

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

Closed Session – 5:30 P.M. – Butte Room

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 52-164-018 and APN 59-010-026.

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

Regular Meeting – 7:00 P.M. – Council Chambers

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, and Mayor Ramirez
Absent: Councilmember Miller

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. **Senior Commission Presentation** – Senior Commissioner June Bone gave the report.
2. **Proclamation for Crystal Martin, Winner of Venture Island** – Mayor Ramirez presented a proclamation to Crystal Martin who won the Venture Island competition in Chico.

Public Hearings

3. **Harter Specific Plan Development Agreement Amendment and Financing Plan Amendment. Applicant – Harter Packing Company**

Community Development Director Aaron Busch said the Harter Specific Plan was approved in November 2004, along with the financing plan, Specific Plan, Development Plan, and phasing strategy. This project has been identified as a “pipeline” project. The amendments were conceptually reviewed at the May 20, 2008 City Council meeting. Mr. Busch reviewed suggested amendments to the Development Agreement and Financing Plan. A fee credit system has been implemented. Impact fees were also updated. Last year commercial impact fees were frozen for a year. Staff proposes a continued freeze until January 2010. New fees would then be implemented in 15% increments per year. Park improvements will not be implemented until 50% of the subdivision is built. The Planning Commission has approved these amendments. Mr. Busch responded to Council’s questions.

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

Tom Tucker, 1321 Harter Rd., Yuba City

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

Councilmember Maan moved to concur with the Planning Commission’s recommendation to: a. Adopt the recommended Findings for the Harter Specific Plan Development Agreement Amendment; and, b. Introduce Ordinance No. 007-08 for approval of the Harter Specific Plan Development Agreement Amendment between the City of Yuba City and Harter Packing Company as shown in Exhibit A, and waive the first reading; and, c. Adopt Resolution No. 08-072 for the approval of the Harter Specific Plan Financing Plan Amendment as shown in Exhibit B. Councilmember Gill seconded the motion that passed with the following vote:

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

4. A proposed Interim Urgency Ordinance enacting new definitions and development standards/restrictions for “eating and drinking establishments”, “bars and drinking places”, and “nightclubs” within the City’s Zoning Code and Central City Specific Plan.

Community Development Director Aaron Busch said the City does not presently have any regulations defining the differences between restaurants, bars or night clubs. There are no standards or restrictions on those uses. It is difficult for staff to regulate how those businesses operate. Mr. Busch recommended an urgency ordinance to immediately regulate new businesses. That would give staff 45 days to propose measures to govern these businesses. New definitions will be established. Bars and night clubs could be required to obtain a use permit in certain areas. Existing businesses that meet proposed definitions are considered pre-existing and would be “grandfathered.” That would allow the properties to be transferred, but they can not expand at the current location.

Mr. Busch reviewed the definitions for each type of business. If adopted tonight, staff will prepare a final ordinance to be presented to Council in 45 days. If additional time is needed, staff would return to Council and request it. Businesses currently operating are not affected by the terms of this urgency ordinance. Mr. Busch replied to questions from Council.

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

Mark Martin, 670 Shasta St., Yuba City
Tommy Boggess, 200 Quail Ct., Yuba City
Cesar Mendoza, Padres Pub & Grill
Joe Frederico, 741 Plumas St., Yuba City
Jeff Boutillier, City Café, Yuba City
Bob Dhaliwal, 758 Plumas St., Yuba City
Jerry Paine, 675 Almond St., Yuba City

Hearing no further comment, Mayor Ramirez closed the public hearing. Council discussed concerns raised by citizens and agreed an Ad Hoc Committee should be formed to address their concerns. Councilmembers agreed to appoint Councilmembers Miller (as Chairman) and Gill to the Ad Hoc Committee. Stakeholders who wish to participate were asked to call the Planning Department at 822-4700.

Councilmember Gill moved to adopt Interim Urgency Ordinance No. 006-08 that enacts new definitions and development standards/restrictions for “eating and drinking establishments”, “bars and drinking places”, and “nightclubs” within the City’s Zoning Code and Central City Specific Plan as shown on Exhibit A; and to form an Ad Hoc Committee for further review. Councilmember Maan seconded the motion that passed with a unanimous vote.

5. 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 presented the history of the sidewalk dining standards. At the last Council meeting, staff was asked to return with generic samples of acceptable outdoor dining furniture. He presented photographs of samples for Council’s review. An encroachment permit is required, as well as \$1 million liability insurance, for outdoor dining. Council will have final approval on questionable furniture.

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

Bob Dhaliwal, 758 Plumas Street, Yuba City.

Hearing no further comment, Mayor Ramirez closed the public hearing. Council discussed Mr. Dhaliwal’s request that bars also be allowed to have outdoor seating. Mayor Ramirez asked the Ad Hoc Committee just formed in Item 4 to also discuss allowing bars to have outdoor seating. He asked staff to return with a staff report on the inclusion of bars, or other businesses, in outdoor sidewalk dining or seating.

