

AGENDA

REGULAR MEETING

**CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY**

OCTOBER 6, 2009

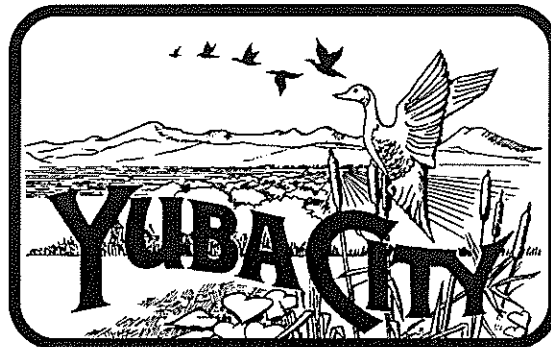
**CLOSED SESSION – 5:30 P.M. – BUTTE ROOM
REGULAR MEETING – 7:00 P.M. – COUNCIL CHAMBERS**

**LESLIE McBRIDE
Mayor**

**KASH GILL
Mayor Pro Tem**

**JOHN DUKES
Councilmember**

**TEJ MAAN
Councilmember**



**JOHN MILLER
Councilmember**

**STEVEN JEPSEN
City Manager**

**TIMOTHY HAYES
City Attorney**

**Council Chambers Wheelchair Accessible
1201 Civic Center Blvd., Yuba City, CA**

If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4601 at least 72 hours in advance so such aids or services can be arranged.

City Hall TDD: 530-822-4732

**AGENDA
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
Council Chambers
October 6, 2009
Closed Session 5:30 P.M.
Regular Meeting 7:00 P.M.**

Materials related to an item on this Agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net subject to staff's availability to post the documents before the meeting.

Closed Session 6:00 p.m.—Butte Room

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible exchange of the following property or portions thereof: APN 57-150-050 for APN 52-062-006.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations for the possible purchase of the following property or portion thereof: APN 52-401-008.

Confer 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

Confer 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 17-115-001.

Confer 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 59-530-002.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations for the possible sale of the following property or portion thereof: APN 52-380-017.

Confer 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

Roll Call: _____ Mayor McBride
 _____ Mayor Pro Tem Gill
 _____ Councilmember Dukes
 _____ Councilmember Maan
 _____ Councilmember Miller

Invocation

Pledge of Allegiance to the Flag

Presentations and Proclamations

1. **Proclamation for Domestic Violence Awareness Month**
2. **Proclamation for United Way Campaign**

Public Hearings

3. **General Plan Amendment GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business Technology, and Light Industrial District and Rezone RZ 09-02 to change the Zoning from Industrial (M-2) to Heavy Commercial/Light Industrial (C-M) District at 1100 Garden Highway to permit more flexible use of office and retail space**

Recommendation: Conduct a public hearing, and after consideration of the Negative Declaration, concur with the Planning Commission's recommendations, which are to:

- a. Adopt the finding that following review and consideration of the Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment.
 - b. Adopt the Negative Declaration, as contained in Exhibit A.
 - c. Adopt the finding that GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industrial is in the public interest.
 - d. Adopt a resolution approving General Plan amendment GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industrial, as shown on Exhibit A of the Resolution.
 - e. Adopt the following findings for Rezone 09-02:
 - (1) RZ 09-02 is consistent with the Business, Technology, and Light Industrial land use designation as described in the Yuba City General Plan.
 - (2) RZ 09-02 is consistent with the planned surrounding land uses.
 - (3) There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.
 - f. Introduce an ordinance for approval of Rezone 09-02 for amendments to the Official Zoning Map to amend the zoning from the Industrial District (M-2) to the Heavy Commercial/Light Industrial District (C-M), as shown on Exhibit C, and waive the first reading.
4. **Specific Plan Amendment SP 09-01 to amend the Central City Specific Plan to allow residential units on the upper floors of buildings in the "Workplace Area" and to allow residential garages in the "Workplace Area" to have a 0' side and rear yard setback**

Recommendation: Conduct a public hearing, and after consideration of the Negative Declaration, concur with the Planning Commission's recommendations, which are to:

- a. Adopt the finding that following review and consideration of the Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment.
- b. Adopt the Negative Declaration, as contained in Exhibit A
- c. Adopt the finding that SP 09-01 to allow residential units on the upper floors of buildings in the "Workplace Area" and to allow residential garages in the "Workplace Area" to have a 0' side and rear yard setback is in the public interest.
- d. Adopt a resolution approving Specific Plan amendment SP 09-01 to allow residential units on the upper floors of buildings in the "Workplace Area" and to allow residential garages in the "Workplace Area" to have a 0' side and rear yard setback.

Public Communication

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

5. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted 5 minutes to speak.

6. Appearance of Interested Citizens

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to 3 minutes.

Bid Openings

7. Walton Avenue and Franklin Road Improvements Project (Award of Contract)

- Recommendation:
- a. Award Contract No. 08-17, Walton Avenue and Franklin Road Improvements, to Argonaut Constructors, of Santa Rosa, CA in the amount of their bid of \$1,821,042.00.
 - b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

8. Walton 14-inch Water Distribution Line Project (Award of Contract)

- Recommendation:
- a. Reject the bid submitted by Preston Pipelines of Sacramento, CA for failure to submit a bid security in accordance with Sections 20170 and 20171 of the Public Contract Code.

