

# DRAFT

MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
FEBRUARY 3, 2009  
CLOSED SESSION – 6:00 P.M.  
REGULAR MEETING - 7:00 P.M.

## Closed Session

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations on the possible sale of the following property or portion thereof: APN 52-380-017.

Conferred 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 52-164-002.

Conferred 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.

Conferred with legal counsel pursuant to Government Code Section 54956.9 (c) regarding potential litigation—one potential case.

## Regular Meeting

### Call To Order

The City Council of the City of Yuba City was called to order by Mayor Pro Tem Gill at 7:05 p.m.

### Roll Call

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

### Invocation

Councilmember Dukes gave the invocation.

### Pledge of Allegiance to the Flag

Councilmember Miller led the Pledge of Allegiance to the Flag.

### Presentations and Proclamations

1. **Life Saving Award for Fire Captain Eric Hankins** – presented by Fire Chief Marc Boomgaarden and Mayor Pro Tem Gill.
2. **Life Saving Award for Lisa Leonard** – presented by Fire Chief Marc Boomgaarden and Mayor Pro Tem Gill.

### Public Hearings

3. **Adoption of water fees and charges related to Hillcrest Water System (HWS) conversion to surface water (2<sup>nd</sup> reading)**

City Attorney Timothy Hayes stated that Councilmember Miller has recused himself on this issue in the past. However, after review of FPPC regulations, Mr. Hayes' opinion is that an exception regarding a significant segment of the population rule applies. If the decision is going to impact over 5,000 people, or 10% of the population of the city, then that threshold is met. Far more than 5,000 people are affected by this issue. Four votes are required to pass the ordinance on the HWS conversion to surface water.

Utilities Director Bill Lewis gave a brief history of the project. In September of 2008, the City Council approved the initiation of a protest hearing for Region 1 and 2/3 as separate proceedings. On November 24 the City Clerk declared there were an insufficient number of protests submitted and the City Council conducted the first reading of the ordinance. The ordinance establishes rates for various sizes of services. Rates can not exceed those listed in the ordinance. The fee will remain constant during the 20 year period, but it can be paid off by a property owner at any time.

At this time the conversion schedule is: the north side of Lincoln should be converted in the next few weeks, south of Lincoln will take place in the fall of 2010, and Region 1 requires construction of a water pipeline which will be completed this fall.

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Mayor Pro Tem Gill opened the public hearing. The following citizens spoke:

Tony Galyeon, 1400 Sherman Court, Yuba City  
Elaine Miles, 487 Anita Way, Yuba City

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

Mr. Lewis responded to Council's questions. He said they are hoping to institute the surcharge for all areas at the same time. Implementation of the surface water rate vs. groundwater rate is being reviewed. It appears that the cost of the meters may be included in the loan from the State Revolving Fund Loan. Installation of the meters will begin as soon as the loan is obtained.

Councilmember Miller moved to adopt Ordinance No. 002-09 amending Section 6-6.18 (o), of the Yuba City Municipal Code regarding water fees and charges; waive the second reading. Councilmember Maan seconded the motion that passed with the following vote:

AYES: Councilmembers Dukes, Maan, Miller, and Mayor Pro Tem Gill  
NOES: None  
ABSENT: Mayor McBride

4. **General Plan Amendment, Development Agreement Amendment, and introduction of Ordinance for the Sutter Heritage Master Plan including the future development of a 24 residential lot single family residential development on approximately 3.72 acres located on the northwest corner of the Gilsizer Slough and Smith Road; Assessor's Parcel Number: 56-030-065; Applicant/Property Owner: Braddock & Logan Group (1<sup>st</sup> reading)**

Community Development Director Aaron Busch said this project was originally approved October 17, 2006. At that time, it was a 162 unit subdivision. A part of this original plan was a section designated for future multi-family development as part of the Sutter Heritage Master Plan. For economic reasons, the developer has asked that the multi-family section be incorporated into the original subdivision for a total of 190 lots. A General Plan amendment is necessitated to change that section from a medium high density designation to a medium low density designation. The Development Agreement amendment is required since the agreement was approved prior to the City Council's approval of impact fees.

Mr. Busch responded to Mayor Pro Tem Gill's question regarding the build out time period of ten years. City Manager Steve Jepsen said this would be a good topic for a special goal setting meeting.

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

Councilmember Maan moved to concur with the Planning Commission's recommendation to: (A) adopt a Mitigated Negative Declaration (EA 08-2) for the Sutter Heritage General Plan Amendment and Development Agreement Amendment; (B) Adopt the recommended Finding for the General Plan Amendment; (C) Adopt Resolution No. 09-006 for the approval of the Sutter Heritage General Plan Amendment; (D) Adopt the recommended Findings for the Sutter Heritage Development Agreement Amendment; and (E) Introduce an Ordinance for approval of the Sutter Heritage Development Agreement Amendment between the City of Yuba City and Braddock & Logan Group III, LP as indicated on the exhibit, and waive the first reading. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

5. **Written Requests** - none
6. **Appearance of Interested Citizens** – Elaine Miles, 487 Anita Way, Yuba City, spoke regarding the park areas at schools being closed to the public. Mayor Pro Tem Gill assured Mrs. Miles that Council and staff is researching this issue.

## **Ordinances**

7. **Repeal then re-enact Chapter 10 of Title 4 to the Yuba City Municipal Code pertaining to Security Alarm Systems (2<sup>nd</sup> reading)**

Deputy Police Chief Jeff Webster said the motivation for this ordinance is that the Police Department receives over 2,500 alarm calls each year with 99% of them being false. The time expended by officers, dispatchers and office staff is large. The increase in the permit fee is due to extending the time period from two to three years.

