

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
MARCH 3, 2009  
5:30 CLOSED SESSION  
7:00 P.M. – REGULAR MEETING**

**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 sale of the following property or portion thereof: APN 52-380-017.

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 property or portion thereof: APN 52-502-008.

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 negotiators Steven Jepsen and 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 real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding negotiations for the possible purchase of Union Pacific railroad right of way.

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**

**Call To Order**

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**

Utilities Director Bill Lewis gave the invocation.

**Pledge of Allegiance to the Flag**

Keith Seith, Master Counselor of the N. California DeMolay, led the Pledge of Allegiance to the Flag.

**Presentations and Proclamations**

1. **Proclamation for DeMolay Month** – Presented to members of DeMolay.

**Public Hearings**

2. **Amendments to the City's Municipal Code relating to new code enforcement programs and procedures for nuisance abatement (1<sup>st</sup> reading of ordinances)**

Community Development Director Aaron Busch stated this item is a comprehensive update to the City's municipal code regarding code enforcement programs. Multiple components will help ensure the health, safety and quality of life of residents. The code enforcement section of the municipal code is outdated. The first ordinance will identify nuisance sites. It will remove ambiguity and establish procedures, penalties and legal remedies. An abatement fund will be established. It allows the City to move forward with abatement compliance when needed. Money would be deposited back into the fund when received by direct deposits by property owners or through the lien process. The second ordinance deals with administrative citations for more minor violations, such as

RV's parked for more than 72 hours, offsite signage, or routine weed abatement. A fine structure is included. The ordinances are established by state law. The third element is the inclusion of the state's program aimed at cleaning up properties owned by banks or other agencies to ensure maintenance. The final item is a resolution adopting policies and procedures for code enforcement staff that will make our expectations clearer to everyone. Mr. Busch showed examples of violations that will fall under these ordinances and resolutions. This is a positive proactive step to eliminate blight and approve the appearance of Yuba City.

Mayor McBride opened the public hearing. The following residents spoke:

Shari Setser, President of the Yuba-Sutter Association of Realtors, asked that this item be continued until the realtors can provide input.

Rick Walsh, 1450 Honor Oak, President Elect of the Yuba-Sutter Association of Realtors, noted that determining the owner of the property when it is in the foreclosure process is sometimes difficult.

Phillp Treanor, 1570 Richland Road

Hearing no further comment, Mayor McBride closed the public hearing. She noted the Chamber of Commerce sent a letter requesting continuance due to issues with Item A.

Councilmembers asked questions of staff and discussed the request for continuation of this item to allow realtors and the Chamber to provide their input. Mr. Busch noted that by the time the ordinances go through the process, we will be into fire season. We need to move forward as quickly as possible on Item A. Councilmembers asked that these ordinances/resolutions be kept together as one item rather than breaking them up and approving pieces. Council directed Mr. Busch to meet with the interest groups and return this item to the March 17 meeting.

Councilmember Gill moved to continue Agenda Item 2 to March 17, 2009 to: (a) Introduce an Ordinance for approval to repeal Title 6, Chapter 8 and Title 4, Chapter 8 of the Yuba City Municipal Code and reenact Title 4, Chapter 8 regarding Nuisance Abatement as indicated on the exhibit, and waive the first reading; (b) Introduce an Ordinance to add Chapter 6 to Title 1 of the Yuba City Municipal Code pertaining to an Administrative Citation Program as indicated on the exhibit, and waive the first reading; (c) Adopt a Resolution for the establishment of new civil penalties for failure to maintain foreclosed properties as indicated on the exhibit; and (d) Adopt a Resolution approving the Statement of Code Enforcement Policies as indicated on the exhibit. Councilmember Maan seconded the motion that passed with a unanimous vote.

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

3. **Written Requests** – none
4. **Appearance of Interested Citizens** – none

### **Bid Openings**

#### **5. Major Street Rehabilitation – RSTP 2008 Project**

Public Works Director George Musallam said this is the award of a contract for major street rehabilitation as approved for bid by Council previously. We received eight bids on this project. They were between \$1.1 to \$1.3 million. The engineer's estimate was \$1.4 million. Staff recommends award of the project to the lower bidder, Knife River Construction, formerly Baldwin Construction.

Councilmember Gill moved to: (a) Award Contract No. 08-09, Major Street Rehabilitation – RSTP 2008 Project, to Knife River Construction, of Chico, CA in the amount of their total bid of \$1,081,109.35, including the Add Alternate – Railroad Avenue; (b) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney; (c) Authorize a total transfer of \$1,212,497.44 from Account No. 921026-65501 (Residential Rehab) to Account No. 921051-65501 (Road Rehabilitation); and (d) Authorize related revenue and expenditure budget adjustments to Account Nos. 220-43195 (Streets/Road Special Revenue Fund – Federal Intergovernmental Revenues) and 921051 (Road Rehabilitation) to appropriate funds for the RSTP funded portion of this project. Councilmember Miller seconded the motion that passed with the following vote:

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

### **Consent Calendar**

Councilmember Gill asked that Item 6 of the Consent Calendar be removed for further discussion. Councilmember Miller asked that Item 10 of the Consent Calendar be removed for further

discussion. Councilmember Miller moved to adopt Items 7, 8 and 9 of the consent calendar. Councilmember Gill seconded the motion that passed with a unanimous vote.

**7. Rubber Cape Seal Project 2009**

Adopted Resolution No. 09-010 approving the plans and specifications for the Rubber Cape Seal Project 2009 and authorizing advertisement for bids on the project. Engineer's Estimate - \$250,000.

