



AGENDA
FEBRUARY 17, 2015
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

5:00 P.M. – CLOSED SESSION: BUTTE ROOM
6:00 P.M. – REGULAR MEETING: COUNCIL CHAMBERS

MAYOR	• John Dukes
VICE MAYOR	• John Buckland
COUNCILMEMBER	• Stanley Cleveland, Jr
COUNCILMEMBER	• Preet Didbal
COUNCILMEMBER	• Kash Gill
CITY MANAGER	• Steven Kroeger
CITY ATTORNEY	• Timothy Hayes

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible



*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 530/822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

**AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
FEBRUARY 17, 2015
5:00 P.M. – CLOSED SESSION
6:00 P.M. – REGULAR MEETING**

Materials related to an item on this Agenda submitted to the Council 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—Butte Room

Public Comment: Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session. Contact the City Clerk in advance of the closed session either in person at City Hall, by phone 822-4817, or email tlocke@yubacity.net to allow for time for testimony.

- A. Confer with legal counsel regarding potential litigation pursuant to Government Code Section 54956.9(d)(4)-one potential case.
- B. Confer with real property negotiators Steve Kroeger and Brad McIntire pursuant to Government Code Section 54956.8 regarding negotiations for the possible sale of the following city owned properties or portions thereof: APN's 57-150-004 217 S Walton and 57-150-050 211 S Walton Ave.
- C. Confer with labor negotiator Steve Kroeger regarding negotiations with the following associations: Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code

Regular Meeting—Council Chambers

Call to Order

Roll Call: ___ Mayor Dukes
 ___ Vice Mayor Buckland
 ___ Councilmember Cleveland
 ___ Councilmember Didbal
 ___ Councilmember Gill

Invocation

Pledge of Allegiance to the Flag

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.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak

2. 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 three minutes

Ordinances

3. California Public Employees' Retirement System (CalPERS) Contract Amendment to implement employee cost sharing

Recommendation: 1. Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, First Level Managers bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading

2. Adopt a Resolution for CalPERS stating the City is no longer paying 4% or 3.5% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective March 21, 2015

4. Feral Cat Feeding Prohibition Ordinance

Recommendation: Adopt an Ordinance regarding the feeding of feral cats 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.

5. Minutes of February 3, 2015

Recommendation: Approve the City Council Meeting Minutes of February 3, 2015

General Items

6. 2014 Homeland Security Grant Program – Purchase of Thermal Imaging Cameras

Recommendation: Authorize the purchase of six thermal imaging cameras from ISG Infrared Systems Group of Lawrenceville, GA in the amount of \$51,955

7. Purchase of Personal Protective Equipment (Turnouts) for the Yuba City Fire Department

Recommendation: Authorize the purchase of 40 sets of Globe turnouts from L.N. Curtis & Sons of Oakland, CA in the amount of \$80,657

8. 2014 Homeland Security Grant Program

Recommendation: Accept a total of \$28,881 in funding from the 2014 Homeland Security Grant and authorize appropriate modification to the Police Department's budget

Business from the City Council

9. City Council Reports

- Councilmember Cleveland
- Councilmember Didbal
- Councilmember Gill
- Vice Mayor Buckland
- Mayor Dukes

Adjournment

CITY OF YUBA CITY

Written Requests

Members of the public submitting written requests at least 24 hours prior to the meeting will normally be allotted 5 minutes to speak.

Procedure

When requesting to speak, please indicate your name and the topic and mail to:

City of Yuba City
Attn: City Clerk
1201 Civic Center Blvd
Yuba City CA 95993

Or email to:

Terrel Locke, City Clerk tlocke@yubacity.net

The Mayor will call you to the podium when it is time for you to speak.

CITY OF YUBA CITY

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.

Procedure

Complete a Speaker Card located in the lobby and give to the City Clerk. When a matter is announced, wait to be recognized by the Mayor. Comment should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

- For Items on the Agenda

Public comments on items on the agenda are taken during Council's consideration of each agenda item. If you wish to speak on any item appearing on the agenda, please note the number of the agenda item about which you wish to speak. If you wish to speak on more than one item, please fill out a separate card for each item.

