

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
October 7, 2008
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.**

Closed Session

Annual performance evaluation of City Manager pursuant to Government Code Section 54957

Consider the appointment of Police Chief pursuant to Government Code Section 549857

Regular Meeting 7:00

Call to Order

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 7:07p.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 Gill led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **Proclamation for Domestic Violence Awareness Month** – presented to Carol of Casa De Esperanza.
2. **Proclamation for Flood Awareness Month** – presented to John Miller, Chairman of the Sutter Buttes Flood Control Agency.
3. **Senior Commission** – presentation by Pasqua Halter of the Senior Commission.
4. **Sutter North Medical Foundation Tatts off Program Presentation** – presentation given by Julie Eckardt and Dean Ward of Sutter North Surgical Center.

Public Hearings

5. **Authorization to Accept Grant Funding, Approve Expenditure Recommendations and Budget Modifications as Required**

Police Chief Richard Doscher stated that the State Department of Finance has allocated \$100,848 to the Yuba City Police Department for the Fiscal Year 2008/2009. Chief Doscher informed Council that the California Block Grant that is normally brought before

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Council this time of year, but would not be this year as the City of Yuba City's crime rate is too low to qualify for those grant funds.

It was Chief Doscher's recommendation that Council authorize the Chief of Police to accept the FY 2008/2009 California Citizens' Option for Public Safety (COPS) funding and approve the expenditure recommendations and allow the Chief Financial Officer to make the necessary budget adjustments.

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.

Councilmember McBride moved to approve Resolution 08-097 authorizing the acceptance of the FY 2008/2009 California Citizen's Option for Public Safety (COPS) funding and expenditure recommendations, and further authorizing the Chief Financial Officer to make budget adjustments as necessary. Councilmember Gill seconded the motion that passed with a unanimous vote.

6. **General Plan Amendment GP 08-01 and Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the land use designation from Neighborhood Commercial to Community Commercial and to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District Owner/Applicant: Taylor Village Sacramento Investments Partners, LP.**

Associate Planner Katie Ertmer answered a question that was asked by a Councilmember prior to the meeting regarding the ownership of this property. She stated the property was previously owned by the Kumar Family and was purchased by the current owner in May. The current owner, Taylor Village Sacramento Investments Partners, LP has recently been changed to Taylor Lincoln Walton, a development company located in Sacramento.

Ms. Ertmer requested Council approve the General Plan Amendment and Rezone to accommodate a project that was approved by the Planning Commission on September 24, 2008. The project consists of a Walgreen's, Fresh and Easy and "shops" buildings. Due to its design the property would have to be rezoned to accommodate the drive-thru located between the Walgreen's and Fresh and Easy buildings.

In addition to normal impact fees, the applicant will pay a contribution for future road developments. There will be a masonry wall and 15 feet of landscaping at the south end of the property line which is shared with residences. Delivery trucks will be restricted to deliver between the hours of 7 a.m. and 10 p.m. in order to minimize noise impacts on the surrounding neighborhood.

Council expressed concerns for the increased amount of commercial traffic, as this location is adjacent to an elementary school. Councilmember Gill asked if there was any consideration given to the traffic that backs up on Walton already and would delivery trucks have an impact on the already congested traffic issue in that area.

Ms. Ertmer stated that Fresh and Easy has a company policy to accommodate sensitive neighborhood areas such as schools, churches, etc. She said that a complete traffic and noise study had been done prior to the Planning Commission reviewing the development plan, and that both studies found that all impacts associated with the project are fully mitigated.

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Public Works Director George Musallam stated consideration had been given to the frontage areas and future road widening.

Ms. Ertmer stated that this project would have been approved at the Planning Commission Level if not for the addition of the Walgreen's Drive-Thru.

Mayor Ramirez opened the public hearing.

The following persons addressed the council on this item:

Lux Taylor of Taylor Village Sacramento Investment Partners, LP
Jennifer Daw of Fresh and Easy
Brian Halloway of Fresh and Easy
Tony Blackwell, 772 Village Court, Yuba City
Kellie Swanson, 850 Swanson Court, Yuba City

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

Mayor Ramirez stated that given the improvements, accessibility, jobs and conveniences that will be brought to the neighborhood the improvements outweigh the risks involved.

