

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
DECEMBER 15, 2009
5:30 p.m.—Closed Session
7:00 p.m.—Regular Meeting**

Closed Session 5:30 p.m.—Butte Room

Conferred with legal counsel regarding potential litigation pursuant to Government Code Section 54956.9 (c)-one potential case.

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 Gill at 7:00 p.m.

Roll Call

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

Invocation

Councilmember Dukes gave the invocation.

Pledge of Allegiance to the Flag

Councilmember McBride led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. Presentation of Star Bend Levee Realignment Project by Levee District 1

Levee District I Director Francis Silva thanked Councilmembers and the City for their contributions to the Star Bend Project and presented the Mayor with a photograph of the project.

Public Hearings

2. Proposed Levy of the 2010 Annual Assessment of the Downtown Yuba City Business Improvement District

Assistant City Manager Steve Kroeger stated that at the December 1, 2009 City Council meeting, Council approved setting the public hearing to address the levy of the annual assessments for the Downtown Business Improvement District.

Mayor Gill opened the public hearing. Tim McKenna, 668 Plumas Street, spoke in favor of the levy for the annual assessments.

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

Councilmember Maan moved to adopt Resolution No. 09-117 confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for Calendar Year 2010. Councilmember McBride seconded the motion that passed with a unanimous vote.

Public Communication on Items Not on the Agenda

3. Written Requests - none

4. Appearance of Interested Citizens – none

Bid Openings

5. Sewer Line to 211 South Walton Avenue – Former Fire Station #4 Site (Award of Contract)

Public Works Director George Musallam said this item deals with the old Fire Station #4 on Walton Avenue. Council directed staff to look for other uses of this property. One of these is the homeless cold weather shelter established for this winter only. For this use and future uses, we must abandon the septic system and connect to the City's sewer system. Public Works bid the project and received four bids with the lowest bidder being Fletcher's Plumbing with a bid of \$57,070. The engineer's estimate was \$74,000. Mayor Gill stated there has been discussion about using this property as a youth center and asked if this system will support that use. Mr. Musallam replied it would.

Councilmember McBride moved to (a) Award Contract No. 09-31, Sewer Line to 211 South Walton Avenue, to Fletcher's Plumbing & Contracting, Inc., of Yuba City, CA in the amount of their bid of \$57,070 with a contingency of \$10,000; (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 supplemental appropriations of reimbursement of extension fees collected from the benefiting properties from the Sewer Enterprise Fund to the Community Facilities Fund when these properties connect to City sewer. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Consent Calendar

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

6. City Council Approval of Minutes of October 20, November 3 and 17, and December 1, 2009

Approved the City Council meeting minutes of October 20, November 3 and 17, and December 1, 2009.

7. Annual Boards and Commissions Local Appointment List

Directed staff to post the Annual City of Yuba City Boards and Commissions Appointment List according to the Maddy Act Requirements

8. Transportation Development Act (TDA) Claim for FY 2009-2010

Adopted Resolution No. 09-118 authorizing submission of the City's FY 2009-2010 TDA claim to the Sacramento Area Council of Governments (SACOG).

9. Submission of re-certification application for Tree City USA Designation

Adopted Resolution No. 09-119 authorizing the City to submit an application for re-certification to the National Arbor Day Foundation for consideration of the City continuing its designation as a Tree City USA community.

10. Reeves Avenue Parking Lot Improvements (Notice of Completion)

Adopted Resolution No. 09-120 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

11. Garden Highway & Franklin Avenue Signal Project (Notice of Completion)

Adopted Resolution No. 09-121 accepting the subject project and authorizing the Public Works Director to file a Notice of Completion.

12. Yuba City Feather River Fish Screen Mitigated Negative Declaration Adoption

After consideration of the Mitigated Negative Declaration adopted the following: (a) the finding that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment, and (b) the Mitigated Negative Declaration as contained in Exhibit A.

General

13. Discussion regarding potential allowances for (1) temporary banner signs during the current economic downturn; and (2) the potential for regulating "going out of business" sales and events

Community Development Director Aaron Busch said the first part of this item is to discuss possibly making an exception to the City's current sign standards to allow temporary

banners during this depressed economic climate and to discuss regulation of going out of business sales. Earlier this year Council approved the corridor enhancement strategy. Sign enforcement was proactive on Highway 20 and Highway 99. Recently, a business owner has asked for relaxation of the temporary banner sign ordinance due to the current economy and until the economy improves. Staff looked at other jurisdictions to see if they have provisions for relaxing sign ordinances in a downturn in the economy. Only one jurisdiction has such an allowance. If Council is inclined to make allowances for temporary banners, staff asks for that direction.

The second part of this item is regarding going out of business sales. It has been a recurrent problem with several businesses going out of business for at least three years. Strict enforcement of the sign code would remedy this problem, which allows for 30 day periods of temporary signage. There appears to be no state law regulating this, but some local jurisdictions have ordinances. They issue a license or permit to ensure there isn't a steady stream of product coming from other stores.

