

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
OCTOBER 21, 2008  
Closed Session – 6:00 p.m.  
Regular Meeting – 7:00 p.m.**

**Closed Session 6:00 p.m.—Butte Room**

Conferred with real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding negotiations regarding possible lease of the following property or portions thereof: APN 52-241-013, 701 Plumas Street.

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

**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 7:03 p.m.

**Roll Call**

Present: Councilmembers Gill, Maan, McBride, Miller, and Mayor Ramirez  
Absent: None

**Invocation**

City Manager Steve Jepsen gave the invocation.

**Pledge of Allegiance to the Flag**

Councilmember Maan led the Pledge of Allegiance to the Flag.

**Presentations and Proclamations**

1. **Presentations of Championship Rings to the Yuba City High School 2008 Baseball Team for their Sac-Joaquin Section Div. III Championship** - Mayor Ramirez and Coach Stassi presented championship rings to the Section Dev. III champions.
2. **Presentation of Life Saving Awards to Rosita Cazares and Bobbi Campos** – not presented due to non-attendance.
3. **Proclamation for Crime Prevention** - Presented by Mayor Ramirez to Tony Blackwell and Mary Alice Schumate.
4. **Presentation from Councilmembers Tej Maan & Kash Gill and Assistant City Manager Steve Kroeger to the Friends of Yuba City Parks & Recreation** – A check for \$300 as presented to the Friends of Yuba City Parks & Recreation.

**Public Hearings**

5. **Introduction of an Ordinance Prohibiting Daytime Loitering of Minors in Public Places during School Hours**

Deputy Chief of Police Robert Landon stated that a 2003 study discovered that truancy leads to future negative behavior in adults. Since January 2007, we have had 536 burglaries and 110 of those occurred during the daytime with 11 arrests attributed to juveniles. Burglars do not commit one offence and get caught. Juveniles were probably responsible for many more than the 11 in which they were caught. Milwaukee experienced a 33% decrease in daytime burglary and 29% decrease in daytime aggregated batteries since implementing a loitering ordinance. Other cities instituting a loitering ordinance have had similar statistics.

Currently, State law gives us the ability to stop and detain individuals who appear to be minor students and return the students to school if they are truant. There is no state law allowing penalties. Sutter County, Yuba City Unified School District and the City coordinated writing this ordinance. This would give officers the authority to issue a citation to any juvenile, parent, guardian or caretaker or individual in violation of this ordinance and to transport the juvenile. If cited, they would appear in court. The fine would not exceed \$250, or they may be required to do county or school work projects or community service, or both. Community service would not exceed 20 hours in any 60 day time period. Parents may be contacted and educated about the responsibilities of

the ordinance. If the parent is aiding or abetting, the parent can be cited. He noted that gang members were usually prior truants.

Deputy Chief Landon said Chris Odom, Probation Chief, had contacted him and said they are working on a variety of options in lieu of fines.

Mayor Ramirez opened the public hearing. The following individuals spoke in favor of the ordinance:

Gera Rickel, 784 S. Butte Rd., Sutter  
Nancy Aaberg, 2406 Couvillaud St., Marysville

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

Councilmembers applauded the addition of this chapter to the ordinance and felt this would put some teeth into the existing ordinance. Mayor Ramirez said he would like the ordinance to remain as presented and is not in favor of diluting the ordinance with "in lieu of fines."

Councilmember Maan moved to introduce Ordinance No. 011-08 adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles and waive the first reading. Councilmember Gill seconded the motion that passed with the following vote:

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

#### **Public Communications on Items Not on the Agenda**

6. **Written Requests** - none
7. **Appearance of Interested Citizens** -none

#### **Bids**

8. **Award Wastewater Treatment Facility Solids Thickening Improvements Project (Formal Bid Project No. 08-06)**

Assistant Utilities Director Maria Solis said the engineer's estimate for this project was \$2,100,000. Of the nine bids received, the low bid was for \$1,499,300 was submitted by Auburn Constructors. PG&E has also agreed to give the City a \$70,000 energy rebate. The project provides redundancy for two process units, reduces energy consumption, reduces chemical usage and will provide reduced maintenance operation costs.

Councilmember Gill moved to (a) Award Contract No. 08-06, Wastewater Treatment Facility Solids Thickening Improvements Project to Auburn Constructors Inc. of Sacramento, CA in the bid amount of \$1,499,300 and authorize the Finance Director to perform related budget transfers between Project accounts; and (b) Authorize the City Manager to execute the contract on behalf of the City following approval by the City Attorney not to exceed \$1,724,000. Councilmember Miller seconded the motion that passed with a unanimous vote.

#### **Ordinances**

9. **Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District; Owner/Applicant: Taylor Lincoln-Walton**

Public Works Director George Musallam said this is the second reading of an ordinance introduced at the last Council meeting.

Councilmember Maan moved to adopt Ordinance No. 010-08 for approval of Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District, as shown on Exhibit A, and waive the second reading. Councilmember Miller seconded the motion that passed with a unanimous vote.

