

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
JUNE 17, 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.

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 Maan led the Pledge of Allegiance to the Flag.

Mayor Ramirez announced there is no action to report from tonight's closed session.

Public Hearings

1. A proposed Resolution to allow Sidewalk Outdoor Dining Standards for the concrete-paved areas on Plumas Street from Colusa Avenue to Bridge Street in the Central City Specific Plan

Community Development Director Aaron Busch said that during the May 20, 2008 City Council Meeting staff presented a proposed amendment to the Central City Specific Plan to allow outside sidewalk and flex zone dining areas on Plumas Street. The flex zone areas could be used for parking or dining. Council directed staff to modify the proposal given concerns about the loss of parking spaces. Tonight staff is presenting the proposal with the elimination of the flex zone dining. Standards include that sidewalk dining is for restaurant establishments only, tables and chairs are to be of high quality, disposal utensils will not be allowed, and a City encroachment permit is required.

Councilmember Miller asked about the width of the sidewalks and public access. Mr. Busch responded it is 12-15 feet in the area displayed tonight and the minimum access for the public is 5 feet. Councilmember Maan was concerned about the lack of guidelines for the furniture. Mr. Busch said it will be reviewed on a case by case basis.

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

Don Covey, 669 Plumas Street, Yuba City
Tim McKenna, 668 Plumas Street, Yuba City

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

Councilmember McBride expressed concerns with items not expressly defined. The first is the right of the City to revoke permits for merchant non-compliance of standards. The second is that the standards for commercial grade furniture are vague. Councilmember Miller agreed. Mr. Busch responded the performance standards can be defined further to address non compliance and a list of acceptable furniture can be provided to applicants. Mayor Ramirez said furniture that is "themed" might work. He has concerns with the required minimum operational hours. He asked that Council consider continuation of this item for 30 days until staff meets with the Parking Committee of the Downtown Business Association to address the effect of outdoor dining on existing parking. Councilmember Gill felt that Council might be getting caught up in the details and staff can work those out.

Councilmember Maan moved to continue the Sidewalk Outdoor Dining Standards for the concrete-paved areas on Plumas Street from Colusa Avenue to Bridge Street in the Central City Specific Plan to the July 15, 2008 City Council Meeting. Councilmember Miller seconded the motion that passed with a unanimous vote.

2. Appeal of Planning Commission's non-action on Use Permit UP 08-01 for a parking waiver totaling eight spaces to accommodate a 4,558 square foot retail building at 601 Plumas Street

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

Community Development Director Aaron Busch said this is an appeal of the Planning Commission's non-action on the use permit for a waiver of eight parking spaces at 601 Plumas Street. On May 14, 2008 the Planning Commission heard testimony from the applicant for construction of a 4,558 square foot retail center which includes one food preparation business and two future retail businesses. The Commission had a 3-3 vote due to parking concerns. The subject property is currently occupied by a used car dealership. The Central City Specific Plan requires 14 on site parking spaces. The site plan for the project allows for six parking spaces, leaving a shortfall of eight parking spaces. Mr. Busch reviewed the details of the project. He said 16-18 additional parking spaces are available across the street on Reeves Avenue. The City is also working on final drawings which will result in a total of 22-23 spaces on Reeves. Redesign of the project would not result in additional parking. The project has been conditioned to comply with future solutions to the global parking problem.

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

Julio Tinajero, Milestone and Associates, Inc., 950 Tharp Road, Yuba City
Don Covey, 669 Plumas Street, Yuba City

Hearing no further comment, he closed the public hearing.

Councilmember Gill said this is an important gateway to Plumas Street, the project ties into Streetscape, and he supports staff's recommendation. Councilmember McBride asked about the requirement that the applicant participate in the future Parking District. Mr. Busch explained the Parking District would be similar to a Maintenance District where property owner would pay their pro rata share into a district for the benefit of a parking lot. Mayor Ramirez said he and Mayor Pro Tem McBride met with Bill Meagher and Mike Tomlinson on their parking concerns. They wish to go on record as being opposed to this project. He added that he is concerned that there is not definitive plan to resolve the parking issue and would like to see a multi-faceted approach.

Councilmember Maan moved to adopt the findings, and approve Use Permit UP 08-01 for a parking waiver totaling eight spaces subject to eight conditions of approval. 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.

