

**MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
Council Chambers
July 21, 2009
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.**

Closed Session 6:00 p.m.—Butte Room

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible purchase of the following properties or portions thereof: 217 S. Walton, APN 57-150-004.

Conferred with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding possible sale of the Feather River Mill site, APN 52-324-023.

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 7:03 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

Gary Stoklasa led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **Proclamation for the Retirement of Chris Kidd after 38 Years of Service** - presented by Mayor McBride

Public Communication

2. **Written Requests**
3. **Appearance of Interested Citizens**

Business from the City Manager

Mayor McBride moved the following item forward on the agenda:

24A. Consideration of Temporary Vending Permit with Fat Daddy's Frankfurters under the Terms and Conditions Recommended by Staff

Community Development Director Aaron Busch asked Council to approve the terms of a temporary vending permit with Fat Daddy's Frankfurters and consider potential amendments to the City's current code regarding vending operations. Council had previously directed staff to review the codes regarding this particular subject and bring recommendations back to the Council. Staff has been collecting data regarding the codes and regulations other jurisdictions have in place for vending operations within their jurisdiction limits. In collecting this valuable data, it has been determined that there are some basic regulations that our code is lacking. Mr. Busch gave a presentation outlining some of these key regulations and asked Council for direction so that progress can be made in amending the City's current code and to avoid any future instances of this issue.

Mayor McBride stated that Council would review the key points presented by Mr. Busch and would provide direction at a later date.

Mayor McBride then opened the discussion for public comment.

The following members of the public spoke on this item:

Paul Kaiser, 2114 Casa Dulce Way, Plumas Lake
Tim McKenna, 668 Plumas Street, Yuba City
Don Covey, 669A Plumas Street, Yuba City
Natalie Kaiser, 2114 Casa Dulce Way, Plumas Lake
Fotine Halikas Kopriva, 580 Bunce Road, Yuba City
Tom Eres, Has Beans Legal Counsel, Sacramento
Karen Tabler, 12136 Kimberly Road, Loma Rica
Dan Silva, 200 Wilkie Avenue, Yuba City
Stephanie Ruscigno, 1660 Sharon Drive, Yuba City

Council discussed the options that were presented by staff and citizens. It was stated that the language regarding the 400 foot radius, used in option two and three needed to be added to option one as well. Council also stated that Ms. Fotine Halikas Kopriva should to be extended the same options and granted a temporary permit as well.

Councilmember Miller moved to authorize staff to enter into an agreement for a temporary vending permit with Fat Daddy's Frankfurters and Ms. Fotine Halikas Kopriva with the addition of the 400 foot radius language. Councilmember Maan seconded the motion that passed with the following vote:

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

Bid Openings

4. Cisco Catalyst 6513 Switch (FB10-01)

General Services/IT Director Devin Barber recommended award of this contract to the low bidder, AT&T Datacomm.

Councilmember Gill moved to award the purchase to the low bidder, AT&T Datacomm of Aurora, IL for a Cisco Catalyst 6513 Switch in the amount of \$124,755.29. Councilmember Maan seconded to motion that passed with a unanimous vote.

5. Annual Computer Purchase

General Services/IT Director Devin Barber said this represents our annual Dell computer purchase. Each year the computers are evaluated for their longevity and service life. A list is derived from those results and quotes are obtained for their replacement.

Councilmember Gill moved to authorize staff to sole source computer purchases in the amount of \$228,580 to Dell Computer Systems of Round Rock, Texas for fiscal year 2009-10 at prices not to exceed the California Multiple Award Schedule (CMAS) contract price for Dell Computer Systems by finding that it is in the best interest of the City to do so. Councilmember Miller seconded to motion that passed with a unanimous vote.

