

# DRAFT

MINUTES  
REGULAR MEETING OF  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
COUNCIL CHAMBERS  
January 20, 2009  
Closed Session 6:00 P.M.  
Regular Meeting 7:00 P.M.

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

Confer with real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding negotiations on the possible purchase of the following property or portion thereof: APN 52-164002.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations on the possible purchase of the following properties or portion thereof: 53-451-008, 53-232-027, 52-216-017, 51-490-056, 51-095-048, 51-433-004, 53-232-015, 52-114-021, 56-292-030, 26-042-007, 53-130-022, 22-251-025, 53-191-024, 56-330-001, 52-087-003, 53-482-024, 56-282-016, 55-020-052, 58-110-042, 58-110-066, 53-174-011, 54-060-088, 53-432-006, 53-282-005, 51-073-010, 51-095-046, 51-075-001, 53-370-013, 52-085-010, 52-093-005, 57-061-012, 52-084-008, 55-080-057, 51-452-004, 51-293-012, 54-070-017, 52-461-039, 52-520-021, 52-303-013, 53-152-021, 53-021-019, 54-070-043, 51-280-050 and 26-041-011.

Confer with real property negotiator William Lewis pursuant to Government Code Section 54956.8 regarding negotiations for the possible purchase of a portion of APN 22-030-006 and APN 22-030-057.

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

The City Council of the City of Yuba City was called to order by Mayor Pro Tem Gill at 7:03 p.m.

### Roll Call

Present: Councilmembers Dukes, Maan, Miller and Mayor Pro Tem Gill  
Absent: Mayor McBride

### Invocation

Councilmember John Dukes gave the invocation.

### Pledge of Allegiance to the Flag

The Boys Scouts of America led the Pledge of Allegiance to the Flag.

### Presentations and Proclamations

1. **Presentation by Martha Griese, American Red Cross**
2. **Presentation by Bill Edgar, Sutter-Butte Flood Control Agency**

### Public Hearings

3. **Proposed update to the City's Development Impact Fees**

Community Development Director Aaron Busch said this item is to update the City of Yuba City's AB 1660 Development Impact Fees. At the October 16, 2008 meeting Council approved a resolution that specifically stated the development impact fees for residential projects as well as a one year freeze period for such fees. On November 18, 2008 the Council unanimously voted to proceed with the development impact fee increases for residential and non-residential projects. At that time, no plan for impact fee increases had been in place for implementation for the non-residential projects.

Mr. Busch also stated that the addition of one project and deletion of a few other projects was in order with regard to the use of these fees.

Mr. Busch stated that the final component of this resolution would be the adoption of the annual inflationary adjustment factor. With the adoption of Resolution 07-101, the impact fees were to be adjusted as part of the budget in July to take effect in January. This action did not occur as the City is currently in a two year budget cycle.

Mayor Pro Tem Gill opened the public hearing. Hearing no comment, Mayor Pro Tem Gill closed the public hearing.

Councilmember Maan moved to adopt Resolution No. 09-001, that includes the planned incremental increase of certain development impact fees to recover costs for future construction of public infrastructure improvements, modify the list of roadway infrastructure improvements, and approval of the planned annual inflationary adjustment factor. Councilmember Miller seconded the motion that passed with a unanimous vote.

#### **Public Communication**

4. **Written Requests** - None
5. **Appearance of Interested Citizens** – Henry Paul, 3420 Industrial Drive, Yuba City

#### **Bid Openings**

##### **6. Award Water Treatment Plant Renovation Contract**

Associate Engineer Ian Pietz stated that this project includes converting existing lab space into offices, converting a storage room into a conference room and bringing the building up to ADA Compliance. Originally, this was scheduled to be a part of the recent expansion project, but it was pulled in order to ease the operation of the facility as well as to get bids from local contractors. The City received 12 bids on this project.

Councilmember Maan moved to award Contract No. 08-30, Treatment Plant Renovation Project, to DG Granade, Inc of Shingle Springs, CA in the amount of their bid of \$974,650. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Authorize the City Manager to execute a sole source purchase contract with Miles Treaster & Associates of West Sacramento CA, utilizing the piggy-back provision in their contract with the County of Sacramento, in the amount of \$67,589.90 plus \$4,000 contingency with the finding that it is in the best interest of the City to do so. Approve a budget transfer in the amounts listed in the staff report. Councilmember Dukes seconded the motion that passed with a unanimous vote.