- Items not listed on the Agenda

Public comments on items not listed on the agenda will be heard during the Public Communication portion of the meeting.

CITY OF YUBA CITY
STAFF REPORT

Date: February 17, 2015

To: Honorable Mayor & Members of the City Council

From: Human Resources

Presentation By: Natalie Walter, Human Resources Director

Summary

Subject: California Public Employees' Retirement System (CalPERS) Contract Amendment to implement employee cost sharing

Recommendation:

1. Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, First Level Managers bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading.
2. Adopt a Resolution for CalPERS stating the City is no longer paying 4% or 3.5% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective March 21, 2015.

Fiscal Impact:

1. \$384,000 in savings to City budget which is offset by \$723,000 in additional costs due to furlough elimination.
2. \$325 in savings for Fiscal Year 2014/2015.

Purpose:

Implement employee cost sharing of California Public Employees' Retirement System (CalPERS) contributions.

Background:

In early 2014, City staff met and conferred with Mid-Managers, First Level Managers, Police Officers' Association, and Police Sergeants in order to negotiate the expired bargaining unit contracts. During City Council meetings from July to November 2014, the City Council approved the contracts with these bargaining units along with the unrepresented employees on the Executive Team and in the Confidential Unit to include cost sharing for classic members.

On January 20th, City Council adopted a Resolution of Intention as part of the CalPERS requirement to amend the City's contract with CalPERS. Following the January 20th City Council meeting, as required by CalPERS, the effected City employees had an election to approve the cost sharing terms, which was 100% successful with those who voted . CalPERS now requires that an Ordinance be adopted by City Council in order to amend the City's contract for the cost sharing provisions.

With regard to Councilmember contributions to CalPERS, traditionally, the City Council has been aligned with the Executive Team for employee benefits, including healthcare, dental/vision, and retirement benefits. With the March 21st pay period, Executive Team members will be paying towards their retirement benefits. In light of the alignment of benefits between the City Council and the Executive Team, the attached Resolution, if adopted, would authorize the City Councilmembers to begin paying toward their retirement benefits in an equivalent amount to the Executive Team.

Analysis:

According to the approved contracts, all classic CalPERS members who belong to the Mid-Managers, First Level Managers, Police Officers' Association, and Police Sergeants along with the unrepresented Confidentials and Executive Team will cost share towards the employer contribution. It should be noted that the contracts for this cost sharing arrangement require two CalPERS contract amendments. For this first cost sharing amendment, classic Safety category employees will cost share 4.5% towards the employer contribution rate. Classic Miscellaneous category employees will cost share either 4% or 3.5% towards the employer contribution rate. The percentage for the classic Miscellaneous category is dependent on the member's hire date and resulting retirement formula.

The second cost sharing amendment process will be initiated after this first cost sharing amendment is complete. The second cost sharing amendment will result in the classic Safety category employees cost sharing 9% towards the employer contribution rate and classic Miscellaneous category employees cost sharing 8% or 7% towards the employer contribution rate as of July 1, 2015 or as soon as administratively feasible.

City Council members do not receive "PERS on PERS" as the City does not pay and report the value of the member contribution. Therefore a Resolution, not a cost sharing amendment, is required to implement classic CalPERS City Council members paying towards their member contribution. If adopted, Councilmembers will begin contributing half of their CalPERS contributions as of March 21, 2015 and the remaining half will go into effect as of July 1, 2015 or as soon as administratively feasible.

New CalPERS members are already paying their share of retirement benefit costs in accordance with pension reform.

Fiscal Impact:

- 1) \$384,000 in savings to City budget which is offset by \$723,000 in additional costs due to furlough elimination.

2) \$325 in savings for Fiscal Year 2014/2015.

Recommendation:

- 1) Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, First Level Managers bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading.

- 2) Adopt a Resolution for CalPERS stating the City is no longer paying 4% or 3.5% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective March 21, 2015.

