Manager to execute the contract on behalf of the City. Councilmember McBride seconded the motion that passed with a unanimous vote.

**8. Professional Auditing Services Proposal (RFP 08-26)**

General Services Director Devin Barber said this bid is for a three year contract for professional auditing services. The City has had the same auditing firm for many years. It is a good practice to change your auditing firm to have a different set of people reviewing your auditing practices and ensure you are doing a good job. Thirty-nine vendors were solicited and three responded. The scoring of the bids was competitive.

Councilmember Gill moved to award the three (3) year contract for Professional Auditing Services to Moss, Levy & Hartzheim, LLP of Beverly Hills, CA in the total amount of \$138,931.00, broken down into three (3) fiscal year payments as follows: FY08-09 \$44,910, FY09-10 \$46,313, FY10-11 \$47,708. Councilmember Miller seconded the motion that passed with a unanimous vote.

**Consent Calendar**

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

**9. City Council Approval of Minutes of May 6, 2008**

Approved the Council meeting minutes of May 6, 2008.

**10. Purchase of Real Property (APN 52-077-011) (RDA)**

Adopted RDA Resolution No. 08-002 accepting a Grant Deed for Real Property located at 899 Bridge Street (APN 52-077-011) in Yuba City, confirming the Executive Director's execution of the Certificate of Acceptance and approving a related appropriation of \$150,761.51 in Low and Moderate Income Housing Funds.

**11. Completion of the Water Treatment Plant Expansion Project**

Adopted Resolution No. 08-032 accepting the project, Contract No. 05-07 and authorized the Utilities Director to file a Notice of Completion.

**General**

**12. Yuba City Landscape Maintenance District No. 1 – Re-balloting in accordance with the requirements of Proposition 218. [Stabler Lane/Garden Highway]**

Principal Engineer Diana Langley reviewed Council's approval of the award of a special services contract to MuniFinancial in March for reengineering and reballoting services for Lighting and Landscape Districts 1, 2 and 5. Expenditures have been exceeding revenues for these three maintenance districts. Districts 1 and 2 also do not have COLAs built in. Ms. Langley reviewed current and proposed assessments. Informational brochures were mailed to all property owners on May 8 and public meetings are scheduled this week. Ballots will be mailed to property owners later this month. The public hearing will be held July 15<sup>th</sup>. Every dollar of assessment equals one vote.

Councilmember Gill moved to a) adopt Resolution No. 08-033 to initiate proceedings for the approval to increase assessments, Landscape Maintenance District No. 1 (pursuant to the Landscaping and Lighting Act of 1972); and b) adopt Resolution No. 08-034 to preliminarily adopt the Engineer's Report and declare the intention to order the approval to increase assessments, Landscape Maintenance District No. 1 (pursuant to the Landscaping and Lighting Act of 1972). Councilmember Maan seconded the motion that passed with a unanimous vote.

**13. Yuba City Landscape Maintenance District No. 2 – Re-balloting in accordance with the requirements of Proposition 218. [Town Center Area]**

Principal Engineer Diana Langley said District 2 is in the Town Center area. MuniFinancial recommends an assessment based on acreage rather than front footage on Plumas. Thirteen parcels are in this district. She reviewed present and proposed assessments. The Redevelopment Agency owns four of these parcels. The public hearing will be held July 15. Councilmember McBride asked what a "no" decision would mean. Ms. Langley responded the City would have to decrease the services or find alternate funding. That information is provided in the informational brochure.

Councilmember Miller moved to a) adopt Resolution No. 08-035 to initiate proceedings for the approval to increase assessments, Landscape Maintenance District No. 2 (pursuant to the Landscaping and Lighting Act of 1972); and b) adopt Resolution No. 08-036 to preliminarily adopt the Engineer's Report and declare the intention to order the approval to increase assessments, Landscape Maintenance District No. 2 (pursuant to

the Landscaping and Lighting Act of 1972). Councilmember Gill seconded the motion that passed with a unanimous vote.

**14. Yuba City Landscape Maintenance District No. 5 - Re-balloting in accordance with the requirements of Proposition 218. [60 subdivisions throughout the City]**

Councilmember Miller recused himself due to a possible conflict of interest.

Principal Engineer Diana Langley said this is similar to the last two items. It is primarily residential subdivisions. Each zone of benefit has different amenities. There are different combinations of trees, sidewalks, street lights, block walls, and landscape planters resulting in different assessments for different zones. Ms. Langley responded to Council's questions about differences in assessments.

Councilmember Gill moved to: a) adopt Resolution No. 08-037 to initiate proceedings for the approval to increase assessments, Landscape Maintenance District No. 5 (pursuant to the Landscaping and Lighting Act of 1972); and b) adopt Resolution No. 08-038 to preliminarily adopt the Engineer's Report and declare the intention to order the approval to increase assessments, Landscape Maintenance District No. 5 (pursuant to the Landscaping and Lighting Act of 1972). Councilmember McBride seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the meeting.

