

**MINUTES  
REGULAR MEETING  
CITY COUNCIL & REDEVELOPMENT AGENCY  
CITY OF YUBA CITY  
May 19, 2009  
6:00 p.m. – Closed Session  
7:00 p.m. – Regular Meeting**

**Closed Session-Butte Room**

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 on the possible purchase of water supply from the North Yuba Water District.

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.

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, 56-292-030, 53-130-022, 53-191-024, 56-330-001, 53-174-011, 51-073-010, 51-075-001, 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, 52-223-012, 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, 53-520-038, 52-163-012, 53-301-001, 52-411-016, 52-412-013, 51-095-048, 53-161-024, 53-161-025, 53-152-032, 52-075-005, 52-212-016, 52-173-021, 52-075-011, 52-173-021, 51-515-006, 51-091-012.

**Regular Meeting-Council Chambers**

**Call To Order**

The City Council of the City of Yuba City was called to order by Mayor McBride at 7:04 p.m.

**Roll Call**

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

**Invocation**

Councilmember Dukes gave the invocation.

**Pledge of Allegiance to the Flag**

Councilmember Gill led the Pledge of Allegiance to the Flag.

**Public Hearings**

**1. Appeal of Planning Commission's conditional approval of Subdivision Map SM 08-02 – Red Cross**

Mayor McBride confirmed with Community Development Director Aaron Busch that there has been a request from the applicant to continue this item.

Councilmember Miller moved to continue this public hearing to the June 2, 2009 meeting. Councilmember Gill seconded the motion that passed with the following vote:

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

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

**2. Written Requests - none**

**3. Appearance of Interested Citizens - none**

## **Bid Openings**

### **4. Purchase ICP-MS Spectrophotometer (FB 09-08)**

Laboratory Manager Michael Paulucci said this spectrophotometer will be used in the Utilities Department laboratory to test for metal in water, wastewater, storm water and sludge. The current instrument was purchased in 1996 and it had a lifespan of 8-10 years. It is well past its prime. The laboratory currently conducts about 4,500 metal tests per year. The cost savings for doing this testing in house is about \$36,000 versus contracting to commercial laboratories. The city owns and operates the only state certified full service laboratory in the Yuba-Sutter region. We have 17 commercial clients we serve and this provides revenue opportunities. Four vendors submitted bids. The lowest bidder was Agilent Technologies. Mayor McBride confirmed the instrument will have a 3 year warranty. Councilmember Dukes asked how many tests are conducted for commercial clients. Mr. Paulucci responded that about 15% are conducted for commercial and we charge \$10-15 per test. Councilmember Miller asked about selling the old instrument. Mr. Paulucci said the manufacturer is decommissioning the instrument and its only use at this point would be for parts. We will attempt to sell it for that purpose.

Councilmember Maan moved to award the purchase to the low bidder, Agilent Technologies of Wilmington, DE for an ICP-MS Spectrophotometer in the amount of \$144,894.07. Councilmember Gill seconded the motion that passed with a unanimous vote.

### **5. Slurry Seal Project 2009**

Councilmember Dukes recused himself due to a conflict of interest.

Public Works Director George Musallam stated this item is our 2009 slurry seal contract. Seven bids were received and they ranged from \$290,000 to \$369,000. The engineer's estimate was \$300,000. This is part of the CIP that the Council approved as part of the budget process. These streets do not yet require an overlay. Councilmember Gill asked Mr. Musallam to describe the process for selecting streets for slurry seals. Mr. Musallam said the Public Works Department has a program, a pavement management system, which is required for every public agency that receives federal or state funding. All streets and rankings are entered into this database. It is verified by a field inspection. It is an interactive process. Councilmember Miller asked if we have used California Pavement previously, and Mr. Musallam responded yes.

Councilmember Miller moved to (a) award Contract No. 09-04, Slurry Seal Project 2009, to California Pavement Maintenance Company Inc., of Sacramento, CA in the amount of their bid of \$ 290,477.26, and (b) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Gill seconded the motion that passed with a unanimous vote.

Councilmember Dukes rejoined the meeting.