##### **7. Purchase of Water Treatment Plant Filter Underdrain System**

Mr. Pietz stated the Water Treatment Plant has two distinct processes. The plant currently has a 24 million gallon per day production capability through a conventional filtration system. Recently installed was a 12 million gallon per day membrane filtration system, similar to reverse osmosis. Staff recently became aware that the underdrains for the conventional filtration system had failed, affecting two of the four filters. Staff is working to determine the cause of the failure.

Council asked Mr. Pietz if any steps have been taken to prevent this from happening again, how long will replacement take, are all the underdrains being replaced, and are there multiple vendors for this product?

Mr. Pietz responded that every precaution possible has been taken to prevent another failure. The replacement process will take approximately three weeks. Only the failed underdrains will be replaced. There are multiple vendors to supply this product.

Councilmember Miller moved to approve the purchase of replacement underdrain system for portions of two existing conventional water treatment plant filters from ITT Water and Wastewater – Leopold Company Inc. in the amount of \$95,606 with the finding that it is in the best interest of the City to do so and approve supplemental appropriation in the amount of \$95,606 to Water Treatment Major Maintenance Account 7120-63451. Councilmember Maan seconded the motion that passed with a unanimous vote.

#### **Ordinances**

##### **8. Modification to Section 6-5.301(c) of the Yuba City Municipal Code regarding separate side sewer connections (2<sup>nd</sup> Reading)**

Public Works Director George Musallam stated that this is the second reading for this ordinance, originally introduced to Council on December 16, 2008. Mr. Musallam asked Council to waive the second reading and adopt the ordinance as presented.

Councilmember Maan moved to adopt Ordinance No. 001-09 to amend for Section 6-5-301(c) of the Yuba City Municipal Code, which will allow the Public Works Director to grant a waiver to certain sewer connection requirements subject to specific conditions, waiving the second reading. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**9. Repeal then re-enact Chapter 10 of Title 4 to the Yuba City Municipal Code pertaining to Security Alarm Systems (1<sup>st</sup> Reading)**

Chief of Police Rob Landon stated that historically the Police Department responds to approximately 2,500 alarm calls per year of which 99.2% are false. In Yuba City 8% of all police calls are alarm calls, the highest call for service for the department.

Cheif Landon also stated the original ordinance was enacted in 1988 and last modified in 1992. The population in 1988 was 23,000 and since has tripled. The population increase, as well as the increase in technology, have caused an increase in the number of responses to false alarm calls. These calls are consuming a valuable amount of the Police Departments resources. This ordinance will allow for an increase in the fees applicable to multiple false alarm responses.

Councilmember Miller moved to approve staff's recommendation for the City Council to introduce the repeal and re-enactment of Chapter 10 of Title 4 of the Yuba City Municipal Code and waive the first reading. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**Consent Calendar**

Councilmember Miller asked that item 12 be removed for further discussion. Councilmember Maan moved to adopt the balance of the consent calendar as presented. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**10. City Council Approval of Minutes of December 16, 2008**

Approved the City Council meeting minutes of December 16, 2008

**11. Annual Community Facilities District Report Pursuant to Government Code Section 53411**

Approved the Notation and Filing of the Annual Community Facilities District Report.

**13. Yuba City Police Department Expansion Project (Notice of Completion)**

Adopted Resolution No. 09-003, accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

**14. Garden Highway Improvements Project – 2<sup>nd</sup> Street to Franklin Avenue (Notice of Completion)**

Adopted Resolution No. 09-004, accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

**15. Purchase of Affordable Housing Outside of the Redevelopment Project Area (CC & RDA)**

Adopted RDA Resolution No. 09-001, from the Redevelopment Agency and Resolution No. 09-005 from the City Council finding that the Use of Taxes Allocated from the Yuba City Redevelopment Project for Expenditures for Increasing, Improving and the Preserving Affordable Housing Outside of the Project Area will be a Benefit to the Project and be retroactive to January 2008.

**16. Purchase of Real Property (APN 52-413-006) (RDA)**

Adopted RDA Resolution No. 09-002, authorizing the purchase of Real Property located at 815 & 817 Bridge Street (APN 52-413-006) in Yuba City. Approve a related appropriation of \$246,000 in Low and Moderate Income Housing Funds. Authorize the Executive Director to enter into a Property Management Agreement with the Consolidated Area Housing Authority of Sutter County.

