

AGENDA

REGULAR MEETING

CITY COUNCIL & REDEVELOPMENT AGENCY CITY OF YUBA CITY

NOVEMBER 4, 2008

CLOSED SESSION – 5:30 P.M. – BUTTE ROOM
REGULAR MEETING – 7:00 P.M. – COUNCIL CHAMBERS

RORY RAMIREZ
Mayor

LESLIE MCBRIDE
Mayor Pro Tem

TEJ MAAN
Councilmember



KASH GILL
Councilmember

JOHN MILLER
Councilmember

STEVEN JEPSEN
City Manager

TIMOTHY HAYES
City Attorney

**Council Chambers Wheelchair Accessible
1201 Civic Center Blvd., Yuba City, CA**

If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4601 at least 72 hours in advance so such aids or services can be arranged.

City Hall TDD: 530-822-4732

**AGENDA
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
NOVEMBER 4, 2008
Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Materials related to an item on this Agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net subject to staff's availability to post the documents before the meeting.

Closed Session 5:30 p.m.—Butte Room

Confer 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 property of portions thereof: APN 52-401-014 and 52-413-006.

Confer 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 property or portion thereof: 52-380-017.

Confer with legal counsel regarding existing litigation pursuant to Government Code Section 54956.9 (a), City of Yuba City vs. Dunmore, Sutter County Superior Court Case No. CVCS 08-1170.

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

Regular Meeting 7:00 p.m.—Council Chambers

Call to Order

Roll Call: ___ Mayor Ramirez
 ___ Mayor Pro Tem McBride
 ___ Councilmember Gill
 ___ Councilmember Maan
 ___ Councilmember Miller

Invocation

Pledge of Allegiance to the Flag

Presentations and Proclamations

1. Proclamation for Law Enforcement Records and Support Personnel Day

Public Communication

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the

agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

2. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted 5 minutes to speak.

3. Appearance of Interested Citizens

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to 3 minutes.

Bid Openings

4. Sun SPARC Enterprise M4000 Server (FB 09-02)

Recommendation: Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.

Ordinances

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

Recommendation: Adopt 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 second reading.

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

6. City Council Approval of Minutes of October 7 and 21, 2008

Recommendation: Approve the Council meeting minutes of August 5, 2008.

7. Transportation Development Act (TDA) Claim for FY 2008-2009

Recommendation: Adopt a resolution authorizing submission of the City's FY 2008-2009 TDA claim to the Sacramento Area Council of Governments (SACOG).

8. Biennial Review of the City of Yuba City Conflict of Interest Code

Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

9. The Feather River Parkway – Willow Island Project Grant Funding

- Recommendation:
1. Adopt a resolution authorizing the City Manager to execute an amendment of Memorandum of Understanding with the Sutter County Resource Conservation District (SCRCD) for the preparation of the Grant Application to the Resource Agency for Phase II of the Feather River Parkway – Willow Island Project, and
 2. Adopt a resolution approving the filing of an application for grant funds for the California River Parkways Grant program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

General Items

10. Presentation of Treasurer’s Report – Quarter Ended September 30, 2008

Recommendation: Note & File Quarterly Treasurer's Report

11. Final Financial Report for Fiscal Year Ending June 30, 2008

Recommendation: Note and File the Final Financial Report for the Fiscal Year Ending June 30, 2008.

12. Budget Status Report for Fiscal Year 2008-09 and Quarterly Financial Report

Recommendation: Review and discuss the Quarterly Financial Report and provide direction to staff regarding proposed FY 2008-09 budget reductions.

Business from the City Council/Redevelopment Agency Board


13. Discussion and direction to staff on the potential for, and use of, Redevelopment Set Aside Funding (to \$5 million) for the acquisition of distressed properties in Yuba City

14. City Council Reports

- Councilmember Gill
- Councilmember Maan
- Councilmember Miller
- Mayor Pro Tem McBride
- Mayor Ramirez

Adjournment

**City of Yuba City
Staff Report**

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: General Services Department
Presentation By: Devin Barber, General Services Director 

Summary

Subject: Sun SPARC Enterprise M4000 Server (FB 09-02)
Recommendation: Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.
Fiscal Impact: \$59,396.28 Technology Replacement Fund account # 6630-69201.

Background:

The existing server is now five years old and had reached the end of its useful life. It no longer meets the reliability requirements for its role and is no longer completely supported by Sun Microsystems Inc because of its age.

Analysis:

General Services worked with Information Technology and the City's Sun Microsystems representative to develop specifications that would meet the City's requirements. A formal bid was developed and advertised according to the City's ordinances. Seven (7) vendors received bid notification and the City received five (5) responses. The following bids were received:

<u>Vendor</u>	<u>Total Bid</u>
GovStor Sacramento, CA	\$59,396.28
Technologent Glendale, CA	\$71,303.62
CDW-G Vernon Hills, IL	\$73,884.44
Impex Technologies Torrance, CA	\$74,515.61

Venet Communications
Scottsdale, AZ

\$76,027.33

Information Technology worked with the City's Sun Microsystems representative to ensure all vendors were authorized to sell Sun equipment

Fiscal Impact:

Funding for this purchase has been appropriated in the FY09 budget and is available in the Technology Replacement Fund account # 6630-69201. The account has a balance of \$108,000.00, so sufficient funds are available for this purchase.

Alternatives:

- 1) Reject the bid
- 2) Request new bid process
- 3) Do not purchase

Recommendation:

Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.

Prepared By:

Vicky Anderson

Vicky Anderson
Analyst

Submitted By:

[Signature]

Steven R. Jepsen
City Manager

Reviewed By:

Department Head

Finance

City Attorney

[Signature]

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: Yuba City Police Department
Presentation By: Robert D. Landon, Deputy Chief of Police

Summary

Subject: **ORDINANCE PROHIBITING DAYTIME LOITERING OF MINORS IN PUBLIC PLACES DURING SCHOOL HOURS.**

Recommendation: Staff recommends that the City Council adopt 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 second reading.

