

AGENDA

REGULAR MEETING

CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY

OCTOBER 20, 2009

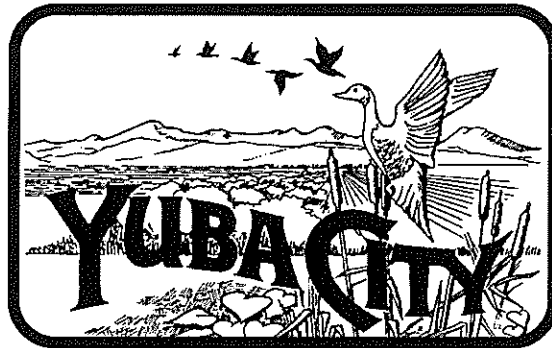
CLOSED SESSION – 5:30 P.M. – BUTTE ROOM
REGULAR MEETING – 7:00 P.M. – COUNCIL CHAMBERS

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 20, 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 5:30 p.m.—Butte Room

Confer with legal counsel regarding anticipated litigation pursuant to Government Code Section 54956.9—one potential case.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding possible purchase of the following properties or portions thereof: APN 17-115-001, 59-530-002, 52-502-008, 52-401-008, and 53-220-017.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding possible sale of the following property or portions 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. **Sikh Parade Proclamation**

Public Hearings

2. **Water System Ordinance update**

Recommendation: a. Conduct a public hearing and introduce an Ordinance repealing Chapter 6 Title 6 and adding Chapter 6 Title 6 of

the Yuba City Municipal Code regarding the Water System, waive the first reading, and

- b. Direct staff to issue credit for all existing customers out of the City rate charges collected since August 2008.

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.

3. 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.

4. 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

5. Five (5) Crown Victoria Police Interceptors (FB10-03)

Recommendation: Award the purchase of five (5) Ford Crown Victoria Police Interceptors to the low bidder, Hoblit Motors of Woodland, CA for \$123,703.15.

Ordinances

6. 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.

7. Rezone RZ 09-02 at 1100 Garden Highway to change the zoning from Industrial (M-2) to Heavy Commercial/Light Industrial (C-M) District; Owner/Applicant: John Ochipinti/Milan Investments, LLC.

Recommendation: Adopt an ordinance for approval of Rezone RZ 09-02 at 1100 Garden Highway to change the zoning from Industrial (M-2) to Heavy Commercial/Light Industrial (C-M) District, as shown on Exhibit A, and waive the second 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.

8. **City Council Approval of Minutes of October 6, 2009**
 Recommendation: Approve the Council meeting minutes of October 6, 2009
9. **Weed Abatement (RFQ 10-01)**
 Recommendation: Authorize the City Manager to amend the agreement with All Seasons Weed Control, Inc, of Yuba City, CA for additional weed abatement locations.
10. **Accept the Energy Efficiency and Conservation Block (EECBG) grant funds in the amount of \$574,700.00 and allocate the funds for the purchase and installation of solar photo voltaic panels at the Senior Center and Corporation Yard and for the purchase and installation of replacement HVAC units at various city facilities**
 Recommendation: Authorize City Manager to accept and execute authorization of the expenditure of the Energy Efficiency and Conservation Block funds in the amount of \$574,700.00 for the purchase and installation of solar photo voltaic panels at the Senior Center and Corporation Yard and for the purchase and installation of replacement HVAC units at various city facilities.
11. **Queens Avenue and Gray Avenue Signal Project (Notice of Completion)**
 Recommendation: Adopt a resolution accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

General Items

12. **Approval of a Resolution authorizing the Utilities Director to sign documents associated with the State Drinking Water State Revolving Fund loans for Groundwater Region 1 and Groundwater Region 2/3.**
 Recommendation: Adopt Resolutions authorizing William P. Lewis, Utilities Director, to sign and submit all required documents associated with Groundwater Region 1 and Region 2/3 State Revolving Fund Loan and acceptance of loan terms.
13. **Voluntary Early Retirement Incentive Program**
 Recommendation: Adopt a resolution approving a Voluntary Early Retirement Incentive Program effective November 1, 2009.
14. **Professional Services Agreement with Mercy Housing California for administration of the City's First Time Home Buyer and Housing Rehabilitation loan programs**
 Recommendation: Authorize the City Manager to sign a Professional Services Agreement with Mercy Housing California, with the finding that it is in the best interest of the City.
15. **Potential development standards for vending operations within the city limits**
 Recommendation: Provide staff with direction regarding the potential development standards for vending operations within city limits.