Public Communication on Items Not on the Agenda

3. Written Requests - none

4. Appearance of Interested Citizens

John Tuscano, 741 E. Hillcrest, Yuba City spoke on behalf of the Sutter Performing Arts. He asked for Council's opinion on a fundraising plan to install and sell stars which are imbedded in the sidewalk in front of the theater. Mayor Ramirez asked Community Development Director Aaron Busch to meet with Mr. Tuscano and schedule this for a future meeting.

Consent Calendar

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

5. City Council Approval of Minutes of June 3, 2008

Approved the Council meeting minutes of June 3, 2008.

6. Yuba-Sutter Economic Development Corporation 2008-2009 Comprehensive Economic Development Strategy (CEDS)

Adopted Resolution No. 08-040 approving the 2008-2009 CEDS to continue the Yuba-Sutter Economic Development District's eligibility for financial assistance another year.

7. Six-Month Extension of Limited Term Employee – Administrative Clerk III (Downtown Business Association Coordinator)

Extended the Administrative Clerk III (Downtown Business Association Coordinator) Limited Term employee Memorandum of Agreement through February 2009.

8. Purchase of Real Property (APN 52-077-015) (RDA)

Adopted RDA Resolution No. 08-003 accepting a Grant Deed for Real Property located at 925 Bridge Street (APN 52-077-015) in Yuba City, confirming the Executive Director's execution of the Certificate of Acceptance and approving a related appropriation of \$172,000 in Low and Moderate Income Housing Funds.

9. Franklin Road 16-inch Waterline Project

Adopted Resolution No. 08-041 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

10. FY2007-08 Slurry Seal Project

Adopted Resolution No. 08-042 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

General

11. Appropriation to the Sutter-Butte Flood Control Agency

Assistant City Manager Steve Kroeger said Council approved execution of a loan agreement on April 15, 2008 with the Sutter-Butte Flood Control Agency. This item is for a \$1.6 million appropriation for the Star Bend levee project. It is a loan that would be reimbursed if future tax assessment or funding becomes available. Councilmember Maan stated this is a great investment for the City's future. Councilmember Miller said this is a momentous event since Star Bend has been a weak point in our levee system.

Councilmember Gill moved to authorize an appropriation of \$1.6 million to the Sutter-Butte Flood Control Agency for the Star Bend levee project to be funded from the City's unallocated impact fees. Councilmember Miller seconded the motion that passed with the following vote:

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

12. FY 2008-09 Request for City Contribution of Funds for the Sutter-Butte Flood Control Agency Operating Budget

Finance Director Robin Bertagna said this is a funding requesting from the Sutter-Fund Flood Control Agency for their 2008-09 budget. Total requirements for their budget total \$4.5 million. Levee District I is contributing \$2.5 million and \$1 million in state Prop 113 funds. Carryover funds from the 2007-08 budget are anticipated to be approximately \$284,000. Levee District I will contribute \$50,000. Sutter County and Yuba City will split the balance equally. If approved, staff will be returning with a loan agreement prior to the release of funds. She reviewed funding sources. Councilmember Miller said he is the Chairman of the Sutter-Butte Flood Control Agency, and the Agency is moving ahead as quickly as possible.

Councilmember Gill moved to approve funding for the Sutter-Butte Flood Control Agency's (SBFCA) FY 2008-09 Operating Budget in the amount of \$333,277. It is proposed to fund this contribution from two sources: \$235,000 from estimated Levee Impact Fees to be collected funding FY 08-09 with the remainder from available funds in CIP Account 90636 (Flood Control). Councilmember Maan seconded the motion that passed with the following vote:

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

13. Adoption of the City of Yuba City's Fiscal Year 2008-2009 Operating and Capital Budgets and Fiscal Year 2008-2009 Appropriations Limit

Finance Director Robin Bertagna recalled that the City Council called a Budget Study Session on June 11, 2008 and reviewed the Operating Budget and Capital Improvement Program for Fiscal Year 2008-09. This is the second year of a two year budget. She reviewed various revenues and expenditures. Ms. Bertagna said there have been some changes to the CIP since the Study Session and she reviewed those changes. She responded to questions from Council. Councilmembers commended staff on presenting a prudent budget on behalf of our citizens.