Fiscal Impact: The Police Department does not anticipate additional costs to enforce the proposed ordinance.

Background: In 2003 a study by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) discovered that truancy, or unexcused absences from school, have been linked to serious delinquent activity in youth and is an indicator of significant future negative behavior in adults. The study cited truancy to be a contributing factor to substance abuse, gang activity, and involvement in daytime criminal activities such as burglary, auto theft and vandalism. The Yuba City Police Department has had several cases in the past year (2008) where daytime burglaries were attributed to juveniles during the hours of school, with 5 arrests made (3 of these suspects were validated to be gang members).

Milwaukee, Wisconsin has experienced a 33 percent decrease in daytime burglary and a 29 percent decrease in daytime aggravated batteries since the implementation of a truancy initiative. Rohnert Park, California, saw a 75 percent lower daytime burglary rate after they began their truancy program titled "Stop, Cite, and Return." Peoria, Arizona, implemented "Operation Save Kids" which targets truancy and has seen a 65 percent decrease in their daytime burglary.

Current state law allows police officers to stop and detain individuals who appear to be minor truants from school. The Education and the Welfare and Institutions Code violations do not provide criminal penalties. As a result, police officers currently have the authority to stop and detain minors to determine their truancy status and return to school those students determined to be truant; however because there is no criminal penalty imposed, there is no intervention in the form of required judicial appearance or criminal penalties when appropriate.

The Student Attendance Review Board (SARB) is currently utilized to identify chronic truants. SARB consists of representatives from the school district, the police department, the juvenile justice system and social services to work with the truant and his/her family to get the student back to school. Unfortunately this happens after the student is identified as a chronic truant. Enactment of the proposed ordinance would change this and allow early identification and intervention.

In addition the County of Sutter and the Yuba City Unified School District strongly support and were a part of a committee formed to draft this ordinance. It is anticipated that a similar ordinance will be presented to the Sutter County Board of Supervisors in order to ensure continuity of enforcement throughout the County of Sutter and City of Yuba City.

Currently the City of Yuba City has an existing Nighttime Curfew ordinance that deals with juveniles loitering between the hours of 10:00 pm and 5 am in chapter 8 of Title 5 in the Yuba City Municipal Code. The Daytime Loitering and Truancy of Juveniles ordinance would add chapter 8A to the existing chapter on Nighttime Curfew and address the concerns listed above in dealing with juveniles loitering during hours of school and truants.

Analysis:

The proposed addition of Chapter 8A of Title 5 to the Municipal Code would give officers who identify a student as a truant the authority to:

- Issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and allow them to detain the juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or allow the officer to transport the juvenile to his or her home or to school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as directed by the citation. A juvenile convicted of violating this chapter may be fined an amount not to exceed two hundred and fifty dollars (\$250.00) or they may be required to perform county or school-approved work projects or community service or both. The amount

of time for this community service shall not exceed twenty hours (20)

- Contact the student's parent(s) and educate them about their responsibilities as outlined in the ordinance. If an adult is aiding or abetting the juvenile, issue the adult a citation for an infraction. A conviction on the charges from the citation shall not exceed two hundred and fifty dollars (\$250.00).

The ordinance is necessary to:

- Protect minors from becoming crime victims
- Prevent minors from taking part in criminal activity
- Identify and deter minors from becoming chronic truants
- Ensure early truancy intervention to provide education to the minor and his/her family.
- Support current state statutory mandates with a city ordinance for enforcement.

Fiscal Impact:

The Police Department does not anticipate additional costs to enforce the proposed ordinance.


Alternatives:

Leave existing curfew ordinance in place as written.

Recommendation:


Staff recommends that the City Council adopt 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 second reading.

Prepared By:



(Robert D. Landon)
(Deputy Chief of Police)

Submitted By:



Steven R. Jepsen
City Manager

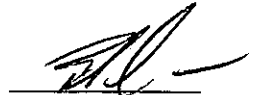
Reviewed By:


Department Head

Finance

City Attorney

Other: (Name, Title)





Verbal

ORDINANCE NO. 011-08

**AN ORDINANCE OF THE CITY OF YUBA CITY
ADDING CHAPTER 8A OF TITLE 5 TO THE YUBA CITY MUNICIPAL CODE
PERTAINING TO DAYTIME LOITERING AND TRUANCY OF JUVENILES**

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8A of the Yuba City Municipal Code is hereby added to Title 5 to read as follows:

CHAPTER 8A

DAYTIME LOITERING AND TRUANCY OF JUVENILES

Sections:

5-8A.010	Declaration of Intent
5-8A.020	Definitions
5-8A.030	Daytime Loitering or Truancy
5-8A.040	Parental, Guardian and Caretaker Responsibility
5-8A.050	Violation, Enforcement and Penalties

Section 5-8A.010 Declaration of Intent. The purpose of this ordinance is to reduce the incidents of juvenile loitering and truancy that create a burden upon the health, safety and welfare of the community. Students who are absent from school are more likely to participate in unlawful activities and to become victims of crime. In addition, they impose an extraordinary burden on the manpower and resources of law enforcement because juveniles taken into custody must be supervised by law enforcement personnel until they are released to a parent or guardian. Personnel supervising these juveniles are then unavailable to carry out law enforcement duties in the field thereby decreasing the level of protection afforded to the community. The City Council finds that having an enforceable juvenile loitering and truancy ordinance is critical to addressing these concerns and determines that a special need exists for the adoption of such an ordinance.

Section 5-8A.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Adult" means any person who is eighteen (18) years of age and older or who is emancipated pursuant to law.

(b) "Caretaker" means any person who is eighteen (18) years of age or older, other than the juvenile's parent or legal guardian, who has been given and has accepted responsibility for the care, custody and control of the juvenile by the juvenile's parent or legal guardian.

(c) "Emergency" means the unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to fire, natural disaster, automobile accident or requirement for immediate medical care for another person.

(d) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(e) "Guardian" means a person who, or private agency that, under court order, has been named the guardian of the juvenile.

