

**MINUTES
REGULAR MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
March 2, 2010
6:00 p.m.—Closed Session
7:00 p.m.—Regular Meeting**

Closed Session—Butte Room

Conferred with real property managers William Lewis, Ian Pietz and Steven Jepsen pursuant to Government Code Section 54956.8 regarding negotiations for possible purchase of water supply from North Yuba Water District.

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—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, Miller, and Mayor Gill
Absent: None

Invocation

Councilmember Dukes gave the invocation.

Pledge of Allegiance to the Flag

Councilmember McBride led the Pledge of Allegiance to the Flag.

Public Hearings

1. Authorization to Accept Grant Funding, Approve Expenditure Recommendations and Budget Modifications as Required (\$100,000 State COPS Grant)

Police Chief Rob Landon said this grant is for \$100,000 and there is no cash match required by the City. It is received by every city in the state and is not dependent on the size of the city. Traditionally, the City has used the funding for technology advancement and infrastructure improvements. In the past it has been used for the Sutter Buttes Radio Interoperability project, and we have also installed computers in the patrol vehicles. We are now looking at small video cameras the officers can wear or video cameras for the vehicles.

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

Councilmember Miller moved to adopt Resolution No. 10-011 authorizing the Chief of Police to accept the FY 2009/2010 California Citizens' Option for Public Safety (COPS) funding and approve expenditure recommendations. Further, authorize the Chief Financial Officer to make budget adjustments as necessary. Councilmember Dukes seconded the motion that passed with a unanimous vote.

Public Communication on Items Not on the Agenda

- 2. Written Requests - none**
- 3. Appearance of Interested Citizens - none**

Bid Openings

4. CDBG Sidewalk Improvements Project FY 09/10 (Award of Contract – Total Cost \$224,048.16)

Public Works Director George Musallam said this is the City's annual sidewalk improvement project. Nine bids were received from \$186,000 to \$239,000. The

engineer's estimate was \$260,000. Due to the economy, bids have been coming in lower than the engineer's estimate. Staff recommends award to C & C Construction of Rocklin for their low bid of \$186,648.16.

Councilmember Maan moved to: (a) Award Contract No. 09-28, CDBG Sidewalk Improvements Project FY 09/10 to C & C Construction of Rocklin, CA in the amount of their bid of \$186,648.16; (b) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney; and (c) Authorize the Public Works Director to execute and file a Notice of Completion upon completion of the project. Councilmember McBride seconded the motion that passed with a unanimous vote.

5. Jamie Drive – Blevin Road Safe Routes to School Project (Award of Contract – Total Cost \$393,060)

Public Works Director George Musallam said we received 16 bids ranging from \$357,000 to \$600,000 with the engineer's estimate at \$400,000. This is the second time we bid this project because there were errors in the previous noticing process. Staff recommends award of the project to the low bidder, Pasquetti Engineering of Lincoln for \$357,327. We recommend the project be delayed until school is out of session and the school district agrees. The project should be completed before school reconvenes in August. Mayor Gill remarked that we are using a \$456,000 grant for this project, which leaves about \$100,000 of the grant unused. Do we have to return this excess to the state? Mr. Musallam said yes, the state has directed return of the money to the state; however, we proposed that we spend the money in the scope of work approved in the grant. They are willing to consider it. There is a possibility we can expand the scope of the project to cover the majority of the grant.

Councilmember Dukes moved to: (a) Award Contract No. 08-22, Jamie Drive – Blevin Road Safe Routes to School Project, to J.D. Pasquetti Engineering Inc. of Lincoln, CA in the amount of their bid of \$357,327.18; (b) Waive the minor irregularities in the bid submitted by J.D. Pasquetti Engineering Inc. of Lincoln, CA for not listing the value of the labor or services to be performed by subcontractors on the List of Subcontractors and submitting the Public Contract Code Section 10285.1 Statement after the bid opening; (c) Authorize the City Manager to execute the contract on behalf of the City, following approval of the City Attorney; and (d) Authorize the Public Works Director to execute and file a Notice of Completion upon completion of the project. Councilmember Miller seconded the motion that passed with a unanimous vote.

Ordinances

6. Zoning Code Amendment ZC 10-01 related to allowing an additional banner sign to be temporarily installed by businesses during the current economic downturn (second reading)

Community Development Director Aaron Busch said Council previously approved this ordinance at the last meeting and staff recommends adoption.

Councilmember Maan moved to adopt Ordinance No. 001-10 for approval of Zoning Code Amendment ZC 10-01 which allows an additional banner sign to be temporarily installed during the current economic downturn, as shown in Exhibit A, and waive the second reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

7. Zoning Code Amendment ZC 09-01 to establish procedures and standards for approving the permanent installation of commercial coaches for 1) K-12 schools and 2) offices ancillary to industrial uses in the M-1 and M-2 zoning districts (second reading)

Community Development Director Aaron Busch said this is the second reading of this ordinance and staff recommends adoption.