6. Reeves Avenue Parking Lot Improvements

Public Works Director George Musallam stated that this project consists of reconstruction of the roadway, installation of lighting and landscaping facilities, and construction of an 8" water line to provide future fire service along Reeves Avenue. Improvements are needed due to a failure of an existing roadway, curb and gutter, in addition to the lack of adequate parking for the Downtown Plumas Street area.

Councilmember Gill moved to award Contract No. 09-12, Reeves Avenue Parking Lot Improvements to Wayne Reedy Construction of Marysville, CA in the amount of their bid of \$265,180.00; authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney; authorize the Finance Director to record an additional supplemental appropriation to fund the Reeves Avenue Parking Lot Project Account No. 911115 in the amount of \$27,000 to be financed through the unallocated Redevelopment funds held in the 2007 TAB Escrow Account at Union Bank of California; adopt Resolution 09-059 of the City Council approving and authorizing execution of a public works agreement with the Redevelopment Agency for construction of the Reeves Avenue Parking Lot Improvements; and adopt Resolution 09-008 of the Redevelopment Agency approving and authorizing execution of a public works agreement with the City of Yuba City for construction of the Reeves Avenue Parking Lot Improvements. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Miller asked that item 11 be removed from the consent calendar. Councilmember Gill moved to approve the remainder of the consent calendar. Councilmember Dukes seconded the motion that passed with a unanimous vote.

7. City Council Approval of Minutes of July 7, 2009

Approved the Council meeting minutes of July 7, 2009.

8. Major Street Rehabilitation – RSTP 2008 Project (Notice of Completion)

Adopted Resolution 09-060 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

9. Reimbursement Agreement – Abdul Bath

Adopted Resolution 09-061 approving the execution of a Reimbursement Agreement with Abdul Bath for the installation of a sanitary sewer line on Hooper Road. [located at 1283 Hooper Road]

10. Engineering Standard Details

Adopted Resolution 09-062 approving and adopting Standard Details to govern the construction of Streets, Water Facilities, Storm Drains, Sanitary Sewers, Street Lights, Irrigation, Landscaping, and Off-Street Parking within the Corporate Limits of the City of Yuba City.

Councilmember Miller recused himself due to a possible conflict of interest

11. Easement Agreement with Rajinder Chohan and Paramdeep Chohan

Councilmember Gill moved to authorize the City Manager to sign an Easement Agreement with Rajinder Chohan and Paramdeep Chohan, for dedication of right-of-way and a public utility easement associated with AP#'s 57-161-001 & 002. [Southeast corner of Walton Avenue and Franklin Road]. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Councilmember Miller rejoined Council.

General Items

12. Yuba City Fire Station No. 4 Construction Project – Project Completion

Public Works Director George Musallam stated that this project has been completed, other than a few minor details.

Councilmember Miller moved to adopt Resolution 09-063 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion. Councilmember Maan seconded the motion that passed with a unanimous vote.

The following citizen spoke regarding items 13 and 14 on the agenda:

Ray Janssen, 1721 Mich Court, Yuba City

13. Yuba City Fire Department Strategic Plan for Fire and Life Safety Services

Fire Chief Marc Boomgaarden gave a presentation on the financial status and needs of the Fire Department.

Councilmember Maan moved to accept the Yuba City Fire Department's Strategic Plan. Councilmember Gill seconded the motion that passed with a unanimous vote.

14. Yuba City Police Department Strategic Plan for Police Services (80,000 Population)

Chief of Police Robert Landon gave a presentation of the financial status and needs of the Police Department.

Councilmember Gill moved to accept the Yuba City Police Department's Strategic Plan. Councilmember Miller seconded the motion that passed with a unanimous vote.