Councilmember Gill moved to adopt Resolution No. 08-073 that allows Sidewalk Outdoor Dining Standards for the concrete-paved areas on Plumas Street from Colusa Avenue to Bridge Street in the Central City Specific Plan as shown on Exhibit A; and to direct the Urgency Ordinance Ad Hoc Committee to investigate allowing bars and other businesses to have outdoor seating/dining. Councilmember McBride seconded the motion that passed with a unanimous vote.

6. Walnut Park West Master Plan/North Township Road Area Technical Master Plan and Development Agreement for the future development of a 50 lot single family residential development on approximately 11.3 acres located on the east side of Township Road just north of Monroe Drive; Assessor's Parcel Number: 62-020-079; Applicant/Property Owner: A&G Montna Properties, LP

Community Development Director Aaron Busch said Walnut Park West began as a much larger project. It has been subdivided and is now 11.3 acres for 50 lots. Mr. Busch noted this project was identified as a pipeline project last year. He reviewed the boundaries of the Master Plan area and the boundaries of this project. He noted the Development Agreement includes provisions for the proper infrastructure and necessary improvements.

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

George Carpenter, 141 Morrell Ct., Roseville
Al Montna, 678 Stewart Rd., Yuba City

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

Councilmember McBride moved to concur with the Planning Commission's recommendation to: a. Adopt a Mitigated negative Declaration (EA 05-27) for the Walnut Park West Master Plan/North Township Road Area Technical Master Plan and Development Agreement; b. Adopt the recommended Findings for the Master Plan and Technical Master Plan; c. Adopt Resolution No. 08-074 for the approval of the Walnut Park West Master Plan; d. Adopt the recommended Findings for the Walnut Park West Development Agreement; and e. Introduce Ordinance No. 008-08 for approval of the Walnut Park West Development Agreement between the City of Yuba City and A&G Montna Properties, LP as indicated on the exhibit, and waive the first reading. Councilmember Maan seconded the motion that passed with a unanimous vote.

7. Mid-Term Review and Amendment of the Redevelopment Agency Five-Year Implementation Plan (RDA)

Assistant City Manager Steve Kroeger said the original Redevelopment Agency Plan was adopted in 1989. Law requires a 5-year implementation plan which outlines activities, goals and objectives of the Agency. The plan has had significant amendments. Redevelopment and housing are the two components of the plan. \$26 million in tax increment has been used for projects. He reviewed completed projects funded by the Redevelopment Agency: the Town Center, Plumas Streetscape, and other smaller projects.

Mayor Ramirez opened the public hearing. Hearing no comment, he closed the public hearing.

Having conducted a public hearing, Councilmember Maan moved to adopt RDA Resolution No. 08-005 amending the Redevelopment Agency of the City of Yuba City's Five Year Implementation Plan 2005/2006 through 2009/2010. 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 this item is an assessment district for residential street lights in the Walton and Tierra Buena areas. As previously discussed, they have cash balances. Finance staff has reviewed the records for both districts and recommends transfers from the district accounts to the general fund to correct transfers that should have occurred in previous years. Staff is recommending that the Walton assessments be reduced 56.5% from the maximum amount, and reduced even further next year. Staff recommends keeping the Tierra Buena assessment the same as last year. Ms. Langley responded to Council's questions.

Mayor Ramirez opened the public hearing. Hearing no comment, he closed the public hearing.

After conducting a public hearing, Councilmember Gill moved to: a. adopt Resolution No. 08-075 confirming the diagram and assessment and levying the assessment for FY 2008-09, pursuant to the Benefit Assessment Act of 1982; and b. authorized the Chief Financial Officer to transfer \$130,206 from Account No. 270-10100 (Walton Residential Street Lights) to Account No.100-10100 (General Fund) and transfer \$56,768 from Account No. 272-10100 (Tierra Buena Residential Street Lights) to Account No. 100-10100 (General Fund). Councilmember McBride seconded the motion that passed with a unanimous vote.

Public Communication on Items Not on the Agenda

9. **Written Requests** - Tony Blackwell gave a presentation on public safety.
10. **Appearance of Interested Citizens** – Tammy McDougal, 1130 Queens Ave., Yuba City, asked that Council consider building a community center.

Bid Openings

11. McCollum Tract Area Drainage Improvements Bid Opening

Public Works Director George Musallam said seven bids were received on this project. Staff is requesting the low bid be rejected since the bond was not properly submitted and the contractor would only be doing 20% of the work. We require that they do at least 50% of the work themselves. He recommended award of the contract to Jaeger Construction. He asked that "authorization of the City Manager to execute the contract on behalf of the City" be added to the motion.