16. Planned increase to the City's Development Impact Fees

Recommendation: Provide staff with direction regarding the planned increase to the City's Development Impact Fees.

17. Memorandum of Understanding between the City of Yuba City and Sutter County regarding local cost sharing for the Joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

Recommendation: Authorize the City Manager to sign a Memorandum of Understanding between the City of Yuba City and Sutter County regarding local cost sharing for the Joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

Business from the City Council/Redevelopment Agency Board

18. City Council Reports

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

Adjournment

CITY OF YUBA CITY
STAFF REPORT

Date: October 20, 2009
To: Honorable Mayor and Members of the City Council
From: Utilities Department
Presentation by: William Lewis, Utilities Director

Summary:

Subject: Water System Ordinance update

Recommendation:

- A) Conduct a public hearing and introduce an Ordinance repealing Chapter 6 Title 6 and adding Chapter 6 Title 6 of the Yuba City Municipal Code regarding the Water System, waive the first reading
- B) Direct staff to issue credit for all existing customers out of City rates charges collected since August 2008.

Alternative: Adopt in a modified form, or do not adopt and provide direction to staff

Fiscal Impact: Water connection charge for new construction would be reduced from \$7209 to \$6489 for a single family home. Out of City surcharges would be eliminated reducing water revenue approximately \$21,000 annually. Cross connection control fees are added, currently there are no fees. Other fees and rates remain unchanged. Fines for violations of the Ordinance are increased.

Background

The Water System Ordinance regulates all aspects of the Yuba City water system including fees. There has not been a complete review and update of the Ordinance in the last fifteen years. The proposed Ordinance changes do not change water rates. It is anticipated that staff will soon be presenting a rate study to the City Council that will include proposed rate increases.

In summary the purpose of this Ordinance update is to:

- Delete surcharges associated with customers outside the City limits per the Hillcrest Water System Ad Hoc Committee recommendations.
- Allow a six month window of time for parcels served with private wells to connect to the water system at the same rate as current groundwater customers who are converting to surface water per the Hillcrest Water System Ad Hoc Committee recommendations.
- Update the water connection charges to the current capital improvement program and per the recommendations of the Impact Fee Ad Hoc Committee. This will reduce the fee from \$7,209 to \$6489
- Require connection charge to be collected at time of other impact fees are paid
- Update water fees to current rates – no increases are proposed
- Residential rental account procedures are established
- Cross connection section is added
- Clarify service connections per parcel and meter location

- Bring the Ordinance into conformance with the current City organizational structure. All references to City Administrator are changed to City Manager and from Public Works Director to Public Works Director/Utilities Director.
- Increased penalties for violations of the Ordinance
- Other minor changes

The complete Ordinance is attached in a track changes mode for review.

Details

Water System Ad Hoc Committee Recommendations

July 2008 the City Council accepted and adopted the Hillcrest Water System Ad Hoc Committee report and all the policies and recommendations stated in that report. The policy decisions and recommendations that are being implemented as part of this Ordinance change are:

