

AGENDA

REGULAR MEETING

**CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY**

OCTOBER 21, 2008

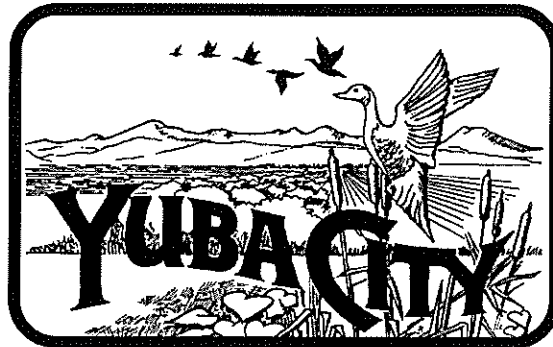
**CLOSED SESSION – 6:00 P.M. – BUTTE ROOM
REGULAR MEETING – 7:00 P.M. – COUNCIL CHAMBERS**

**RORY RAMIREZ
Mayor**

**LESLIE MCBRIDE
Mayor Pro Tem**

**KASH GILL
Councilmember**

**TEJ MAAN
Councilmember**



**JOHN MILLER
Councilmember**

**STEVEN JEPSEN
City Manager**

**TIMOTHY HAYES
City Attorney**

**Council Chambers Wheelchair Accessible
1201 Civic Center Blvd., Yuba City, CA**

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 530/822-4601 at least 72 hours in advance so such aids or services can be arranged.

City Hall TDD: 530-822-4732

**AGENDA
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
OCTOBER 21, 2008
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.**

Materials related to an item on this Agenda submitted to the Council/Redevelopment Agency 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 6:00 p.m.—Butte Room

Confer with real property negotiators Steven Jepsen and George Musallam pursuant to Government Code Section 54956.8 regarding negotiations regarding possible lease of the following property or portions thereof: APN 52-241-013, 701 Plumas Street.

Annual performance evaluation of City Manager pursuant to Government Code Section 54957.

Regular Meeting 7:00 p.m.—Council Chambers

Call to Order

Roll Call: _____ Mayor Ramirez
 _____ Mayor Pro Tem McBride
 _____ Councilmember Gill
 _____ Councilmember Maan
 _____ Councilmember Miller

Invocation

Pledge of Allegiance to the Flag

Presentations and Proclamations

1. **Presentations of Championship Rings to the Yuba City High School 2008 Baseball Team for their Sac-Joaquin Section Div. III Championship**
2. **Presentation of Life Saving Awards to Rosita Cazares and Bobbi Campos**
3. **Proclamation for Crime Prevention**
4. **Presentation from Councilmembers Tej Maan & Kash Gill and Assistant City Manager Steve Kroeger to the Friends of Yuba City Parks & Recreation**

Public Hearings

5. **Introduction of an Ordinance Prohibiting Daytime Loitering of Minors in Public Places during School Hours**

Recommendation: Staff recommends that the City Council conduct a public hearing to introduce an ordinance adding chapter 8A of Title 5 to the

Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles and waive the first reading.

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.

6. Written Requests

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

7. 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 3 minutes.

Bids

8. Award Wastewater Treatment Facility Solids Thickening Improvements Project (Formal Bid Project No. 08-06)

- Recommendation:
- a. Award Contract No. 08-06, Wastewater Treatment Facility Solids Thickening Improvements Project to Auburn Constructors Inc. of Sacramento, CA in the bid amount of \$1,499,300 and authorize Finance Director to perform related budget transfers between Project accounts.
 - b. Authorize the City Manager to execute the contract on behalf of the City following approval by the City Attorney not to exceed \$1,724,000.

Ordinances

9. Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District; Owner/Applicant: Taylor Lincoln-Walton

Recommendation: Adopt Ordinance No. 010-08 for approval of Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District, as shown on Exhibit A, 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.

10. City Council Approval of Minutes of September 30, 2008

Recommendation: Approve the Special Council meeting minutes of September 30, 2008.

11. CDBG Sidewalk Improvements Project 2008

Recommendation: Adopt a resolution approving the plans and specifications for the CDBG Sidewalk Improvements Project 2008 and authorizing advertisement for bids on the project.

12. Red Flag Identity Theft Prevention Program Policy for Utility Customers

Recommendation: Adopt a Resolution approving Yuba City's Red Flag Identity Theft Prevention Program Policy designed to detect, prevent and mitigate identity theft for Utility accounts.

General Items

13. Franklin Road/Walton Avenue Improvements

Recommendation:

- a. Approve the proposed typical sections for Walton Avenue between Anneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road.
- b. Authorize the City Manager to sign an Easement Agreement with Crowne Development, Inc., for dedication of right-of-way and a public utility easement associated with AP# 58-120-001 (428 N. Walton Avenue).
- c. Authorize the City Manager to sign an Easement Agreement with Gurmit Rai, etal, for dedication of right-of-way associated with AP# 57-150-117 (southwest corner of Franklin Road and Walton Avenue).