(f) "Juvenile" means any person less than eighteen (18) years of age who is not emancipated pursuant to law.

(g) "Loitering" means to linger or hang around in a public place or establishment where one has no particular or legal purpose.

(h) "Parent" means a person who is the natural or adoptive mother or father of a person.

(i) "Public place" means any place to which the public has access and includes but is not limited to public streets, highways, roads, alleys, parks, playgrounds, public buildings, public right-of-ways, public grounds, dedicated open or trail space, or privately owned land that is unsupervised and from which the public is not expressly excluded under applicable trespass laws, including but not limited to vacant lots, parking lots and the common areas of hospitals, apartment complexes, housing complexes, office buildings, transport facilities, shopping centers and malls. For the purposes of this chapter, public place shall not include the buildings, grounds or facilities of the school which the juvenile is required to attend but shall include the buildings, grounds and facilities of schools in which the juvenile is not enrolled.

(j) "Truancy" means the act or condition of being absent from school without permission by one who is subject to compulsory full-time education or to compulsory continuation or alternative education under state law.

Section 5-8A.030 Daytime Loitering or Truancy

It is unlawful for any juvenile, who is subject to compulsory full-time education or to compulsory continuation, or alternative education under state law, to loiter in, or upon, any establishment or public place during the hours of 8:30 a.m. and 2:00 p.m., on any day when that juvenile would otherwise be required to attend school. The provisions of this section shall not apply if:

(a) The juvenile is accompanied by his or her parent, legal guardian or caretaker; or

(b) The juvenile is on an emergency errand directed by a parent, legal guardian or caretaker; or

(c) The juvenile is going to or coming directly from his or her place of school-authorized employment; or

(d) The juvenile is going to or from a medical, dental, optometry, or chiropractic appointment; or

(e) The juvenile is a student who has permission to leave the school campus for lunch or school related activity and has in his or her possession a valid, school-issued, off-campus permit; or

(f) The juvenile is going to or coming from a compulsory alternative education program activity; or

(h) The juvenile is attending or, without any detour or stop, going to, or returning from, an event or activity directly related to the medical condition of the parent, legal guardian or child of whom the juvenile is the custodial parent; or

(i) The juvenile is officially enrolled in home schooling; or

(j) The juvenile is exempt by law from compulsory education, continuation education or alternative education; or

(k) The juvenile is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law, or

(g) The juvenile is, without any detour or stop, going to or returning from any event or activity authorized by the provisions of California Education Code Section 48205 or any other applicable state or federal law.

(h) The school which the juvenile is required to attend is not in session.

Section 5-8A.040 Parental, Guardian and Caretaker Responsibility. It is unlawful for the parent, legal guardian or caretaker of any juvenile to knowingly permit or, by insufficient control, to allow the juvenile to be in violation of Section 5-8A.030 of this chapter.

Section 5-8A.050 Violation, Enforcement and Penalties.

A. Violation. Any person who willfully violates any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Yuba City may be entitled.

B. Aiding and Abetting. Any person who willfully permits, aids, abets, allows or encourages any juvenile to violate any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Yuba City may be entitled.

C. Enforcement. A peace officer may issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and may detain the juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or may transport the juvenile to his or her home or to the school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as directed by the citation.

D. Penalties.

(1) Any juvenile convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars (\$250.00) or may be required to perform county or school-approved work projects or community service or both. If required to perform a project, the total time for performance shall not exceed twenty (20) hours over a period not to exceed sixty (60) days, during times other than a juvenile's hours of school attendance or juvenile, parent or legal guardian's hours of employment.

(2) Any parent, legal guardian, caretaker or individual convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty DOLLARS (\$250.00).

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall become effective thirty (30) days after its adoption and within fifteen (15) days of the passage of this ordinance, a copy shall be published once in the Appeal Democrat, a newspaper of general circulation in the City of Yuba City.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 21st day of October, 2008, and adopted at a regular meeting thereof held on ____ day of _____, 2008.

AYES:
NOES:
ABSENT:

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk

APPROVED AS TO FORM:

Timothy P. Hayes
City Attorney

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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.

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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

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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.

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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, et al, 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.

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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 2nd. 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

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: Finance
Presentation By: Robin Bertagna, C.P.A., Finance Director

Summary

Subject: Transportation Development Act (TDA) Claim for FY 2008-2009
Recommendation: Adopt a resolution authorizing submission of the City's FY 2008-2009 TDA claim to the Sacramento Area Council of Governments (SACOG).
Fiscal Impact: The allocation of the City's FY 2008-2009 TDA revenue was included in the adopted FY 2008-2009 Budget.

Background:

The City Council is requested to approve the following allocation of the City's fiscal year Local Transportation Fund (LTF) revenues as indicated below:

1.	Yuba City Streets & Roads Fund	\$1,138,096
2.	Sacramento Area Council of Governments (SACOG)	68,213
3.	<u>Yuba-Sutter Transit Authority (YSTA)</u>	<u>1,067,451</u>
	Total	\$2,273,760

Analysis:

The Sales Tax rate in Sutter County is currently 7.25%. A total of 0.25% of the 7.25% rate is collected by the State and allocated back to each city and county (based on population) for local transportation services and projects. The City of Yuba City's share of these funds for FY 2008-2009 totals \$2,273,760, an 18% decrease from FY 2007-08. Of this amount, YSTA is apportioned a share (in accordance with our Joint Powers Agreement), SACOG receives a portion for planning costs, and the remainder is placed in the City's Streets and Roads fund.

YSTA will use their portion (\$1,067,451) to improve routes and service, capital expansion, and fleet replacement. The YSTA portion has increased 0.8 percent over last year, and has increased an average of 19.7 percent per year in the five years prior, FY 2003-2004 through FY 2007-2008.

Fiscal Impact:

\$1,206,309 in revenue will be received by the City for streets and roads projects as approved in the FY 2008-2009 CIP Budget.

