

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

Closed Session 6:00 p.m.-Butte Room

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

Councilmember Dukes gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Maan led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **Presentation & Proclamation - Downtown Business Association** - Don Covey presented the City with a collage of photographs of Plumas Street. Mayor McBride presented Mr. Covey a proclamation thanking him for his service on the Downtown Business Association Board.
2. **Proclamation for Sexual Assault Awareness Month** – Presented to a Casa de Esperanza representative.

Public Hearings

3. **Authorization to Accept Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funding in the Amount of \$26,333; Approve Expenditure Recommendations and Budget Modifications as Required**

Police Commander Jeremy Garcia stated the Yuba City Police Department is eligible for \$26,333 from the Edward Byrne Memorial Justice Assistance Grant. Staff is requesting Council's authorization to accept this money. Sutter County acts as the fiscal agent as stated in the Memorandum of Understanding. Funds will be used for improvement of evidence and storage capabilities, and investigative technology purchases for detectives. No matching funds are required.

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

Councilmember Gill moved to adopt Resolution No. 09-052 authorizing the Chief of Police to accept the FY 2009/2010 Edward Byrne Memorial Justice Assistance Grant funding, approve expenditure recommendations, and authorize the Mayor to sign the joint agreement with Sutter County. Further, authorize the Chief Financial Officer to make budget adjustments as necessary. Councilmember Maan seconded the motion that passed with a unanimous vote.

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

Public Works Director George Musallam said Council set this public hearing at a previous meeting. Staff has been working with the school district on removal of the Kimball/Gray Avenue crosswalk. The crosswalk at Spiva/Gray Avenue, just north Kimball, provides a safer crossing for pedestrians.

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

Councilmember Maan moved to adopt Resolution No. 09-053 eliminating the crosswalk on Gray Avenue at Kimball Avenue. Councilmember Miller seconded the motion that passed with a unanimous vote.

5. Underground Utility District No. 09-1 Bridge Street Reconstruction Project

Councilmember Miller recused himself due to a conflict of interest.

Public Works Director George Musallam said Council awarded a contract at the last meeting for widening and reconstruction of Bridge Street between Plumas and Shasta. Mr. Musallam noted the cost of this project is funded entirely by stimulus funds.

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

Councilmember Gill moved to (a) adopt Resolution No. 09-054 of the City Council of the City of Yuba City, California, Establishing Underground Utility District No. 09-1 along both sides of Bridge Street and portions of Plumas Street and Shasta Street in accordance with the Underground Utility District No. 09-1 Area Map; and (b) Authorize the City Manager to enter into necessary agreements with involved parties to facilitate the undergrounding of existing aerial utilities in Underground Utility District No. 09-1. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the meeting.

Public Communication on Items Not on the Agenda

6. Written Requests

The following citizens spoke regarding their hot dog vendor cart:

Natalie Kaiser, 2114 Casa Dulce Way, Plumas Lake
Paul Kaiser, 2114 Casa Dulce Way, Plumas Lake

7. Appearance of Interested Citizens

The following citizens spoke about the hot dog vendor operation:

George Natale, 584 Franklin Ave., Yuba City
Fotine Halikaskopriva, 580 Bunce Rd., Yuba City
Daniel Yeager, 2177 Gold River Dr., Yuba City
Nancy Albrecht, 329 2nd St., Yuba City
Margaret Danna, 730 Sherwood Dr., Yuba City
Matt Schuller, 2126 Stonewater Dr., Yuba City

Council discussed setting a date for placing the issue of street vendors within the Central City Specific Plan area on a future agenda for discussion. Council directed staff to prepare a staff report as soon as possible with August 4 being the probable date for Council's review.

Bid Openings

8. Jamie Drive – Blevin Road Safe Routes to School Project

Councilmember Miller recused himself due to a conflict of interest.

Public Works Director George Musallam said 14 bids were received on the Jamie Drive-Blevin Road Safe Routes to School project with the low bid being DeWitt Bros. Inc. of Yuba City for \$392,860.92. DeWitt uses primarily local subcontractors. Staff recommends award of the contract to DeWitt Brothers. Construction should start within three weeks. Ninety percent of the project will be paid from grant funds.

Councilmember Dukes moved to (a) Award Contract No. 08-22, Jamie Drive – Blevin Road Safe Routes to School Project, to DeWitt Bros. & Co., Inc. of Yuba City, CA in the amount of their bid of \$392,860.92; and (b) Authorize the City Manager to execute the contract on behalf of the City, following approval of the City Attorney. Councilmember Maan seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the meeting.

