

**MINUTES OF THE**  
**CITY OF GRASS VALLEY**  
**CITY COUNCIL MEETING OF JUNE 9, 2009**

Lisa Swarthout, Mayor  
Yolanda Cookson

Dan Miller

Jan Arbuckle, Vice Mayor  
Chauncey Poston

**NOTICE OF SPECIAL MEETING (CLOSED SESSION)**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL and/or GRASS VALLEY REDEVELOPMENT AGENCY WILL HOLD A SPECIAL MEETING AT 6:00 P.M. ON TUESDAY, June 9, 2009, IN THE MAYOR'S CONFERENCE ROOM OF GRASS VALLEY CITY HALL, 125 EAST MAIN STREET, GRASS VALLEY, TO CONSIDER THE MATTER LISTED BELOW. ANY MEMBER OF THE PUBLIC MAY COMMENT ON THIS ITEM BEFORE ITS CONSIDERATION.

**A. CLOSED SESSION**

1. **Property Negotiations** - Confer with Real Property Negotiators City Administrator Dan Holler, Community Development Director Joe Heckel and City Council pursuant to Government Code Section 54956.8 regarding negotiations regarding possible purchase of the following properties or portions thereof: 257 Colfax Avenue, 168 S. Auburn Street and 417 East Main Street.
2. **Labor Negotiations** – Labor negotiations update with Dan Holler, City Administrator and Management Team members: Michael Lewis, Human Resources Manager; Joe Heckel, Community Development Director; Tim Kiser, Public Works Director/City Engineer; John Foster, Police Chief; and Tony Clarabut, Fire Chief, pursuant to Government Code Section 54957.6.

**No reportable action taken and the Mayor reported that depending on the lateness of the hour when this meeting was over the Council would either reconvene tonight into closed session or at the end of the special meeting scheduled for June 12, 2009.**

**REGULAR MEETING OF THE GRASS VALLEY CITY COUNCIL,  
CAPITAL IMPROVEMENTS AUTHORITY AND REDEVELOPMENT AGENCY  
7:00 P. M., TUESDAY, JUNE 9, 2009**

COUNCIL CHAMBERS  
GRASS VALLEY CITY HALL (LOWER LEVEL)  
125 EAST MAIN STREET, GRASS VALLEY, CALIFORNIA

**AGENDA**

- B. CALL TO ORDER: 7:00 PM**  
**PLEDGE OF ALLEGIANCE: Andy Cassano**  
**ROLL CALL: Vice Mayor Arbuckle, Council Member Cookson, Council Member Miller, Council Member Poston, and Mayor Swarthout were all present.**

**C. AGENDA APPROVAL**

**No changes were made**

#### **D. INTRODUCTIONS AND PRESENTATIONS**

1. Presentation of Proclamation and Recognition of United States Army Week, June 8, 2009 through June 14, 2009.

RECOMMENDATION: The Mayor read the Proclamation.

2. Program Updates from Police Department

RECOMMENDATION: Receive updated presentations from the Police Department on highlighted programs initiated during the fiscal year.

**Police Chief John Foster introduced this item to Council and the following officers spoke regarding three different programs: Jim Amaral – Nevada County Gang Task Force; Clit Bates – Nevada County Narcotics Task Force and Rex Marks – Enhancing Community Awareness with NIXLE.**

**The Mayor asked the “City Slickers” relay for life team to come up and commended them on their fundraising efforts which totaled over \$4,000 for Relay for Life.**

#### **E. PUBLIC COMMENT –**

**Howard Levine Executive Director came forward to address the Council. Howard spoke about the first Thursday night produce market this year and its success. He also spoke about the upcoming Fourth of July Parade and festivities; gave an update on the Del Oro Mural and spoke about the money raised for Relay for life by the “Merchants for Miracles” downtown team.**

#### **F. BRIEF REPORTS BY COUNCIL MEMBERS**

**Council Member Poston spoke about attending the Sierra Business Council Boot Camp. Mayor Swarthout spoke regarding this past Thursday night produce market and being at the City’s booth during the market. She also spoke about the possibility of closing of the Empire Mine State Park as well as other State parks. She suggested that citizens who have an interest in this contact their local representatives.**

#### **G. CONSENT ITEMS – (roll call vote).**

**Vice Mayor Arbuckle moved to approve the Consent Agenda;  
Seconded by Council Member Poston. Approved by a 5-0 roll call vote.**

3. Approval of Action Minutes of May 26, 2009

RECOMMENDATION: Approve Minutes as submitted.