Prepared By:

/s/Natalie Walter

Natalie Walter
Human Resources Director

Submitted By:

/s/Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING AN AMENDMENT TO THE CITY'S CONTRACT WITH
CALPERS THAT WILL IMPLEMENT COST SHARING PER THE NEGOTIATED
CONTRACTS FOR ALL POLICE OFFICER'S ASSOCIATION, POLICE
SERGEANTS, MID-MANAGERS, FIRST LEVEL MANAGERS,
UNREPRESENTED CONFIDENTIALS, AND UNREPRESENTED EXECUTIVE
TEAM**

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

Section 1. That an amendment to the contract between the City Council of the City of Yuba City and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2. The Mayor of the City of Yuba City is hereby authorized, empowered, and directed to execute said amendment for and behalf of said Agency.

Section 3. This Ordinance shall be effective thirty (30) days from and after its adoption, and after adoption shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20th day of January 2015 and adopted at a regular meeting thereof held on the 17th day of February 2015.

AYES:

NOES:

ABSENT:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

Approved as to form:

Tim Hayes, City Attorney



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Yuba City

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1961, and witnessed August 2, 1960, and as amended effective July 1, 1971, April 1, 1973, January 16, 1974, February 7, 1981, January 1, 1982, August 5, 1989, December 16, 1989, August 11, 1990, December 15, 1990, August 2, 1991, June 19, 1993, July 14, 2001, July 13, 2002, April 5, 2003, June 28, 2003 and July 1, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective July 1, 2012, and hereby replaced by the following paragraphs numbered 1 through 18 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members; age 50 for local safety members entering membership in the safety classification on or prior to July 1, 2012 and age 55 for local safety members entering membership for the first time in the safety classification after **July 1, 2012**.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1961 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. This contract shall be a continuation of the contract of the Walton Fire Protection District, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred July 1, 2006.
8. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after June 28, 2003 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1981, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after June 28, 2003 and not entering membership for the first time in the miscellaneous classification after July 1, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1981, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).

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10. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after July 1, 2012 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to July 1, 2012 shall be determined in accordance with Section 21363.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after July 1, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 20042 (One-Year Final Compensation), Section 21624 and 21626 (Post-Retirement Survivor Allowance) and Section 21427 (Improved Non-industrial Disability Allowance).

From and after January 1, 1982 to August 11, 1990 the miscellaneous and fire employees of Public Agency shall be assessed an additional 2.5% of their compensation for a total contribution rate of 9.5% pursuant to Government Code Section 20516.

From and after January 1, 1982 to December 16, 1989, the police employees of Public Agency shall be assessed an additional 2.5% of their compensation – for a total contribution rate of 9.5% pursuant to Government Code Section 20500.
 - b. Section 20042 (One-Year Final Compensation) for local police members entering membership on or prior to December 16, 1989; for local fire members entering membership on or prior to December 15, 1990; and for those local miscellaneous members entering membership on or prior to August 2, 1991.

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- c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).
- d. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members; local police members entering membership on or prior to December 16, 1989, and for those local fire members entering membership on or prior to December 15, 1990.
- e. Section 21574.5 (Indexed Level of 1959 Survivor Benefits).
- f. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.
- g. Section 20475 (Different Level of Benefits). Section 20037 (Three-Year Final Compensation) is applicable to local police members entering membership for the first time in the police classification after December 16, 1989, local fire members entering membership for the first time in the fire classification after December 15, 1990, and for those local miscellaneous members entering membership for the first time in the miscellaneous classification after August 2, 1991; Section 21427 (Improved Non-Industrial Disability Allowance) is not applicable to local police members entering membership for the first time in the police classification after December 16, 1989, and for those local fire members entering membership for the first time in the fire classification after December 15, 1990.

Section 21354 (2% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after July 1, 2012.