Consent Calendar

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

9. City Council Approval of Special Meeting Minutes of June 10, 2009 and Regular Meeting Minutes of June 16, 2009

Approved the Council meeting minutes of June 10 & 16, 2009.

10. Yuba College Fire Academy Facility Fees

Approved a supplemental appropriation of \$3,000.00 to the Fire Department's Capital Improvement Program budget Account #901001-65501 (Fire Station Improvements) to facilitate repairs to the Training Tower, located behind Fire Station No.1, 824 Clark Avenue.

11. Agreement for Acquisition of Easement with Marion Daly and Mildred Lee

Authorized the City Manager to sign an Agreement for Acquisition of Easement with Marion Daly and Mildred Lee for purchase of right-of-way and a public utility easement associated with AP# 59-540-007. [2365 Blevin Road]

12. Aquifer Storage & Recovery Monitoring Well Construction

Adopted Resolution No. 09-055 approving plans and specifications for construction of Aquifer Storage & Recovery Monitoring Well (Estimated construction cost \$150,000).

General

13. Fiscal Year 2009-2010 Citywide Purchases

General Services Director Devin Barber said this is the City's annual approval of the purchase of larger items that will be made throughout the year.

Councilmember Gill moved to approve citywide purchases from July 1, 2009 through June 30, 2010, based on each purchase recommendation being in the best interest of the City. Councilmember Dukes seconded the motion that passed with a unanimous vote.

14. Authorization to Accept Grant Funding From the California Office of Traffic Safety (DUI Enforcement and Awareness), Approve Expenditure Recommendations and Budget Modifications as Required

Traffic Sergeant Brian Baker said this Office of Traffic Safety grant requires no matching funds. The grant funds will be used for DUI enforcement and for DUI checkpoints and saturation patrols throughout the next year to help reduce drunk driving. Also, \$30,000 of the \$110,000 will be used for a DUI trailer.

Councilmember Maan moved to adopt Resolution No. 09-056 authorizing the Chief of Police to accept the 2009/2010 Office of Traffic Safety Grant titled DUI Enforcement and Awareness in the amount of \$110,000.00 and approve expenditure recommendations. Further, authorize the Chief Financial Officer to make budget adjustments as necessary. Councilmember Gill seconded the motion that passed with a unanimous vote.

15. Authorization to Accept Grant Funding from the California Office of Traffic Safety (Youth Traveling Safely), Authorize the Chief of Police to Enter into a Professional Services Agreement with the Health and Social Policy Institute (HASPI), Approve Expenditure Recommendations and Budget Modifications as Required

Traffic Sergeant Brian Baker stated this is a unique grant, also with no matching fund requirement, since the Health and Social Policy Institute will help coordinate this program to provide 500 bicycle helmets and 150 car seats to low income families. Sgt. Baker asked that Council authorize the Chief or Police to accept this grant and sign the professional services agreement, and approve expenditure recommendations.

Councilmember Gill moved to (a) adopt Resolution No. 09-057 authorizing the Chief of Police to accept the 2009/2010 California Office of Traffic Safety Grant titled Youth Traveling Safely in the amount of \$124,109.00; and (b) Authorize the Chief of Police to enter into a Professional Services Agreement with the Health and Social Policy Institute (HASPI) finding it is in the best interest of the City to do so, and approve the expenditure recommendations. Further, authorize the Chief Financial Officer to make budget adjustments as necessary. Councilmember Maan seconded the motion that passed with a unanimous vote.

16. Almond Street Sewer Emergency Replacement Project

Public Works Director George Musallam said an emergency occurred with the collapse of a sewer line under Highway 20 at Almond Street. McGuire and Hestor was able to mobilize quickly to make the repairs. Staff has been working closely with CalTrans. We have a good relationship with CalTrans and work has proceeded quickly. Closing of the project will be brought to Council at a later meeting.

Councilmember Miller moved to determine by a four-fifths vote that there is a need to continue the emergency action to replace the sanitary sewer line on Almond Street between State Route 20 and Alturas Street in accordance with Public Contract Code Section 22050. Councilmember Gill seconded the motion that passed with the following vote:

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

17. Underground Utility Districts

Councilmember Miller recused himself due to a conflict of interest.