Councilmember Maan moved to: (1) Adopt Resolution No. 08-043 approving the proposed Fiscal Year 2008-2009 Operating Budget. The updated All Funds Budget Summary for year two of the budget cycle is attached; (2) Adopt Resolution No. 08-044 approving the Fiscal Year 2008-2009 Capital Improvement Program Budget and accept findings of consistency with the General Plan as approved by the Planning Commission. Project Summaries by Funding Source are attached to the resolution; and (3) Adopt Resolution No. 08-045 approving the City's Appropriations Limit for Fiscal Year 2008-09, as amended. Councilmember Miller seconded the motion that passed with a unanimous vote.

14. Adoption of the Redevelopment Agency's Fiscal Year 2008-2009 Operating and Capital Budget (RDA)

Finance Director Robin Bertagna said this item was included in the City's overall budget.

Director Miller moved to adopt RDA Resolution No. 08-004 approving the Redevelopment Agency's proposed Fiscal Year 2008-2009 Operating and Capital Budget. Director Gill seconded the motion that passed with a unanimous vote.

15. Yuba City Lighting and Landscape Maintenance District No. 3 and 4 (9 subdivisions in north Yuba City) Resolution of Intent

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

Public Works Director George Musallam said lighting and landscape districts allow for the collection of money through property taxes from property owners who benefit from the district. This district has provisions for cost of living adjustments. Mr. Musallam requested that July 15, 2008 be set for the public hearing.

Councilmember McBride moved to adopt the following resolutions to continue the Lighting and Landscape Maintenance Districts: Resolution No. 08-046 Directing Filing of Annual Report, Yuba City Lighting and Landscape Maintenance District No. 3 and 4 (pursuant to the Landscaping and Lighting Act of 1972); and Resolution No. 08-047 of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District No. 3 and 4 (pursuant to the Landscaping and Lighting Act of 1972), and to amend the Public Meeting date from July 1 to July 15, 2008. Councilmember Miller seconded the motion that passed with a unanimous vote, less Councilmember Gill who was recused.

Councilmember Gill rejoined the meeting.

16. Yuba City Lighting and Landscape Maintenance District No. 6 (Sunsweet Boulevard area, Harter Parkway area from Lassen Boulevard to Butte House Road) Resolution of Intent

Public Works Director George Musallam said he would like to discuss Items 16 and 17 concurrently. Property in Item 17 does not have a cost of living adjustment. The district was set up prior to annexation to the City. Staff asks that you adopt the same fee without an increase. There are questions on the reserves. Updated numbers will be provided by the July 15, 2008 public meeting. He responded to Council's questions.

Councilmember Maan moved to adopt the following resolutions to continue the Lighting and Landscape Maintenance District: Resolution No. 08-048 Directing Filing of Annual Report, Yuba City Lighting and Landscape Maintenance District No. 6 (pursuant to the Landscaping and Lighting Act of 1972); and Resolution No. 08-049 of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District No. 6 (pursuant to the Landscaping and Lighting Act of 1972), and to amend the Public Meeting date from July 1 to July 15, 2008. Councilmember Gill seconded the motion that passed with a unanimous vote.

17. Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) Resolution of Intent

Councilmember Maan moved to adopt the following resolutions to continue the Yuba City Residential Street Light Maintenance Districts: Resolution No. 08-050 Directing Filing of Annual Report, Yuba City Residential Street Light Maintenance Districts (pursuant to the Benefits Assessment Act of 1982); and Resolution No. 08-051 of Intention to Order

Improvements, Yuba City Residential Street Light Maintenance Districts (pursuant to the Benefit Assessment Act of 1982), and to amend the Public Meeting date from July 1 to July 15, 2008. Councilmember Gill seconded the motion that passed with a unanimous vote.

18. Yuba City Certified Farmers' Market License Agreement

Assistant City Manager Steve Kroeger said there has not been a formal arrangement for the Farmers' Market. With the relocation of the Farmers' Market to the Town Center, it seemed like a good opportunity to formalize an agreement. Tonight you are being asked to approve a license agreement for the Farmers' Market. Mr. Kroeger reviewed the details of the agreement. He noted it will be held in accordance with the standards of the California Certified Farmers' Market Association (CCFMA). An evening market may be held once the Streetscape project is completed.

