

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
JULY 15, 2008  
5:30 p.m. – Closed Session  
7:00 p.m. – Regular Meeting**

**Closed Session**

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 52-401-008 and APN 52-401-014.

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible sale of the following properties or portions thereof: 52-380-017 and 52-380-019.

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

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 Miller led the Pledge of Allegiance to the Flag.

**Presentations and Proclamations**

1. **Proclamations for the Retirement of Sgt. Jimmy Johnson after 30 years of service:** Mayor Ramirez presented Sgt. Johnson with a proclamation from the City, and Assembly Member Doug LaMalfa presented him with a resolution from the California State Assembly.
2. **Presentation to the President of the Friends of Yuba City Parks & Recreation from the inaugural Mayor's Cup Golf Tournament:** Mayor Ramirez presented a \$49,062.18 check to the Friends of Yuba City Parks & Recreation. These were the proceeds of the Mayor's Cup Golf Tournament. The Mayor received a trophy for his hard work.

Carol Ramirez said the closing event for the centennial celebration will be held October 10<sup>th</sup> from 5-9 p.m. on Plumas Street. There will be a carnival street fair with strolling musicians, jugglers, live music, and the ribbon cutting for the opening of Plumas Street.

**Public Hearings**

3. **Yuba City Landscape Maintenance District No. 1 – Protest Ballot Proceeding. [Stabler Lane/Garden Highway]**

Principal Engineer Diana Langley said in May 2008 Council approved moving forward with the Proposition 218 process to fund a property owner protest ballot proceeding for an increased assessment rate and cost of living adjustment for District 1. The district is comprised of the Stabler Lane Area, 1A, and Garden Highway, 1B. Public meetings were held on May 21 and May 22. Ballots were distributed the end of May. Ballots may be submitted until the close of this public hearing. Zone 1A has a current assessment of

\$56.72. The proposed assessment is \$71.52. Zone 1B has a current assessment of \$29.50. The proposed assessment is \$52.31.

Mayor Ramirez opened the public hearing. Hearing no comment, Mayor Ramirez closed the public hearing. He asked if there were any ballots to be submitted. There were none. He directed the City Clerk's staff to open and tabulate the ballots. Since we have three protest hearings this evening, he noted it will require a significant amount of time for the tabulation and verification.

**4. Yuba City Lighting and Landscape Maintenance District No. 2 – Protest Ballot Proceeding. [Town Center Area]**

Principal Engineer Diana Langley said this is similar to the previous district. It is the Town Center area. Previous assessments were based on front footage along Plumas Boulevard at \$15.34 per foot. Staff recommends the assessment be based on acreage at \$487.60 per acre.

Mayor Ramirez opened the public hearing. Hearing no comment, he closed the public hearing. He asked that any remaining ballots be submitted at this time. There were none. He directed City Clerk staff to open and tabulate the ballots.

**5. Yuba City Lighting and Landscape Maintenance District No. 5 – Protest Ballot Proceeding. [60 subdivisions throughout the City]**

Councilmember Miller recused himself due to a conflict of interest.

Principal Engineer Diana Langley said this district consists of 60 subdivisions throughout the City. Concerns expressed at the public meetings included the cost of living adjustment which is 4.2% this year.

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

Santosh Kaur, 784 Gidda Loop, Yuba City

Mayor Ramirez closed the public hearing. He asked that any remaining ballots be submitted at this time. There were none.

Mayor Ramirez asked for an estimate of the projected time for counting the ballots of the three protest proceedings. Brian Miller of Willdan Financial responded, two hours. Mayor Ramirez suggested that the three protest ballot proceedings heard tonight be continued to next Tuesday, July 22, at 6:30 p.m. in Council Chambers for the results. Councilmembers concurred.

Councilmember Miller rejoined the meeting.

**6. Yuba City Lighting and Landscape Maintenance District No. 3 and 4 (9 subdivisions in north Yuba City) – Resolution Confirming Diagram and Assessment and Levying the Assessment**

Councilmember Gill recused himself due to a conflict of interest.

