

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
Council Chambers
March 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 portions 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, 55-020-052, 53-174-011, 51-073-010, 51-075-001, 53-370-013, 52-085-010, 52-093-005, 52-084-008, 51-452-004, 53-152-021, 53-021-019, 26-041-011, 52-161-036, 52-216-014, 52-23-012, 52-225-016, 53-482-025, 53-482-024, 53-482-023, 53-482-028, 53-482-027, 53-482-026, 52-520-002, 52-225-017, 52-520-038, 52-163-012, 53-301-001, 52-411-016, 52-412-013, 51-095-048.

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.

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 Maan led the Pledge of Allegiance to the Flag.

Public Hearings

1. Amendments to the City's Municipal Code relating to new code enforcement programs and procedures for nuisance abatement.

Community Development Director Aaron Busch stated that this item was originally presented on March 3, 2009, but was continued at the request of two stakeholder groups – Local Realtors and the Government Affairs Committee for the Yuba City Chamber of Commerce. The continuation of this item allowed staff and the stakeholder groups to meet and discuss concerns regarding the proposed amendments, specifically as it relates to foreclosed homes. The stakeholder groups were further educated on the aspects of the ordinance and no further amendments would need to be made.

Mayor McBride opened the public hearing.

The following persons spoke on this item:

David Burrow, Sutter-Yuba Association of Realtors, 1829 Williamsburg Drive, Yuba City
Darren Rector, 815 Chestnut Street, Yuba City
Darren Gale, Yuba-Sutter Government Affairs, 1153 Franklin Avenue, Yuba City

Councilmember Dukes asked Mr. Busch when the code enforcement process can begin for foreclosures and when the \$1000 per day fines begin to accrue.

Mr. Busch stated that the process can begin when the bank takes ownership of the home. The Local Realtors group has stated that when the bank takes over a home, contact would be made to ensure compliance. In the event that there is no communication between the City and the bank, the fines would begin after 30 days.

Hearing no further comment, Mayor McBride closed the public hearing.

Council expressed their gratitude for working with the stakeholders groups, and stated that ordinances like these aid the image of the city as well as make compliance easier to enforce. Council also stated that with City resources being stretched thin, any effort to aid in better use of those resources is greatly appreciated.

Mayor Pro Tem Gill asked staff to review the current ordinance regarding Recreational Vehicles and Semi trucks parking on City streets. He has had several citizens bring this issue to his attention.

Councilmember Miller moved to introduce an Ordinance to repeal Title 6, Chapter 8 and Title 4, Chapter 8 of the Yuba City Municipal Code and re-enact Title 4, Chapter 8 regarding Nuisance Abatement as indicated on the exhibit, and waive the first reading, 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, adopt Resolution 09-015 for the establishment of new civil penalties for failure to maintain foreclosed properties as indicated on the exhibit, and adopt Resolution 09-016 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

2. **Written Requests - None**
3. **Appearance of Interested Citizens - None**

Bid Openings

4. Sam Brannan Park Improvement Project

Principal Engineer Diana Langley stated that in 2008, the pool facility at Sam Brannan Park was demolished. Staff has been working with Gray Avenue Middle School to develop a plan to improve the now vacant area. The plan developed includes construction of a 40'x25' shade structure, sand volleyball court, a barbecue, picnic tables, sidewalks, lighting and landscaping. One unique element to the landscaping is a demonstration "waterwise" garden that showcases native and drought tolerant plants.

Councilmember Gill moved to award Contract No. 08-15, Sam Brannan Park Improvement Project, to PBM Construction of Roseville, CA in the amount of their bid of \$169,607.00, authorize the City Manager to execute the contract on behalf of the City, following approval of the City Attorney, and approve a budget transfer in the amount of \$161,873.00 from Account No. 931054-65518 (Sam Brannan Park Renovation – Equipment) to Account No. 931054-65501 (Sam Brannan Park Renovation – Construction) and a budget transfer in the amount of \$5,000 from Account No. 931054-65502 (Sam Brannan Park Renovation – Design) to Account No. 931054-65501 (Sam Brannan Park Renovation – Construction). Councilmember Dukes seconded the motion that passed with a unanimous vote.

