

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
October 6, 2009
5:30 p.m. – Closed Session
7:00 p.m. – Regular Meeting**

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 regarding the possible exchange of the following property or portions thereof: APN 57-150-050 for APN 52-062-006.

Conferred 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.

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 property or portion thereof: APN 52-502-008

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 property or portion thereof: APN 17-115-001.

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 property or portion thereof: APN 59-530-002.

Conferred 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.

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 Pro Tem Gill at 7:05 p.m.

Roll Call

Present: Councilmembers Maan and Miller, and Mayor Pro Tem Gill
Absent: Councilmember Dukes and Mayor McBride

Pledge of Allegiance to the Flag

Councilmember Maan led the Pledge of Allegiance to the Flag.

Mayor Pro Tem Gill said Item 13, the prohibition of tobacco at all City Parks and within 50 feet of any public entrance into a City owned or leased facility, is being removed by administrative action from tonight's agenda at the request of Councilmember Dukes. It is important that the full Council be present for this item. It will be rescheduled to the October 20, 2009 City Council meeting.

Presentations and Proclamations

1. **Proclamation for Domestic Violence Awareness Month** – accepted by Pang Yang.
2. **Proclamation for United Way Campaign** – accepted by Kary Aldridge.

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**

Senior Planner Katie Ertmer said this property is on the northeast corner of Garden Highway and Epley Drive. The site is fully built out with three industrial buildings and all related site improvements. It is used by a variety of tenants and this zoning change will result in greater flexibility. The C-M designation allows more office and retail characteristics than that allowed in the present M-2 designation. The Planning Commission took action on this item on September 9th and recommends approval.

Mayor Pro Tem Gill opened the public hearing. The following citizens spoke:

Elaine Miles, 487 Anita Way, Yuba City
Phillip Treanor, 1570 Richland Road, Yuba City

Hearing no further comment, Mayor Pro Tem Gill closed the public hearing.

Ms. Ertmer said that presently, no more than 15% of their floor space can be dedicated to retail sales. The change would be applicable to all three buildings.

Having conducted a public hearing, and after consideration of the Negative Declaration, Councilmember Maan moved to 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 Resolution No. 09-099 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; and (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. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

Senior Planner Katie Ertmer said this amendment will allow residential units on upper floors of buildings in the Workplace Area and allows a zero foot setback for residential garages. These amendments are consistent with the General Plan and the intent of the Central City Specific Plan. The Central City Specific Plan encourages more dense urban development. These amendments were prompted by the request for a medical mixed use office building at the corner of Wilbur and C Streets. Staff is negotiating a Disposition Development Agreement now with a doctor for development at that site. Ms. Ertmer showed artist's renderings of the proposed project.

Mayor Pro Tem Gill opened the public hearing. Hearing no comment, Mayor Pro Tem Gill closed the public hearing.

Councilmember Maan liked the concept. Mayor Pro Tem Gill said businesses downstairs and residences upstairs with garages on the back are what we had envisioned for the downtown. Councilmember Miller said this fits in with the walkable, livable space with higher density that the Council has previously discussed, and he expressed his support.

Having conducted a public hearing, and after consideration of the Negative Declaration, Councilmember Maan moved to 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; and (d) Adopt Resolution No. 09-100 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. Councilmember Miller seconded the motion that passed with a unanimous vote.

Public Communication on Items Not on the Agenda

5. **Written Requests** – Eva Berlfein, 1681 Oleander Drive, Yuba City

6. **Appearance of Interested Citizens**

Elaine Miles, 487 Anita Way, Yuba City
Stephanie Ruscigno, 1660 Sharon Drive, Yuba City

Bid Openings

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

Public Works Director George Musallam said this project is the widening of Walton Avenue and Franklin Road. We received ten bids with the low bidder being Argonaut of Santa Rosa for about \$1.8 million. The City's project estimate was \$2 million so staff feels it is a good bid and recommends award of the contract. The project entails widening Walton to four lanes with a continuous left turn lane with sidewalks on the east side. Franklin will have four lanes with a double yellow and sidewalks on both sides. Mr. Musallam responded to questions from Council. Construction could start as early as November. The undergrounding and relocation of utilities will occur first. The majority of the work will occur in the spring with project completion by next summer.

Councilmember Miller moved to (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; 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.

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

Public Works Director George Musallam said this is the first of four contracts tonight dealing with the conversion of the groundwater system to surface water. Item 8 deals with the construction of a 14" water line on Lincoln Road. It also includes construction of the 30" transmission line under Highway 99. Ten bids were received. There was an issue with the bidding. Preston Pipelines did not include a bidder's bond as required by the Public Contract Code. Staff has no choice but to reject their bid and award the bid to the second lowest bidder, Lamon Construction of Yuba City. \$1.28 million of this project is funded by the Stimulus money and the remainder is funded by the State Revolving Fund Loan program.

Mayor Pro Tem noted that costs are coming in lower than the engineer's estimate on most of our groundwater conversion projects. It would appear the overall costs will be lower to property owners. Mr. Musallam responded that Mr. Lewis will be returning to Council to provide a report on the breakdown of the costs. Councilmember Miller asked if they will cut through or bore under Highway 99 for the 30" transmission line. Mr. Musallam said they will bore under Highway 99. He also noted we have confirmation from the state that they are working on the funding agreement but we are proceeding without it. We are comfortable that we will receive it.