**12. Plumas Streetscape Improvement Project (Notice of Completion)**

Councilmember Miller recused himself due to a possible conflict of interest. Councilmember Maan moved to adopt Resolution No. 09-002, accepting the subject project and authorizing the Public Works Director to file a Notice of Completion. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**General Items**

**17. Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2008**

Finance Director Robin Bertagna stated that in accordance with State and City ordinance, the City has performed an independent annual audit. In summary, the City ended the

year in a positive financial position. There was an excess of revenues that were set aside and are effectively being used for economic stabilization to offset the FY2008-09 budget imbalance.

Councilmember Miller moved to accept the Comprehensive Annual Financial Report (CAFR) and Related Audit Reports for Fiscal Year Ended June 30, 2008. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**18. Redevelopment Agency Annual Financial Report for the Year Ended June 30, 2008 (RDA)**

Ms. Bertagna stated that in accordance with State and City ordinance, the Redevelopment Agency has performed an independent annual audit. In summary, the Agency's revenues exceeded expenditures and the excess of funds have been committed to fund debt service for both the 2004 and 2007 Series Tax Allocation Bonds, in addition to the Certificates of Participation issued for the construction of the Gauche Aquatics Facility.

Councilmember Maan moved to accept the Redevelopment Agency Annual Financial Report for the Year Ended June 30, 2008. Councilmember Miller seconded the motion that passed with a unanimous vote.

**19. Request for installation of stars in sidewalk in front of the Sutter Theater on Plumas Street**

City Manager Steve Jepsen said that he is supportive of this project and any fundraising that may take place, but cautions the public and Council that this will not be an expedient project. The Sutter Performing Arts Association will be selling stars to fund the rehabilitation project for the Sutter Theater.

Mr. Jepsen asked that Council consider attaching some type of milestone to this project that would require that the stars remain in the lobby of the theater until which time that the milestone has been achieved, such as a predetermined percentage of the total project cost raised.

John Tuscano, member of the Sutter Performing Arts Association Executive Board, spoke on this item.

Russ Clark, member of the Sutter Performing Arts Association Executive Board, spoke on this item.

Councilmember Maan asked that Council approve the fundraising for this project and have this come back to Council at a later date to determine the milestone.

Councilmember Maan moved to accept the recommendation of discussion regarding the request from Sutter Performing Arts Association to install stars in the sidewalk in front of the Sutter Theater and any alternatives to recognize donors. Hold action on the use of public right-of-way for fundraising efforts pending receipt and review of the feasibility study and plans for the theater restoration and duration. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

**20. Approval of New Board Member Appointments to Feather River Air Quality Management District (FRAQMD)**

City Manager Steve Jepsen said we are required to approve other city appointments to this Board, as the other cities are required to approve ours. Mr. Jepsen asked Council to approve the recommendations as presented.

Councilmember Miller moved to approve Councilmember Gary Baland, selected as alternate by the City of Live Oak; and Councilmember Rick West, selected as alternate for the City of Wheatland; to the FRAQMD Board of Directors. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**21. Boards and Commissions' Appointments**

Mayor Pro Tem Gill stated that the Mayor and he were able to interview all the applicants. They were very pleased with the response of qualified candidates; it made it hard to decide who should be appointed.

Mayor Pro Tem Gill stated his gratitude to those who applied and are willing to donate their time to serve on these Boards and Commissions.

Councilmember Miller moved to approve the Boards and Commissions appointment recommendations as presented. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**22. City Council Reports**

- Councilmember Dukes had nothing to report.
- Councilmember Maan had nothing to report.
- Councilmember Miller attended the EDC's (Economic Development Commission) annual meeting. It was a nice event, very informative. The City was well represented as himself, the Mayor, and Mr. Kroeger, Assistant City Manager, attended.
- Mayor Pro Tem Gill attended the John Deere Barbeque. He is glad to see that Councilmember Dukes is feeling better.

**Adjournment**

Mayor Pro Tem Gill adjourned the regular City Council meeting of the City of Yuba City in at 9:03 p.m.

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Kashmir Gill  
Mayor Pro Tem

ATTEST:

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Terrel Locke  
City Clerk