Principal Engineer Diana Langley said this is a district with nine subdivisions in north Yuba City. They already have a cost of living adjustment. It is 4.2% for 2008-09. Staff is proposing a decrease from last year due to a high cash balance for District 4. The decrease should continue over the next few years. Councilmember Miller asked why there was such a high balance. Ms. Langley responded there was anticipation of the build out of the north end of Stabler Lane. Many improvements have taken place. Accountant Spencer Morrison added that a costly infrastructure is in place for this area. Currently, development has slowed down and now it is time to reduce the balance. He responded to questions from Council.

Mayor Ramirez opened the public hearing. Hearing no response, Mayor Ramirez closed the public hearing.

Councilmember McBride moved to adopt [Resolution No. 08-058](#) confirming the diagram and assessment and levying the assessment for FY 2008-09, pursuant to the Landscaping and Lighting Act of 1972. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Gill rejoined the meeting.

**7. Yuba City Lighting and Landscape Maintenance District No. 6 (Sunsweet Boulevard area, Harter Parkway area from Lassen Boulevard to Butte House Road) – Resolution Confirming Diagram and Assessment and Levying the Assessment**

Principal Engineer Diana Langley said this is a commercial district encompassing Kohl's, Chili's, In-N-Out Burger as well as Harter Parkway south of Highway 20 to Lassen Boulevard. It has a cost of living adjustment provision. There is a proposed increase of 4.2% from last year.

Mayor Ramirez opened the public hearing. Hearing no response, Mayor Ramirez closed the public hearing.

Councilmember Miller moved to adopt Resolution No. 08-059 confirming the diagram and assessment and levying the assessment for fiscal year 2008-2009, pursuant to the Landscaping and Lighting Act of 1972. Councilmember Gill seconded the motion that passed with a unanimous vote.

**8. Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) – Resolution Confirming Diagram and Assessment and Levying the Assessment**

Principal Engineer Diana Langley said that at the June 17 City Council Meeting staff reported there was some question on cash balances in this District. These areas were annexed into the City. Staff reviewed records for the last six years and determined that approximately \$200,000 from the Walton Street Light District and \$80,000 from the Tierra Buena Street Light District needs to be transferred to the General Fund to cover charges paid by the General Fund on behalf of the districts. Previously reported cash balances are reduced tremendously for the Tierra Buena area and substantially for the Walton area. Staff requests that this public hearing be continued so staff can determine the assessments which are different in each subdivision.

Mayor Ramirez opened the public hearing. Hearing no comment, Mayor Ramirez closed the public hearing for continuance to August 5, 2008.

Councilmember McBride moved to continue the public hearing to August 5, 2008. Councilmember Maan seconded the motion that passed with a unanimous vote.

**9. 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 noted this item was presented to Council at the June 17, 2008 Council Meeting. Several concerns were raised and the item was continued to allow staff time to investigate them. One item that staff still needs direction on is the issue of specific furniture to be used in outdoor dining. There is legal concern on naming vendors for furniture. Presently, the resolution limits furniture to "high quality, such as stone, wrought iron, or wood." Mr. Busch responded to questions from Council. They asked Mr. Busch to return with product samples and resolution language listing acceptable manufacturers for stone, wrought iron, or wood or "equivalent to."

Councilmember Miller moved to continue this item until the August 5, 2008 City Council meeting. Councilmember Maan seconded the motion that passed with a unanimous vote.

**Public Communication**

**10. Written Requests** - none

**11. Appearance of Interested Citizens** – Tony Blackwell, 772 Village Court, Yuba City spoke.

**Bid Openings**

**12. Plan Check and Inspection Services (RFP 08-30)**

City Manager Steve Jepsen asked that this item be withdrawn from the agenda and Council concurred.

**Consent Calendar**

City Manager Steve Jepsen asked that Item 15 of the Consent Calendar be removed for further discussion. Councilmember Gill moved to adopt the balance of the consent calendar. Councilmember Miller seconded the motion that passed with a unanimous vote.

**13. City Council Approval of Minutes of June 17 & 24 and July 1, 2008**

Approved the City Council meeting minutes of June 17 & 24 and July 1, 2008.

**14. Annual Computer Purchase**

Authorized staff to sole source computer purchases to Dell Computer Systems of Round Rock, Texas for fiscal years 2008-09 at prices not to exceed the California Multiple Award Schedule (CMAS) contract price for Dell Computer Systems by finding that it is in the best interest of the City to do so.

**16. General Election November 4, 2008**

Adopted Resolution No. 08-060 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008 for the election of certain officers and authorizing the City to enter into an agreement for election services with Sutter County.