- Surface water customers outside the City limits currently pay a monthly surcharge of \$10 plus a surcharge of \$0.755 per 748 gallons (100 cubic feet) used over the minimum base amount. All references to the out of City surcharge have been removed from the proposed Ordinance. There are currently approximately 82 accounts outside the City limits. Elimination of the surcharge will result in a reduction of revenue of approximately \$21,000 annually. This will also result in a savings to approximately 1000 Hillcrest Water System groundwater parcels in the County when they convert to surface water.
- Staff recommends that the current approximately 82 accounts receive a credit for all surcharges paid by the current customer since August 2008. The credit would be applied towards current or future water bills, and not issued as a refund.
- There are many residents on private wells that have water pipelines in front of their home or nearby that have expressed an interest to connect to the surface water system. Ordinance changes include the opportunity for those customers that choose to connect to surface water at the same rate structure as current groundwater customers. The window of opportunity will be from January 1, 2010 to June 30, 2010. Pipeline extension fees would also not apply for customers if pipes are currently in front of the parcel. The City benefits from this opportunity by reducing the number of residents on private wells. Many of the private wells do not meet current health standards for nitrates, arsenic or bacteria. Not charging extension fees is reasonable in this instance since the pipelines have been installed for many years or decades.

Connection charge

The Development Impact Fee Ad Hoc committee met in 2007 to discuss all impact charges, including water connection charges. The long term capital improvement plan was reviewed and revised based on decisions of the committee. These changes included eliminating the thirty percent contingency and including the contingency within the thirty percent allowance for design, construction management and project administration. Every project was reviewed for proper distribution between existing and new customers. The connection charge includes costs associated with new customers. Connection charges were last adopted by the City Council in June 2004. Indexed fee increases took place in 2005 and 2006. Since July 2006 the connection charge has been \$7209. The attached capital plan has also been updated to reflect construction projects costs that have been constructed since 2004. It is now recommended that the connection charge be reduced to \$6489 to reflect the recommendations of the development impact fee Ad Hoc committee. Project costs for the fee are based on a construction index date of April 2009. The reduction of fees does not reflect a transfer of cost from new construction to existing customers.

Connection Charge Time of Payment

The current Ordinance does not define when the connection charge is to be paid – time of pulling of building permit, issuance of a building permit or certificate of occupancy. It is recommended that the Ordinance define payment of connection charges to be at the same time other impact fees are paid. It is recommended that the charges be paid, at the option of builder, at either issuance of a building permit or at certificate of occupancy. The amount of the charge will be the charge in effect at the time the charges are paid at either the issuance of a building permit or certificate of occupancy. This will bring the water connection charge payment in conformance with the 2007 development impact fee policy. If a building permit is not required payment must be made prior to service connection.

Update water fees

The Ordinance includes fees for monthly water use, connection charges, installation of meters, installation of service lines, etc. All of these fees were inserted into the Ordinance in 2004 and since then have had annual adjustments as described in the Ordinance. Water rate charge indexes were not implemented in 2008. Water rates have not increased since October 2007. This update presents the fees as they currently exist. The Ordinance does not include fee changes for monthly rates. It is anticipated that staff will soon be presenting a rate study to the City Council.

Residential Rental Accounts

The Ordinance includes new language in Section 6-6.10 f, g and h related to residential rental accounts. An advanced payment deposit of \$60 is established. Responsibility of payment of monthly bills is placed on the property owner and in the event the tenant were leave a balance due a new account will not be established until all past due amounts are paid.

Cross Connection Requirements

The current Ordinance has limited information or enforcement capability related to cross connection controls. The purpose of new Section 6-6.21 is to protect the water supply system from actual or potential contamination from homes and businesses. The section strives to eliminate the possibility of connections between the drinking water system and other sources of water that are not safe for consumption. The section defines what type of protection is required depending on the risk of cross connection. The proposed changes require that all backflow devices are required to be inspected and tested annually by the customer, test results are submitted to the City along with a \$10 fee. The City currently requires customer annual inspection and reporting by department policy and there has not been a fee. Backflow testers are required to pay a \$50 permit fee every three years. The City is required by the California Department of Health Services to maintain a backflow device data base and submit annual reports indicating testing has taken place. The City currently maintains a list of approximately 1,150 backflow devices.