Councilmember Miller moved to adopt the findings that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment, adopt the Mitigated Negative Declaration as contained in Exhibit A, adopt the finding that General Plan amendment GP 08-01 to change the General Plan designation from Neighborhood Commercial to Community Commercial is in the public interest, adopt Resolution 08-098 for General Plan amendment GP 08-01 from the Neighborhood Commercial designation to the Community Commercial designation, as shown on Exhibit A of the Resolution, adopt the following findings for Rezone RZ 08-01, and introduce a Ordinance 010-08 for approval of Rezoning RZ 08-01 for amendments to the Official Zoning Map to amend the zoning from the Neighborhood Convenience Commercial (C-1) District to the Community Commercial (C-2) District, as shown on Exhibit C, and waive the first reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

7. Walton Avenue Crosswalk Removal, south of Camino De Flores

Director of Public Works George Musallam stated that the signal light at Walton and Camino De Flores has been completed. It is necessary for the safety of the students attending Andros Karperos and West Walton schools to remove the mid-block crosswalk and direct student traffic to the signal light.

Mr. Musallam requested Council adopt a resolution eliminating the mid-block crosswalk on Walton Avenue, south of Camino De Flores.

George Parker, Director of Facilities for Yuba City Unified School District, spoke on this item.

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.

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Councilmember McBride moved to adopt Resolution 08-099 eliminating the mid-block crosswalk on Walton Avenue, south of Camino De Flores. Councilmember Gill seconded the motion that passed with a unanimous vote.

Public Communication

8. **Written Requests - None**
9. **Appearance of Interested Citizens - None**

Consent Calendar

Councilmember Gill moved to adopt the Consent Calendar as presented. Councilmember Miller seconded the motion that passed with a unanimous vote.

10. City Council Approval of Minutes of September 16, 2008

Approved the Council meeting minutes of September 16, 2008.

11. Enhanced Military Leave Benefits

Adopted Resolution 08-100 that extends the current mandated 30 day continuation of partial salary for up to two years for City employees called to active duty in either Iraq or Afghanistan.

12. Design Contract for Fire Station No. 7 Renovation

Awarded contract to Beverly Prior Architects to complete the development of as-built Drawings and Construction Documents (CD's), including an updated Cost Estimate, for the renovation of Fire Station No. 7 in the amount of 57,260, and possible "not-to-exceed" optional services. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney and authorized staff to exercise the option of engaging Beverly Prior Architects to provide Bidding and Construction Administration (CA) services, once the design is complete and the project is ready to bid.

13. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_1

Adopted Resolution 08-101 to modify Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_1 (improvements associated with 1415 Tharp Road) and Resolution 08-102, Resolution of Intention, Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_1 (pursuant to the Landscaping and Lighting Act of 1972).

14. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_2

Adopted Resolution 08-103 to modify Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_2 (improvements associated with 1410 Whyler Road) and Resolution 08-104, Resolution of Intention, Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_2 (pursuant to the Landscaping and Lighting Act of 1972).

15. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_3

Adopted Resolution 08-105 to modify Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_3 (Franklin Road Promenade, located at the north west corner of Walton Ave. and Franklin Rd.) and Resolution 08-106, Resolution of Intention,

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Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B_3 (pursuant to the Landscaping and Lighting Act of 1972).

16. Property Management Agreements with the Consolidated Area Housing Authority of Sutter County (RDA)

Authorized the Executive Director to enter into agreements for Property Management Services with the Consolidated Area Housing Authority of Sutter County for properties (APN 52-077-011& APN 52-077-015) purchased with Low/Mod Housing Funds to provide affordable housing for qualified participants in the Housing Program.

17. Letter of support for proposed Sutter County Agricultural Resource and Training Center

Approved a Letter of Support for the Sutter County Resource Conservation District's pre-application to the Economic Development Administration for grant funds to develop a Sutter County Agricultural Resource and Training Center.

18. Water Treatment Plant Storage Building Construction Project—Contract 08-12 Notice of Completion

Adopted Resolution 08-107 accepting the Water Treatment Plant Storage Building Project and authorizing the Director of Utilities to file a Notice of Completion.

19. Acceptance and Expenditure Authorization – FY 08/09 Homeland Security Grant - Police Department

Adopted Resolution 08-108 authorizing the acceptance, allocation and expenditure of the Police Department's FY 08/09 Homeland Security Grant.

20. Public Works Superintendent Salary Range Adjustment

Adopted Resolution 08-109 authorizing the Director of Finance to amend the salary schedule to reflect a five (5) percent salary adjustment for the Public Works Superintendent classification retroactive to July 1, 2008.