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Councilmember Miller asked what triggers the issuance of a permit fee. Deputy Chief Webster responded that alarm installers are not supposed to install an alarm unless the property owner can provide a permit for the alarm. Councilmember Dukes said it appears the structure for charges on false alarm calls has changed. Deputy Chief Webster said we currently allow 3 false alarm calls in any 90 day period. Staff has to manually review the records each time an alarm comes in, which creates a tremendous burden on staff. Currently, the sliding fee scale goes up to a \$251 maximum. The ordinance proposes 2 free responses per year with a \$63 flat rate for all calls over that number. Fees can be waived for property owners who are diligent about having repairs done quickly.

Councilmember Miller moved to adopt Ordinance No. 003-09 for the repeal and re-enactment of Chapter 10 of Title 4 of the Yuba City Municipal Code and waive the second reading. Councilmember Maan seconded the motion that passed with a unanimous vote.

## Consent Calendar

Councilmember Dukes moved to adopt the consent calendar as presented. Councilmember Miller seconded the motion that passed with a unanimous vote.

### **8. Employee Agreements with the Chief of Police Rob Landon and the Parks & Recreation Director Brad McIntire**

Approved the terms and conditions of the Employment Agreement with the Chief of Police, Rob Landon, and the Director of Parks & Recreation, Brad McIntire, and authorize the City Manager to sign the Agreements with Police Chief Landon and Parks & Recreation Director McIntire on behalf of the City of Yuba City.

### **9. Three (3) Job Reclassifications**

Adopted Resolution No. 09-007 approving the following three (3) reclassifications: a Police Captain to a newly created Assistant Chief position, an Associate Planner position to a Senior Planner position, an Administrative Assistant position to an Administrative Technician position and authorize the Director of Finance to establish position, salary ranges and supplemental appropriations as outlined in the staff report and resolution.

## General Items

### **10. Presentation of Treasurer's Report – Quarter Ended December 31, 2008**

Assistant City Manager Steven Kroeger said the City's total portfolio is about \$103 million. A large property tax payment will be received from the county in the next quarter. The portfolio consists of \$82.3 million held by the City with the remainder in bond funds. We always invest for safety, then liquidity, and third, for yield. Mr. Kroeger reviewed historical interest rates and weighted average yield. He also reviewed U.S. market statistics.

Council directed that the Quarterly Treasurer's Report be noted and filed.

### **11. Implementation of Neighborhood Stabilization Program between Sutter County, and Cities of Yuba City and Live Oak**

Community Development Director Aaron Busch stated the federal government passed the Housing & Economic Recovery Act, now known as the Neighborhood Stabilization Program. It was enacted to address the sweeping foreclosure crisis. The State of California received about \$500 million for the program. Entitlement cities were awarded fund directly. Yuba City, Live Oak and Sutter County were considered Tier 2 jurisdictions and were awarded \$1.2 million, although we were notified yesterday that amount has moved up to \$1.7 million. Of that allotment, Yuba City will receive just over \$.75 million. This is a fast tracked program. The Sutter County Housing Authority will be the administrative consultant for those funds. In order to apply for those funds, a joint agreement must be formed with the Sutter County and Live Oak. The agreement will be returned to Council for approval at a later date.

Mr. Busch added that since the City has already instituted a program to purchase foreclosed properties, we will be able to move forward quickly.

Councilmember Dukes asked about rents received on properties. Mr. Busch stated the intent is that they go back into the program for the purchase of other properties.

Councilmember Maan moved to approve the proposed strategy for implementing the Federal Government's *Neighborhood Stabilization Program* and direct staff to coordinate with Sutter County on the next steps of the application process. Councilmember Dukes seconded the motion that passed with a unanimous vote.

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## Business from the City Manager

### 12. Priority Projects for Federal Funding in the 2010 Budget Bill and Economic Stimulus Plan

Public Works Director George Musallam said there has been a big push in Washington, DC to bring stimulus funds into the economy. The House has passed a bill for funds for transportation and other projects. The Senate bill has increased the funding. Staff has compiled a list of prioritized projects for transportation, water quality, and Parks and Fire Department projects.

Councilmember Dukes asked about levee projects. Mr. Musallam said the Sutter Butte Flood Control Agency is preparing a separate list. The Stimulus Plan is aimed at projects that are ready to go or will be in the next three years.

Elaine Miles, 487 Anita Way, asked if the projects are listed by priority. Mr. Musallam said this is staff's request. City Manager Steve Jepsen noted that the funds are categorical. Even though staff's list is by the City's priority, grant funds will be given in various categories. Mrs. Miles asked what the money will be used for if money is received for the drinking water/arsenic project. Mr. Jepsen responded that the money may be used to reimburse the money we anticipate borrowing for the Hillcrest Water project.

## Business from the City Council/Redevelopment Agency Board

### 13. City Council Reports

- Councilmember Dukes had nothing to report.
- Councilmember Maan reported that Beale Air Force Base is not on the final list of six sites for the new Cyber wing. He would like to see the Parks Department working with schools for the benefit of the community.
- Councilmember Miller had nothing to report.
- Mayor Pro Tem Gill said that due to a lack of quorum, the Sutter Buttes Flood Control Agency Meeting was moved to next Wednesday. He would like to see the Senior and Youth Commissions partner on a project. City Manager Steve Jepsen responded that staff will investigate this partnering possibility.

## Adjournment

Mayor Pro Tem Gill adjourned the regular City Council meeting of the City of Yuba City at 8:18 p.m.

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Kashmir S. Gill  
Mayor Pro Tem

ATTEST:

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Terrel Locke  
City Clerk