Connections per parcel

The current Ordinance does not define how many water services are allowed per parcel. The recommended changes define that there will be only one domestic service allowed per residential parcel. This is being done to ensure payment is received from multi-dwelling parcels. Collection of water bills will be conducted by the property owner and only one party is responsible for payment to the City. A single domestic service for commercial and industrial parcels will reduce the possibility of cross connection between businesses and the City water system and reduce conflicts when commercial parcels are split after initial construction. Commercial properties frequently have more than one business on a single parcel or in a single building and piping between the businesses are often interconnected. Upon approval of the Public Works/Utilities Director multiple services on commercial or industrial properties will be allowed. Upon request additional landscape and fire services are allowed on any parcel.

City organizational structure changes

The Ordinance has been modified to reflect the current City organizational structure of City Manager versus City Administrator and the addition of a Utilities Director. References in the Ordinance have been changed to these job titles. References to the Public Works Director have remained unchanged.

Violations of Ordinance

Currently first violations of the Ordinance result in a written warning of the violation. It is recommended that remain for the first violation. A second violation penalty was \$25 and third and subsequent \$50. It is recommended that be increased to \$50 and \$100 respectively. There has been no penalty for violation of the cross connection section of the Ordinance. Cross connection has the possibility of contamination of the City water supply. It is recommended that the penalties for the first violation be a written warning, second be \$500 and third and subsequent be \$5,000. In addition if the violation is a result of water being taken illegally from fire hydrants there is also a recommended penalty of ten times the value of the water, currently there is no penalty.

Other minor changes

There have been changes made to correct references, correction of typos, assigns responsibility of all piping upstream of the meter to the property owner, changed a few locations of paragraphs without changing wording and other similar non-substantive changes.

Fiscal Impact:

There are currently approximately 82 surface water accounts for customers outside the City limits. These customers pay a surcharge of \$10 per month plus a surcharge of \$0.755 per 100 cubic feet surcharge for all water used over the minimum base amount. The value of the surcharge is approximately \$21,000 annually. The value of the recommended credit is approximately \$25,000. When the groundwater conversion to surface water is complete there will be approximately 1,000 parcels outside the City that will be receiving surface water. The Hillcrest Water System Ad Hoc Committee report recommended removal of the out of City surcharge.

The water connection charge for a single family home is recommended to be reduced from \$7209 to \$6489. Over the last ten years Yuba City has averaged approximately 300 new homes per year, plus commercial and industrial projects. The reduction in cost is to more accurately reflect the anticipated cost of future construction projects associated with new construction, and a reduced contingency factor. No costs have been shifted to existing customers.

Cross connection fees are estimated to be approximately \$12,000 per year.

A reduced connection charges would be collected for a six month window for parcels with pipelines currently installed in front of the parcel. It is not known how many parcels will choose to exercise this option. The reduction in charge is estimated at approximately \$3000 per single family home. Actual cost will be determined once all of the groundwater conversion projects are awarded.

Recommendation:

- A) Conduct a public hearing and introduce an Ordinance repealing Chapter 6 Title 6 and adding Chapter 6 Title 6 of the Yuba City Municipal Code regarding the Water System, waive the first reading
- B) Direct staff to issue credit for all existing customers out of City rates charges collected since August 2008.

Prepared by:

William P Lewis

William Lewis
Utilities Director

Submitted by:

Steven R. Jepsen

Steven R. Jepsen
City Manager

Reviewed by:

Department Head

WPL

Finance

MB

Public Works

GM

City Attorney

OK by e-mail

Ordinance NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
REPEALING AND REENACTING CHAPTER 6 OF TITLE 6 OF THE YUBA CITY
MUNICIPAL CODE REGARDING
WATER SYSTEM

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1 Chapter 6 of Title 6 of the Yuba City Municipal Code is hereby repealed.

Section 2 Chapter 6 of Title 6 is hereby added to the Yuba City Municipal Code to read as follows:

CHAPTER 6. WATER SYSTEM

Sec. 6-6.01. General provisions.

(a) *Short title.* This chapter shall be known and may be cited as the “Yuba City Water Regulations”.

