

**MINUTES  
REGULAR MEETING OF  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
COUNCIL CHAMBERS  
DECEMBER 2, 2008  
Tree Lighting – 5:30 P.M. – 1201 Civic Center Blvd.  
Regular Meeting – 7:00 P.M.**

**Regular Meeting – 7:00 P.M.**

The City Council of the City of Yuba City was called to order by Mayor McBride at 7:00 p.m.

**Roll Call**

Present: Councilmembers Dukes, Gill, Maan, Miller and Mayor McBride  
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.

**Public Hearings**

**1. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_1**

Public Works Director George Musallam stated this item is needed to collect assessments from the affected property owners for the operation of street lights.

Mayor McBride opened the public hearing.

Hearing no comment, Mayor McBride closed the public hearing.

Councilmember Miller moved to adopt Resolution No. 08-123, confirming the diagram and assessment and levying assessment for Fiscal Year 2008-2009 for Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_1. Councilmember Gill seconded the motion that passed with a unanimous vote.

**2. Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_2**

Mr. Musallam stated this item is needed to collect assessments from the affected property owners for the operation of street lights.

Mayor McBride opened the public hearing.

Hearing no comment, Mayor McBride closed the public hearing.

Councilmember Gill moved to adopt Resolution No. 08-124, confirming the diagram and assessment and levying assessment for Fiscal Year 2008-2009 for Lighting and Landscape

Maintenance District No. 6, Zone of Benefit B\_2. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**3. General Plan Amendment 08-03 proposes to amend Section 6.1 of Chapter 6 of Chapter 6 Parks, Schools, & Community Facilities of the Yuba City General Plan as detailed in Attachment 1.**

Community Development Director Aaron Busch said the Ad-Hoc Committee and Stakeholders group has had several discussions regarding the improvements that were to be funded by the impact fees, including parks. During their discussions, it was discovered that the City's General Plan standard of 10 acres per 1000 residents was quite aggressive. Mr. Busch asked the Council to approve the amendment that will reduce the Public Open Space requirement from 6 acres per 1000 residents to 2 acres per 1000 residents. In combination with the City park dedication space of 1.5 acres per 1000 and the community park dedication of 1.5 acres per 1000 residents the modification to the General Plan will meet the requirements of 5 acres per 1000 residents as outlined in the Quimby Act.

Council asked questions regarding the size of the current City parks as well as the current ratio per 1000 residents.

Mr. Busch stated that most parks currently in the City are 5-6 acres and that the average ratio is 1.66 per 1000 residents. He also stated that the same amount of park space will be provided to the residents; this is merely a matter of funding.

Mayor McBride opened the public hearing.

Hearing no comment, Mayor McBride closed the public hearing.

Councilmember Gill moved to adopt Resolution No. 08-125, approving GP 08-03 to amend Section 6.1 of Chapter 6 Parks, Schools, & Community Facilities of the Yuba City General Plan as detailed. Councilmember Maan seconded the motion that passed with a unanimous vote.

**4. General Plan Amendment GP 08-04 proposes to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan to include the City Council's adoption of the Multi-Jurisdiction Multi-Hazard Mitigation Plan in accordance with the California Disaster Mitigation Act of 2000.**

Mr. Busch stated that this amendment is to comply with the State Office of Emergency Services mandate that we were notified of in July 2008. In January 2007 Assembly Bill 2140 passed that required all counties and cities adopt a Multi-Hazard Mitigation Plan. In September 2007 a Multi-Jurisdiction Multi-Hazard Mitigation Plan with Sutter County was adopted. In order for the City to receive full grant funding when the City responds to mitigation disaster event and in order to comply with the new mandate, specific language needs to be included in the General Plan. Without incorporating this language, the City is limited to a maximum of 75%.

Mayor McBride opened the public hearing.

Hearing no comment, Mayor McBride closed the public hearing.

Councilmember Maan moved to adopt Resolution No. 08-126, approving GP 08-04 to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan. Councilmember Miller seconded the motion that passed with a unanimous vote.

