

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
September 16, 2008
5:30 p.m. – Closed Session
7:00 p.m. – Regular Meeting**

Closed Session

Conferred with real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding the purchase of the property or portion thereof: APN No. 59-010-026.

Conferred with legal counsel regarding existing litigation pursuant to Government Code Section 54956.9 (a) Fair Political Practices Commission (FPPC) File No. 08/510; Rory Ramirez.

Regular Meeting

Call To Order

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 7:01 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.

Closed Session Discussion

The City Council met in closed session to confer with legal counsel concerning the complaint No. 08/510 filed with the Fair Political Practice Commission concerning Mayor Rory Ramirez.

Upon reviewing this matter the City Council decided, by a 4-0 vote with Mayor Ramirez recusing himself from the closed session and not voting, that pursuant to § 995.6 of the California Government Code, the City of Yuba City shall provide for the defense and indemnification of Mayor Ramirez in this matter.

The City Council determined that the complaint was brought on account of actions of Mayor Ramirez within the scope of his office as a City Councilmember and that the defense of Mayor Ramirez would be in the best interests of the City and that Mayor Ramirez acted in good faith without actual malice and in the interests of the City.

Public Hearings

1. Proposed 2007-2008 Consolidation Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG)

Community Development Director Aaron Busch stated that the City has utilized funds appropriately. Citizen participation was a key component. The report was noticed in the Appeal Democrat from August 28, 2008 to September 12, 2008. After receiving no further citizen responses, it was his recommendation that Council, upon conclusion of the public hearing, approve the CAPER for submission to the Department of Housing and Urban Development (HUD).

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.

Councilmember McBride moved to approve the CAPER for submission to the Department of Housing and Urban Development (HUD). Councilmember Gill seconded the motion that passed with a unanimous vote.

2. Center Street & Teegarden Avenue, Modified Parking

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

Public Works Director George Musallam stated that there was concern about the original striping plans for this project meeting Fire Regulation Codes. After staff review, it was determined that the striping plans needed to be changed.

Mayor Ramirez opened the public hearing.

Claudia Hollis was representing FREED Independent Living. She spoke about the ADA issues surrounding Plumas Street. She stated that although Plumas Street is ADA Compliant, it is not ADA friendly. She asked that the Public Works Department and the City Council take this into consideration as they continue to work on the streets surrounding Plumas Street. She also stated that the color of the sidewalk paint should be yellow instead of the current gray. She questioned whether that was ADA compliant. Councilmember McBride asked Mr. Musallam to verify that the paint color was ADA compliant. Mayor Ramirez asked Mr. Musallam to meet with Ms. Hollis regarding the paint color and any other concerns she may have.

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

Councilmember Gill moved to authorize the Public Works Director to re-stripe Teegarden and Center Street to allow for angled parking along the north side of Teegarden Ave. and the south side of Center Street. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined Council.

3. An extension of time for the 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 stated that after only two ad-hoc meetings, all members and stakeholders were in consensus with the guidelines outlined in the current Interim Urgency Ordinance as well as the extension of that ordinance. Councilmember Miller asked Mr. Busch what timeframe would there be for a formal ordinance to be brought to Council. Mr. Busch replied, an approximate timeframe of 3-4 months. Councilmember Miller also stated that Mr. Busch and his staff did a good job of providing information to the ad-hoc committee.

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.

Councilmember Gill moved to adopt an extension of time for the Interim Urgency Ordinance 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. Councilmember Miller seconded the motion that passed with a unanimous vote.

Public Communication

4. Written Requests - None

5. Appearance of Interested Citizens

John Fitch, 1827 Derae Court, Yuba City
Michael Payne, 223 Anita Way, Yuba City
Elaine Miles, 487 Anita Way, Yuba City

All spoke about Hillcrest Water Regions 2/3.

Bid Openings

6. Queens Avenue and Stabler Lane Traffic Signal Project

Public Works Director George Musallam stated the engineer's estimate for the Queens Avenue and Stabler Lane Traffic Signal Project was \$250,000.00. Twelve Contractors were contacted, five bids were received. Pacific Excavation, Inc. of Elk Grove is the low bidder at \$198,720.00. Funding for this project is from the Capital Improvement Fund Program (CIP) Development Impact Fees. Currently, there is \$238,464.00 for this project, which leaves approximately \$39,000.00 in contingency funds.

Councilmember Miller moved to award contract No. 08-20, Queens Avenue and Stabler Lane Traffic Signal Project to Pacific Excavation, Inc. of Elk Grove, CA in the amount of their bid of \$198,720.00, and authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Gill seconded the motion that passed with a unanimous vote.

Ordinances

7. Economic Development Commission

Councilmember Maan moved to adopt Ordinance No. 009-08 Creating and Establishing an Economic Development Commission and setting forth the terms of office and

providing the powers and duties thereof, waiving the full reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

Consent Calendar

Mayor Ramirez stated that Items 11 and 12 would be continued per the applicant's request. Mayor Ramirez asked Mr. Musallam if any reason for the continuance was given. Mr. Musallam answered that there was no reason given and recommended that the Council remove the items until the applicants are ready. Councilmember Gill moved to adopt Items 8-10 of the consent calendar. Councilmember Miller seconded the motion that passed with a unanimous vote.