14. Water Treatment Plant Remodel – Approval of Plans and Specifications

Recommendation:

- a. Adopt a resolution approving plans and specifications for the Water Treatment Plant remodel.
- b. Direct the advertisement for competitive bids.

Business from the City Manager

15. Renewal of City Manager's Employment Agreement for 2008 through 2013

Recommendation: Authorize the Mayor to sign the Agreement providing for the City Manager's Employment from November 1, 2008 through November 1, 2013.

Business from the City Council/Redevelopment Agency Board

16. City Council Reports

- Councilmember Gill
- Councilmember Maan
- Councilmember Miller
- Mayor Pro Tem McBride
- Mayor Ramirez

Adjournment

CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Yuba City Police Department
Presentation By: Robert D. Landon, Deputy Chief of Police

Summary

Subject: CONDUCT A PUBLIC HEARING FOR AN INTRODUCTION OF AN ORDINANCE PROHIBITING DAYTIME LOITERING OF MINORS IN PUBLIC PLACES DURING SCHOOL HOURS.

Recommendation: Staff recommends that the City Council conduct a public hearing to introduce an ordinance adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles and waive the first reading.

Fiscal Impact: The Police Department does not anticipate additional costs to enforce the proposed ordinance.

Background: In 2003 a study by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) discovered that truancy, or unexcused absences from school, have been linked to serious delinquent activity in youth and is an indicator of significant future negative behavior in adults. The study cited truancy to be a contributing factor to substance abuse, gang activity, and involvement in daytime criminal activities such as burglary, auto theft and vandalism. The Yuba City Police Department has had several cases in the past year (2008) where daytime burglaries were attributed to juveniles during the hours of school, with 5 arrests made (3 of these suspects were validated to be gang members).

Milwaukee, Wisconsin has experienced a 33 percent decrease in daytime burglary and a 29 percent decrease in daytime aggravated batteries since the implementation of a truancy initiative. Rohnert Park, California, saw a 75 percent lower daytime burglary rate after they began their truancy program titled "Stop, Cite, and Return." Peoria, Arizona, implemented "Operation Save Kids" which targets truancy and has seen a 65 percent decrease in their daytime burglary.

Current state law allows police officers to stop and detain individuals who appear to be minor truants from school. The Education and the Welfare and Institutions Code violations do not provide criminal penalties. As a result, police officers currently have the authority to stop and detain minors to determine their truancy status and return to school those students determined to be truant; however because there is no criminal penalty imposed, there is no intervention in the form of required judicial appearance or criminal penalties when appropriate.

The Student Attendance Review Board (SARB) is currently utilized to identify chronic truants. SARB consists of representatives from the school district, the police department, the juvenile justice system and social services to work with the truant and his/her family to get the student back to school. Unfortunately this happens after the student is identified as a chronic truant. Enactment of the proposed ordinance would change this and allow early identification and intervention.

In addition the County of Sutter and the Yuba City Unified School District strongly support and were a part of a committee formed to draft this ordinance. It is anticipated that a similar ordinance will be presented to the Sutter County Board of Supervisors in order to ensure continuity of enforcement throughout the County of Sutter and City of Yuba City.

Currently the City of Yuba City has an existing Nighttime Curfew ordinance that deals with juveniles loitering between the hours of 10:00 pm and 5 am in chapter 8 of Title 5 in the Yuba City Municipal Code. The Daytime Loitering and Truancy of Juveniles ordinance would add chapter 8A to the existing chapter on Nighttime Curfew and address the concerns listed above in dealing with juveniles loitering during hours of school and truants.

Analysis:

The proposed addition of Chapter 8A of Title 5 to the Municipal Code would give officers who identify a student as a truant the authority to:

- Issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and allow them to detain the juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or allow the officer to transport the juvenile to his or her home or to school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as directed by the citation. A juvenile convicted of violating this chapter may be fined an amount not to exceed two hundred and fifty dollars (\$250.00) or they may be required to perform county or school-approved work projects or community service or both. The amount

of time for this community service shall not exceed twenty hours (20)

- Contact the student's parent(s) and educate them about their responsibilities as outlined in the ordinance. If an adult is aiding or abetting the juvenile, issue the parent a citation for an infraction. A conviction on the charges from the citation shall not exceed two hundred and fifty dollars (\$250.00).

The ordinance is necessary to:

- Protect minors from becoming crime victims
- Prevent minors from taking part in criminal activity
- Identify and deter minors from becoming chronic truants
- Ensure early truancy intervention to provide education to the minor and his/her family.
- Support current state statutory mandates with a city ordinance for enforcement.