4. Warrant Registers

RECOMMENDATION: Approve warrant disbursements in the amount of \$679,753.77 for the period May 16, 2009 through May 29, 2009.

5. Investment Reports for April 2009

- RECOMMENDATION: Approve Monthly Statement of Investments for April 2009
6. Adoption of annual investment policy  
RECOMMENDATION: Adopt Resolution No. 2009-42 approving the adoption of the City of Grass Valley's Investment Policy for fiscal year 2009/2010.
7. Primary Clarifier Rehabilitation Project Acceptance  
RECOMMENDATION: That Council: 1) accept the Primary Clarifier Rehabilitation Project as complete; 2) authorize the Public Works Director/City Engineer to file a Notice of Completion with the County Recorder; and 3) authorize payment of retention.
8. Agreement with Community Development Services (CDS) to assist the City with promotion and underwriting services for our Business Assistance Loan Program.  
RECOMMENDATION: Authorize the Mayor, on behalf of City, to execute an agreement with CDS to perform consulting services to promote and underwrite business loans to new or existing businesses on behalf of the City and approve associated budget transfer
9. Creation of Funds and Approval of Budget Transfer to facilitate the use of two State Planning and Technical Assistance Grants awarded in 2008.  
RECOMMENDATION: By motion, 1) approve the creation of two funds for Standard Agreements: # 08-PTAG-5347 and 08-PTAE-5407; and 2) approve the Budget Amendment Request.
10. Formation of the Morgan Ranch West Benefit Assessment District No. 2008-1  
RECOMMENDATION: That Council: 1) approve proceedings related to the formation of the Morgan Ranch West Benefit Assessment District No. 2008-1; and, 2) adopt the following resolutions:  
 1. Resolution No. 2009-49 initiating proceedings for benefit district formation and levy of assessments for fiscal year 2010-2011.  
 2. Resolution No. 2009-50 approving boundary map for the proposed benefit district.  
 3. Resolution No. 2009-51 preliminarily approving engineer's report and setting time, date, and place for public hearing.
11. Annexation of Morgan Ranch West to the Residential Landscaping and Lighting (L&L) District No. 1998-2  
RECOMMENDATION: Approve proceedings related to the annexation of Morgan Ranch West to the Residential L&L District No. 2008-1. Adopt the following resolutions:  
 1. Resolution No. 2009-40 initiating annexation proceedings and approving boundary map for annexation No. 2009-1.  
 2. Resolution No. 2009-41 declaring intent to annex property, preliminarily approving engineer's report and setting time, date, and place for public hearing.
12. Procurement and Execution Authorization of Public Works Budgeted, Routine Purchasing and Service Agreements, Associated with Water and Wastewater Treatment.  
RECOMMENDATION: That Council adopt Resolution No. 2009-18 authorizing the Public Works Director/City Engineer to solicit, procure, negotiate and execute Agreements (Contracts, Purchase Orders, Service Agreements) for the routine operation, maintenance, and services associated with Wastewater and Water Treatment within a Council adopted Budget Cycle for the Public Works Department, subject to the appropriate legal review; and, authorize the Public Works

Director/City Engineer to approve and sign amendments/change orders up to 10% of the original agreement amount.

13. Republic ITS Professional Service Agreement Amendment No. 4  
RECOMMENDATION: That Council: 1) approve Republic ITS Professional Service Agreement Amendment No. 4; 2) authorize the Public Works Director/City Engineer to execute the agreement subject to legal review, and, 3) authorize the City Administrator to approve any needed budget transfers to fund Amendment No. 4.
  