15. Memorandum of Understanding between Sacramento Area Council of Governments ("SACOG") and the City of Yuba City for the \$300,000 project known as "Defining the Urban-Rural Edge Project"

Community Development Director Aaron Busch stated that in March 2006 the City was advised by the SACOG Board of Directors that the City's Community Design grant application for the "Defining the Urban-Rural Edge Project" was approved for funding in the amount of \$300,000, but the funds were not readily available due to the funding source that was being used. In September 2008 the funds became available, but the City was working at that time with Sutter County on the possible expansion of the City's Sphere Of Influence (SOI). SACOG was notified of the SOI changes and were receptive to the modifications. They are actually looking forward to potentially utilizing the revised project as a possible model for their new Rural-Urban Connections Strategy (RUCS), which is an economic and environmental sustainability for rural areas.

Councilmember Gill moved to approve the agreement and authorize the City Manager to execute the Memorandum of Understanding between SACOG and the City of Yuba City. Councilmember Dukes seconded the motion that passed with a unanimous vote.

16. Stimulus Water Meter Retrofit Project

Public Works Director George Musallam stated the Stimulus Project involves the installation of approximately 3,200 one inch water meters on existing water services. The American Recovery and Reinvestment Act funds will be used for the project.

Councilmember Maan moved to adopt Resolution 09-064 approving the plans and specifications for the Stimulus Water Meter Retrofit Project and authorizing advertisement for bids. [Engineer's Estimate - \$3,500,000]. Councilmember Miller seconded the motion that passed with a unanimous vote.

17. Almond Street Sewer Emergency Replacement Project

Public Works Director George Musallam stated that on June 18th, the Public Works Department was notified of a sewage backup on Almond Street. It was found that a 8" concrete sewer line on Almond Street between State Route 20 and Alturus Street had collapsed. This was declared an emergency project under the Public Contract Code and now requires Council approval for payment.

Councilmember Miller moved to terminate the emergency action to replace the sewer line on Almond Street between State Route 20 and Alturas Street in accordance with Public Contract Code Section 22050 and approve related supplemental appropriations of Unallocated Wastewater Reserve in the amount of \$53,547 to Account No. 98082 (Recurring Collection or Rehabilitation System Projects). Councilmember Maan seconded the motion that passed with a unanimous vote.

18. Dedication of an access easement over City owned property at Sunsweet Boulevard at Kohl's Driveway for the benefit of Sunsweet Corporation

Public Works Director George Musallam stated that the Sunsweet Boulevard roadway was redesigned to help eliminate the amount of property lost by the Sunsweet Corporation. In the redesign there was a slight encroachment into Sunsweet's property requiring an additional adjustment in property boundaries.

Councilmember Dukes moved to authorize the City Manager to execute an easement deed dedicating an access easement over City owned property at Sunsweet Boulevard at Kohl's Driveway for the benefit of Sunsweet Corporation. Councilmember Gill seconded the motion that passed with a unanimous vote.

19. Walton 14-inch Water Distribution Line Project

Public Works Director George Musallam stated that the project consists of extending the water distribution main on Lincoln Road from Phillips Road to Walton Avenue. This new water distribution main will help facilitate a conversion of Yuba City Hillcrest Water System from groundwater to surface water supply.

Councilmember Gill moved to adopt Resolution 09-065 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 \$1,690,000). Councilmember Miller seconded the motion that passed with a unanimous vote.

20. Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway and Town Square Areas, respectively) Resolution of Intent

Principal Engineer Diana Langley stated that each year assessments are done in order to maintain and service landscaping improvements. The proposed assessments for District 1 are \$56.72/parcel for the Stabler Lane area, and \$29.50/parcel for the Garden Highway area.

Councilmember Miller moved to adopt Resolution 09-066 Directing Filing of Annual Reports, Yuba City Landscape Maintenance District No. 1 and Resolution 09-067 Resolution of Intention to Order Improvements, Yuba City Landscaping Maintenance District No. 1 (pursuant to the Landscaping and Lighting Act of 1972). Councilmember Gill seconded the motion that passed with a unanimous vote.