Councilmember Maan moved to (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); and (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. Councilmember Miller seconded the motion that passed with a unanimous vote.

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

Public Works Director George Musallam said this item is also related to the groundwater conversion for the 16" water line. We received 19 bids on this project with the lowest

being Lamon Construction for about \$460,000 with the engineer's estimate of \$700,000. There was a minor irregularity in the bidding process, but we are allowed by law to waive minor irregularities. In this case, the low bidder did not include two forms which are required by the state, but he mentioned them throughout his bid document. The forms were provided on the day of the bid opening. The state is satisfied with the bid. It will be funded 100% by Stimulus money received. The following citizens spoke:

Donald Kessel, 1964 Pebble Peach Drive, Yuba City
Elaine Miles, 487 Anita Way, Yuba City

Councilmember Miller moved to (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; and (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). Councilmember Maan seconded the motion that passed with a unanimous vote.

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

Public Works Director George Musallam said 16 bids were received on the Walton water transmission line project. It is the main line on Lincoln Road—the 30" pipe. It connects from the Yuba City High School area to Clark then Lincoln then all the way to Sanborn. We received 16 bids with Marques Pipeline being the low bidder at \$4.1 million. Only the cost of a 24" line will be paid by the Hillcrest area residents and funded by the State Revolving Fund with the difference in the cost to upsize to a 30" line being funded by developer impact fees. The following resident spoke:

Elaine Miles, 487 Anita Way, Yuba City

Councilmember Miller moved to (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); and 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. Councilmember Maan seconded the motion that passed with a unanimous vote.

11. Groundwater Interconnect Project (Award of Contract)

Public Works Director George Musallam noted the interconnect project will connect the former Hillcrest Water System to the City's surface water system at five different locations and will provide better flows. Seven bids were received with the low bidder being Newland Entities of Yuba City.

Councilmember Maan moved to (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; and (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). Councilmember Miller seconded the motion that passed with a unanimous vote.

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

Public Works Director George Musallam said this item is also related to the Hillcrest Water Conversion. We received 13 bids on it with the low bidder being Doug Veerkamp of Placerville at approximately \$330,000 and the engineer's estimate was \$550,000. Mr. Musallam noted corrections on the fiscal impact. Total fiscal impact should have been \$432,051.53 instead of the \$429,051.53 shown on the staff report. The \$330,039.53 to account number 941099-65501 should be \$333,039.53.

The following citizen spoke:

Elaine Miles, 487 Anita Way, Yuba City

Councilmember Maan moved to (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; and (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). Councilmember Miller seconded the motion that passed with a unanimous vote.

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**

Removed from the agenda to the October 20, 2009 City Council Meeting.

Consent Calendar

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

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

Approved the Council meeting minutes of September 15, 2009.

- 15. Contract with Sutter County Resource Conservation District**

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

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

Fire Chief Marc Boomgaarden noted this item is to request that Council accept a grant to train 35 firefighters. The grant comes from the Department of Homeland Security. The total grant is for \$32,270 with required matching funds from the City of \$6,454. Chief Boomgaarden acknowledged Analyst Bill Fuller who is instrumental in obtaining these grants.

Councilmember Miller moved to 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; and (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. Councilmember Maan seconded the motion that passed with a unanimous vote.

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

Public Works Director George Musallam said this deals with the funding agreement for our Stimulus funding of waterline installation. Total cost of this agreement is approximately \$1.87 million. This money will fund a portion of the 14" and 16" pipelines.

Councilmember Maan moved to adopt Resolution No. 09-101 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. Councilmember Miller seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

- 18. Boards and Commission Appointment Recommendations**

Mayor Pro Tem Gill and Mayor McBride met and interviewed candidates for the Youth and Senior Commissions, as well as the Economic Development Commission.

Councilmember Maan moved to appoint the following individuals to the noted commissions: Cameron Boomgaarden and Shannan Takhar to the Youth Commission, terms to expire 12/31/10; Dr. Kay Adkins to the Economic Development Commission, term to expire 12/31/12; and Patricia Wiederspan to the Senior Commission, term to expire 12/31/11. Councilmember Miller seconded the motion that passed with a unanimous vote.

Councilmember Miller noted there are seven commission positions expiring at the end of the year. He asked that staff retain any applications received and notify them when the next interviews begin. Mayor Pro Tem Gill noted the excitement shown by the Youth Commission and events they have held.

19. City Council Reports

- Councilmember Maan said he attended a Sutter-Butte Flood Control Agency (SBFCA) Meeting. Levee upgrades are a serious issue. Flood insurance could run from between \$1,350 for grandfathered policies to \$2,700 for those who wait to purchase insurance after the FEMA remapping is complete.
- Councilmember Miller said the SBFCA is actively educating the public but may need to do a better job on noticing meetings. The ultimate fix is to repair the levees.
- Mayor Pro Tem Gill recommended that the public see the work being done on the Star Bend setback levee. Several agencies are conducting tours. He reported attending a Feather River Air Quality Management meeting. They are bringing back \$500 rebates to update old wood burning stoves in homes.

Adjournment

Mayor Pro Tem Gill adjourned the regular City Council meeting of the City of Yuba City at 8:20 p.m.

Kashmir S. Gill
Mayor Pro Tem

ATTEST:

Terrel Locke
City Clerk