14. 2009 Street Slurry Project – Authorization to Bid  
RECOMMENDATION: That Council: 1) approve the findings that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); and, 2) authorize the advertisement for bids.
  
15. Appointment of Non-Permanent/Temporary Workers – Public Works  
RECOMMENDATION: That Council authorize the Public Works Director/City Engineer to appoint/hire one (1) Non-Permanent Construction Inspector and one (1) Non-Permanent Plant Operator within various Divisions of the Public Works Department at the compensation rate specified in the draft offer letters.

**H. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS**

**Do to the lateness of the hour the Mayor and Council changed the order of the Agenda to hear the Administrative Items first (items 22, 23 and 24).**

**J. PUBLIC HEARINGS**

16. Adopt six Resolutions confirming diagram and assessment and levying assessment, and requesting the County Auditor to place assessment on tax roll for fiscal year 2009-2010 Landscaping and Lighting District – (LLD)-Benefit Assessment District – (A.D.)  
RECOMMENDATION: After conducting public hearings, adopting Resolution Numbers 2009-43 through 2009-48 related to the Commercial (District No. 1988-1), Residential (District No. 1988-2) Landscaping and Lighting Districts and (Morgan Ranch-Unit 7 District No. 2003-1) Benefit Assessment District.

**Maryann Hoffler, Finance Department presented this item to Council. The Mayor opened the Public Hearing and no one came forward to speak. The Mayor closed the Public Hearing.**

**Council Member Miller moved adopt Resolutions 2009-43 through 2009-48 related to the Commercial (District No. 1988-1), Residential (District No. 1988-2) Landscaping and Lighting Districts and (Morgan Ranch-Unit 7 District No. 2003-1) Benefit Assessment District; Seconded by Council Member Cookson. The motion carried by a 5-0 voice vote.**

17. Consider recommendation from the Planning Commission on amendments to the Grass Valley Development Code, Title 17

RECOMMENDATION: Open and close the public hearing and approve the amendments to the City Development Code by; 1) waive the reading of the ordinance in its entirety and read by title only; and 2) introduce the ordinance amending the Development Code, or Title 17 of the Municipal Code.

**Planning Director Tom Last presented this item to Council. The Mayor opened the Public Hearing and the following person spoke in favor of this item; Howard Levine, Executive Director, Grass Valley Downtown Association. The Mayor closed the Public Hearing.**

**Council Member Miller moved waive the reading in its entirety and read by title only. Seconded by Council Member Cookson. The motion carried by a 5-0 voice vote.**

**Vice Mayor Arbuckle moved to introduce the ordinance with the changes approved by Council regarding, Balloons, Banners Cargo Containers and Drive through. Seconded by Council Member Miller. The motion carried by a 3-2 roll call vote with Council Member Cookson and Poston voting no and asking that the record show they are against the Drive Through change and that is the reason they voted no.**

18. Consider recommendation from the Planning Commission on the Draft Housing Element.

RECOMMENDATION: After public testimony, adopt Resolution 2009-53 in support of the Draft Housing Element and direct staff to submit this document to the State Department of Housing and Community Development

**Planning Director Tom Last presented this item to Council. The Mayor opened the Public Hearing and the following person spoke in favor of this item: Howard Levine, Executive Director, Grass Valley Downtown Association. The Mayor closed the Public Hearing.**

**Council Member Miller moved adopt Resolutions 2009-53 in support of the Draft Housing Element and direct staff to submit this document to the State Department of Housing and Community Development; Seconded by Council Member Cookson. The motion carried by a 5-0 voice vote.**

19. City of Grass Valley's Fee Schedule for fiscal year 2009-2010

RECOMMENDATION: Adopt Resolution 2009-54 to approve the establishment of a Fee Schedule for Fiscal year 2009-2010.