- b. Award Contract No. 09-07, Walton 14-inch Water Distribution Line Project, to Lamon Construction of Yuba City, CA in the amount of their bid of \$2,489,895.00, contingent upon the approval of the California Department of Public Health.
- c. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- d. Authorize the Finance Director to make necessary supplemental appropriations in the amount of \$1,283,306 for work performed under the Walton 14-inch Water Distribution Line Project that is reimbursable through the American Recovery and Reinvestment Act, to Account No. 941092 (Water Line Extension Projects & Distribution Piping Enhancement).
- e. Authorize the Finance Director to make necessary supplemental appropriations in the amount of \$1,658,332 for work performed under the Walton 14-inch Water Distribution Line Project that is reimbursable through the State Revolving Fund Loan Program, to Account No. 941052 (Distribution System – Transmission Mains, Phase 1).
- f. Authorize a budget transfer in the amount of \$259,012 from Account No. 971098 (Water Capitalization Fund) to Account No. 971052 (Distribution System – Transmission Mains, Phase 1) to costs that are ineligible for reimbursement through the American Recovery and Reinvestment Act program or the State Revolving Fund loan program.

9. Walton 16-inch Water Distribution Line Project (Award of Contract)

- Recommendation:
- a. Award Contract No. 09-06, Walton 16-inch Water Distribution Line Project, to Lamon Construction of Yuba City, CA in the amount of their bid of \$459,800.00.
 - b. Waive the minor irregularities in the bid submitted by Lamon Construction of Yuba City, CA for submitting Disadvantaged Business Enterprise subcontracting forms after the bid opening.
 - c. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
 - d. Authorize the Finance Director to make necessary supplemental appropriations in the amount of \$591,012 for work performed under the Walton 16-inch Water Distribution Line Project that is reimbursable through the American Recovery and Reinvestment Act, to Account No. 941092 (Water Line Extension Projects & Distribution Piping Enhancement).

10. Walton Water Transmission Line Project (Award of Contract)

- Recommendation:
- a. Award Contract No. 09-05, Walton Water Transmission Line Project, to Marques Pipeline, Inc., of Sacramento, CA in the

amount of their bid of \$4,112,821.00, contingent upon the approval of the California Department of Public Health.

- b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- c. Authorize the Finance Director to make necessary supplemental appropriations in the amount of \$4,691,829 for work performed under the Walton Water Transmission Line Project that is reimbursable through the State Revolving Fund Loan Program, to Account No. 941052 (Distribution System – Transmission Mains, Phase 1).
- d. Authorize a budget transfer in the amount of \$654,839 from Account No. 971098 (Water Capitalization Fund) to Account No. 971052 (Distribution System – Transmission Mains, Phase 1) for work performed under the Walton Water Transmission Line Project that is ineligible for reimbursement through the State Revolving Fund loan program.

11. Groundwater Interconnect Project (Award of Contract)

- Recommendation:
- a. Award Contract No. 09-19, Groundwater Interconnect Project, to Newland Entities, Inc., of Yuba City, CA in the amount of their bid of \$105,952.88, contingent upon the approval of the California Department of Public Health.
 - b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
 - c. Authorize the Finance Director to make necessary supplemental appropriations in the amount of \$148,352.88 for reimbursable work performed under the Groundwater Interconnect Project from the State of California to Account No. 941099 (Groundwater Conversion).

12. Shanghai – Railroad Water Line Project (Award of Contract)

- Recommendation:
- a. Award Contract No. 08-31, Shanghai – Railroad Water Line Project, to Doug Veerkamp General Engineering, Inc., of Placerville, CA in the amount of their bid of \$333,039.53, contingent upon the approval of the California Department of Public Health.
 - b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
 - c. Authorize supplemental appropriations in the amount received for reimbursable work performed under the Shanghai – Railroad Water Line Project from the State of California to Account No. 941092 (Water Line Ext. Proj. & Distribution Piping Enhancement).

Ordinances

- 13. Prohibiting the use of Tobacco at all City Parks and within 50 feet of any public entrance into a City owned or leased facility**

Recommendation: Introduce an ordinance amending Title 9 Chapter 2 – Prohibiting Tobacco Use in Gauche Park to include all City Parks and within 50 feet of any public entrance into a City owned or leased facility; and waive the first reading.

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

14. City Council Approval of Minutes of September 15, 2009

Recommendation: Approve the Council meeting minutes of September 15, 2009.

15. Contract with Sutter County Resource Conservation District

Recommendation: Enter into a contract with Sutter County Resources Conservation District to provide administrative assistance to the City by managing the contract between the City and the State of California—The Resource Agency, and auxiliary subcontracts for project design, environmental, community outreach and permitting for the Feather River Parkway Project.

General Items

16. 2008 Assistance to Firefighters Grant Program – Safety Officer Training

Recommendation: Direct the City's Chief Financial Officer to make the following budget transfers and supplemental appropriations:

- a. Make a motion to accept the award of the 2008 Assistance to Firefighters Grant in the amount of \$32,270;
- b. Approve revenue adjustment to the Fire Department in the amount of \$25,816;
- c. Approve supplemental budget appropriations to the Fire Department's account 2324-63920 – Firefighter Training School in the amount of \$25,816;
- d. Approve budget transfers of \$6,454 from Fire Department account 2310-63920 to account 2324-63920 – Firefighter Training School to cover the City's required local grant match.

17. Approval of \$1,874,317 Funding Agreement under State Drinking Water State Revolving Fund American Recovery and Reinvestment Act funding for waterline installation

Recommendation: Adopt a Resolution authorizing acceptance of a State Drinking Water State Revolving Fund and American Recovery and Reinvestment Act funding and designation of the Utilities Director to sign and submit all required documents.

Business from the City Council/Redevelopment Agency Board

18. Boards and Commission Appointment Recommendations

19. City Council Reports

- Councilmember Dukes
- Councilmember Maan
- Councilmember Miller
- Mayor Pro Tem Gill
- Mayor McBride

Adjournment