

**MINUTES OF THE  
CITY OF GRASS VALLEY**

**CITY COUNCIL MEETING OF AUGUST 11, 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, August 11, 2009, IN THE HULLENDER 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.

**1. CLOSED SESSION**

**I. Grass Valley Redevelopment Agency**

**Conference with real property negotiators: Agency Negotiators:  
Daniel C. Holler and Joe Heckel pursuant to Government Code Section 54956.8**

- 1. Property: 257 Colfax Avenue, Grass Valley  
Under Negotiation: Price and Terms  
Owners Name: Michelle Donnelly**

**Existing Litigation – Conference with Legal Council pursuant to Government Code section 54956.9(a) 1 existing case.**

- 2. City of Grass Valley v. Doris Mitchell, as Executrix of the Estate of Edna T. Ruck, deceased; and 1-40 DOES inclusive**

**No reportable action taken.**

**REGULAR MEETING OF THE GRASS VALLEY CITY COUNCIL,  
CAPITAL IMPROVEMENTS AUTHORITY AND REDEVELOPMENT AGENCY**

**7:00 P. M., TUESDAY, AUGUST 11, 2009**

COUNCIL CHAMBERS

GRASS VALLEY CITY HALL (LOWER LEVEL)

125 EAST MAIN STREET, GRASS VALLEY, CALIFORNIA

Telephone: (530) 274-4310 – Fax: (530) 274-4399

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**AGENDA**

**A. CALL TO ORDER: 7:00 PM**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL: Vice Mayor Arbuckle, Council Member Cookson, Council Member Miller, Council Member Poston, and Mayor Swarthout were all present.**

**B. AGENDA APPROVAL**

**Approved with no changes**

**C. INTRODUCTIONS AND PRESENTATIONS**

**None**

**D. PUBLIC COMMENT**

Steve Enos addressed Council regarding dieing plants at the former Weaver Auto Center. Dee Mautino addressed Council regarding skateboarders causing damage to the Memorial Wall at Memorial Park. She also stated that the V at Hughes and Ridge Road is in need of maintenance and that she felt the round about is fine the way it is as with a sculpture in the middle it will block being able to see across the roundabout. The following persons also came forward regarding the damage to the Memorial Park Memorial Wall: Bernadine Bockley, Ronald McGomery, Frank Standovich and Rodger Haines. The Mayor will follow up with the police department regarding the damage to the wall.

**E. BRIEF REPORTS BY COUNCIL MEMBERS**

Council Member Cookson announced that she has a new blog site that can be found at [www.yolandacookson.com](http://www.yolandacookson.com). Council Member Poston spoke about attending the second meeting of his Neighborhood Watch and the Grass Valley Police Department's Golf and BBQ activity. Council Member Arbuckle spoke about attending the Civic Leadership Institute and National Night Out. Mayor Swarhout spoke about the police department's open house and that she has been out of town the last few days. She also announced the opening of the fair on Wednesday August 19, 2009 at 11:00 AM.

**F. CONSENT ITEMS – (roll call vote).**

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

1. Approval of Action Minutes of the Special Meeting of July 22, 2009 and the Regular Meeting of July 28, 2009  
RECOMMENDATION: Approve Minutes as submitted.
2. Warrant Registers  
RECOMMENDATION: Approve warrant disbursements in the amount of \$1,756,341.09 for the period July 18, 2009 through July 31, 2009.
3. 2009 Street Slurry Project – Award of Contract  
RECOMMENDATION: That Council 1) authorize the Public Works Director/City Engineer to award a Construction Contract to the lowest responsible bidder for the 2009 Street Slurry Project; 2) authorize the Mayor to execute the construction contract; and, 3) authorize the Public Works Director/City Engineer to approve Construction Change Orders for up to 10% of the total contract amount.