**Assistant Finance Director Debby Sultan came forward to present this item to Council and to request a continuation of the item.**

**Vice Mayor Arbuckle moved to continue this item to the June 23, 2009 City Council Meeting; Seconded by Council Member Poston. The motion carried by a 5-0 voice vote.**

20. Appropriations Limit for fiscal year 2009-2010  
RECOMMENDATION: Adopt Resolution 2009-55 establishing the Appropriation Limit for the City of Grass Valley for the fiscal year 2009-2010.

**Assistant Finance Director Debby Sultan came forward to present this item to Council. The Mayor opened the Public Hearing and no one came forward to speak. The Mayor closed the Public Hearing.**

**Council Member Poston move to adopt Resolution 2009-55 establishing the Appropriation Limit for the City of Grass Valley for fiscal year 2009-2010; Seconded by Vice Mayor Arbuckle. The motion carried by a 5-0 voice vote.**

21. Public Hearing to review and consider adopting the General Budget of the City of Grass Valley for fiscal year 2009-2010 and including adopting the Operating Budget for the Redevelopment Agency of the City of Grass Valley for fiscal year 2009-2010  
RECOMMENDATION: Adopt Resolution 2009-56 approving the General Budget of the City of Grass Valley and Resolution RDA 2009-57 approving the Operating Budget for the Redevelopment Agency of the City of Grass Valley, that is included as supplemental information to the Administrative Proposed Budget or provide direction on the finalization of the budget prior to June 30<sup>th</sup> (4/5s roll call vote, City and Redevelopment Agency Item)

**Assistant Finance Director Debby Sultan came forward to present this item to Council and to request a continuation of the item.**

**Vice Mayor Arbuckle moved to continue this item to the June 23, 2009 City Council Meeting; Seconded by Council Member Poston. The motion carried by a 5-0 voice vote.**

#### **J. ADMINISTRATIVE**

22. Owner Participation Agreements between City Redevelopment Agency and Straka Family Trust and John and Brenda Chapman to provide for right-of-way to accommodate widening of E. Main Street in exchange for certain improvements on both public and privately held properties at 228 and 230 E. Main Street  
RECOMMENDATION: Authorize Chairman to sign Owner Participation Agreements (OPA), subject to legal review, with Straka Family Trust and John and Brenda Chapman which would contain the terms and conditions attached in this report. (Redevelopment Agency Item)

**Board Member Poston recused himself from this item due to a conflict of interest.**

**Community Development Director Joe Heckel presented this item to the Board.**

**Board Member Miller moved to authorize the Chair to sign the Owner Participation Agreements; Seconded by Board Member Cookson. The motion carried by a 4-0 voice vote.**

23. Consideration of Planning Commission recommendation to approve Conceptual Landscape Plan for City's remainder lot at 202 E. Main Street  
RECOMMENDATION: Adopt Resolution No. 2009-52 adopting the Conceptual Landscape Plan and directing staff to proceed with development of construction documents (City and Redevelopment Agency Item)

**Board Member Poston recused himself from this item due to a conflict of interest. Board Member Miller moved adopt Resolution 2009-52 adopting the Conceptual Landscape Plan and directing staff to proceed with development of construction documents; Seconded by Board Member Cookson. The motion carried by a 4-0 voice vote.**

24. Purchase of a 0.31 acre parcel located at 168 S. Auburn Street (APN 08-372-07) for future parking, circulation enhancement and redevelopment opportunities  
RECOMMENDATION: Approve Resolution RDA 2009-58 in support of authorizing Agency staff to purchase a property owned by the City of Grass Valley at 168 S. Auburn Street. (Redevelopment Agency Item)

**Board Member Miller and Chair Swarthout recused themselves due to conflicts of interest. Community Development Director Joe Heckel presented this item to the Board.**

**Board Member Cookson moved to approve Resolution RDA 2009-58 in support of authorizing Agency staff to purchase a property owned by the City of Grass Valley at 168 S. Auburn Street; Seconded by Board Member Poston. The motion carried by a 3-0 voice vote.**

**K. ADJOURN**

**The Meeting was adjourned at 9:55 PM by Mayor Swarthout**

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Lisa Swarthout, Mayor

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Kristi Bashor, City Clerk