

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
February 17, 2009
Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Closed Session 5:30 p.m.—Butte Room

Conferred 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, 51-433-004, 53-232-015, 56-292-030, 53-130-022, 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, 51-075-001, 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, 26-041-011, 52-161-036, 53-312-016 & 54-060-041.

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 labor negotiators Steven Jepsen and Steve Kroeger regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Yuba City Employees, pursuant to Section 54957.6 of the Government Code.

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

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

Roll Call

Present: Councilmember Dukes, Maan, Miller, Gill and Mayor McBride
Absent: None

Invocation

Councilmember Dukes gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Miller led the Pledge of Allegiance to the Flag.

Public Hearings

- 1. Adjustment to City of Yuba City Fee Schedule, Section IV, Burglar Alarm Regulation, Initial Permit and Renewal Fees and adjustment to False Alarm Response Fee.**

Assistant Chief of Police Jeffery Webster stated that the City responds to an extreme amount of false alarms, most of which are commercial and approximately 99% are false. The Yuba City Police Department responds to alarm calls more than any other type of call received.

Assistant Chief Webster stated that with the approval of this resolution the permit fee would be increased, as well as lengthening of the permit period by an additional year. A fee for no compliance with the City's permitting requirements is also a part of this resolution.

It is the hope of the department that the adoption of this resolution will increase compliance with alarm and permitting requirements, and reduce the amount of false alarm calls by at least fifty percent.

Mayor McBride opened the public hearing. Hearing no comment, she closed the public hearing.

Councilmember Miller moved to adopt Resolution No. 09-008 making the recommended adjustments in the City of Yuba City Fee Schedule. Councilmember Gill seconded the motion that passed with a unanimous vote.

2. Request to use a commercial coach for a temporary vehicle sales office

Senior Planner Katie Ertmer said the applicant, John L. Sullivan, is requesting the approval of a use permit that will allow them to use a commercial coach for a period of one year. This will allow the applicant to determine the feasibility of proceeding with the previously approved permanent dealership building. Ms. Ertmer stated that the applicant has met all the required criteria and has been approved by the Planning Commission.

Council stated concerns with this type of commercial coach being used in a highly visible area of the City. This action may cause others to request the same terms given the current economic situation of the state.

Council asked Ms. Ertmer what milestones were to be put in effect upon approval of a use permit.

Ms. Ertmer stated that the current milestone states that the applicant must apply for a building permit prior to the end of the 12 month period.

Council asked that the milestone be changed to read: at the end of the 8th month, if the applicant has not applied for a building permit, removal of the temporary commercial coach from the premises will be required.

Councilmember Maan moved to approve the recommendation of the Planning Commission, to approve Use Permit UP 08-06 to use a commercial coach for a temporary vehicle sales office with the milestone correction. Councilmember Gill seconded the motion that passed with the following vote:

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

Public Communication

3. Written Requests - None

4. Appearance of Interested Citizens - None

Bid Openings

5. Approval of Carollo Engineers Professional Services Agreement for the Engineering Design Services for the Well and Aquifer Storage/Recovery Project

Utilities Director Bill Lewis said Yuba City has four current contracts for receipt of water to be used by the residents of the City. Two are with the State of California and provide water during non summer months, a contract with North Yuba Water District for summer water and a contract with the State Water Project (SWP) that can deliver water anytime of the year.

Mr. Lewis stated that currently the City is not using all of the water allotted and is unable to store large amounts of unused water for future use. So, in effect, water that we are paying for is going downstream. In building a well and aquifer storage/recovery system the City could potentially save \$8,000,000 per year on water costs. Mr. Lewis stated that the request before Council is merely to design and determine the feasibility of constructing this type of system. If it is determined that the construction would not be feasible, the project would end and no further expenses would incur.

Councilmember Miller moved to authorize the City Manager to sign a Professional Services Agreement with Carollo Engineers to provide the engineering services for the Well and Aquifer Storage/Recovery Project with the finding that it is in the best interest of the City and direct staff to make transfers not to exceed \$630,000 from enterprise fund 507-30200 – Unallocated Surface Water Fund Balance to a new Capital Improvement Account for the Well and Aquifer Storage Project in Fund 517. Councilmember Gill seconded the motion that passed with the following vote:

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

Ordinances

6. Second reading of a previously-heard ordinance for approval of the Sutter Heritage Development Agreement Amendment between the City of Yuba City and Braddock & Logan III, LP (2nd reading)

There was no discussion on this item as it was a second reading.

Councilmember Gill moved to adopt Ordinance No. 004-09 for approval of the Sutter Heritage Development Agreement Amendment between the City of Yuba City and Braddock & Logan III, LP, as shown on Exhibit A, and waive the second reading. Councilmember Miller seconded the motion that passed with a unanimous vote.

Consent Calendar

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

7. City Council Approval of the Meeting Minutes of January 20 and February 3, 2009

Approved the City Council meeting minutes of January 20 and February 3, 2009.

8. Deferred Improvement Agreement – Terry R. Brandt [APN 63-040-013, El Margarita Road between Franklin Road and Spirit Way]

Adopted Resolution No. 09-009 approving the execution of a Deferred Improvement Agreement with Terry R. Brandt providing for street improvements along El Margarita Road fronting his parcel.

General Items

9. Agreement with the Yuba City Downtown Business Association for Promotional and Marketing Activities (RDA)

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

Assistant City Manager Steve Kroeger stated that this item pertains to a work plan that has been developed by the Yuba City Downtown Business Association (DBA) in an effort to advance their promotional activities. There has been a staff liaison, Judy Sanchez, for the Downtown Business Association since April 2003. She has provided a vital role for the City, especially during the time of construction in the downtown area which is now complete. The DBA would like to continue to attract business to the area with marketing strategies, promotional activities and the use of Ms. Sanchez.