Alternatives:

Adoption of the Local Transportation Fund (LTF) TDA Claim resolution is a requirement in order to receive LTF revenues. It is, therefore, staff's opinion that it is in the City's best interest for the City Council to adopt the attached resolution. Alternatives include adopting the resolution in a modified form.

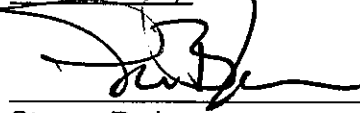
Recommendation:

Staff recommends that the City Council adopt the attached resolution authorizing submission of the City's FY 2008-2009 TDA claim to SACOG.

Prepared By:


Spencer Morrison
Accountant II


Submitted By:


Steven R. Jepsen
City Manager

Reviewed By:

Assistant City Manager

Finance Director



RESOLUTION NO. _____

**Resolution of The City Council of The City of Yuba City
Authorizing Submission of the FY 2008-2009 Transportation
Development Act Claim to the Sacramento Area Council of
Governments**

Whereas, the State of California enacted the Transportation Development Act (TDA) in 1972 to provide funds for transportation needs each fiscal year; and

Whereas, the Sacramento Area Council of Governments (SACOG) is designated as the Transportation Planning Agency for the City of Yuba City to receive claims for approval pursuant to TDA rules and regulations; and

Whereas, SACOG has adopted funding of apportionment for the Local Transportation Funds for Fiscal Year 2008-2009; and

Whereas, after transportation needs have been met, any unused funds may be used for street and road improvements.

Now, therefore, be it resolved that the attached Fiscal Year 2008-2009 TDA claims be hereby approved and forwarded to SACOG and that the Administrative Services Director is hereby authorized to make the necessary budget amendments, transfers, accounting entries, etc. to carry out the Council's policies and directives related to this matter.

Passed and Adopted by the City Council of the City of Yuba City this 4th day of November, 2008 by the following vote:

Ayes:

Noes:

Absent:

Mayor

Attest:

City Clerk

TDA-1

TRANSPORTATION DEVELOPMENT ACT CLAIM

TO: Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

FROM: Claimant City of Yuba City
Address 1201 Civic Center Blvd.
City Yuba City Zip Code CA
Contact Person Robin Bertagna Phone (530) 822-4615

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

LTF \$1,206,309 (FY: 2008/2009)
_____ (FY /)
_____ (FY /)
_____ (FY /)

STA _____ (FY 20 /20)
_____ (FY /)
_____ (FY /)
_____ (FY /)

Submitted By Robin Bertagna
Title Finance Director
Date November 7, 2008

**TDA-2
ANNUAL PROJECT AND EXPENDITURE PLAN**

Claimant: City of Yuba City		Fiscal Year: 2008-2009											
Project Title and TDA Article Number	TDA LTF	SOURCES OF FUNDING								Other	TOTAL		
		TDA STA	Transit Fares	Measure A	Road Fund	Dev. Fees/ Const. Tax	Federal/ State						
Article * : Section 99400	1,138,096												1,138,096
SACOG Planning	68,213												68,213
TOTAL REQUEST	1,206,309	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	1,206,309

Revised 3/00

TDA-4
STATEMENT OF CONFORMANCE

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The City of Yuba City hereby certifies that the Transportation Development Act claim for fiscal year(s) 2008/2009 in the amount of \$ 1,206,309 (LTF) and \$ 0.00 (STA) for a total of \$ 1,206,309 conforms with the requirements of the Transportation Development Act and applicable rules and regulations. (See Attachment A for listing of conformance requirements)

Certified By _____
Title Finance Director
Date 10/20/2008

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: City Clerk
Presentation By: Terrel Locke, City Clerk

Summary

Subject: Biennial Review of the City of Yuba City Conflict of Interest Code
Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions
Fiscal Impact: None

Background:

In accordance with Government Code Section 87306.5, local agencies must conduct a biennial review of its conflict of interest code. The code must contain language that incorporates Fair Political Practices Commission (FPPC) Reg. 18730 or the basic provisions required in Government Code Section 87302. The last review and update was approved by the City Council on September 19, 2006.

Analysis:

Staff has reviewed the Conflict of Interest Code and has determined that amendments to the Code are necessary in order to accurately designate all positions that make or participate in the making of governmental decisions, which may foreseeably have a material effect on any financial interest. This amendment is due to personnel classification additions or deletions that have been incorporated in the City's annual budget process (Appendix A) and clarification of the disclosure categories (Appendix B).

Fiscal Impact:

None.

Alternatives:

Do not approve the amended Conflict of Interest Code.

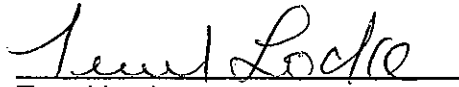
Recommendation:

Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

Attachment:

- Yuba City Conflict of Interest Code

Prepared By:



Terrel Locke
City Clerk

Submitted By:




Steven R. Jepsen
City Manager

Reviewed By:

Finance

City Attorney


RB
OK by email

City of Yuba City Conflict of Interest Code

The Political Reform Act, Government Code Sections 8100 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference, as the Conflict of Interest Code of the City of Yuba City along with the attached Appendix(s) in which officials and employees are designated and disclosure categories are set forth.

Designated employees shall file statements of economic interests with the City of Yuba City. The City shall make all statements available for public inspection and reproduction, pursuant to Government Section 81008.

Attachments:

- Appendix A: Designated Positions
- Appendix B: Disclosure Categories

**City of Yuba City
Conflict of Interest Code
Designated Positions**

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest. (Government Code Section 82019)

- 1) Making a governmental decision means the person:
 - a. Votes on a matter
 - b. Appoints a person
 - c. Obligates or commits his or her agency to any course of action; or
 - d. Enters into any contractual agreement on behalf of his or agency

- 2) Participating in making of a decision, means the person:
 - a. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision
 - b. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision

- 3) Consultant means an individual whom, pursuant to a contract with a state or local government agency makes a governmental decision whether to:
 - a. Approve a rate, rule, or regulation
 - b. Adopt or enforce a law
 - c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, or similar authorization or entitlement
 - d. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract
 - e. Grant agency approval to a plan, design, report, study, or similar item
 - f. Adopt or grant agency approval of policies, standards, or guidelines for the agency or for any subdivision thereof

Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer) are not required to be included in the list of designated positions because persons holding these positions are required to file FPPC Form 700 pursuant to State law.