Councilmember McBride moved to: a. Reject the low bid for Contract No. 08-25, McCollum Tract Area Drainage Improvements Project from Stevens Excavating, of Yuba City, CA for noncompliance with the City's Special Provisions; and b. Award Contract No. 08-25, McCollum Tract Area Drainage Improvements Project, to Jaeger Construction, Inc., of Yuba City, CA in the amount of their bid of \$68,280.95; and authorize the City Manager to execute the contract on behalf of the City. Councilmember Gill seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Maan asked that Item 14 of the Consent Calendar be removed for further discussion. Councilmember McBride moved to adopt the balance of the consent calendar. Councilmember Gill seconded the motion that passed with a unanimous vote.

12. City Council Approval of Minutes of July 15 & 22, 2008

Approved the Council meeting minutes of July 15 & 22, 2008.

13. Domain Estates Phase 1 Acceptance

Adopted Resolution No. 08-076 accepting certain street and related improvements pursuant to the Domain Estates Unit No. 1 Subdivision Agreement with Piara Johl and authorizing the developer to file a Notice of Completion. [subdivision located on the west side of Blevin Road north of Queens Avenue]

After discussion, Councilmember Maan moved to adopt Item 14 of the Consent Calendar. Councilmember Gill seconded the motion that passed with a unanimous vote.

14. Queens Avenue & Stabler Lane Signal Project

Adopted Resolution No. 08-077 approving the plans and specifications for the Queens Avenue & Stabler Lane Signal Project and authorizing advertisement for bids on the project.

General

15. Letter of Understanding with the Fire Management Group

City Manager Steven Jepsen said the Fire Management Group consists of three battalion chiefs and one fire marshal. The contract with Fire Management is set at 2.5% for three years and there is no cost of living adjustment. The beginning date of the contract is today, August 5, 2008. Mayor Ramirez congratulated Mr. Jepsen on the successful negotiations this year.

Councilmember Maan moved to approve Resolution No. 08-078 to ratify the recently negotiated Letter of Understanding with the Fire Management Group and authorize the Director of Finance to set the compensation for certain employees as determined in the Salary Schedule and General Compensation Plan effective August 5, 2008. Councilmember Gill seconded the motion that passed with a unanimous vote.

16. **Request for an extension of time of the Redevelopment Agency's allocation of \$600,000 in Housing Set-Aside funds to Plumas Family Associates, a California Limited Partnership, to construct a 39-unit multi-family rental complex with 38 units reserved for low- and very low-income residents; and request for City authorization of an application for a grant of up to two million dollars (\$2,000,000) from the HOME Investment Partnerships Program ("HOME") through the State of California Department of Housing and Community Development (RDA & City Council)**

Associate Planner Katie Ertmer said this project is for a 39 unit apartment complex—38 are for low income families. In July 2007, the Agency allocated \$600,000 in housing set aside funds to assist with the financing. That approval was for one year and was contingent upon receiving tax credit financing. They have received that financing and now need an extension of the Agency's \$600,000 commitment and to receive authorization for a grant application for up to \$2 million. Ms. Ertmer asked that the motion be amended to add "as shown in Exhibit A" for the Redevelopment Agency resolution and "as shown in Exhibit B" for the City's resolution for authorization for grant application.

Councilmember Gill moved to: a. Adopt Resolution No. 08-006 of the Redevelopment Agency of the City of Yuba City granting an extension of time of the City's commitment of \$600,000 in Housing Set-Aside funds for an additional six months, as shown in Exhibit A; and b. Adopt Resolution No. 08-079 of the City Council of the City of Yuba City authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program and authorizing, if selected, the execution of a standard agreement, any amendments thereto and of any related documents necessary to participate in the HOME Investment Partnerships Program, as shown in Exhibit B. Councilmember McBride seconded the motion that passed with a unanimous vote.

17. Presentation of Treasurer's Report – Quarter Ended June 30, 2008

Assistant City Manager Steve Kroeger stated that for the period ended June 30, 2008 the City's investment portfolio is approximately \$120 million. He reviewed the composition of the portfolio. Mr. Kroeger responded to Council's questions.

Mayor Ramirez directed that the Quarterly Treasurer's Report be noted and filed.

18. Economic Development Strategy and Work Plan

Assistant City Manager Steve Kroeger said that in June, Council directed staff to proceed with developing a work plan for the Economic Development Strategy proposed by the Economic Development Advisory Group. Recommended steps include: (1) appointing an Economic Development Advisory Commission, (2) appoint/hire an Economic Development Manager to implement the strategy, and (3) to further refine priorities, timelines, resources and budget. Mr. Kroeger presented the Economic Development website which is linked to the City's website. Councilmembers commended staff and the Advisory Group for their contributions to this work plan. They expressed their desire for speedy implementation. Mr. Kroeger responded that, if approved, interviews for the City's Economic Development Commission would begin later this month.