21. Yuba City Lighting and Landscape Maintenance District No. 2, 3, 4 & 5 (Town Center and 69 subdivisions throughout the City) Resolution of Intent

Principal Engineer Diana Langley stated that each year assessments are done in order to maintain and service lighting and landscaping improvements. The proposed levy for District 2 is a decrease of \$21.88/acre. For Districts 3 and 4, the City is holding too much in reserve funds resulting in a \$0 levy. For District 5 which is comprised of 12 Zones of Benefit, staff proposes to levy 9 Zones of Benefit at \$0 in order to reduce the reserves, and levy 3 Zones of Benefit at maximum in order to meet the expenditures and build up the reserves.

Councilmember Maan moved to adopt Resolution 09-068 Directing Filing of Annual Reports, Yuba City Landscape Maintenance District No. 2, 3, 4 & 5 and Resolution 09-069 Resolution of Intention to Order Improvements, Yuba City Landscaping Maintenance District No. 2, 3, 4 & 5 (pursuant to the Landscaping and Lighting Act of 1972). Councilmember Dukes seconded the motion that passed with a unanimous vote.

22. Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District – Sunsweet Area, Harter Parkway, Cinemark Movie Theater, La Bella Vita) Resolution of Intent

Principal Engineer Diana Langley stated that each year assessments are done in order to maintain and service landscaping improvements. The proposed levy per acre is \$32.03 for Zones of Benefit A_1, A_2, and A_3 and \$93.25 for Zones of Benefit B_1 and B_2.

Councilmember Dukes moved to adopt Resolution 09-070 Directing Filing of Annual Reports, Yuba City Landscape Maintenance District No. 6 and Resolution 09-071 Resolution of Intention to Order Improvements, Yuba City Landscaping Maintenance District No. 6 (pursuant to the Landscaping and Lighting Act of 1972). Councilmember Maan seconded the motion that passed with a unanimous vote.

23. Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area) Resolution of Intent

Principal Engineer Diana Langley stated that due to the excess amount of funds in reserves for both districts, staff is proposing to levy less than maximum assessments ranging from \$11.44 per parcel to \$97.24 per parcel in order to reduce the reserve level to 50% of the annual expenditures.

Councilmember Gill moved to adopt Resolution 09-072 Directing Filing of Annual Reports, Yuba City Residential Street Light Maintenance Districts and Resolution 09-073 Resolution of Intention to Order Improvements, Yuba City Residential Street Light Maintenance Districts (pursuant to the Landscaping and Lighting Act of 1972). Councilmember Maan seconded the motion that passed with a unanimous vote.

24. Purchase and Sale Agreement for Property and Easement with David G. Singh, Trustee of the David G. Singh Revocable Trust, for construction of water storage tank, pumping station and pipelines

Utilities Director Bill Lewis stated in May 2009 Council approved a Mitigated Negative Declaration for the Walton Waterline and Storage Tank Project. The Mitigated Negative Declaration evaluated impacts of a 30 inch water line from near Yuba City High School to near Lincoln and Sanborn and a 3.6 million gallon water storage tank. The tank and pump station are to be constructed southwest of the intersection of Lincoln and Sanborn Roads on property purchased through this agreement. Funding for this project will be from a State Revolving Fund Loan and future development water impact fees.

Councilmember Miller moved to authorize the City Manager to sign a Purchase and Sale Agreement for Acquisition of Property and Easement with David G. Singh, Trustee of the David G. Singh Revocable Trust, for purchase of property and easement associated with AP# 22-030-057 [2468 Lincoln Road] and allow non-substantive changes as approved by the City Attorney. Councilmember Gill seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

25. City Council Reports

- Councilmember Dukes had nothing to report.
- Councilmember Maan had nothing to report.
- Councilmember Miller had nothing to report.
- Mayor Pro Tem Gill had nothing to report.
- Mayor McBride had nothing to report.

Adjournment

Mayor McBride adjourned the regular City Council meeting of the City of Yuba City at 10:22 p.m.

Leslie McBride
Mayor

ATTEST:

Terrel Locke
City Clerk