## **Public Communication**

### **5. Written Requests – None**

### **6. Appearance of Interested Citizens – None**

## **Bid Openings**

### **7. CDBG Sidewalk Improvements Project 2008**

Mr. Musallam stated that this is the annual sidewalk improvements project. CDBG funding is available for ADA ramp modifications and sidewalk improvements. Mr. Musallam stated that a question was asked as to what criteria is used to choose the sites for improvements. Mr. Musallam stated that the projects are chosen by need. Areas that are in disarray or where sidewalks are missing altogether are chosen to be included in each year's improvement project. The engineers estimate for this project was \$305,000 and 20 bids were received.

Mr. Musallam said after review of the bids, Wahlberg Inc. had made an error in their calculations. When Wahlberg Inc. was contacted in regards to this error, it was asked that their bid be withdrawn as they would not be able to perform work at the original bid price.

Councilmember Maan moved to accept the letter from Wahlberg Inc. withdrawing their bid from the CDBG Sidewalk Improvements 2008 Project. Award Contract No. 08-27, CDBG Sidewalk Improvements 2008 to C & C Construction of Rocklin, CA in the amount of their bid of \$237,773.50 and authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Gill seconded the motion that passed with a unanimous vote.

## **Consent Calendar**

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

### **8. Certification of Election Results**

Adopted Resolution No. 08-127 certifying the results of the November 4, 2008 General Municipal Election.

### **9. Street Rehabilitation Project 2008**

Adopted Resolution No. 08-128 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

## **General Items**

### **10. Purchase of Real Property Adjacent to the Yuba City Police Department at Poole Boulevard owned by the Church of Latter Day Saints. A portion of APN 59-010-026.**

Mr. Musallam said the Council had approved the negotiation for this property in a previous meeting and the City is currently in escrow on this property. Mr. Musallam is asking that the Council authorize the transfer of funds and authorize the City Manager to accept the property. Mr. Musallam stated that the purchase of this property would meet the needs of the Yuba City Police Department as the City expands in the future.

Council stated that this was a great opportunity for the City. Acquiring this property now will save the City millions of dollars in the long run as it will allow the Police Department to remain at its current location throughout the growth of the City.

Councilmember Gill moved to approve a supplemental appropriation to fund the cost of the purchase of the subject property and approve the purchase of the property and authorize the City Manager to accept a grant deed for real property being a portion of Assessor's Parcel Map Number 59-010-026. Councilmember Miller seconded the motion that passed with a unanimous vote.

#### **11. 2008 Homeland Security Grant Program**

Fire Chief Marc Boomgaarden said the purchase of radio equipment would be primarily for the Public Works Department. It would be used for the coordination of emergency and disaster responses within the City. Mr. Boomgaarden also stated that out of the funds there would be training coordinated with Sutter County for the emergency response services.

Councilmember Maan stated that it is nice that we are able to use grant funds as opposed to General Fund monies for the purchase of items to better prepare our city. Councilmember Maan gave compliments to the Fire Chief and Police Chief for reaching out and obtaining these grant funds.

Councilmember Gill moved to approve a supplemental appropriation to allow the Fire Chief to spend up to \$32,364.00 for the purchase of interoperable portable radios and accessory equipment for use by City emergency workers. Councilmember Miller seconded the motion that passed with a unanimous vote.

#### **12. Annual Report from the Downtown Yuba City Business Improvement District and Proposed Levy of Annual Assessment**

Assistant City Manager Steve Kroeger stated that the annual report is brought to Council every year and in the audience this year from the Downtown Business Association (DBA) was Don Covey, Mark Martin, Joe Frederico and Judy Sanchez. Mr. Kroeger stated that funds are raised annually and this will be the tenth year for the DBA as of January 1, 2009. Funds are collected and used for the marketing and promotion of Downtown Business. An example given was the Christmas Stroll that would take place on Friday, December 5<sup>th</sup>. These types of functions help strengthen the businesses as well as the community.

Councilmember Miller asked City Attorney Timothy Hayes if he should recuse himself due to the business interests he has in that area. Mr. Hayes recommended that Councilmember Miller recuse himself from this item.

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

Mr. Kroeger introduced Don Covey, President of the Downtown Business Association. Mr. Covey gave a presentation regarding the construction on Plumas Street and the improvements and downfalls in business in relation to that project.