Section 21363.1 (3% @ 55 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after July 1, 2012.
- h. Section 21024 (Military Service Credit as Public Service).
- i. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
- j. Section 21335 (3% Cost-of-Living Allowance, base year 2003).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

k. Section 21548 (Pre-Retirement Option 2W Death Benefit).

l. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 4.5% for classic local police members.

From and after the effective date of this amendment to contract, 4.5% for classic local fire members in the Executive Team Unit.

From and after the effective date of this amendment to contract, 4% for first tier and second tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

From and after the effective date of this amendment to contract, 3.5% for third tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on February 7, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
16. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

- c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
17. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
 18. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION CITY COUNCIL
 PUBLIC EMPLOYEES' RETIREMENT SYSTEM CITY OF YUBA CITY

BY _____
 RENEE OSTRANDER,
 ASSISTANT DIVISION CHIEF
 CUSTOMER ACCOUNT SERVICES DIVISION
 PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
 PRESIDING OFFICER

 Witness Date

Attest:

 Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA
CITY FOR EMPLOYER PAID MEMBER CONTRIBUTIONS WITH
THE CITY COUNCIL**

WHEREAS, The City of Yuba City City Council (Yuba City) has the authority to implement Government Code Section 20691; and

WHEREAS, Yuba City has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement GC §20691 is the adoption by Yuba City of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, Yuba City has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to members of the City Council.
- This benefit shall consist of paying 4% of the normal member contributions as EPMC for those employees hired prior to July 1, 2012 and 3.5% of the normal member contributions as EPMC for those employees hired on or after July 1, 2012.
- The effective date of this Resolution shall be March 21, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City does hereby elect to pay the Employer Paid Member Contribution as set forth above.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of February 2015.

AYES;

NOES:

ABSENT:

ATTEST:

John Dukes, Mayor

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: February 17, 2015
To: Honorable Mayor & Members of the City Council
From: Community Services Department
Presentation By: Diana Barrett, Animal Services Manager

Summary

Subject: Feral Cat Feeding Prohibition Ordinance
Recommendation: Adopt an Ordinance regarding the feeding of feral cats and waive the second reading.

Fiscal Impact: None.

Purpose:

An Ordinance Prohibiting Feeding of Feral Cats will allow staff to issue citations in order to decrease the number of feral cats in the City and eliminate potential public safety issues.

Background:

In June 2012, SASA Board passed a policy to stop taking in feral cats into the animal shelter facility.

The recommendation was from the UC Davis Shelter Medicine Program directed by Dr. Kate Hurly. The support for this policy was for the following reasons:

- Introducing feral cats into the facility subjected the healthy cats to diseases.
- Removing feral cats from their environment would result in other feral cats moving into the same area.
- The facility (old and new) could not facilitate (staff, space, food and care) the population of feral cats.

Since 2012, several times a month, City residents have reported extreme sanitation issues with feral cats. These are typically high density areas with properties in close proximity where feral cats are posing health and safety issues to human populations.

In November of 2014, Sutter Animal Services Authority authorized staff to proceed with the implementation and recommendation of the proposed ordinance.

Staff would like to introduce an ordinance that would prohibit free feeding. The philosophy behind the ordinance is that without a food source, the feral cat population will not flourish and reduce or eliminate potential human health issues. Animals that are surgically altered will not re-produce unwanted animals. With less free feeding, feral interactions with domesticated pets and humans will decrease; which will increase public safety.

Analysis:

In an effort to further the City’s Clean & Safe initiatives we are proposing an ordinance related to feral cats. Currently the City does not have an Ordinance prohibiting the feeding of feral cats. As a result, feral cats and the free feeding by people of feral cats within the City has become a concern. Currently, the City is not able to issue citations to a person free feeding feral cats. The proliferation of feral cats creates sanitary concerns within affected areas which often lead to the spread of feline based diseases and also the rapid expansion of the feral population.