Councilmember Maan noted CCFMA rules state only California grown produce can be sold at the market. He asked if the License Agreement should be modified.

Farmers' Market Manager Dan Silva, 200 Wilkie Way, said they have 15-18 produce vendors. There is a crafters section, which is separated from the produce vendors by 20 feet. They offer items that are hand crafted or are secondary to the sale of produce. The relocation to the Town Center has been well received by vendors and customers. He said that an agreement with the City is welcomed.

Councilmember Gill asked if the vendors are certified. Mr. Silva responded yes, they are certified by both the State and Sutter County's Department of Food and Agriculture. The certification details what is for sale, the quantity, and the location. The Board of the Farmers' Market also does an economic evaluation to prevent an overabundance of any produce item. Councilmember Maan said that the crafters need to be added to the agreement. Provisions need to be made for food vendors and they should obtain permits from the Health Department. As written, they could not participate. Mayor Ramirez cautioned Council about over-regulating the Farmers' Market. We need to maintain the flavor of the market. He recommended that under Scope of License, Item 1, the word Certified be added to Farmers' Market.

Mr. Kroeger noted we have a Children's Parade in the Town Center area each year. We need to include a preexisting City events clause in the agreement. Mr. Kroeger suggested the changes discussed tonight be incorporated into the agreement and it be returned to Council as a Consent Item on the July 15, 2008 agenda.

Councilmember Maan moved to continue authorization of the Mayor to sign the Yuba City Certified Farmers' Market License Agreement to the Consent Calendar of the July 15, 2008 City Council Meeting. Councilmember Gill seconded the motion that passed with a unanimous vote.

19. Memorandum of Understanding with the Firefighters' Association Local 3793

Mayor Ramirez stated that staff has requested that this item be continued to the June 24, 2008 Special City Council Meeting.

Councilmember McBride moved to continue ratification of the recently negotiated Memorandum of Understanding with the Firefighters' Association Local 3793 and authorization of the Director of Finance to make appropriate budget adjustments and set the compensation for certain employees as determined in the Salary Schedule and General Compensation Plan effective June 21, 2008, to the June 24, 2008 Special City Council Meeting. Councilmember Gill seconded the motion that passed with a unanimous vote.

20. Memorandum of Understanding with First Level Management (FLM) bargaining unit and approval of ratification and implementation of recently negotiated Letter of Understanding (LOU) for First Level Managers

Assistant City Manager Steve Kroeger said City staff met with the First Level Management group to discuss their contract which expires the end of June. It is for a three year agreement with a 3% flat rate increase each of the three years. Amendments were made concerning layoffs, sick leave and nepotism, in compliance with state and federal law. A signed letter agreement addresses an economic reopener in the case that general fund revenues change significantly. There is a commitment to discuss and analyze the conversion of sick leave upon retirement to service time.

Councilmember Gill moved to approve Resolution No. 08-052 to ratify the recently negotiated Letter of Understanding with the First Level Managers and authorize the Director of Finance to make appropriate budget adjustments and set the compensation for certain employees are determined in the Salary Schedule and General Compensation Plan effective June 21, 2008, and to approve the amendment of the signed letter

agreement. Councilmember Miller seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

21. City Council Reports

- Councilmember Gill reported that the Sutter-Butte Flood Control Agency met with the Army Corps of Engineers today. The Feasibility Study is due the end of 2009. He thanked the firefighters and police officers who fought the Humboldt fire. The Red Cross also did a good job.
- Councilmember Maan, who is a director of the Red Cross, asked that we keep the fire victims in mind and to donate to the Red Cross whose funds are running low. At the Sutter County General Update Meeting the number one issue was flood control.
- Councilmember Miller echoed his gratitude to the Yuba City's firefighters and police officers who went to the Humboldt fire. He also announced that Valley Truck & Tractor's administrative offices are relocating to 417 Center Street. They are leasing offices and since these offices are in the Redevelopment area, it is necessary that he make this disclosure.
- Mayor Pro Tem McBride said there will be no SACOG meetings during June and July. The Sutter County Consolidated Area Housing Authority has a vacancy of the executive director position due to the death of the executive director.
- Mayor Ramirez made an economic development presentation during the recent League of California Cities conference that he attended.

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