4. 2008-2009 General Budget Year-End Amendments  
RECOMMENDATION: By motion, approve attached budget amendments to the 2008-2009 Amended Budget
5. Purchase of a 0.37 acre parcel located at 257 Colfax Street (APN 08-472-07) for future parking, circulation enhancement and redevelopment opportunities  
RECOMMENDATION: Approve Resolution No. RDA 2009-77 in support of authorizing Agency staff to negotiate and purchase, under certain terms and conditions, the property at 257 Colfax Avenue. (Redevelopment Agency Item)
6. 2009 Street Rehabilitation Project – Award of Contract  
RECOMMENDATION: That Council 1) award a contract for the 2009 Street Rehabilitation Project to Simpson & Simpson in the amount of \$144,967; 2) authorize the Mayor to execute the construction contract; and, 3) authorize the Public Works Director/City Engineer to approve construction change orders up to \$14,497.
7. Adopt Resolution No. 2009-74 Authorizing Entering into a Funding Agreement for Funding Under the CSDW-SRF and ARRA of 2009 for the Alta Hill Water Tanks Project  
RECOMMENDATION: That Council: 1) adopt Resolution No. 2009-74 authorizing the City Administrator to sign a funding agreement and amendments under the California Safe Drinking Water State Revolving Fund (CSDW-SRF) and the American Recovery and Reinvestment Act (ARRA) of 2009 for the City's Alta Hill Water Tanks Project No. 04-01; 2) authorizing the Public Works Director/City Engineer, on behalf of the City, to sign all certifications and reports; 3) authorizing the Public Works Director/City Engineer to approve Claims for Reimbursement; 4) authorizing the Public Works Director/City Engineer to execute the Budget and Expenditure Summary; 5) authorizing the Public Works Director/City Engineer to sign the Contractor's Release Form; 6) authorizing the Public Works Director/City Engineer to certify that the project is complete and ready for final inspection; and 7) authorize the City Administrator to approve a Budget Amendment creating a revenue account for ARRA Funding Agreement utilizing funds previously dedicated to the SRF account for the Alta Hill Water Tanks Project.
8. Grass Valley Police Department Information Technology Support Service Agreement  
RECOMMENDATION: Approve Service Agreement with Nevada County Information and General Services Department of Information technology Support Service.
9. Notification of Personnel Layoffs  
RECOMMENDATION: Receive and File

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

## H. PUBLIC HEARING

10. Formation of Morgan Ranch West Benefit Assessment District No. 2008-1  
RECOMMENDATION: That Council: 1) conduct a public hearing and announce that all ballots must be submitted to the City Clerk prior to closing the public hearing; 2) order the City Clerk to tabulate all submitted ballots and prepare a report for submittal to the Council; 3) Council shall read the results of the City Clerk's report; 4) A) if there are more "Yes" votes than "No" votes, adopt Resolution No. 2009-75 approving the engineer's report, establishing a formula for calculating the annual assessments based upon a prescribed index, levy assessment for Fiscal Year 2010-2011 and order maintenance services; or, B) if there is a majority protest (more "No" votes than "Yes" votes), direct staff to prepare a resolution for the following Council meeting resolving that Council is precluded from proceeding with the proposed assessment and is hereby abandoning the proceedings for adoption.

**Mayor Swarthout recused herself from the following two items due to a conflict of interest. Trisha Tillotson, Senior Civil Engineer presented this item to Council. Vice Mayor Arbuckle opened the public hearing and the following persons came forward to speak on the item: Carol Sauers, 948 Morgan Ranch Drive, Dan Lund, 883 Morgan Ranch Drive, Don Foster 915 Morgan Ranch Drive, Andy Cassano, Nevada City Engineering and Sam Sperry, the City's attorney from Myers Nave. Council Member Poston moved to continue the Public Hearing to September 8, 2009 at 7:00 PM. Council Member Miller seconded and the motion carried by a 4-0 voice vote.**

11. Annexation of Morgan Ranch West to the Residential Landscaping and Lighting (L&L) District No. 1998-2  
RECOMMENDATION: That Council: 1) conduct a public hearing and announce that all ballots must be submitted to the City Clerk prior to closing the public hearing; 2) order the City Clerk to tabulate all submitted ballots and prepare a report for submittal to the Council; 3) Council shall read the results of the City Clerk's report; 4) A) if there are more "Yes" votes than "No" votes, adopt Resolution No. 2009-76 approving the engineer's report, establishing a formula for calculating the annual assessments based upon a prescribed index, levy assessment for Fiscal Year 2010-2011 and order maintenance services; or B) if there is a majority protest (more "No" votes than "Yes" votes), direct staff to prepare a resolution for the following Council meeting resolving that Council is precluded from proceeding with the proposed assessment and is hereby abandoning the proceedings for adoption.

**Trisha Tillotson, Senior Civil Engineer presented this item to Council. Vice Mayor Arbuckle opened the Public Hearing and the following persons came forward to speak on this item: Carol Sauers, Jeff Finley and Sam Sperry. After announcing that all ballots must be submitted to the City Clerk, Vice Mayor Arbuckle closed the Public Hearing. The Vice Mayor then requested that the City Clerk open and count the ballots received and adjourned the meeting for a break of 15 minutes. The Vice Mayor reconvened the meeting and the City Clerk gave the Vice Mayor the results of the voting. There were 13 no votes and 8 yes votes. Council Member Poston moved to direct staff to prepare a resolution for the next Council Meeting on August 25, 2009 resolving that Council is precluded from proceeding with the proposed assessment**

**and is hereby abandoning the proceedings for adoption. Council Member Cookson seconded and the motion carried by a 4-0 voice vote. The Mayor rejoined the meeting at this time.**

12. Amend Municipal Code Section 12.24 – Street Naming and Numbering  
RECOMMENDATION: That Council: 1) conduct a public hearing; 2) waive the reading of Ordinance No. 709 in its entirety and read by title only; and, 3) introduce Ordinance No. 709 to amend Municipal Code Title 12, Streets, Sidewalks and Public Places, Chapter 12.24 – Street Naming and Numbering, adding Section 12.24.150.