The proposed ordinance states that it shall be unlawful for any person residing in Yuba City to create a public nuisance by free-feeding any wild animals including any feral cats. Person found violating this code can be cited for violating: **Fish and Game code Section 251.1, Harassment of Animals**, which defines harassment as, “an intentional act which disrupts an animal’s normal behavior pattern, which includes, but is not limited to, breeding, feeding and sheltering”. The proposed ordinance provides an exemption for persons who qualify for the Trap-Neuter-Release (TNR) process that staff is working on.

Enforcement of the feral cat ordinance would be supported through a 4 – tier assessment process. Based on the severity of the problem and the violator’s lack of cooperation in abating the issues, those issues that meet the restrictions set forth in **California Penal Code 597; Cruelty to Animals** may result in fines ranging from \$250 - \$1000.

Staff will continue to study various funding sources that are available in regards to Trap, Neuter and Release (TNR) programs in an effort to curtail the community cat population.

Fiscal Impact:

There is no fiscal impact with this proposal.

Alternatives:

By not adopting this ordinance, the City will continue to see growth and rapid expansion of the feral cat population.

Recommendation:

Adopt an Ordinance regarding the feeding of feral cats and waive the second reading.

Prepared By:

[/s/Brad McIntire](#)

Brad McIntire
Community Services Director

Submitted By:

[/s/Steven C. Kroeger](#)

Steven C. Kroeger
City Manager

Reviewed By:

Finance
City Attorney

[RB](#)
[TH](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ADDING SECTION 4-12.480 TO THE YUBA CITY MUNICIPAL CODE PROHIBITING
FEEDING OF FERAL CATS**

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

WHEREAS, feral cats and the free-feeding by people of feral cats within the metropolitan regions of the City of Yuba City has become a concern. The proliferation of feral cats creates sanitary concerns within affected areas which often leads to the spread of feline based diseases and also results in rapid population expansion of feral cats.

WHEREAS, Sutter Animal Services Authority (SASA) recognizes under California Civil Code Section 2080, that “any animal that is taken up and cared for by a person does take charge of it thenceforward and serves as a depository for the owner, with the rights and obligations of a depository for hire”. Additionally, the finder is responsible for attempting to notify the lawful owner.

WHEREAS, a person is prohibited from creating a nuisance to other area residents either on private or public property. Owners found guilty of allowing their animals to destroy, foul or otherwise lower the property value and to create unfavorable and/or unhealthy conditions may be cited and may be prevented by the court from owning animals pursuant to California anti-cruelty laws, Penal Code 597.

WHEREAS, persons free-feeding animals may be cited for violating Fish and Game Code Section 251.1, which defines harassment as “an intentional act which disrupts an animal’s normal behavior pattern, which includes, but is not limited to, breeding, feeding and sheltering.

WHEREAS, the City Council has determined it is necessary to restrict the feeding of feral cats in order to protect the public’s health and safety.

NOW, THEREFORE, the City Council of the City of Yuba City does hereby ordain as follows:

Section 1. Section 4-12.480 is hereby added to the Yuba City Municipal Code to read as follows:

Section 4-12.480. Feeding of Feral Cats.

A. For purposes of this section, the following words, terms and phrases shall have these definitions:

“Feral cat” means a cat as defined in Section 31752.5 of the Food and Agricultural Code.

“Free-feeding” means not limiting the amount of food made available to an animal at a single feeding, resulting in excess food which will result in creating inviting conditions for other animals including wildlife.

B. It shall be unlawful for any person to create a public nuisance by free-feeding any wild animals including any feral cats.

C. It shall be unlawful for any person to make available more food supply than is reasonably adequate for the number of legally allowed domesticated cats the person may care for.

D. This section shall not apply to:

Persons who qualify for a trap-neuter-release program that the City establishes to reduce the feral/wild cat populations.

Section 2. This ordinance shall become effective thirty (30) days after its adoption. A summary of this ordinance shall be published once at least five (5) days prior to the adoption of this ordinance and once within fifteen (15) days after its adoption, in the Appeal Democrat, a newspaper of general circulation in the City of Yuba City.

Introduced and read at a regular meeting of the City Council of the City of Yuba City the 3rd day of February, 2015, and adopted at a regular meeting thereof held on the ____ day of _____, 2015.