#### **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 30, 2008**

Approved the Special Council meeting minutes of September 30, 2008.

**11. CDBG Sidewalk Improvements Project 2008**

Adopted Resolution No. 08-113 approving the plans and specifications for the CDBG Sidewalk Improvements Project 2008 and authorizing advertisement for bids on the project.

**12. Red Flag Identity Theft Prevention Program Policy for Utility Customers**

Adopted Resolution No. 08-114 approving Yuba City's Red Flag Identity Theft Prevention Program Policy designed to detect, prevent and mitigate identity theft for Utility accounts.

**General Items**

**13. Franklin Road/Walton Avenue Improvements**

Public Works Director George Musallam presented three options for the Franklin Road/Walton Avenue improvement project. Additional right of way will need to be acquired on Walton. Property owners contacted have agreed to dedicate the right to way with no cost to the City. The selected option, Option 1, provides for: four lanes with a continuous left turn lane, bicycle lanes, and sidewalks on the east side of Walton Avenue, and four lanes within the existing right of way on Franklin between Walton and Littlejohn Road. The improvements on Franklin will result in no parking being allowed. It is only option possible without the purchase of additional right-of-way. The project will be paid from impact fees collected from developers. Meetings will be held with property owners to address their concerns. Mr. Musallam responded to questions from Council. Councilmember Gill asked if continued striping for 4 lanes on Franklin would continue west to Harding. Mr. Musallam said they are investigating that possibility.

Councilmember Gill moved to (a) Approve the proposed typical sections for Walton Avenue between Anneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road; (b) Authorize the City Manager to sign an Easement Agreement with Crowne Development, Inc., for dedication of right-of-way and a public utility easement associated with AP# 58-120-001 (428 N. Walton Avenue); and (c) Authorize the City Manager to sign an Easement Agreement with Gurmit Rai, etal, for dedication of right-of-way associated with AP# 57-150-117 (southwest corner of Franklin Road and Walton Avenue). Councilmember Maan seconded the motion that passed with a unanimous vote.

**14. Water Treatment Plant Remodel – Approval of Plans and Specifications**

Associate Engineer Ian Pietz said Council approved design services with Estrada Engineering in May of this year for this project at the Water Treatment Plant. The building was originally constructed in 1969. Only minor improvements have occurred since then. The project will convert existing lab space that is not being used into offices and a meeting room. It will include a new HVAC system and add security, and it will make the building ADA compliance. The engineer's estimate is \$950,000, but it is hoped bids will come in lower.

Councilmember Miller moved to (a) Adopt Resolution No. 08-115 approving plans and specifications for the Water Treatment Plant remodel; and (b) Direct the advertisement for competitive bids. Councilmember Gill seconded the motion that passed with a unanimous vote.

**Business from the City Manager**

**15. Renewal of City Manager's Employment Agreement for 2008 through 2013**

City Manager Steve Jepsen said he is here to ask for renewal of his 5-year contract for the period 2008-2013. He proposed the following changes: a deferred merit cost of living increase for this year, advancement of the progression of vacation from 3 weeks to 4 weeks, and for the final contract year, he added deferred compensation of 2.5%. He noted he has been with the City for 2-1/2 years in which he has received one pay increase. Challenging times require that we model the expectations we have of others. The City is in the process of compiling budget revisions based on revenue changes. That should come back to Council at the first meeting in November. He expressed his satisfaction with the City personally and professionally.

Councilmembers felt Mr. Jepsen is leading by example and addressing difficult fiscal challenges. They acknowledged that he is proactive during difficult times and thanked him.

Councilmember Gill moved to authorize the Mayor to sign the Agreement providing for the City Manager's Employment from November 1, 2008 through November 1, 2013. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

**16. City Council Reports**

- Councilmember Gill said he has been contacted by Don Applegarth of Don's Furniture regarding a proliferation of signs on Highway 99. He was previously contacted by Code Enforcement and asked to remove his sign. Councilmember Gill felt the sign issue needs to be addressed by staff. He said some of the Hillcrest ballots were sent out with incorrect information and were then remailed. He said we need to determine which ballots would be accepted. He reminded everyone the Sikh Parade is coming up on November 2<sup>nd</sup>. A fireworks show is scheduled for October 31. On November 1 there will be an open house.
- Councilmember Maan added that the Sikh event will give the community the opportunity to get to know their neighbors. Saturday, November 1, is the better day to visit the Sikh temple since Sunday will be very busy. All food is free and everyone is invited.
- Councilmember Miller reminded everyone that our next meeting, November 4, is also Election Day.
- Mayor Pro Tem McBride – nothing to report.
- Mayor Ramirez – nothing to report.

**Adjournment**

Mayor Ramirez adjourned the regular City Council meeting of the City of Yuba City at 8:29 p.m.

\_\_\_\_\_  
Rory Ramirez  
Mayor

ATTEST:

\_\_\_\_\_  
Terrel Locke  
City Clerk