(b) *Words and phrases.* For the purposes of this chapter, all words used in this chapter in the present tense shall include the future tense, all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.

(c) *Water system.* The City shall furnish a system, plant, works, and undertaking used for and useful in obtaining, conserving, and distributing water for public and private uses, including all parts of such system, all appurtenances to such system, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage, and distribution facilities and equipment.

(d) *Separability.* If any section, subsection, sentence, clause, or phrase in this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(e) *Pressure conditions.* All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection and to hold the City harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

(f) *Tampering with City property.* No one, except an employee or representative of the City, shall at any time in any manner operate the curb cocks or valves, main cocks,

gates, or valves of the City's system or interfere with meters or their connections, street mains, or other parts of the water system.

(g) *Penalties for violations.* For the failure of the customer to comply with all or any part of this chapter, or any ordinance, resolution, or order fixing rates and charges of the City, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued, and the water shall not be supplied to such customer until he shall have complied with the rule, regulation, rate, or charge which he has violated or, in the event he cannot comply with such rule or regulation, until he shall have satisfied the City that in the future he will comply with all the rules and regulations established by the laws of the City and with all rates and charges. In addition thereto, he shall pay the City all fines and fees established in Section 6-6.18 and Section 6-6.20 of this chapter.

Deleted: the sum of Ten and no/100ths (\$10.00) Dollars for the renewal of his service

(h) *Rulings final.* All rulings of the Council shall be final. All rulings of the City Manager shall be final unless appealed in writing to the Council within five (5) days. When appealed, the Council ruling shall be final.

Deleted: City Administrator

(i) *Repeals.* Ordinance Nos. 272, 307, and 506, and all other ordinances or parts of ordinances in conflict with this chapter, are hereby repealed.

(j) The effective date of this chapter is July 1, 1975.

(k) In connection with any work of construction required by the terms of this chapter, a plan check and inspection fee shall be charged, the amount thereof being as set forth in the City's Fee Schedule. (§ 2, Ord. 703, eff. July 1, 1975; as amended by § 5, Ord. 969, eff. April 17, 1985)

Deleted: Section 6-5.302

Sec. 6-6.02. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "*Council*" shall mean the City Council of the City.

(b) "*City*" shall mean the City of Yuba City, and the City Council of the City performing functions related to the City water service, together with the City Manager, the Utilities Director, the Public Works Director, the Finance Director, and other duly authorized representatives.

Deleted: City Administrator

(c) "*Distribution mains*" shall mean water lines in streets, highways, alleys, and easements used for public and private fire protection and for the general distribution of water.

(d) "*Service or service connection*" shall mean the pipe line and appurtenant facilities, such as curb stop, meter, and meter box, if any, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property

line to serve several customers, each such branch service shall be deemed a separate service.

(e) “*Public fire protection service*” shall mean the service and facilities of the entire water supply and storage and distribution system of the City, including the fire hydrants affixed thereto and the water available for fire protection, excepting house service connections and appurtenances thereto.

(f) “*Regular water service*” shall mean the water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis and the water available therefor.

Deleted: permanent

(g) “*Temporary water service*” shall mean the water service and facilities rendered for construction work and other uses of limited duration and the water available therefor.

(h) “*Private fire protection service*” shall mean the water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefor.

(i) “*Premises*” shall mean a lot or parcel of real property under one ownership, except that any separate structure may be deemed separate premises. Apartment houses, motels, office buildings, and structures of like nature may be classified as single premises.

(j) “*Cross-connection*” shall mean any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.

(k) “*Owner*” shall mean the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder’s office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as executor, administrator, guardian, or trustee of the owner.

(l) “*Person*” shall mean any human being, individual, firm, company, partnership, association, private, public, or municipal corporation, the United States of America, the State of California, and any district, political subdivision, governmental agency, and subsidiary thereof.

(m) “*Cost*” shall mean the costs of labor, materials, transportation, supervision, engineering, and all other necessary or reasonable expenses.