Councilmember McBride said that while she supports the sign ordinance; now is not the time to handicap local businesses, and we should consider the economy.

Mayor Gill noted he has spoken to local businesses recently and apparently the banners do make a difference. In light of the current economy, Council has reduced impact fees, helped the businesses on Plumas Street with the loan forgiveness program, and backed the Shop Local Campaign. Perhaps we need to consider allowances for temporary banners with a review in about a year. On the second issue, Mayor Gill supports enforcement of the sign ordinance on going out of business banners or signs.

Mayor Gill asked if anyone from the public would like to speak on this item. Chris Swinney, 3078 Caminito Avenue, Yuba City, spoke in favor of allowing flexibility of the sign and banner ordinance. He gave Council photographs of violations of the sign ordinance he found today.

Councilmember Dukes noted it took two years to put the sign ordinance in place. At that time he stated that if we do not enforce it, then the effort would be in vain. As far as the going out of business banners, he agreed that is the marketing strategy for those businesses. He said he feels the going out of business sign ordinance should be enforced.

Councilmember Maan said it is deceitful to use going out of business sales, and we need to enforce the ordinance. On the issue of temporary banner signs, Councilmember Maan agreed with Councilmember Dukes that a lot of time and effort was spent on the sign ordinance. It was a thoughtful and thorough process. For the past six months we've been cleaning up the corridors from the proliferation of signs and now we're being asked to abandon that effort.

Mayor Gill said that, as previously stated, we have helped other businesses in a variety of programs and now we may need to reconsider our stance on signs and banners due to the slow economy. Councilmember McBride added that while she believes in the sign ordinance, it was put together under different economic times. She said she is opposed to enforcing the ordinance at this time. Councilmember Dukes asked Mr. Busch if we do a temporary change on the ordinance does that suspend the current ordinance. Mr. Busch replied he would advocate that we go forward with enforcing the special events. A temporary banner/sign permit could be added in addition to the existing ordinance. Councilmembers asked Mr. Busch to return to Council with (1) a temporary permit program for banners and signs, and (2) more restrictive regulations on going out of business sales and events.

Business from the City Council/Redevelopment Agency Board

14. Discuss Cancellation of January 5, 2010 Council Meeting

Mayor Gill asked if Councilmembers would support cancellation of the January 5, 2010 Council Meeting and Council agreed.

Councilmember McBride moved to cancel the January 5, 2010 Council Meeting. Councilmember Dukes seconded the motion that passed unanimously.

15. Boards and Commission Appointment Recommendations

Councilmember McBride moved to approve the boards and commission appointment recommendations. Councilmember Maan seconded the motion that passed with a unanimous vote.

13A. Support of the U.S. Postal Service Marysville Processing and Distribution Facility

Mayor Gill noted we have an urgent agenda item that needs to be added to the agenda. It is regarding the closure of the postal facility in Marysville. City Attorney Timothy Hayes said the Council needs to make two findings: (1) there is a need to take immediate action and (2) that it came to the attention of staff after the preparation and posting of the agenda. City Manager Steve Jepsen said the item came to his attention yesterday regarding the desire to have a resolution in support of the non-closure of the postal facility in Marysville. Councilmember Dukes asked why this is urgent. Mr. Jepsen replied it is for a meeting tomorrow.

Councilmember Maan moved to approve the finding that there is a need to take immediate action on the support of the U.S. Postal Service Marysville Processing and Distribution Facility and (2) that it came to the attention of staff after the preparation and posting of the agenda. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Councilmember McBride moved to adopt Resolution No. 09-122 supporting the retention of the Marysville Processing and Distribution Facility. Councilmember Maan seconded the motion that passed with a unanimous vote.

16. City Council Reports

- Councilmember Maan visited a second grade class at Faith Christian School and was very impressed with the students.
- Councilmember McBride said she will be chairing SACOG in 2010 and invited Councilmembers to attend the swearing in on January 21, 2010. She asked staff to prepare a resolution in support of SACOG which brings our area great transportation funding.
- Councilmember Miller – absent
- Mayor Pro Tem Dukes said he attended the Christmas Stroll and Parade on December 4th which was well attended. He thanked everyone for their prayers during his recent surgery.
- Mayor Gill agreed the Christmas Stroll, Parade and Tree Lighting were dynamite. He was a judge at a speech contest held at St. Isidore's, which was a great opportunity. Mayor Gill wished everyone a Merry Christmas and Happy Holidays.

Adjournment

At 7:57 p.m. Mayor Gill adjourned the regular City Council meeting of the City of Yuba City in memory of Bill Monahan.

Kash Gill
Mayor

ATTEST:

Terrel Locke
City Clerk