5. Professional Services Agreement with Wood Rodgers, Inc. for engineering services for the State Route 99/Queens Avenue Interchange Improvement Project

Principal Engineer Diana Langley stated that as part of the State Route 99/Pease Road Interchange Project Study Report, the SR99/Queens Avenue interchange was found to have deficiencies in both operation and safety. Fehr & Peers was contracted to prepare a Planning Study to evaluate improvements and make recommendations. The recommendations provided by Fehr & Peers included the installation of several signal lights as well as possibly limiting traffic at the Queens Ave/West Onstott intersection. An RFP was sent out to engineering firms within the Sacramento/Roseville area. A total of six RFP's were received. Staff then ranked each of the proposals based on the scoring criteria provided in the RFP. Actually, Quincy Engineering was ranked number one, but Wood Rodgers was close behind in score. When the cost was evaluated Quincy Engineering was significantly more expensive, which would justify the recommendation to award Wood Rogers this project. Ms. Langley stated that another consideration was the timelines provided. Wood Rogers estimates completion by the end of the year verses other companies that would not have the project complete until next summer.

Councilmember Gill moved to award a professional services agreement to Wood Rodgers, Inc., of Sacramento, CA for the State Route 99/Queens Avenue Interchange Improvement Project in the amount of \$358,000 plus \$30,000 in contingency with the finding that it is in the best interest of the City to do so. Councilmember Miller seconded the motion that passed with a unanimous vote.

Consent Calendar

Mayor McBride stated that items 8-10 had been removed from the consent calendar for further discussion. Councilmember Maan moved to approve items 6 and 7 of the consent calendar. Councilmember Gill seconded the motion that passed with a unanimous vote.

6. City Council Approval of Minutes of February 17, March 3 & March 4, 2009

Approved the Council meeting minutes of February 17, March 3 & March 4, 2009.

7. Water supply contract extension for the State Water Project with the Department of Water Resources

Adopted Resolution 09-017 authorizing the Utilities Director to provide written notice to the Department of Water Resources to extend the terms of the current contract with the finding that it is in the best interest of the City.

Items 8, 9 & 10 were discussed and voted on as one item.

8. Walton 16-inch Water Distribution Line Project – Approval of Plans and Specifications

9. Walton 14-inch Water Distribution Line Project – Approval of Plans and Specifications

10. Walton Water Transmission Line Project (30-inch and 24-inch transmission mains)

Public Works Director George Musallam stated that water mains and transmission lines would need to be installed in order to provide the Walton Area residents with City water.

Council asked Mr. Musallam for clarification as to where the water lines and transmission mains would be placed.

Mr. Musallam illustrated where the water lines and transmission mains would be placed in order to provide sufficient water pressure to all effected homes in the Walton area.

Councilmember Gill moved to adopt Resolution 09-018 approving the plans and specifications for the Walton 16-inch Water Distribution Line Project and authorizing advertisement for bids on the project (Estimated Project Cost \$472,000), adopt Resolution 09-019 approving the plans and specifications for the Walton 14-inch Water Distribution Line Project and authorizing advertisement for bids on the project (Estimated Project Cost \$561,000), and adopt Resolution 09-020 approving the plans and specifications for the Walton Water Transmission Line Project (30-inch and 24-inch transmission mains) and authorizing advertisement for bids on the project (Estimated Project Cost \$6,040,000). Councilmember Maan seconded the motion that passed with the following vote:

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

General Items

11. Conceptual discussion and approval of a Development Agreement with Interwest Homes for the completion of the Canterbury Estates residential subdivision

Community Development Director Aaron Busch stated that Interwest would appreciate some feedback from the Council on the requested fee reductions for the Canterbury Estates subdivision. The original project was approved in 2004 for Dunmore Homes to construct 270 lots of which only 111 have been fully constructed and 14 are partially developed. With Dunmore filing bankruptcy, the ownership of the property is now with the bank leaving many lots undeveloped and unmanaged. Interwest Homes has approached the City and expressed interest in acquiring the remaining lots in the subdivision with the hopes of completing the partially developed lots and then beginning a phased construction of the remaining 145 lots. However, in order to do that, they will need some financial considerations from the City. To include using the impact fees and water/sewer connection fess that were in effect in 2004 for the first 48 units or a two year period, whichever occurs first. At the completion of the 48 units or two years, Interwest would evaluate the market conditions and negotiate how to proceed with the remainder of those lots in the subdivision.

Derrick Long, 3561 Black Oak Drive, Rocklin, Representative for Interwest Homes, spoke on this item.

Council stated concerns regarding deviating from the fee schedule. If granted, other contractors may ask for the same considerations which negates what the City is trying to do by implementation of the current fees. Council also stated that they are pleased that

local contractors are looking to help aid in the revitalization of the residential properties as well as the local economy.

Council provided staff with direction regarding the disposition of distressed residential subdivisions in Yuba City and approved a conceptual proposal for a development Agreement with Interwest Homes for the completion of the Canterbury Estates residential Subdivision.