**15. Community Service/Economic Development Funding for FY 08/09**

Finance Director Robin Bertagna said \$98,750 has been requested by Community Service organizations. She asked each of the organizations present tonight to review their accomplishments for the past year and work scope for next year. The following individuals spoke:

Bob Harlan representing the Yuba-Sutter Chamber of Commerce and The Acting Company

Steve Brammer representing the Yuba-Sutter Economic Development Corporation

Ms. Bertagna recommended tentative approval of \$95,000 in funding requests for the proposed 08/09 budget. The tentative approval is in the event the State's budget affects the City's proposed budget.

Councilmember McBride moved to tentatively approve FY 08/09 Funding Requests for Community Service and Economic Development Organizations, direct the Finance Director to include in the Proposed FY 08/09 Budget, and authorize the City Manager to enter into Agreements with the agencies noted in the staff report. Councilmember Miller seconded the motion that passed with a unanimous vote.

**16. Conceptual review and approval of revisions to the Harter Development Agreement to include phasing of the park construction, and to amend the Harter Financing Plan to include revised construction cost and development impact fee credits**

Councilmember Miller recused himself due to a possible conflict of interest.

City Manager Steven Jepsen said this item is to conceptually approve modifications in the Harter Specific Plan Development Agreement ("D.A."). Changes to be made are to the Harter financing plan and a small modification to the D.A. itself, which necessitates its return to the Planning Commission. The D.A. was originally approved in November 2004. Subsequently, new impact fees went into effect. Council directed staff to negotiate pipeline projects. Harter was a pipeline project. The market has changed and the focus of development has changed. Mr. Jepsen showed a map of the project. Sierra Central is a participant who has purchased property adjacent to the Harter Parkway and Butte House Road for their home office.

Mr. Jepsen reviewed the 2007 Harter fees, the proposed 2008 fee rates, and he recommended fee credits. Freezes on impact fees would be one year for residential and two years for commercial. Phase in of fees would be 15% per year equaling a 6-1/2 year phase in. Levee fees would be immediate as they are Citywide. Minor changes to the D.A. have to do with construction of the park. It was originally to be constructed by the 60<sup>th</sup> residential building permit. The proposal is now tied to the two residential areas—50% each, and the park must be completed before issuance of the Certificates of Occupancy. Harter has installed significant infrastructure. Credit would be given for water and sewer lines, and roadways. Impact fees of \$14.5 million would be generated and staff recommends fee credits of up to \$3.5 million. Fee credits will be issued at the time the infrastructure is completed. Mr. Jepsen responded to Council's questions about park usage and size, and fee credits. Poole and Jefferson are collector streets that were

originally included in the fee schedule for improvements. Mr. Jepsen said he feels they should be removed and not eligible for fee credits.

Mayor Ramirez invited public comments. The following individuals spoke:

Tom Tucker, Harter Packing Company, 1321 Harter Parkway, Yuba City  
Ron Sweeney, Sierra Central Credit Union, 820 Plaza Way, Yuba City

Mayor Ramirez closed the public comments. Councilmembers commented that additional growth and jobs is exciting in today's market. Mayor Ramirez said this has been a very complex issue and the City Manager has spent a great deal of time on it.

Councilmember McBride moved to: a) approve in concept the proposed amendment(s) to the Harter Development Agreement to provide for the park construction phasing; b) approve in concept the proposed revisions to the Harter Financing Plan to include the revisions to the Harter Fee Schedule, the extension of fee credits for infrastructure oversizing, and the phasing in of Development Impact Fees; and c) forward recommendations to the Planning Commission for review and return to the City Council for final disposition. Councilmember Gill seconded the motion that passed with the following vote:

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

Councilmember Miller rejoined the meeting.

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

#### **17. City Council Reports**

- Councilmember Gill said Yuba-Sutter Transit had a meeting to discuss a small increase in rates. Ridership has increased due to increased fuel costs. He thanked everyone who attended last night's Walton Water Workshop.
- Councilmember Maan said last night's workshop was very informative. Feedback indicates most are in favor of safe drinking water. The Bi-County Transportation Agency met last week to discuss the 5<sup>th</sup> Street Bridge, which is not earthquake safe. They are looking at forming a unified committee to approach SACOG for a third bridge, bypasses or additional roads.
- Councilmember Miller attended the final Economic Development Committee Meeting that has been formulating strategies for economic development in the City. The final report and recommendations should be returned within in a month.
- Mayor Pro Tem McBride had nothing to report. She thanked the Ad Hoc Committee and staff who worked on the Walton Water Workshop.
- Mayor Ramirez also thanked staff for their leadership and the information provided at the Walton Water Workshop.

### **Adjournment**

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 9:35 p.m.

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Rory Ramirez  
Mayor

ATTEST:

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Terrel Locke  
City Clerk