General Items

21. Creation of a Formal Gang Suppression Unit, which Will Also Allow for Participation in a Full-time Regional Gang Enforcement Task Force

Police Chief Richard Doscher stated approximately three years ago the law enforcement agencies within Yuba and Sutter Counties created the Yuba-Sutter Anti-Gang Enforcement Unit (YSAGE). Within the last three years, the searches that have been conducted by YSAGE have produced approximately 700-800 arrests. In conjunction with that effort, in 2006, two officers were transferred into investigations to act as gang officers and assist the detective division. Since 2006, both officers have been recognized as experts in gang testimony with the Superior Court of California, they are also sworn in as Deputy United States Marshals for Federal Prosecution in gang cases.

The proposed Gang Unit will be in addition to YSAGE. Adoption of the proposal will mean a formal transfer of the two patrol officers to the Investigation Unit. Also proposed was a transfer of two additional officers. In working with the Police Officers Association, a modification schedule was achieved, that allows significant overlap that will free up two additional officers for use in the Regional Gang Task Force that will work out of NET-5.

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Mr. Doscher stated that this is a mechanism to reinforce the “No Tolerance” the City already has for gang violence.

Funding for this program will be a combination of the COPS grant in conjunction a diversion of funds from the City remodel account. This will allow the Chief Financial Officer the flexibility required to make budget adjustments to fund this unit for the next three years.

Councilmember Gill stated this issue really is a regional issue. He gave compliments to the Chief for finding the funding to support this program.

Councilmember Miller reiterated that this is an important issue for the City and the City Council. He was glad to see that the funding was found to support this vital program.

Mr. Doscher gave thanks to Officer Bernardis, Officer Maky and Deputy Chief Webster for their efforts.

Councilmember Maan stated that with the slow economy, it really is a challenge to find funding. He gave compliments to those involved in making this effort happen.

Councilmember McBride stated that Finance and the Police Department listened to what the Council had instructed and was able to complete the task and bring it back to Council with results.

Mayor Ramirez asked Mr. Doscher to give the public an insight to the Joint Powers Agreement that we have as well as those that participate in it.

Mr. Doscher stated the Joint Powers Agreement's function is for the oversight of NET-5. It involves are both the district attorney's from Yuba and Sutter Counties, both Sheriffs, the Marysville Chief of Police, himself, the Net-5 commander and a Supervising Bureau of Narcotics Enforcement individual from Sacramento. Meetings are conducted once per month. Mr. Doscher said the Joint Powers are currently writing an addendum to their Agreement to include the Gang Task Force.

Mayor Ramirez stated that this is a small step that will only grow over time. Efforts will continue to find available funding for this program.

Mayor Ramirez asked for public comment

The following persons spoke on this item:

Ray Jensen, 1721 Mich Court, Yuba City

Councilmember Gill moved to adopt Resolution 08-110 approving the formation of the Gang Suppression Unit, participation in a regional gang enforcement task force, reclassify one patrol officer position to a police sergeant position and make personnel adjustments within the Police Department to accomplish same. Additionally, authorize the Chief Financial Officer to make budget adjustments as required. Councilmember Maan seconded the motion that passed with a unanimous vote.

22. Establishment of an Economic Development Manager Position Salary and Compensation Range

Assistant City Manager Steve Kroeger stated on August 5th, the Council approved the formation of the Economic Development Commission. This is the first step in a three

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step process. The next step was to meet with the five member Commission to discuss the Economic Development Manager position that would be responsible for implementing the recommendations of this Commission. The third and final step was to seek Council approval for this position.

Mr. Kroeger asked Council to approve the recommendation authorizing an amendment to the Salary Schedule and Compensation Plan for the classification of Economic Development Manager. He said a timeline for recruitment is in the staff report. He asked Council to wait for recruitment as this position will be part of the overall cost reduction plan asked for by the City Manager. He also noted that half of the funding for this position was with Redevelopment funds.

Councilmember Maan moved to adopt Resolution 08-111 authorizing the Finance Director to amend the Salary Schedule and Compensation Plan to establish the classification of Economic Development Manager. Councilmember Gill seconded the motion that passed with a unanimous vote.

23. Gauche Aquatic Park: Months of Operation

Parks and Recreation Director Brad McIntire recommended that Council leave the Aquatics Complex open for the months of November, December and January. There will be fixed costs associated with the operation for the additional months, such as staffing. The aquatics center currently has two staff members that are a part of the facility's budget. The anticipated variable costs will be for heating, staffing for programming and potential revenue. Mr. McIntire informed the Council that the recovery cost for this type of facility is usually 60-70%. Currently, Gauche is at approximately 87% recovery cost, which was better than expected.

Mr. McIntire gave complements to his staff for their efforts in the daily operations of the facility's first year.

Councilmember Miller moved to approve the direction to Staff to keep the facility open for the months of November, December and January 2008-09. Councilmember Gill seconded the motion that passed with a unanimous vote.