**Trisha Tillotson, Senior Engineer presented this item. The Mayor opened the Public Hearing and Amber Beckler, Nevada County Engineering, came forward to show support for the item. The Mayor closed the Public hearing. Council Member Poston moved to 1) conduct a public hearing; 2) waive the reading of Ordinance No. 709 in its entirety and read by title only; and, 3) introduce Ordinance No. 709 to amend Municipal Code Title 12, Streets, Sidewalks and Public Places, Chapter 12.24 – Street Naming and Numbering, adding Section 12.24.150. Vice Mayor Arbuckle seconded and the motion carried by a 5-0 voice vote.**

13. HOME Investment Partnership (HOME) Application to the State of California  
RECOMMENDATION: Open and close the public hearing and approve the attached application authorizing the filing of an application to the State of California Department of Housing and Community Development (HCD) for HOME funds which will enable the City to continue to offer a First Time Homebuyer Assistance Program.

**Community Development Director Joe Heckel presented this item to Council. The Mayor opened the public hearing and as there was no one who wished to speak on the item closed the public hearing. Vice Mayor Arbuckle moved to approve Resolution 2009-77 authorizing the filing of an application to the State of California Department of Housing and Community Development (HCD) for HOME funds which will enable the City to continue to offer a First Time Homebuyer Assistance Program. Council Member Poston seconded and the motion carried by a 5-0 voice vote.**

14. Ordinance No. 708 an ordinance of the City Council of the City of Grass Valley requiring the licensing of tobacco retailers.  
RECOMMENDATION: To take the following action: 1) Conduct the public hearing; 2) Waive the reading of the ordinance in its entirety and read by title only and 3) introduce Ordinance No. 708 an ordinance of the City Council of the City of Grass Valley requiring the licensing of tobacco retailers and amending the Grass Valley Municipal Code by adding chapter 5.56 tobacco retailer licensing.

**City Administrator Dan Holler presented this item to Council. The Mayor asked if retailers had been directly notified of this meeting, and as they had not, suggested that the item be continued to a date certain. Council Member Poston moved to continue the item to the September 22, 2009 regular City Council Meeting at 7:00 PM. Council Miller seconded and the motion carried by a 5-0 voice vote.**

**I. ADMINISTRATIVE**

15. Response to Nevada County Grand Jury Report  
RECOMMENDATION: Approve Response to Nevada County Grand Jury Report Regarding the Grass Valley Animal Shelter.

**Police Chief John Foster and Police Captain Rex Marks presented this item to Council. The following persons came forward to speak on this item: Chuck Kiser, Cheryl Wicks, Pamela Gorman, Joyce Karse and Robin Wood. Vice Mayor Arbuckle moved to approve the response to the Nevada County Grand Jury Report regarding the Grass Valley Animal Shelter. Council Member Poston seconded and the motion carried by a 5-0 voice vote.**

16. Appeal of Separate Water Meter Requirement for Planned Unit Development and Tentative Map for 455-515 Mill Street  
RECOMMENDATION: That Council deny an appeal requesting that an existing single water meter currently serving five separate residences at 455-515 Mill Street be allowed to remain after the subdivision of the property and that the installation of separate water meters for the existing residences not be required.

**Trisha Tillotson, Senior Civil Engineer, presented this item to Council. Andy Cassano, Nevada City Engineering and Steve DeSena, Project Co-owner addressed Council regarding the appeal. Council Member Miller moved to waive the impact fees on 5 existing units but not the new duplex, to still require individual meters on each unit and to work with staff as to location of water meters. Vice Mayor Arbuckle seconded and the motion carried by a 5-0 voice vote**

17. Appointment a Council Member to an ad-hoc multi-agency committee created to review and make recommendations for furthering the integration of Fire /EMS services.  
RECOMMENDATION: That City Council Member \_\_\_\_\_ be appointed to serve on a tri-agency committee for the purpose of reviewing options, providing input and making recommendations on the further integration of fire and EMS services provided by the Grass Valley and Nevada City Fire Departments and the Nevada County Consolidated Fire District.

**Fire Chief Tony Clarabut presented this item to Council. Council Member Poston moved to appoint Council Member Miller to serve on a tri-agency committee for the purpose of reviewing options, providing input and making recommendations on the further integration of fire and EMS services provided by the Grass Valley and Nevada City Fire Departments and the Nevada County Consolidated Fire District. Vice Mayor Arbuckle seconded and the motion carried by a 5-0 voice vote.**

**J. ADJOURN**

**The meeting was adjourned by Mayor Swarthout at 10:05 PM.**

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Lisa Swarthout, Mayor

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Kristi Bashor, City Clerk