### **6. Rubber Cape Seal Project 2009**

Public Works Director George Musallam said the difference in a rubber cape seal and slurry seal is that the oil used in the cape seal is rubberized. It is used for streets that have deteriorated beyond what a slurry seal will resolve, but not to the point that an overlay is needed. This is the first time that Yuba City has used this treatment. Roseville uses it extensively and we have had numerous discussions with them. The cost is about half the cost of an overlay. Only one bid was received because it is so specialized. Mr. Musallam responded to Council's questions.

Councilmember Gill moved to (a) award Contract No. 09-03, Polymer Modified Asphalt-Rubber Cape Seal Project 2009, to International Surfacing Systems, of Modesto, CA in the amount of their bid of \$301,252.50, and (b) authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney. Councilmember Maan seconded the motion that passed with a unanimous vote.

## **Consent Calendar**

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

### **7. City Council Approval of Minutes of May 5, 2009**

Approved the Council meeting minutes of May 5, 2009.

### **8. Amended Professional Service Agreement for Environmental Review for the Yuba City Feather River Diversion Structure Fish Screen Project**

Authorized the Utilities Director to sign an amended agreement with ICF Jones & Stokes for environmental review for the Yuba City Feather River Diversion Structure Fish Screen Project in the amount of \$80,000 with the finding it is in the best interest of the City.

**9. First Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement**

Approved an Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement Altering the Quorum Representation Requirement from Seven Member Agencies to Six Member Agencies.

**General**

**10. Improvement Plan Strategies for Highway and major arterial corridors**

Community Development Director Aaron Busch said Council expressed a desire to clean up the commercial and industrial corridors at their Goal Setting Workshop. A three part program will be introduced. Visual blight includes non-conforming signs and the lack of landscaping or unifying design theme. Mr. Busch showed photographs depicting the problem. Business signs will remain but the accessory signs advertising products and specials are the focus at this time. A corridor improvement strategy includes: (1) public outreach to accomplish voluntary compliance, (2) gateway enhancements, and (3) sign enforcement. We will focus on one section at a time. Initially, the focus will be Highway 99, and Highway 20 between the 10<sup>th</sup> Street Bridge and Highway 99. A letter will be sent out to explain the program and give merchants 30 days to comply. Extensions of two weeks can be granted. Non-compliance will initiate an abatement process. Use of Redevelopment Agency funds can be used to remove non-conforming pole signs. Mr. Busch compared photographs of new commercial properties that are in complete compliance to those in non-compliance.

Public Works Director George Musallam said the role of Public Works in this plan is to implement the direction of Council, to do the design work, and act as the liaison between public agencies. Mr. Musallam showed photographs of successful projects including Plumas Street and Sunsweet Boulevard. At the last meeting, Council approved landscaping on Highway 99 at Sunsweet. It is now with CalTrans for approval. One of our priorities is the intersection of Highway 99 and 20. CalTrans is interested in partnering with us on this project. Ultimately, we would like to install islands and landscape the corners. Highway 20 enhancements include 3-4 miles of median landscaping and irrigation. This will require extensive dealings with CalTrans and the businesses along the highway. Maintenance may be funded with gas taxes or a lighting and landscape district. Garden Highway between Lincoln and Winship Road will require a workshop where businesses will be invited. If Garden Highway is to be widened, right of ways will be needed from the property owners. Replacement of the 5<sup>th</sup> Street Bridge is one of our biggest projects. We want more than a concrete bridge. We want to enhance our gateway. This will be a long process with both the federal and state governments involved. We have secured about \$30 million in funding. We need another \$30 million.

Councilmember Gill commended Mr. Musallam for working with the jurisdictions in securing half the funds needed for the 5<sup>th</sup> Street Bridge replacement. Mr. Musallam said the four jurisdictions: Sutter and Yuba Counties, Marysville and Yuba City have been working closely to forward this project. Mayor McBride said this is a huge accomplishment and thanked Mr. Musallam. Councilmember Miller said the corridor improvement plan has been needed for a long time. He commended both Mr. Busch and Mr. Musallam and hopes we can move to the interior of Yuba City to clean it up as well.