24. A request to abate the property located at 2915 Monroe Road for property maintenance violations in accordance with the Yuba City Municipal Code

Community Development Director Aaron Busch stated that this property has been abandoned. At one time there was a caretaker that lived there and made an effort to comply with the City's ordinance. As it stands, several attempts to contact the property owners and the caretaker have failed. The weed growth, overgrown trees and nightly trespassing have now created a health and safety issue.

Mr. Busch asked Council to direct staff to begin the abatement process for the property. He stated that he would like to have the paperwork completed and filed with the Court by Thursday, October 9, 2008.

Council expressed concerns over recovering the funds required to complete this project. Mr. Busch indicated that this would be a revolving fund account that would begin in the negative and the funds would be recuperated after the sale of the property through the lien process.

Council also stated they have concerns that the funds will be spent now and if the property goes unsold; the same issue will take place again in the future. There was also

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concern that the quote given for this project was too high. Council would like to see additional bids obtained to ensure that the City is getting the best price available.

Mr. Busch stated that within the quote, the landscaper will make use a chemical premergent, and the trees would be cut to prevent future issues.

Councilmember Miller moved to direct staff to initiate the appropriate abatement procedures to correct the property maintenance violations on the property located at 2915 Monroe Road in accordance with the Yuba City Municipal Code. In addition, the Council requested that three quotes be obtained prior to commencement of this project. Councilmember Gill seconded the motion that passed with a unanimous vote.

25. Change the status of a temporary position to a Limited Term Project Manager Position in the Public Works Department

Public Works Director George Musallam stated the current Project Manager Position is extra help. Claire Shawver holds this position and has worked on the Plumas Streetscape and Police Department Expansion Projects. She has done an outstanding job and has completed both projects on time and under budget. He stated that there will savings to the City in changing this position from an extra-help position to a limited term. Mr. Musallam requested Council to approve one limited term Project Manager position.

Councilmember Miller moved to adopt Resolution 08-112 approving one limited term Project Manager position in the Public Works Department for a period not to exceed October 7, 2009 and authorize the Director of Finance to allocate funding through the Capital Improvement Program for the cost of the position. Councilmember Gill seconded the motion that passed with a unanimous vote.

26. Amendment to Memorandum of Understanding with the Yuba-Sutter Chamber of Commerce

Assistant City Manager Steve Kroeger stated on May 20, 2008 Council approved a funding agreement with the Chamber of Commerce and that funding was contingent on Yuba and Sutter County and the City of Marysville participating. Since then, the City of Marysville has not been able to reassure their ability to fund this program.

Mr. Kroeger introduced Laura Nicholson and Bob Harlan the Yuba Sutter Chamber of Commerce.

Laura Nicholson and Bob Harlan addressed Council with a presentation of the Chamber of Commerce website, showing the efforts being made to further tourism and advertisement of the regional businesses. Bob Harlan stated that further advertising efforts have been made, such as using Via and Sunset magazines. Since the advertisement in these magazines the requests, for tourist guides have significantly increased. This in turn increases revenue within the City of Yuba City.

Councilmember Maan moved to approve an Amendment to Memorandum of Understanding with the Yuba-Sutter Chamber of Commerce that provides for tourism program funding from Yuba City absent the participation of the City of Marysville, and changes the semi-annual reporting period to April and October. Councilmember Gill seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

27. City Council Reports

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- Councilmember Gill said he is looking forward to the Centennial Celebration as well as the Splash & Dash event at the Gauche Aquatics Park. He complimented Fire Chief Marc Boomgaarden for his participation in the Pink October Event.
- Councilmember Maan said he is also looking forward to the Centennial Celebration and the broadcast of the “Chamber Challenge Show”. He is currently on the committee for Beale Air Force Base. He spent a day at Beale and was able to see the Global Hawk in flight. The Committee and distinguished guests had discussed future technology and the role Beale Air Force base has in the creation and use of that technology.
- Councilmember Miller invited everyone to come join the Centennial Celebration and the ribbon cutting for the grand opening of Plumas Street. He also stated that the Council and City Manager Steve Jepsen attended the League of California Cities Conference and received a lot of valuable information.
- Mayor Pro Tem McBride stated she agrees with the rest of council and hopes to see everyone on Friday at the Celebration.
- Mayor Ramirez also hopes to see everyone at the Celebration. He reminded everyone that the Splash & Dash event would be taking place Thursday, October 8th at the Gauche Aquatics Park at 5:30 p.m. This event is a fundraiser to help keep the Aquatics Park open during the winter months.

Adjournment

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 9:47 p.m.