List of Designated Positions Required to File Form 700:

Department	Position	Disclosure Category
Administration	Assistant City Manager	I
	Economic Development Manager	I
	City Clerk	II
	Administrative Analyst I/II	IV
Community Development	Community Development Director	I
	Planner - Principal	I
	Chief Building Official	I
	Associate Planner	I
	Permit Center Manager	I
	Plans Examiner	I
	Building Inspector I/II	I
Finance	Finance Director	I
Fire	Fire Chief	I
	Fire Division Chief	II
	Fire Prevention Manager	II
	Fire Safety Inspector	II/III
	Administrative Analyst III	II
General Services/IT	General Services/IT Director	I
	Administrative Analyst I/II/III	II
	Information Technology Supervisor	II
	Information Technology Analyst	II
	Fleet Maintenance Supervisor	IV
	Facility Manager	IV
Human Resources	Human Resources Director	I
	Administrative Analyst I/II/III	II
Parks & Recreation	Director of Parks & Recreation	I
	Recreation Manager	IV
Police	Police Chief	I
	Police Captain	I
	Police Lieutenant	II
	Administrative Manager	II

List of Designated Positions Required to File Form 700:

Department	Position	Disclosure Category
Public Works	Public Works Director	I
	Engineer - Principal	II
	Limited Term Project Manager	II
	Engineer - Associate Civil	III/IV
	Public Works Superintendent	III/IV
	Senior Construction Inspector	II/III
	Construction Inspector	II/III
	Parks Maintenance Supervisor	IV
	Street Maintenance Supervisor	IV
	Water/Sewer Maintenance Supervisor	IV
Utilities	Utilities Director	I
	Assistant Utilities Director	II
	Engineer - Associate Civil	II
	Senior Construction Inspector	II/III
	Laboratory Manager	II
	Water/Wastewater Facility Supervisor	II
	Water/Wastewater Chief Operator	IV
Plant Maintenance Supervisor	IV	
Redevelopment Agency	Deputy City Manager	I
	Housing Analyst I/II	III/IV
Boards & Commissions	Economic Development Commissioner	I
Consultants	Determined by City Manager (1)	I/II/III/IV

(1) Consultants (as defined by FPPC regulation 18700(a)(2)) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager or designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section.

Officials who manage Investments:

It has been determined that the position(s) listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code Section 87200:

Assistant City Manager
Finance Director

**City of Yuba City
Conflict of Interest Code
Disclosure Categories**

The following disclosure categories set forth the required contents of disclosure statements for officers and employees holding designated positions. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decisions made or participated in by the designated employee by virtue of the employee's position.

Category I

Designated employees assigned to Category I shall report all investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the City of Yuba City or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Category II

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to the City.

Designated employees assigned to Category II shall report:

- a) All investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.
- b) All income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with, the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

Category III

Designated employees assigned to Category III shall report:

- a) Investments in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.
- b) All income from any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

- d) All investment and interests in real property if the property is located within or subject to the jurisdiction of the City of Yuba City.

Category IV

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to their department/division.

Designated employees assigned to Category IV shall report:

- a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.
- b) Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING THE CITY OF YUBA CITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et seq.) required state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted regulations (2 Ca; Code of Regs. 18730) which contain the terms of a standard conflict of interest code; and

WHEREAS, after public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

NOW, THEREFORE, the City Council of the City of Yuba City does hereby resolve as follows:

That the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Section 18730) and any amendments to the Act are hereby incorporated by reference, and this regulation and the attached Appendix(s) designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the City of Yuba City; and

That designated employees shall file their Form 700 statements with the City Clerk's Office, which will make the statements available to public inspection and reproduction (Gov. Code Section 81008).

That all previously adopted resolutions approving conflict of interest codes are hereby rescinded.

The foregoing Resolution of the City Council of the City of Yuba City was duly and regularly introduced, passed and adopted at a regular meeting thereof held on this 4th day of November 2008, by the following vote:

Ayes:

Noes:

Absent:

Mayor

Attest:

City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: Parks and Recreation Department
Presentation By: Brad McIntire, Interim Parks & Recreation Director

Subject: The Feather River Parkway – Willow Island Project Grant Funding

Recommendation:

- a) Adopt a resolution authorizing the City Manager to execute an amendment of Memorandum of Understanding with the Sutter County Resource Conservation District (SCRCD) for the preparation of the Grant Application to the Resource Agency for Phase II of the Feather River Parkway – Willow Island Project
- b) Adopt a resolution approving the filing of an application for grant funds for the California River Parkways Grant program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)

Fiscal Impact: \$1,716,000, contingent upon grant award and payable by the grant if awarded. If the grant is awarded, \$1,716,000 in funding will be available to enhance the Feather River Parkway Project

Background and Analysis:

In 2002, the City of Yuba City completed the Feather River Parkway Strategic Plan in an effort to utilize approximately 175 acres along the Feather River. The plan was also created to provide the City the means to apply for funding sources when they become available.

On November 7, 2006, the Yuba City Council was approached by the Sutter County Resource Conservation District (SCRCD) with an opportunity to request for State funding (River Parkways Grant Program – Proposition 50) to implement the Feather River Parkway Strategic Plan. The Council adopted an MOU with SCRCD that evening authorizing SCRCD to prepare a proposal and submit for funding.

SCRCD has successfully garnered \$1,400,000 (Phase I, approx. 70 acres) from the Resources Agency's California River Parkways Grant Program to fund the first phase of the Willow Island Project and was invited to re-submit for Phase II funding during the fall 2008 grant cycle, which is due in November. A funding request for an additional \$1,716,000 (Phase II, approx. 105 acres) will be drafted by the SCRCD if the MOU amendment is approved by Council.