**15. Yuba City Certified Farmers' Market License Agreement**

Assistant City Manager Steve Kroeger said that at the June 17, 2008 meeting this matter came before Council. Council had several comments for incorporation into the agreement. It has been clarified that it is a Certified Farmers' Market, required health permits must be obtained, and any City activities conflicting with the Market must be accommodated. Market operator Dan Silva responded to questions from Council. He clarified non-certified vendors and political groups will operate on a separate side of the Town Center square.

Councilmember Maan moved to adopt the Yuba City Certified Farmers' Market License Agreement as amended. Councilmember McBride seconded the motion that passed with a unanimous vote.

**General Items**

**17. Letter of Understanding with the Police Sergeants &**

**18. Memorandum of Understanding with the Police Officers' Association**

City Manager Steven Jepsen asked that Items 17 and 18 be heard and voted on simultaneously since they are similar. Both have a 3-1/2% increase effective July 1, 2008 for each of the next three years. Councilmember Miller asked if this is just a flat rate increase with no cost of living adjustment, and Mr. Jepsen responded yes. They do have an economic opener if the economy improves or declines.

Councilmember Gill moved to approve Resolution No. 08-061 to ratify the recently negotiated Letter of Understanding with the Police Sergeants, request a supplemental appropriation to the Police Department of \$40,600 and authorize 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; and to approve Resolution No. 08-062 to ratify the recently negotiated Memorandum of Understanding with the Police Officers' Association, request a supplemental appropriation to the Police Department budget of \$176,100 and authorize 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. Councilmember Maan seconded the motion that passed with a unanimous vote.

**19. Fiscal Year 2008-2009 Purchases in Excess of \$50,000**

General Services Director Devin Barber said staff is recommending approval of a list of vendors and amounts in excess of \$50,000 per year. This process began last year so Council could see the scope and size of purchases over \$50,000 for the year. Councilmember Maan asked how often these are opened for competitive bid. Mr. Barber stated some of these vendors are the only source available, and we will not be going out for bid on them. Only four vendors could be competitively bid. The departments decide when they wish to bid the item. Council questioned not bidding the competitive items. City Manager Steven Jepsen suggested that for any item that is not purchased from an exclusive vendor and has been supplied by a vendor of record for more than three years, that item should be rebid. Council agreed.

Councilmember Maan moved to approve the following purchases in excess of \$50,000, for Fiscal Year 2008-2009, with the finding that each purchase recommendation is in the best interest of the City: A-D Agency of Marysville, CA: \$103,000; Appeal-Democrat of Marysville, CA: \$80,000; CompuCom of Sacramento, CA: \$68,000; Du-All Safety of Fremont, CA: \$50,000; Fehr & Peers of Roseville, CA: \$100,000; Larry Walker Associates of Davis, CA: \$200,000; L.N. Curtis & Sons of Oakland, CA: \$100,000; Mercy Housing California, Inc. of West Sacramento, CA: \$125,000; NTU Technologies of Solana Beach, CA: \$60,000; Office Depot of Los Angeles, CA: \$125,000; San Diego Police Supply of San Diego, CA: \$50,000; Spillman Technologies of Logan, UT: \$73,000; Stuart & Graham Associates of Lincoln, CA: \$65,000; SunGard Pentamation of

Bethlehem, PA: \$99,000; Sutter Buttes Communications of Yuba City, CA: \$200,000; and Willdan Financial Services of Temecula, CA: \$65,000.

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

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

**20. City Council Reports**

- Councilmember Gill said he was glad to see Councilmember Miller will be running for reelection in November.
- Councilmember Maan was happy to see the fires are somewhat contained and asked that everyone remember the Red Cross.
- Councilmember Miller commended Fire Chief Marc Boomgaarden and Police Chief Richard Doscher for their departments' contributions to fight the fires in the north state. He looks forward to running for reelection and contributing to the community.
- Mayor Pro Tem McBride congratulated John Miller on his decision to continue pursuing his civic duty and service to the community.
- Mayor Ramirez announced he would not be seeking reelection. He will pursue other opportunities and responsibilities.

**Adjournment**

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 8:36 p.m.

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Rory Ramirez  
Mayor

ATTEST:

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Terrel Locke  
City Clerk