Council stated that the DBA has done a great job with the promotion of business on Plumas Street. Council also expressed their excitement that the reconstruction that took place on Plumas Street has brought life back into Downtown Business. The events this year seem to be drawing a bigger crowd and there are more people walking down Plumas Street which can only help the City.

Councilmember Maan moved to approve the Annual Report as filed, adopt Resolution 08-129 of Intention to Levy and Collect 2009 Annual Assessments, and set a public hearing for

December 16, 2008. Councilmember Gill seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the Council.

### **13. Agreement to Negotiate Exclusively with regard to Redevelopment Agency property located at the southwest corner of Wilbur Avenue and C Street (RDA)**

Assistant City Manager Steve Kroeger stated that the RDA has a few key properties left in the Town Center area. He also stated that the RDA issued a request for proposals concerning the one acre parcel at the corner of Wilbur and C Street. A proposal submitted by Dr. Narinder S. Bajwa met all the criteria as established in the request for proposals. Dr. Bajwa has proposed a medical office building, a restaurant facility, as well as some apartments. Staff is now recommending that the Agency proceed with the exclusive negotiating agreement with Dr. Bajwa for the negotiation of a Development Disposition Agreement. Mr. Kroeger said that executing this agreement does not commit the Redevelopment Agency to selling the property. This is merely for negotiation of the price, esthetic qualities, financing and other elements for preparation of the sale.

Director Maan moved to authorize the Executive Director to execute and implement an Agreement to Negotiate Exclusively with Dr. Narinder S. Bajwa of the California Heart Center with regard to Redevelopment Agency property located at the southwest corner of Wilbur Avenue and C Street. Director Gill seconded the motion that passed with a unanimous vote.

### **14. Animal Control Services**

General Services/IT Director Devin Barber stated that the City is mandated to provide animal control services within the boundaries of the City for its citizens. The City presently contracts with Sutter County for these services. The current agreement has been in place since 1982 and is in need of some revamping. Apportions of cost are based on population. Currently, the City pays 66% of the total bill with Live Oak and Sutter County paying the rest. The costs for the services have grown over the last few years disproportionately larger than the growth in population. In order to maintain our budget, staff is requesting an adjustment in services to lower the cost share for animal control services. Staff will assume the barking dog complaints and well as the dead animal pick-ups. This will result in a \$134,000 reduction in costs.

Mr. Barber stated that on the horizon is a new shelter, as the current shelter is in disarray and is not code compliant. The County has received proposals for architectural and construction management services. County staff will be going to the County Board of Supervisors sometime later this month. They are expecting that process to take approximately sixteen months, with construction to begin around 2010. The project is expected to cost approximately 3.5 million dollars. The present agreement states that any fixed costs are to be negotiated and agreed upon prior in incurring, this includes the new facility. City staff will be meeting with the County to negotiate the details and apportionment of costs. This will be brought to the Yuba City City Council at a later date.

Council had questions regarding the apportionment the City pays, why there was a sudden increase in the fees, what input does the City have as far as the new shelter as well as the day to day operations of the service.

Mr. Barber stated that the apportionment the City pays is based on population and, in recent years, the population has grown. More residents have acquired pets. With the housing downfall and residents losing their homes the sheer volume of animals that pass through the shelter has increased. Mr. Barber also stated that currently the City does not have much

input in the operations of the service, but that would be a point of interest in negotiating the new contract.

Councilmember Gill moved to adopt the recommended changes to Animal Control Services provided by Sutter County and direct staff to negotiate a new service contract for Animal Control Services and new Animal Control Facilities with Sutter County. Councilmember Dukes seconded the motion that passed with a unanimous vote.

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

**15. City Council Reports**

- Councilmember Dukes had nothing to report.
- Councilmember Maan welcomed Councilmember Dukes.
- Councilmember Miller welcomed Councilmember Dukes.
- Mayor Pro Tem Gill welcomed Councilmember Dukes, and stated that the Tree Lighting Ceremony was excellent this year.
- Mayor McBride said she hopes to see everyone at the Christmas Stroll.

Mayor McBride stated that the closed session had been moved to the end of the City Council Meeting due to the Tree Lighting Ceremony.

**Adjournment**

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City at 8:27 p.m.

**Closed Session—Butte Room**

ATTEST:

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Mayor

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City Clerk