Phase I will consist of clearing and grubbing, bank stabilization, equestrian and pedestrian trails, bike paths, a parking area, additional shade trees and preservation, and restoration of woodlands and wildlife habitat areas. The project will also include picnic areas, benches, tables, bike racks, and open space. The environmental and permitting process is scheduled to be completed in the winter of 2009, with construction beginning spring 2010 and completed within a year.

If awarded, the additional funds of \$1,716,000 (Phase II, approx. 105 acres) will help extend the trail system, infuse more active space and create more outdoor educational opportunities for our community.

Fiscal Impact:

\$1,716,000, contingent upon grant award and payable by the grant if awarded. If the grant is awarded, \$1,716,000 in funding will be available to enhance the Feather River Parkway Project.

Alternatives:

1. Instruct staff to modify or not amend the MOU agreement with SCRCD as written.
2. Instruct Staff to complete a formal request for proposal process for the California River Parkways Grant Program (Prop 84).
3. Do not apply for additional funds through California River Parkways Grant program (Prop 84).

Recommendation:

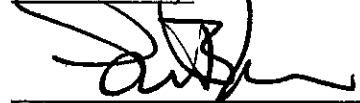
- a) Adopt a resolution authorizing the City Manager to execute an amendment of Memorandum of Understanding with the Sutter County Resource Conservation District (SCRCD) for the preparation of the Grant Application to the Resource Agency for Phase II of the Feather River Parkway – Willow Island Project.
- b) Adopt a resolution approving the filing of an application for Grant funds for the California River Parkways Grant program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

Prepared By:



Brad McIntire
Interim Parks & Recreation Director


Submitted By:



Steven R. Jepsen
City Manager

Reviewed By:

Finance
City Attorney



RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF YUBA CITY AMENDING THE EXISTING
MEMORANDUM OF UNDERSTANDING WITH
SUTTER COUNTY RESOURCE CONSERVATION DISTRICT
FOR RESEARCH AND PREPARATION OF GRANT APPLICATIONS**

WHEREAS, the City of Yuba City and the Sutter County Resource Conservation District desire to amend the existing Memorandum of Understanding adopted November 2006; and

WHEREAS, the City has identified resource issues of concern significant to its overall goals and objectives, and recognizes that establishing a working relationship with SCRCD will build a foundation upon which mutual resource aims can be met; and

WHEREAS, the ability of SCRCD to provide the City with grant research and proposal preparation support will serve as the initial premise for this working relationship; and

WHEREAS, SCRCD and the City will agree on the fees for such services which shall not exceed the cost reasonably borne by the SCRCD in providing the service;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

1. That the City Council supports the amendment of the existing MOU with SCRCD to provide grant research and proposal preparation support.
2. That the City Manager is authorized to sign the MOU amendment with SCRCD to provide grant research and proposal preparation support.

Adopted this 4th day of November 2008 by the following vote:

AYES:
NOES:
ABSENT:

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF YUBA CITY
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER,
WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION
BOND ACT OF 2006 (Proposition 84)

WHEREAS, the Legislature and Governor of the State of California have provided Funds for the program shown above; and

WHEREAS, the Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the State Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

1. Approves the filing of an application for the "Feather River Parkway: Willow Island Project Phase II";
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act (CEQA)*, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and,
6. Appoints the Parks and Recreation Director, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Adopted this 4 day of November 2008 by the following vote:

AYES:
NOES:
ABSENT:

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk

**First Amendment to the
Memorandum of Understanding**

Between

The City of Yuba City

And

Sutter County Resource Conservation District

This is in regards to that certain Memorandum of Understanding (MOU) between City of Yuba City and Sutter County Resource Conservation District executed November 7th, 2006, a copy of which is attached for reference. This shall serve to amend the MOU as further described herein. Unless modified by this First Amendment or otherwise in writing, all other provisions of the MOU shall remain in effect.

Section change (in italics):

4. Compensation. SCRCDD will be compensated for its services at a rate reasonably borne by the SCRCDD. The total compensation for the MOU will not exceed \$25,000 unless otherwise stated in specific Task Orders. The current billable rate for each SCRCDD staff member is as follows:

*Executive Director - \$71.86/hr. **

*Principal Water Resources Engineer - \$91.88/hr. **

*Programs Manager - \$57.12**

*Administrative Assistant/Resources Technician - \$28.94/hr. **

*These billable rates are subject to change. Any modifications will be conducted through the amendment process described under Item 8 of this agreement.

Addition to section (in italics)::

7. Scope of Services. Initial Tasks to be performed by the SCRCDD for the City under this MOU are presented below:

Task 4 – Prepare proposal to the 2008 California River Parkways Grant Program

- a) *SCRCDD will provide services to the City, on the 2008 Feather River Parkway Grant Proposal, as agreed upon by the parties. SCRCDD will draft and submit a proposal to the California River Parkways Program offered by the California Resources Agency on behalf of the City. Initial costs incurred by*

SCRCD will be provided pro bono with the understanding that should this proposal be funded, SCRCD will serve as the administrating agency of the project on behalf of the City, and work closely with the City and its relevant departments to ensure that programmatic goals and objectives are met.

- b) If funded, and specifically pertaining to this Task Order, SCRCD will invoice the City, under funds available through the California River Parkways Grant Program, for management/administration services not to exceed 15% of total project costs. Upon execution of the grant agreement, final administrative budget will be negotiated between the two parties. This compensation will be based on the services provided at a rate reasonably borne by the SCRCD.*

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into by and between the SUTTER COUNTY RESOURCE CONSERVATION DISTRICT hereafter referred to as "SCRCD", and the CITY OF YUBA CITY hereafter referred to as "City".