Don Covey, President of the Downtown Business Association, spoke on this item.

Council stated that due to the economic condition of the City, they do not wish to take action on the Agreement with the Yuba City Downtown Business Association for Promotional and Marketing Activities in the amount of \$60,000 for FY 2009-10. Councilmember Gill asked that this item be tabled until the FY 2009-10 budgets for the City have been developed.

Councilmember Gill moved to table the authorization for the Executive Director to enter into an Agreement with the Yuba City Downtown Business Association for Promotional and Marketing Activities in the amount of \$60,000 for FY 2009-10. Approve the related limited term part-time position through June 2010 and authorize the related supplemental appropriation of \$21,700 for salary and benefits for FY 2008-09. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined Council.

10. Financial Report for Quarter Ending December 31, 2008

Finance Director Robin Bertagna reviewed the Financial Report and its high and low points for the quarter ending December 31, 2008.

The report was noted and filed.

11. Agreement with Yuba County for the contract operation of the River Highlands Community wastewater system

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

Assistant Director of Utilities Maria Solis introduced Aaron Ward, Deputy Yuba County Administrator, who was present to answer any questions Council may have. Ms. Solis went on the state that the River Highlands Community Services District operates and manages a wastewater system that serves the 84 home community of Hammonton Gold Village near Smartsville. Yuba County has been working with the community and recently received grants and loans for the construction of a new wastewater system to be completed by late summer 2009.

Ms. Solis stated that in November 2008 the Utilities Department submitted a proposal to Yuba County for the operation and maintenance of the new wastewater facility. Yuba County has selected Yuba City as their preferred choice. Ms. Solis said that before submission of the proposal, consideration was given to the current Yuba City residents. It was determined that there would be no significant effect on the residents or facility operations. It was also determined that there would be a financial benefit to the City.

Council asked if this is a service that has ever been provided by the City before and how many employees would be required its operation.

Ms. Solis stated that the City has not provided this type of service in the past but currently performs lab services several other agencies, including River Highlands. Ms. Solis also stated that one operator would suffice for the operation and maintenance of the River Highlands Community Wastewater System. Current staff would be used 2-4 hours per day, 7 days a week as well as 24hr on-call service. At this time the use of a City employee to perform these services will not compromise the daily operations of the Yuba City system.

Mayor McBride stated that this is a great opportunity for the City to make a little profit and to help further the regional wastewater management issue that is currently in discussion.

Councilmember Gill moved to authorize the City Manager to enter into an agreement with Yuba County for the contract operation and maintenance services of River Highlands Community sanitary sewer collection, treatment, and disposal system, and authorize the City Manager to make non-substantive changes to the Agreement as may be required. Councilmember Miller seconded the motion that passed with a unanimous vote.

Councilmember Maan rejoined Council.

Business from the City Council/Redevelopment Agency Board

12. Boards and Commission Appointments

Councilmember Maan moved to approve the City of Yuba City Boards and Commissions appointment recommendations as presented with exception to Rajan Gill. Councilmember Miller seconded the motion that passed with a unanimous vote.

Councilmember Gill recused himself from the vote due to a conflict of interest.

Councilmember Maan moved to approve the City of Yuba City Youth Commission appointment recommendations of Rajan Gill. Councilmember Miller seconded the motion that passed with a unanimous vote.

13. City Council Reports

- Councilmember Dukes stated that he and Vice Mayor Gill met with a Yuba City business owner to discuss concerns about "Going out of Business" sales. It was recommended that an ordinance or regulation be put in place to curtail businesses from using "Going out of Business", unless they are in fact going out of business. Councilmember Dukes asked that this be an item placed on the agenda for discussion at a later date.
- Councilmember Maan had nothing to report.

- Councilmember Miller said the Sutter Buttes Flood Control Agency met last Wednesday. The Board of Directors has decided to move forward with the engineering and studies needed for the levees from the Thermalito Afterbay to the North end of Yuba City. Then with the concurrence of the Army Corps of Engineers, FEMA and the State of California, the Board would move ahead with the construction work to bring the stage level back up to the 200 year flood stage. The process is expected to take 3-5 years to complete. The Army Corps of Engineers feasibility study determined that the work would not be complete until 2020.
- Mayor Pro Tem Gill stated that he also attended the Sutter Buttes Flood Control Agency meeting. During the meeting John Miller was nominated to remain the chairperson for the second year. Mayor Pro Tem Gill stated the Agency has made overwhelming progress since its inception. Flood control is at the top of the priority list. The effects of the area being mapped into a flood plain can be devastating to a community with the impact it has on development and the higher cost of flood insurance.

Mayor Pro Tem Gill stated that he attended the Feather River Air Quality Management District (FRAQMD) meeting. The standards for air pollution are becoming more stringent as time goes on. The Board is looking at incorporating the same regulations that Sacramento currently has in regards to wood burning stoves. The regulations in effect in Sacramento state which days of the week wood burning stoves could be used and also offers rebates to those who wish to upgrade their stove to an environmentally friendly version. Also up for discussion was the use of diesel engines by farmers, and the emissions that the engines produce.

Mayor Pro Tem Gill said that he is in favor of bringing the "Going out of Business" issues back to Council for further discussion to hopefully enact some kind of time limit.

- Mayor McBride had nothing to report.

Adjournment

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City in at 9:00 p.m.

 Leslie McBride
 Mayor

ATTEST:

 Terrel Locke
 City Clerk