Councilmember Gill moved to approve the proposed Corridor Improvement Plan and direct staff to begin implementation of strategy. Councilmember Miller seconded the motion that passed with a unanimous vote.

**11. Reeves Avenue Parking Lot**

Councilmember Miller recused himself due to a conflict of interest.

Public Works Director George Musallam said we held off on this parking lot until Plumas Street was finished. The parking layout includes 30 stalls, including 2 handicapped. The extension of water lines will be required. Questions have been raised as to designating some of the stalls for employees and others as limited time parking. The engineers estimate is \$340,000 with the funding from redevelopment funds and \$68,000 for water lines through the budgeted waterline account.

Councilmember Dukes suggested designating the front portion of the stalls for two hour parking and the back stalls for employee parking. Downtown Business Association President Don Covey said he thinks two time zones in one parking area will be confusing but a three hour time limit on all the stalls might be appropriate.

Councilmember Gill moved to conceptually approve the proposed Reeves Avenue Parking lot layout and authorize the Public Works Department to move forward with the preparation of plans and specifications for the project. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the meeting.

**12. Stimulus Street Rehabilitation – ARRA 2009 Project**

Public Works Director George Musallam said the City received \$750,000 in stimulus funds. The criteria for spending the money is strict: first, it must be spent on major streets, and second, it must be spent within a short time period. Live Oak Boulevard doesn't need much prep work and has no medians. We can also meet the deadlines. He reviewed the process for selecting Live Oak Boulevard for the overlay.

Councilmember Miller moved to adopt Resolution No. 09-032 approving the plans and specifications for the Stimulus Street Rehabilitation – ARRA 2009 Project and authorizing advertisement for bids on the project. Councilmember Maan seconded the motion that passed with a unanimous vote.

**13. Gray Avenue Crosswalk Removal at Kimball Avenue**

Public Works Director George Musallam said we are looking at reconstructing Gray Avenue. Staff has been talking to the School District about the necessity of two crosswalks. The crosswalk at Spiva has flashing lighting in the pavement that pedestrians can activate by pushing a button. A crosswalk guard is also posted at this location. The School District supports removal of the crosswalk at Kimball Avenue.

Councilmember Maan moved to adopt Resolution 09-033 initiating proceedings by setting a public hearing for the removal of the crosswalk on Gray Avenue at Kimball Avenue pursuant to Section 21950.5 of the California Vehicle Code. Councilmember Miller seconded the motion that passed with a unanimous vote.

**14. Garden Highway/Franklin Avenue All Way Stop**

Public Works Director George Musallam requested authorization to install a 3 way stop at Garden Highway and Franklin Road. Improvements have been completed on Garden Highway from Second Street to Franklin Road. Part of the improvements include installation of a fence on the Fairgrounds right of way. A sight problem has been created by the fence. For a vehicle to see, they must pull forward into the travel lane. A concern has been expressed that a 3 way stop would create stacking on Garden Highway. Peak hours should not exceed 400 feet on Garden Highway. The distance between Franklin and Second Street is about 900 feet. Staff doesn't feel stacking would back up to Second Street. The ultimate goal would be to install a signal. Councilmember Gill asked if there have been a lot of accidents at this intersection. Mr. Musallam said there have not been that many but there is a definite sight distance problem. Fairgrounds staff have concerns about pedestrians crossing Garden Highway to get to the Fairgrounds. Council discussed installing the stop sign as soon as possible. Mr. Musallam said there is a long lead time for the installation of stop signs. Council urged Mr. Musallam to fast track this signal and agreed to the stop signs until the signal can be installed.

Councilmember Gill moved to adopt Resolution No. 09-034 approving the installation of stop signs at the Garden Highway/Franklin Avenue intersection, creating an All Way Stop. Councilmember Dukes seconded the motion that passed with a unanimous vote.