WHEREAS, The California Resource Code provides that California Resource Conservation Districts (RCDs) may cooperate with counties and cities on resource issues of local concern. The Code further states, "It is the intent of the Legislature to encourage districts to facilitate cooperation among agencies to address resource issues of local concern." The Code also provides that RCD directors may enter into contracts with the State of California, the United States, any county, city, other RCD, and/or other public districts;

WHEREAS, the City has identified resource issues of concern significant to its overall goals and objectives, and recognizes that establishing a working relationship with SCRCD will build a foundation upon which mutual resource aims can be met;

WHEREAS, the ability of SCRCD to provide the City with grant research and proposal preparation services will serve as the premise for this working relationship;

WHEREAS, SCRCD and the City will agree on the fees for such services which shall not exceed the cost reasonably borne by the SCRCD in providing the service;

IT IS, THEREFORE, AGREED AS FOLLOWS:

1. Service. SCRCD will provide services to the City, on one or more project(s), as agreed upon by the parties. For each such project, or any agreed upon combination thereof, SCRCD will present the City with proposed Task Orders for services to be provided. Upon review of each individual solicitation, or combination thereof, the City will establish the final scope of service and will coordinate with SCRCD to determine Task Order schedule and the time estimates required to perform each Task Order, or combination thereof, and any applicable deadline for completion, in writing.
2. Office Space. SCRCD will perform the majority of their service from their office in Yuba City. However, selected services may require SCRCD to temporarily operate out of the City Offices. The task order will specify the need for SCRCD to work within the City's facilities.
3. Administrative Support. SCRCD intends to provide full services in the completion of each Task Order, or combination thereof. However, there may be selected areas where support service should be provided by the City. This will be documented in each Task Order.

4. Compensation. SCRCDD will be compensated for their services at a rate reasonably borne by the SCRCDD. The total compensation for the MOU will not exceed \$25,000 unless otherwise stated in specific Task Orders. The current billable rate for each SCRCDD staff member is as follows:

District Manager - \$42.58/hr.*
Principal Water Resources Engineer - \$69.48/hr.*
Resources Technician - \$30.02/hr.*

*These billable rates are subject to change. Any modifications will be conducted through the amendment process described under Item 8 of this agreement.

5. Out-of-Pocket Expense. SCRCDD will be reimbursed for the actual out-of-pocket expense incurred while performing services for the City. Required reimbursement of expenses must identify the Task Order to which the expense relates. Upon request, receipts must be provided to the City for any SCRCDD expense.
6. Acknowledgement. SCRCDD will be acknowledged as a contributing entity on any publication and/or signage pertaining to the implementation and/or completion of programs, projects and/or events that result from the execution of this agreement and subsequent Task Orders.
7. Scope of Services. Initial Tasks to be performed by the SCRCDD for the City under this MOU are presented below:

Task 1- Fish Screen Funding Assistance

To assist the City in obtaining Fish Screen Funding to plan, design, and construct a 48mgd (74cfs) fish screen on the City's existing Feather River intake. This task will include:

- a) Contact representatives of funding agencies to, investigate and promote the City's qualifications for funding.
- b) Work with the federal Anadromous Fish Screen Program (AFSP) Technical Committee including Bill O'Leary (USFS AFSP Manager) and Dan Meier (USBR Manager) to obtain federal grants to support the City's Fish Screen Project.
- c) Work with California Department of Fish and Game and the CALFED Bay-Delta Program Ecosystem Restoration Program to obtain state grants to match the federal grants.
- d) Provide initial follow-up assistance for both the proposed federal and state grants to help administer the grants.

Task 2- California Department of Health Services (DHHS) Safe Drinking Water Revolving Fund Program

Assist the city in obtaining DHS Safe Drinking Water Revolving Fund Program (SDWSRF) loans to convert the City's Region 1 and Region 2/3 groundwater systems to surface water.

- a) Assist the City in preparing grant applications for DHS SDWSRF funding.
- b) Assist the City in developing SRF Community Water System Technical, Managerial and Financial (TMF) Capacity report required for the DHS application.
- c) Assist the City to develop the environmental review requirements.

Task 3 – Prepare proposal to the California River Parkway Grant Program

- a) SCRCDD will provide services to the City, on the Feather River Parkway Grant Proposal, as agreed upon by the parties. SCRCDD will draft and submit a proposal to the California River Parkway Program offered by the California Resources Agency on behalf of the City. Initial costs incurred by SCRCDD will be provided pro bono with the understanding that should this proposal be funded, SCRCDD will serve as the administrating agency of the project on behalf of the City, and work closely with the City and its relevant departments to ensure that programmatic goals and objectives are met.
- b) If funded, and specifically pertaining to this Task Order, SCRCDD will invoice the City, under funds available through the California River Parkway Grant Program, for management/administration services not to exceed 15% of total project costs. Upon execution of the grant agreement, final administrative budget will be negotiated between the two parties. This compensation will be based on the services provided at a rate reasonably borne by the SCRCDD.

8. Terms of Agreement:

- a) This Agreement may be amended from time to time with the written consent of both parties, including the incorporation of additional Task Order(s).
- b) Any party may withdraw from this agreement upon giving thirty (30) days written notice to the other parties.
- c) This Agreement shall become effective when executed by a duly authorized representative of each Party.

City

SCRCDD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: City Treasurer
Presentation By: Steven C. Kroeger, Assistant City Manager/City Treasurer

Summary

Subject: Presentation of Treasurer's Report – Quarter Ended September 30, 2008
Recommendation: Note & File Quarterly Treasurer's Report
Fiscal Impact: Informational item only

Background:

In accordance with the City's adopted Investment Policies, staff has prepared the attached investment report for City Council review for the previous quarter (July, August, and September).

Analysis:

Portfolio Highlights:

- As of June 30, 2008, the City's overall investment portfolio (estimated market value) totaled \$113,476,573, a decrease of roughly \$6,268,510 since the previous quarter.
- Notable transactions during the quarter that affected cash flows included: 1) Semi-annual debt service payments in September 2) Capital improvement project payments attributable the Plumas Streetscape project and the Fire Station No. 4 project.
- The Portfolio shows a "paper gain" of \$448,188 as June 30th. This represents the amount of money that the City would gain if it were to liquidate its entire portfolio at the end of the reporting period. However, such gains might not be realized if the investments are held until maturity (which is the City's historical investment strategy).
- The City's cash flow needs will be met by the roughly \$39.2 million as of June 30th (approximately 43.2% of the "City Held Investments" portfolio value) that is currently invested in LAIF, CAMP, Umpqua and in the City's Wells Fargo account, which are wholly liquid.