Principal Engineer Diana Langley said the Public Utilities Commission requires that a portion of receipts received for utility bills are set aside for undergrounding of overhead utilities (Rule 20A). Currently, the City receives about \$260,000 annually in Rule 20A allocations. In 2001, Sutter County adopted a resolution allocating \$1.6 million of their Rule 20A funds to the City. We currently have a total of about \$3.7 million available in Rule 20A funds for underground districts. The City also has the ability to borrow against five years of annual allocations totaling \$1.3 million, which would make \$5 million available. The average estimate to underground utilities is \$350/lineal foot. If Council elects to use the \$3.7 million, we could underground approximately 10,770 lineal feet. If Council elects to borrow against future allocations, 14,480 of overhead utilities could be placed underground. Staff provided a list for Council's consideration. The list exceeds available funds.

Councilmember Dukes asked if the Council agrees with the priority list, how soon the work would commence. Mrs. Langley replied that Council would set a public hearing, send notices to residents adjacent to the district, and the utility companies have to have time to get it into their work plan. Once it's in the work plan, there is another year for design, and another year for construction and removal of the poles. The process would take 2 to 3 years.

Having reviewed the priority list for Underground Utility Districts, Councilmember Gill moved to proceed with items 1, 2, 3 and 4. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined the meeting.

18. Sewer System Management Plan Approval

Assistant Director of Utilities Maria Solis noted that in 2006 the State of California adopted new permit requirements for underground wastewater pipelines. The objective of the plan is to ensure the municipalities are operating and maintaining their underground wastewater collection system properly, with the goal of reducing wastewater overflows.

Councilmember Gill moved to adopt Resolution No. 09-058 to approve the City of Yuba City's Sewer System Management Plan. Councilmember Miller seconded the motion that passed with a unanimous vote.

19. Request for an allocation of \$297,000 in Housing Set-Aside funds to the Consolidated Area Housing Authority of Sutter County, to be used as local match for a grant to conduct energy efficient retrofits to affordable public housing units (RDA)

Senior Planner Katie Ertmer said a month ago the Housing Authority approached staff with a request to provide \$297,000 in matching funds to allow them to apply for a grant through the Department of Housing and Urban Development, funded by the stimulus program. This would enable the Housing Authority to make energy efficiency improvements to 99 affordable housing units. Staff is in favor of this request for two reasons: (1) It results in a savings to individual occupants, and (2) It will secure a 55 year affordability requirement since these funds come from our Redevelopment Agency Housing set aside funds.

Director Gill moved to (a) adopt Resolution No. 09-007 of the Redevelopment Agency of the City of Yuba City allocating \$297,000 in Housing Set-Aside funds to the Consolidated Area Housing Authority of Sutter County; and (b) Direct staff to negotiate an owner participation agreement for future review and approval by the Agency Board. Director Maan seconded the motion that passed with a unanimous vote.

Business from the City Manager

20. ICP-MS Spectrophotometer (FB 09-08) Bid Protest by Varian, Inc.

Utilities Director Bill Lewis said that in April this item went out for bid. In May, Council awarded the bid to Agilent Technologies. The following day Varian, Inc. sent a letter of protest requesting a review of the bid. Due to issues Varian has brought forward, staff is recommending that the award of the bid to Agilent be rescinded and all bids be rejected. Staff will decide at a later date if they will rebid the instrument. Mr. Lewis responded to questions from Council.

Margaret Roderick, 2700 Mitchell Dr., Walnut Creek, CA, a Varian representative spoke.

Mr. Lewis said two different technologies are used by Varian and Agilent. We need to thoroughly evaluate these technologies prior to rebidding.

Councilmember Miller moved to rescind the award to purchase an ICP-MS Spectrophotometer in the amount of \$144,894.07 from Agilent Technologies of Wilmington, DE and reject all bids. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

21. City Council Reports

- Councilmember Dukes attended the School District Liaison Committee meeting. A Gang Task Force update shows gang activity has dropped in the past year. The Committee is looking at forming a Boys/Girl's Club.
- Councilmember Maan – Welcomed Live Oak Councilmember Rob Klotz to our meeting.
- Councilmember Miller – nothing to report.
- Mayor Pro Tem Gill noted Live Oak Councilmember Al Fortino just passed away.
- Mayor McBride – nothing to report.

Adjournment

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City at 8:40 p.m. in memory of Al Fortino.

Leslie McBride
Mayor

ATTEST:

Terrel Locke
City Clerk