AYES:

NOES:

ABSENT:

John Dukes, Mayor

ATTEST:

APPROVED AS TO FORM

Terrel Locke, City Clerk

Tim Hayes, City Attorney

**MINUTES (DRAFT)
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
FEBRUARY 3, 2015
6:00 P.M. – REGULAR MEETING**

Regular Meeting—Council Chambers

The City of Yuba City City Council meeting was called to order by Mayor Dukes at 6:00 p.m.

Roll Call

Present: Councilmembers Buckland, Cleveland, Didbal, and Mayor Dukes

Absent: Councilmember Gill

Invocation

Councilmember Buckland gave the invocation.

Pledge of Allegiance to the Flag

River Valley High School Student Ummer Takhar led the Pledge of Allegiance.

Public Communication

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

Ordinances

3. Introduction of Feral Cat Feeding Prohibition Ordinance

The following persons spoke:

Stephanie Ruscigno, Sharon Drive Yuba City
Jan Kendel, Garden Highway, Yuba City

Councilmember Buckland moved to introduce an Ordinance regarding the feeding of feral cats and waive first reading. Councilmember Didbal seconded the motion that passed with a unanimous vote.

Consent Calendar

Councilmember Cleveland moved to adopt the Consent Calendar as presented. Councilmember Didbal seconded the motion that passed with a unanimous vote.

4. Minutes of January 20, 2015

Approved the City Council Meeting Minutes of January 20, 2015

5. Annual Sunsweet Boulevard Community Facilities District 2004-1 Report Pursuant to Government Code Section 53411

Noted and filed.

6. Utility Bill Postage Permit Change

Authorized adding the cost of using the vendor postage permit to the Infosend encumbrance for utility payment processing and utility bill printing and mailing proposal (RFP 14-02).

General Items

7. Sutter Butte Flood Control Agency (SBFCA) annual program update and request for Letter of Commitment in support of SBFCA's state grant application for a Flood Emergency Response Grant

Councilmember Buckland moved to authorize the Mayor to sign a Letter of Commitment in support of SBFCA's state grant application. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

8. Staffing for Adequate Fire and Emergency Response (SAFER) Grant

Councilmember Cleveland moved to authorize the Yuba City Fire Department to submit an application to the Department of Homeland Security for consideration of funding under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant for the hiring of limited term firefighters. Councilmember Buckland seconded the motion that passed with a unanimous vote.

Business from the City Council

9. City Council Reports

- Councilmember Cleveland
- Councilmember Didbal
- Councilmember Gill
- Vice Mayor Buckland
- Mayor Dukes

Adjournment

Mayor Dukes adjourned the Regular Meeting of the City Council of the City of Yuba City at 6:50 p.m.

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: February 17, 2015
To: Honorable Mayor Dukes & Members of the City Council
From: Fire Department
Presentation By: Peter H. Daley, Fire Chief

Summary

Subject: 2014 Homeland Security Grant Program – Purchase of Thermal Imaging Cameras
Recommendation: Authorize the purchase of six thermal imaging cameras from ISG Infrared Systems Group of Lawrenceville, GA in the amount of \$51,955
Fiscal Impact: \$51,995 out of Account No. 2324-69201(Assistance to Fire Fighters Grant)

Purpose:

Enhance Fire Department emergency response and firefighter safety.

Background:

In an effort for local agencies to be better prepared to deal with weapons of mass destruction, the Federal Department of Homeland Security, in conjunction with the State of California, has allocated funding to be distributed to all of the counties and local agencies within the State under the 2014 Homeland Security Grant program.

The goal, as in the case of earlier disaster preparedness/homeland security grants, is to provide first responders with the tools to better deal with natural disasters, as well as manmade emergencies. The City Council has previously approved requests from the Fire Department for equipment and training to be purchased from earlier homeland security grant programs. At your January 20, 2015 meeting, the City Council accepted funding from the 2014 Homeland Security Grant and authorized appropriate modifications to the Fire Department's budget.