8. City Council Approval of Minutes of August 19 & 29 and September 2, 2008

Approved the Council meeting minutes of August 19 & 29 and September 2, 2008.

9. Sam Brannan Park Improvements

Adopted Resolution 08-092 approving the plans and specifications for the Sam Brannan Park Improvements Project and authorizing advertisement for bids on the project.

10. Walton Avenue at Camino De Flores Traffic Signal Project

Adopted Resolution 08-093 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

11. Improvement Agreement – Sierra Central Credit Union

Continued.

12. Harter Estates South – Subdivision Agreement and Final Map

Continued.

General Items

13. CA-DPH Safe Drinking Water State Revolving Fund Application Authorization for Yuba City Groundwater Region 1

Director of Utilities Bill Lewis stated that this is just one step of many to transition Yuba City Groundwater Region 1 residents to surface water. Approval of the loan documents to be submitted requires no commitment at this time. The total cost for the project is still undetermined but if approved the low interest loan will greatly reduce any associated costs.

The following persons addressed the Council on this item:

Elaine Miles, 487 Anita Way, Yuba City
Darin Gale, 1945 Phillips Rd, Yuba City
Tony Galyean, 1400 Sherman Ct, Yuba City

Councilmember Gill asked Mr. Lewis what the cost for Region 1 would be. Mr. Lewis stated that the cost was unknown at this time. Councilmember Gill then asked Mr. Lewis, if Region 1 were to proceed on their own, could the cost in Region 2/3 be higher if they

proceeded at a later date. Mr. Lewis responded that the cost could be higher than the recent proposal.

Councilmember Maan stated that he supports providing surface water to Region 1.

Councilmember McBride asked Mr. Lewis what the time limits are for the loan. Mr. Lewis stated that the time lines are determined by the project. This is only step one. If the loan is approved, defined timelines would have to be submitted by his department.

Councilmember Maan moved to adopt Resolution 08-094 authorizing the City Manager to sign an Application for Construction Funds through the California Department of Public Health Safe Drinking Water State Revolving Fund. Councilmember Gill seconded the motion that passed with a unanimous vote.

14. Bridge Street Reconstruction Project

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

Public Works Director George Musallam stated that \$700,000 of the funding for this project came from SACOG, which is a combination of State and Federal funds. Councilmember Gill stated that the funds are in the bank and earmarked for this project.

Councilmember Gill moved to adopt Resolution 08-095 approving the plans and specifications for the Bridge Street Reconstruction Project and authorizing advertisement for bids on the project. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined Council.

15. Request for Qualifications/Request for Proposals for the Feather River Mill site in downtown Yuba City (RDA)

Council directed staff to finalize and release the proposed Request for Qualifications/Request for Proposals for the Feather River Mill site to the public and begin the process for the future development of the Agency-owned property located at the southeast corner of Bridge and Shasta Streets

Business from the City Council/Redevelopment Agency Board

16. Boards and Commissions Appointments

Councilmember Miller moved to re-appoint Satwant Takhar to the Consolidated Area Housing Authority Board with his term to expire on December 31, 2009. Councilmember McBride seconded the motion that passed with a unanimous vote.

17. City Council Reports

- Councilmember Gill said he has had concerned citizens speak with him regarding all the foreclosed homes and their current condition. Councilmember Gill asked council to consider setting up an account to fund water and lawn maintenance on these homes until they are sold and the costs can be recouped through the lien process.
- Councilmember Maan has looked into other communities that have passed ordinances to handle the problem of the run down foreclosures. He also stated that

in these economic times Council needs to be mindful of revenues needed to fund a project of that nature.

Councilmember Maan said he and Councilmember McBride have been serving on the Regional Wastewater Committee, and they are making good progress. The Committee is currently trying to find out what the cost will be. Costs are based on agency participation. The goal of committee is to keep costs to consumer at a reasonable rate.

Councilmember Maan also wanted to give thanks to the Yuba City Police Department for their efforts and support through the tragedies the community has experienced recently. They have dealt with these issues in a very timely manner. It is greatly appreciated.

- Councilmember Miller wanted to thank the Yuba City Police Department for an outstanding job. Chief Doscher and his staff have been out in full force trying to combat the issues at hand. He also thanked George Musallam for the signal lights that have been installed at various locations in the City to help with the traffic issues.
- Mayor Pro Tem McBride echoed comments from Council regarding the Yuba City Police Department. She thanked Bill Lewis for taking the lead in the water issues at hand, and George Musallam for helping with a pedestrian parking area that was a cause for concern.
- Mayor Ramirez gave thanks to the Police and Fire Departments for their presence at a block party on Royo Rancho. He congratulated the Parks and Recreation department for their role in making the Cultural Celebration at Gauche Park a great venue.

Adjournment

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 8:17 p.m.

Rory Ramirez
Mayor

ATTEST:

Terrel Locke
City Clerk