Economic Overview: The recent turmoil in the financial system has created a radically altered investment environment. The latest wave of financial market realignment began in September when Fannie Mae and Freddie Mac were placed into a conservatorship under the Federal Housing Finance Agency. Further upheaval followed with a series of bank closings, hurried mergers, and stopgap government bailouts. The market disturbance has also resulted in a reworking of the broker/dealer and banking landscape. The top 5 US broker/dealers of a year ago are now gone, continuing the trend of consolidation and globalization of the US Securities markets.

Outlook: With unprecedented worldwide government intervention in the financial markets, the outlook remains uncertain. Each action by the government was initiated to restore stability, but that goal has been elusive to date. While the US Treasury market typically produces the lowest returns of any fixed-income investment portfolios, a predictable flight-to-quality took place as investors turned to the safety

turned to the safety of US Treasuries, driving up prices and bringing yields to new lows. The loosening up of credit to provide reasonable terms for home, auto and school loans and the stabilization of home prices will be important indicators of an eventual recovery. Unfortunately, the turning of these leading indicators in the right direction will take time. The probability of a protracted consumer-led recession is high, and possibly inevitable.

Investment Overview: The City's Investment portfolio remains safe and stable despite the recent turmoil in the market. Staff remains very comfortable with the investments held in Yuba City's portfolio. As always, our three primary objectives for the City's portfolio are safety, liquidity and then yield. With this in mind, staff continues to conservatively look for opportunities in today's stressed marketplace focused on our primary objectives.

Summary:

The City's overall portfolio returns are consistent with current market conditions. The portfolio's earnings are within the expectations contained in the adopted budget. Each investment continues to be in compliance with State law and the City's formal Investment Policies.

Fiscal Impact:

Informational Item only.

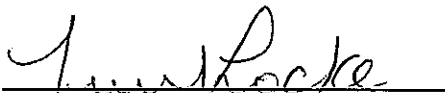
Alternatives:

Not Applicable.

Recommendation:

Staff recommends that Council note and file the Quarterly Treasurer's Report for the period ending September 30, 2008.

Prepared By:



Terrel Locke
Administrative Analyst

Submitted By:



Steven R. Jepsen
City Manager

Reviewed By:

City Treasurer
Finance





City of Yuba City
Treasurer's Quarterly
Investment Report

September 30, 2008

City of Yuba City Treasurer's Report September 30, 2008

Investment Summary

Account Types	Balance 9/30/2008
City Held Investments	
Cash & Cash Equivalent	\$ 39,165,869
Local Agency Investment Fund	20,241,746
California Asset Management Program	6,890,892
Umpqua Bank Public Funds Money Market	9,132,524
Cash/Money Market	2,900,707
Federal Agency Securities	39,323,725
US Treasuries	3,580,390
Corporate Bonds	8,141,770
City-held Assessment Districts	376,097
Total City Held Investments	\$ 90,587,851
Trustee Held Investments	
Wastewater Revenue Certificates - 2000	\$ 32,028
Buttes Vista AD - 2000	89,005
Water Revenue Certificates - 2001	376,161
Wastewater Revenue Certificates - 2002	1,007,434
Buttes Vista AD - 2002	81,004
Tierra Buena AD - 2003	228,980
RDA Tax Allocation Series A - 2004	1,482,965
Housing Set Aside Series B - 2004	2,945,264
Sunsweet Blvd CFD - 2004	222,097
Water Revenue Certificates - 2005	1,478,236
Gauche Park COP - 2006	785,421
RDA Tax Allocation 2007	9,717,198
Fire Station No. 4	4,442,929
Total Trustee Held Investments	\$ 22,888,722
Total	\$ 113,476,573

City of Yuba City Treasurer's Report September 30, 2008

The following table provides a comparison of the portfolio for the quarter ended September 30, 2008, and the previous quarters ended December 2007, March and June 2008.

Portfolio Comparison				
	12/31/07	03/31/08	06/30/08	09/30/08
Cost Basis	\$ 108,356,292	\$ 112,685,530	\$ 118,855,610	113,028,386
Estimated Market Value	109,483,380	114,559,201	119,745,083	113,476,573
Unrealized Gains/(Losses) ⁽¹⁾	1,127,088	1,873,671	889,473	448,188
Weighted Average Yield to Maturity at Market	4.693%	3.966%	3.515%	3.627%
Weighted Average Years: Maturity of City Held Funds	1.329 years	1.252 years	1.202 years	1.146 years
Weighted Average Years: Maturity of Trustee Funds	0.881 years	1.096 years	0.934 years	1.099 years
Liquidity	35.2%	41.4%	43.0%	43.2%
CPI (Annualized)	4.10%	4.00%	5.00%	4.90%
LAIF Interest Rate	4.80%	3.78%	2.894%	2.77%
CAMP Interest Rate	4.82%	3.29%	2.510%	2.57%
Umpqua Bank Public Funds Money Market Interest Rate	N/A	4.01%	3.060%	2.90%

Note: (1) This represents the amount of money that the City would gain if it were to liquidate its entire portfolio at the end of the reporting period. However, such gains might not be realized if the investments are held until maturity (which is the City's historical investment strategy).

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Composition of City Held Investments

Account Types	Estimated Market Value	Percentage of Portfolio
Cash and Cash Equivalent	39,165,869	43.2%
Federal Agency Securities	39,323,725	43.4%
US Treasury Notes	3,580,390	4.0%
Corporate Bonds	8,141,770	9.0%
City-held Assessment Districts	376,097	0.4%
Total \$	90,587,851	100.0%