**8. 2009 Slurry Seal Project**

Adopted Resolution 09-011 approving the plans and specifications for the 2009 Slurry Seal Project and authorizing advertisement for bids on the project. Engineer's Estimate - \$300,000.

**9. Grant of Non-Exclusive Irrevocable Easement Agreement with Pacific Bell Telephone Company for property located at 1301 Tharp Road [APN 59-010-072]**

Adopted Resolution 09-012 approving the execution of an Easement Agreement with Pacific Bell Telephone Company for the grant of a non-exclusive irrevocable easement for property located at 1301 Tharp Road [APN 59-010-072].

**6. Agreement with the Ferguson Group, Washington DC for Flood Protection and lobbying efforts on behalf of Yuba City and Sutter County**

City Manager Steve Jepsen noted a letter was submitted by Dr. Larry Ozeran asking that this issue be discussed. He does not think it prudent to spend \$63,000 of City funds for a lobbyist in Washington, D.C. that may not be able to deliver anything substantial to the City. Mr. Jepsen said we share the cost of the lobbyist with Sutter County. Our share is \$63,000 per year. During the first year, Ferguson Group obtained \$3 million for the Wadsworth Canal repairs. While located in the County, a breach of the Wadsworth Canal would affect the City. Last year our lobbyist was not successful in obtaining funds for us. This year it is important to have a lobbyist to help obtain Stimulus Money. Mr. Jepsen said it is important to have a lobbyist in Washington, DC and to make our presence known. Please note that our state lobbyist contract was not renewed this year. Councilmember Miller said it is a good investment for the City. Councilmember Gill said he wholeheartedly supports retaining our lobbyist. Obtaining levee monies requires our representation in Washington. Councilmembers Maan and Dukes concurred.

Councilmember Dukes moved to (a) Authorize the City Manager to extend the existing Agreement with the Ferguson Group of Washington DC for lobbying services not to exceed \$63,000 for calendar year 2009 to be funded from 50% Flood CIP and 50% Redevelopment; and (b) Approve a related supplemental appropriation of \$30,000 to the Redevelopment Agency Professional Services Account 6011-62701. Councilmember Gill seconded the motion that passed with a unanimous vote.

**10. Reimbursement Agreement – Kenneth and Lanell Phillips**

After discussion of the mechanics of sewer system fees and reimbursements, Councilmember Maan moved to adopt Resolution No. 09-013 approving the execution of a Reimbursement Agreement with Kenneth and Lanell Phillips for the installation of a sanitary sewer line on Hooper Road. [located at 1293 Hooper Road]. Councilmember Miller seconded the motion that passed with a unanimous vote.

**General**

**11. Professional Services Agreement Modification – Regarding the preparation of the Lincoln East Specific Plan (LESP), EIR and accompanying documents**

Councilmember Gill recused himself due to a conflict of interest.

Community Development Director Aaron Busch noted this is to request additional funds for the most comprehensive Specific Plan the City has had to date. It was first initiated in 2005. Approximately 1,140 acres are in LESP located in the southwest portion of Yuba City. About 4,800 new residential units are included as well as schools, churches, and parks. The City recognized the importance of the project in 2007 when a partnership was created to participate in the funding for the preparation of the draft of the environmental impact report and Specific Plan document. This request for funds will complete the document. It is hoped to bring the environmental impact report back to Council in August for final review and approval. Mr. Busch responded to questions from Council.

Councilmember Miller moved to authorize the City Manager to amend the Agreement for Professional Services with RRM Design Group as outlined in the Lincoln East Specific

Plan Contract for \$31,000 for the funding of the Lincoln East Specific Plan; EIR and accompanying documents; and, approve a supplemental appropriation and related transfers in the amount of \$38,000 from account #301-30560 (General Unallocated CIP Account) to account #2901-62754 (Specific Plan Fees Account), and related transfers in the amount of \$66,000 from account #9\*-1047 (LESP CIP) to #2901-62754 (Specific Plan Fees Account). Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Gill rejoined the meeting.

**12. Allocation of a Limited Term Construction Inspector position to the Public Works Department**

Public Works Director George Musallam said this request is for construction inspector to temporarily replace an inspector who has been on leave for six months. We anticipate a summer workload that necessitates the City's full complement of three inspectors. Should the workload decrease, this position would then be eliminated.

Councilmember Gill moved to adopt Resolution No. 09-014 approving one limited term Construction Inspector position in the Public Works Department for a period not to exceed one year and authorize the Director of Finance to allocate funding through the Capital Improvement Program for the cost of the position. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

**13. City Council Reports**

- Councilmember Dukes said it was a pleasure to participate in the Bok Kai parade for the first time.
- Councilmember Maan noted we have no representation on the Chamber of Commerce's Government Affairs Committee. Maybe we should be involved. Mayor McBride asked staff to add this to the next agenda.
- Councilmember Miller said the Bok Kai was a nice event and there was no rain.
- Mayor Pro Tem Gill said the Bok Kai Parade was excellent. He thanked Councilmember Miller for providing the Gators for transportation. He noted the upcoming Sutter Butte Flood Control Agency will be held in Oroville. He asked that we adjourn tonight's meeting in memory of Myrtle McIntire, mother of Parks & Recreation Director Brad McIntire.
- Mayor McBride also thanked Councilmember Miller for providing transportation at the Bok Kai Parade.

**Adjournment**

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City in memory of Myrtle McIntire at 8:07 p.m.

\_\_\_\_\_  
Leslie McBride  
Mayor

ATTEST:

\_\_\_\_\_  
Terrel Locke  
City Clerk