Analysis:

Over 10 years ago, using funding secured under the 2003 Assistance to Firefighters Grant and 2003 Homeland Security Grant cycles, the Yuba City Fire Department was able to purchase six thermal imaging cameras for use in emergency fire responses. The thermal imaging camera has become a vital part of the Department's safety equipment arsenal, especially in connection to fire-related rescues and firefighter safety. As you know, thermal imaging cameras are used to pick up body heat and allow people to be located in smoky, dark or extremely hot places. Firefighters use the cameras to quickly locate the source of the fire

in a structure or to find people who are visually obscured. The Department's existing thermal imaging cameras were purchased over 10 years ago using grant funds. Though the manufacturers do not specify a product life for the cameras, our existing units are beginning to encounter maintenance and operational issues. These new thermal imaging cameras will replace the units on our first-out engines, with the older units placed on reserve engines.

The Yuba City Fire Department recently conducted analysis and hands-on comparisons of thermal imaging cameras available and, as a result, is recommending City Council authorize the purchase of six thermal imaging cameras from Infrared Systems Group. The City would be able to piggyback on the pricing Sacramento Fire Department bid process secured. Each unit costs \$8,055 and includes the camera, a truck mounted charger, two batteries and a station charger, a retractable lanyard and a two-year warranty. Total price for the proposed purchase of six thermal imaging cameras is \$51,955. The thermal imaging cameras would be placed on each of the Fire Department's five first-out fire engines, as well as one on the Battalion Chief's vehicle.

Fiscal Impact:

For the 2014 Homeland Security Grant cycle, the Yuba City Fire Department was able to secure \$45,638 toward the purchase of the six thermal imaging cameras. Under the Homeland Security Grant, money spent on authorized purchases by the local agencies will be 100% reimbursed by the State. The Fire Department would only be responsible for the remaining \$6,317 needed to complete the purchase.

Funding for the purchase of the subject equipment is from a combination of grant award from the Federal Department of Homeland Security/FEMA Homeland Security Grant and local General Fund allocations. The Fire Department has been allocated \$45,638 in Homeland Security Grant funds towards the purchase of six thermal imaging cameras. The remaining \$6,317 for the purchase will come from the Department's General Fund. Once the equipment is purchased, the proper documentation will be forwarded through the County of Sutter for State reimbursement of the \$45,638 in grant funds. The reimbursement will be placed into the appropriate revenue accounts when received.

Alternatives:

Do not proceed with the proposed purchase.

Recommendation:

Authorize the purchase of six thermal imaging cameras from ISG Infrared Systems Group of Lawrenceville, GA in the amount of \$51,955.

Prepared By:

/s/Peter Daley

Peter H. Daley
Fire Chief

Submitted By:

/s/Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

City Attorney

[TH](#)

CITY OF YUBA CITY
STAFF REPORT

Date: February 17, 2015
To: Honorable Mayor Dukes & Members of the City Council
From: Fire Department
Presentation By: Peter H. Daley, Fire Chief

Summary

Subject: Purchase of Personal Protective Equipment (Turnouts) for the Yuba City Fire Department

Recommendation: Authorize the purchase of 40 sets of Globe turnouts from L.N. Curtis & Sons of Oakland, CA in the amount of \$80,657.

Fiscal Impact: \$80,657. Funding for the purchase of new turnouts was included in the adopted FY 2015-2016 City budget.

Purpose:

Provide effective protection and safety for City firefighters.

Background:

National Fire Protection Association (NFPA) creates and maintains standards and codes for usage and adoption by local governments for personal protective equipment.

NFPA established a policy setting a mandatory 10-year retirement for all protective PPE elements. The Yuba City Fire Department has spent the last two years reviewing current PPE specifications and making recommendations to upgrade our specifications to meet current safety guidelines, based on industry standards.

Analysis

Cal Fire recently completed an analysis and established new specifications for their future purchases of personal protective equipment for their personnel. Using the new CalFire specifications as a starting point, Yuba City Fire evaluated its specification and has updated our Department specification to meet the new industry standard.