12. The process for solicitation of potential developers for the Feather River Mill Site located at the southeast corner of Bridge and Shasta Streets in Downtown Yuba City

Community Development Director Aaron Busch stated that September of last year, the Agency Board (City Council) directed staff to proceed with developing a process for the future development for the City's "Feather River Mill" site. Staff has developed a marketing brochure which will be sent out with the RFQ to all interested parties. Given the slow-down in the economy, an opportunity has been provided for staff to begin the process for determining the type of development that can take place on this site. Mr. Busch recommends that the alternatives for site development be determined as part of the developer review and selection process. The development of the site will require creative alternatives and a variety of funding sources. For example, the *American Recovery and Reinvestment Act*, recently signed into law, could provide stimulus funding for a project that includes subsidized housing for seniors.

Councilmember Gill moved to authorize staff to initiate the process for selection of a Development Team for the Feather River Mill Site, and approved the Request for Qualifications (RFQ) seeking interested parties for the development of the site. Councilmember Miller seconded the motion that passed with a unanimous vote.

13. Animal Shelter Architectural Design and Construction Management Reimbursement Agreement

General Services/Information Technology Director Devin Barber stated that the existing shelter was built in 1986 and is currently overpopulated and in severe disarray. Due to the increased amounts of animals impounded and the deterioration of the shelter over the years, a new shelter is currently being proposed by the county. Sutter County has issued a Request for Proposals for architectural design services, completed an evaluation process, and is ready to recommend to the Board of Supervisors an award of contractor George Miers & Associates of Moraga, CA. in an upcoming meeting. The County estimates the new facility will be roughly 10,000 sq-ft and be constructed at a cost of \$3,000,000 or \$300 per square foot. Of that cost the City's portion will be 66%. The City's portion of the engineering costs will be \$525,000. The County is allowing the City to defer payments for two years and early payments can be made with no penalties.

Council stated that they are aware that a new shelter is greatly needed, but would like to be more active in the decision making process considering the City's portion of the cost is 66%.

Randy Keggel of Sutter County spoke on this item.

Councilmember Gill moved to authorize the City Manager to enter into a reimbursement agreement with Sutter County for the City's proportionate share of costs to be incurred for the design and construction management of the new Animal Shelter. Councilmember Miller seconded the motion that passed with a unanimous vote.

14. Amendments to current Memoranda and Letters of Understanding providing for work furloughs and salary reductions.

City Manager Steven Jepsen stated that City staff has been meeting and conferring with all the City's bargaining units in order to negotiate salary concessions in light of current ongoing state and national economic conditions. The bargaining units have been very supportive and cooperative in recognizing the seriousness of the current economic conditions and have an interest in preserving jobs for members of their bargaining units.

Mr. Jepsen said that he was very proud of all the bargaining units and stated that it really shows that the City has great employees that are willing to work together as a team to come up with creative solutions to ensure the employment of their colleagues.

Council also expressed their gratitude in the effort made by all City employees to help in these economic times.

Councilmember Gill moved to adopt Resolution 09-021 approving the contract amendments providing for work furloughs and salary reductions. Councilmember Maan seconded the motion that passed with the following vote:

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

Business from the City Council/Redevelopment Agency Board

15. Boards and Commission Appointment

Mayor McBride stated that with the resignation of Michael Tomlinson from the Planning Commission a vacancy had occurred. In accordance with State and Federal regulations the City Clerk's office noticed the vacancy. The City Clerk's office did not receive any applications during the noticing period. The Screening Committee reviewed the applications that were on file. All the applicants had previously been interviewed. Mayor McBride recommended the appointment of George Parker to the Planning Commission.

Councilmember Miller moved to approve the appointment of George Parker to the Planning Commission. Councilmember Dukes seconded the motion that passed with a unanimous vote.

16. Discussion and Appointment of a Councilmember to the Chamber of Commerce's Government Affairs Committee

Councilmember John Dukes recommended that instead of a Councilmember being appointed, the Economic Development Manager, upon his/her hiring, would be the best person to represent the City on this Commission considering the types of issues that the GAC deals with.

Darin Gale spoke on this item representing the Government Affairs Committee.

Council was in agreement with Councilmember Dukes recommendation.

17. City Council Reports

- Councilmember Dukes had nothing to report.
- Councilmember Maan asked that staff look into creating some type of point system to give local vendors an slight advantage in the bidding process.
- Councilmember Miller had nothing to report.
- Mayor Pro Tem Gill wished his mother a happy birthday.
- Mayor McBride stated that Assistant City Manager Steve Kroeger and she had gone to Washington D.C. in an effort to lobby for funding to conduct the feasibility study for the City's levee system. She stated that the outcome looks promising and the appropriation of monies has doubled to \$1.6 million.

Adjournment

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City in memory of John Lamon at 9:26 p.m.

Leslie McBride
Mayor

ATTEST:

Terrel Locke
City Clerk