Councilmember Miller moved to adopt Ordinance No. 002-10 for approval of Zoning Code Amendment ZC 09-01 to establish procedures and standards for approving the permanent installation of commercial coaches for 1) K-12 schools and 2) offices ancillary to industrial uses in the M-1 and M-2 zoning districts, as shown on Exhibit A, and waive the second reading. Councilmember Dukes seconded the motion that passed with a unanimous vote.

General

8. Purchase of Real Property located at 510 Boyd Street (APN 52-502-008) (RDA)

Assistant City Manager Steve Kroeger said this property is adjacent to property owned by the Redevelopment Agency. The former Feather River Mills site is 6-1/2 acres and has been identified for mixed use development. It is currently out for RFP. The Boyd Street

property would add approximately one acre to the Feather River Mills site. Property owners Bill Meagher and Mike Tomlinson approached the City about the sale of 510 Boyd Street. The appraised price is \$4.50/square foot or about \$200,000 for the parcel.

Staff requests that Council consider a credit agreement with the sellers for water and sewer connection fees that were paid of about \$20,000. They were not included in the appraisal. This credit agreement would allow the sellers to use the credit for future connections of properties they own.

Councilmember Maan said he was initially opposed to this purchase but changed his mind after meeting with the applicant for the project. They have good plans and adding this piece of property makes the project better.

Director Miller moved to adopt RDA Resolution No. 10-002 authorizing the Executive Director to execute a Purchase and Sale Agreement and accept a Grant Deed for Real Property located at 510 Boyd Street Avenue (APN 52-502-008) in Yuba City and approve a related supplemental appropriation of \$200,000 in Low-Mod Housing Funds. Director McBride seconded the motion that passed with the following vote:

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

Councilmember McBride moved to authorize the execution of a credit agreement of \$20,000 toward future Utility Connection Fees. Councilmember Miller seconded the motion that passed with a unanimous vote.

9. Priorities and Goals for Fiscal Year 2010/2011

Assistant City Manager Steve Kroeger noted that the City Commissions met in November of 2009 and Council met in January of this year for Priority/Goal Setting meetings. The top three priorities were: flood control, economic development and public safety. Improvement of our levee system to protect our community is the number one priority. The City is supportive of the Sutter Butte Flood Control Agency. An assessment will be proposed in the spring of this year. Other areas discussed were roadway capacity, infrastructure and community facilities.

Noted and filed the Executive Summary of the Priority and Goals for FY 2010/2011 Workshop.

10. Council consideration of the request from Aztec Developers who have requested that they be relieved of the requirement to prepare a Master Plan for the El Margarita Road area so that they can apply for the development of their property with an Independent Living Facility and Office Complex

Community Development Director Aaron Busch said that in 2005 Council approved the 12 Growth Policies and identified certain areas as Master Plan or Specific Plan areas for the purpose of ensuring a comprehensive and well planned community. The area for the project to be discussed tonight is on El Margarita Road. Aztec Developers would like to develop this property and has asked the City to be exempted from the Master Plan requirement. Water, sewer, and drainage are available to this property. They have agreed to pay their prorated share, about 6% or \$18,000, of the Master Plan costs. A zoning change and general plan amendment would be required. Aztec's plan includes a 126,000 square foot independent living facility, about 88 apartment units, and a combination of 21 duplexes/triplexes. There would also be four offices buildings with a total of 48,000 square feet.

John Ochipinti, 2319 Lincoln Road, is the applicant and he reviewed the project. Councilmember Maan asked if the duplexes/triplexes would be owned. Mr. Ochipinti responded that it has not yet been decided if they will be sold or retained by the corporation and leased. That would be in the second phase of the project. Mr. Ochipinti said they considered the floodplain when they selected this site. Financing is available now and they are hoping to move ahead.

Councilmember Dukes moved to authorize Aztec Developers to proceed with the development of their property without the requirement for the preparation of a Master Plan. Councilmember Maan seconded the motion that passed with a unanimous vote.

Business from the City Council/Redevelopment Agency Board

11. City Council Reports

- Councilmember Maan stated that he and Councilmember Dukes attended several Ad Hoc Committee Meetings recently. They met with the applicant of the Boyd Street property and with the Mobile Vendor Committee.

- Councilmember McBride had nothing to report.
- Councilmember Miller said the City and the Sutter Butte Flood Control Agency met to continue the process of assessment valuations. They expect final approval in mid April.
- Mayor Pro Tem Dukes said Councilmember Maan covered the Ad Hoc Meetings he has also attended.
- Mayor Gill has attended meetings on flood protection and animal control.

Adjournment

Mayor Gill adjourned the regular City Council meeting of the City of Yuba City at 7:34 p.m.

Kash Gill
Mayor

ATTEST:

Terrel Locke
City Clerk