Based upon our new specifications for PPE/turnouts, we contacted two manufacturers (Globe and Morning Pride) who meet the new Cal Fire specification and had each company produce one set of turnouts we would use for field tests for wear and comfort. A number of people wore both sets over a period of four months and, at the end of the test period, each person provided their input on a set of criteria: wear, comfort, mobility, etc. Based upon the firefighter's feedback and in the best interest of the City, Globe turnouts were

selected as turnout of choice. The Globe turnouts meet all new industry standards and cost less than the Morning Pride gear.

To assure the safety of our personnel and to comply with the national standard ten year retirement requirement, our goal is to implement a five year purchase cycle to allow one set to come in as the new primary turnouts, the newer ones to go into reserve status and sets that are ten years old to be taken out of use and disposed of appropriately.

Fiscal Impact:

Funding needed for this purchase is included in the current Fire Department Budget Account Number 2310-64202.

Alternatives:

Do not proceed with the proposed purchase.

Recommendation:

Authorize the purchase of 40 sets of Globe personal protective equipment (turnouts) from L.N. Curtis & Sons of Oakland, CA in the amount of \$80,657.

Prepared By:

/s/Peter Daley
Peter H. Daley
Fire Chief

Submitted By:

/s/Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

CITY OF YUBA CITY
STAFF REPORT

Date: February 17, 2015

To: Honorable Mayor John Dukes & Members of the City Council

From: Police Department

Presentation By: Robert D. Landon, Chief of Police

Summary

Subject: 2014 Homeland Security Grant Program

Recommendation: Accept a total of \$28,881 in funding from the 2014 Homeland Security Grant and authorize appropriate modification to the Police Department's budget.

Fiscal Impact: \$28,881.00 to Account No.100-43420 (Federal Law Enforcement Grant) – (No City match required). Funds will be drawn down through Account No. 2193-69201.

Purpose:

To enhance police department response capabilities by purchasing upgraded radios for unmarked vehicles with grant funds.

Background:

In an effort for local agencies to be better prepared to deal with weapons of mass destruction, the Federal Department of Homeland Security, in conjunction with the State of California, allocated funding will be distributed to all of the counties and local agencies within the State under the 2014 Homeland Security Grant program.

The goal, as in the case of earlier disaster preparedness and homeland security grants, is to provide first responders with the tools to better deal with natural disasters, as well as man-made emergencies.

The City Council previously approved requests from the Police Department for equipment and training to be purchased from earlier homeland security grant programs.

Analysis:

After careful review by staff members of the Yuba City Police Department, equipment purchases that will enhance our officers' capability to prevent and respond to emergencies were identified.

The Yuba City Police Department is requesting authorization to spend the full amount of our allocation towards the purchase and installation of five mobile radios for five unmarked vehicles. The radios will provide enhanced capability and safety for our personnel primarily because they can operate without being connected to the officer's portable radio as is

required by the existing mobile radio equipment in these vehicles. The remaining unmarked fleet will be transitioned to these upgraded radios as additional funding becomes available.

Fiscal Impact:

Under the Homeland Security Grant, money spent on authorized purchases by local agencies will be 100% reimbursed by the State. Once the equipment is purchased, the proper documentation will be forwarded through the County of Sutter for State reimbursement up to our total allotment of \$28,881. The reimbursement will be placed into the appropriate revenue account when received.

Alternatives:

Do not approve the grant award.

Recommendation:

Accept a total of \$28,881 in funding from the 2014 Homeland Security Grant and authorize appropriate modification to the Police Department's budget.

Prepared By:

/s/Thomas Tappe

Thomas Tappe
Police Lieutenant

Submitted By:

/s/Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Department Head

RL

Finance

RB

City Attorney

TH

CITY OF YUBA CITY

City Council Reports

- Councilmember Cleveland
- Councilmember Didbal
- Councilmember Gill
- Vice Mayor Buckland
- Mayor Dukes

Adjournment