Councilmember Gill moved to adopt the Yuba City Economic Development Strategy and begin the implementation of the Economic Development Work Plan by authorizing the appointment of an Economic Development Advisory Commission. Councilmember Maan seconded the motion that passed with a unanimous vote.

19. Approval to Advertise Wastewater Treatment Facility Solids Thickening Improvements Project (Project Number 08-06)

Assistant Director of Utilities Maria Solis said Council approved the Wastewater System Master Plan update in December, 2005, and directed staff to begin engineering design of the new sludge thickening project. In November 2006, the engineering firm was selected. Five possible alternatives were evaluated. Prior to selection, staff visited other facilities to view the equipment in operation. In addition, pilot testing was done at our facility. The preferred alternative selected is two rotary drum sludge thickeners. The project includes modification of an existing building, concrete work, piping, instrumentation and electrical work. Benefits include reduction in energy consumption, reduction in chemical usage, reduction in maintenance and labor costs; and it will provide redundancy for two processing units. The engineer's estimate is \$2.1 million. Ms. Solis responded to Council's questions.

Councilmember Maan moved to adopt Resolution No. 08-080 approving the Plans and Specifications for the Wastewater Treatment Facility Solids Thickening Improvements Project and authorize advertisement for competitive bids. Councilmember Gill seconded the motion that passed with a unanimous vote.

Business from the City Manager

20. Temporary Operation of Senior Meals Program

City Manager Steve Jepsen said QuEST, the current provider of senior meals in Yuba and Sutter Counties, gave notice that they will no longer be the provider for the senior meal program after August 3 due to the state not having a budget and the cost of gasoline. Meals cost \$7.35 each and reimbursement is \$5.38 with the remainder from

contributions and grants. Along with Yuba County and Sutter County, we are asking for Council's approval to extend the program five weeks. At that time, we hope to have a new vendor in place for the program. The cost for the five week period is \$39,000, or \$12,667 per agency. Seventy-five percent of that amount is expected to be refunded. The City will also lose about \$1,900 for the rental of the Senior Citizen's kitchen for meal preparation. All Councilmembers expressed support of the program and extending the funds to continue the program for five weeks while a vendor is sought.

Councilmember McBride moved to: a. Approve the amended funding Agreement between Yuba City, Yuba County, Sutter County and the Area 4 Agency on Aging (A4AA) for Senior Meals Program and authorize the City Manager to sign the Agreement; and b. Authorize supplemental budget adjustments of \$12,667 to the Senior Center Professional Services Account (5120-62701) and a revenue budget adjustment of \$9,500 to Other State Revenues (100-43495). Councilmember Gill seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

21. Establish an Ad-hoc Committee to work with the City of Live Oak and Sutter County to examine the potential for Regional Wastewater Treatment Facility

Utilities Director Bill Lewis said this item is for the formation of an Ad Hoc Committee to study the potential of a regional wastewater facility. Live Oak, Sutter and the City of Yuba City would potentially be the users of the facility. The City of Live Oak contacted Yuba City about a regional concept. We currently have capacity and could continue to meet our permit requirements if Live Oak was added to our facility. There would have to be some improvements to the Master Plan. Staff recommends appointment of an Ad Hoc Committee. Councilmembers selected Councilmember McBride (as Chairman) and Councilmember Maan to the Ad-Hoc Committee.

Councilmember Gill moved to appoint Councilmembers McBride and Maan to an Ad-hoc Committee to study the potential for a Regional Wastewater Treatment Facility. Mayor Ramirez seconded the motion that passed with a unanimous vote.

22. Naming of Voting Delegate and Alternate to the League of California Cities' (LOCC) Annual Conference

Councilmember McBride volunteered to be the voting delegate at the LOCC Annual Conference. Councilmembers enthusiastically agreed to her appointment.

Councilmember Maan moved to appoint Councilmember McBride as the City's delegate to represent the City of Yuba City at the Saturday morning (September 27, 2008) General Assembly Business Meeting at the LOCC Annual Conference. Councilmember Gill seconded the motion that passed with a unanimous vote.

23. City Council Reports

- Councilmember Gill noted he has several upcoming committee meetings and will have reports at the next meeting. He reminded everyone that the summer Olympics begin on 8-8-08, which is considered a lucky number in China.
- Councilmember Maan had nothing to report.
- Councilmember Miller - Absent
- Mayor Pro Tem McBride said SACOG has been on hiatus during the summer but meetings begin again next week. The Sutter Co. Consolidated Housing Authority will be recruiting for an executive director soon.
- Mayor Ramirez had nothing to report.

Adjournment

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 10:05 p.m.

Rory Ramirez
Mayor

ATTEST:

Terrel Locke
City Clerk