**15. Walton Waterline and Storage Tank Project Final Mitigated Negative Declaration Adoption**

Utilities Director Bill Lewis said this item is for the adoption of the mitigated negative declaration for water lines to primarily serve groundwater customers and includes a water storage tank to be located near Sanborn and Lincoln Roads. In January, 2008 the initial study was circulated for public comment and review. It included the 30" water line from Yuba City High School to Sanborn at Lincoln Road. It also included a 3.6 million gallon water storage tank also near the corner of Sanborn and Lincoln. Comments and responses are included in the report. Mitigated Negative Declarations are usually used in cases like this and they cost about half the cost of an EIR. This project was discussed in the General Plan EIR and also in the Water Plan so the project is just implementing projects anticipated in the 2004 General Plan EIR. An addendum was added to include Region 1 in the project. We are awaiting the State Revolving Fund loan consolidation package to include Regions 1, 2 and 3 as a single loan. There is a potential of grant funding of \$875,000 for two of the pipeline segments. Upon final notice on the State Revolving Fund loan and grant funds, we will bid these projects and begin installation of water meters. The pipeline should be complete in the summer of 2010 and the storage tank in the spring of 2011. Councilmember Gill asked if construction costs come in

lower, will the cost to customers be less than originally stated. Mr. Lewis replied, that is the hope.

After consideration of the Mitigated Negative Declaration, Councilmember Maan moved to (a) adopt the finding that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment, and (b) adopt the Mitigated Negative Declaration as contained in Exhibit A. Councilmember Gill seconded the motion that passed with a unanimous vote.

**16. Approve Loan Agreement with Sutter-Butte Flood Control Agency (SBFCA)**

Finance Director Robin Bertagna said the SBFCA JPA presented the FY 2009-10 budget to the Agency's Board on March 25, 2009. The requested loan amount of \$586,775 represents one-half of the local cash requirement necessary to support the Agency's activities in the operating budget. The Sutter County Board of Supervisors approved a loan contribution of an equal amount at their meeting on May 5, 2009. To date, the City has previously loaned the SBFCA \$591,428 (\$258,150 for FY 2007-08 and \$333,278 for FY 2008-09). Staff recommends this loan be funded from the unallocated balance available in Library Developer Impact Fees. A balance of \$600,000 will remain in this account after the loan. Levee impact fees have been insufficient to fund the operating costs of the Agency for 2009/10. The loan would be repaid through an assessment district for levee and flood control purposes or through future collection of developer levee impact fees. It will be repaid with interest. It is anticipated it will be repaid within a five year period.

Councilmember Gill said three agencies: Yuba City, Sutter County and Levee District I are the driving forces who are putting money into levee repair. It is important to continue to move forward despite being in a drought. Councilmember Miller said the assessment will be a lot less than the increased cost of flood insurance. Both Councilmembers thanked Mr. Bill Edgar, the Interim SBFCA Director, for keeping the group focused. Councilmember Maan voiced his support of this loan. Councilmember Dukes said we will save money on flood insurance by expediting this project.

Councilmember Miller moved to adopt Resolution No. 09-035 authorizing the City of Yuba City to advance funds to the Sutter-Butte Flood Control Agency (SBFCA) for their FY 2009-2010 Operating Budget including approval of related Loan Agreement. Councilmember Gill seconded the motion that passed with a unanimous vote.

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

**17. City Council Reports**

- Councilmember Dukes invited everyone to attend services at Calvary Christian Center this weekend for Memorial Day activities. Remember those who give us the freedoms we have.
- Councilmember Maan said he attended the Peace Officers' Memorial at the Police Department last week. He agreed that our military and peace officers should be honored this weekend for putting their lives on the line.
- Councilmember Miller said he hoped everyone was able to vote today.
- Mayor Pro Tem Gill reported that the Feather River Air Quality Management District will be relocating from Marysville to Yuba City soon. He attended the Yuba City Citizen's Police Academy graduation last week. He also attended a productive meeting of the Sutter Butte Flood Control Agency.
- Mayor McBride agreed families should celebrate Memorial Day. A downtown sign says, "Home of the free because of the brave," which says it all.

**Adjournment**

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City at 8:26 p.m.

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Leslie McBride  
Mayor

ATTEST:

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Terrel Locke  
City Clerk