Fiscal Impact:

The Police Department does not anticipate additional costs to enforce the proposed ordinance.

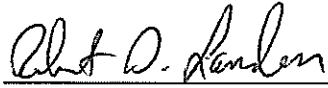
Alternatives:

Leave existing curfew ordinance in place as written.

Recommendation:

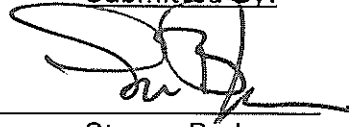
Staff recommends that the City Council conducts a public hearing to introduce an ordinance adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles and waive the first reading.

Prepared By:



(Robert D. Landon)
(Deputy Chief of Police)

Submitted By:



Steven R. Jepsen
City Manager

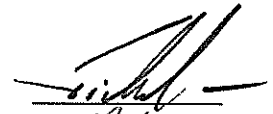

Reviewed By:

Department Head

Finance

City Attorney

Other: (Name, Title)



verbal

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF YUBA CITY
ADDING CHAPTER 8A OF TITLE 5 TO THE YUBA CITY MUNICIPAL CODE
PERTAINING TO DAYTIME LOITERING AND TRUANCY OF JUVENILES**

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

Section 1. Chapter 8A of the Yuba City Municipal Code is hereby added to Title 5 to read as follows:

CHAPTER 8A

DAYTIME LOITERING AND TRUANCY OF JUVENILES

Sections:

5-8A.010	Declaration of Intent
5-8A.020	Definitions
5-8A.030	Daytime Loitering or Truancy
5-8A.040	Parental, Guardian and Caretaker Responsibility
5-8A.050	Violation, Enforcement and Penalties

Section 5-8A.010 Declaration of Intent. The purpose of this ordinance is to reduce the incidents of juvenile loitering and truancy that create a burden upon the health, safety and welfare of the community. Students who are absent from school are more likely to participate in unlawful activities and to become victims of crime. In addition, they impose an extraordinary burden on the manpower and resources of law enforcement because juveniles taken into custody must be supervised by law enforcement personnel until they are released to a parent or guardian. Personnel supervising these juveniles are then unavailable to carry out law enforcement duties in the field thereby decreasing the level of protection afforded to the community. The City Council finds that having an enforceable juvenile loitering and truancy ordinance is critical to addressing these concerns and determines that a special need exists for the adoption of such an ordinance.

Section 5-8A.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Adult" means any person who is eighteen (18) years of age and older or who is emancipated pursuant to law.

(b) "Caretaker" means any person who is eighteen (18) years of age or older, other than the juvenile's parent or legal guardian, who has been given and has accepted responsibility for the care, custody and control of the juvenile by the juvenile's parent or legal guardian.

(c) "Emergency" means the unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to fire, natural disaster, automobile accident or requirement for immediate medical care for another person.

(d) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(e) "Guardian" means a person who, or private agency that, under court order, has been named the guardian of the juvenile.

(f) "Juvenile" means any person less than eighteen (18) years of age who is not emancipated pursuant to law.

(g) "Loitering" means to linger or hang around in a public place or establishment where one has no particular or legal purpose.

(h) "Parent" means a person who is the natural or adoptive mother or father of a person.

(i) "Public place" means any place to which the public has access and includes but is not limited to public streets, highways, roads, alleys, parks, playgrounds, public buildings, public right-of-ways, public grounds, dedicated open or trail space, or privately owned land that is unsupervised and from which the public is not expressly excluded under applicable trespass laws, including but not limited to vacant lots, parking lots and the common areas of hospitals, apartment complexes, housing complexes, office buildings, transport facilities, shopping centers and malls. For the purposes of this chapter, public place shall not include the buildings, grounds or facilities of the school which the juvenile is required to attend but shall include the buildings, grounds and facilities of schools in which the juvenile is not enrolled.

(j) "Truancy" means the act or condition of being absent from school without permission by one who is subject to compulsory full-time education or to compulsory continuation or alternative education under state law.

Section 5-8A.030 Daytime Loitering or Truancy

It is unlawful for any juvenile, who is subject to compulsory full-time education or to compulsory continuation, or alternative education under state law, to loiter in, or upon, any establishment or public place during the hours of 8:30 a.m. and 2:00 p.m., on any day when that juvenile would otherwise be required to attend school. The provisions of this section shall not apply if:

- (a) The juvenile is accompanied by his or her parent, legal guardian or caretaker; or
- (b) The juvenile is on an emergency errand directed by a parent, legal guardian or caretaker; or
- (c) The juvenile is going to or coming directly from his or her place of school-authorized employment; or
- (d) The juvenile is going to or from a medical, dental, optometry, or chiropractic appointment; or

(e) The juvenile is a student who has permission to leave the school campus for lunch or school related activity and has in his or her possession a valid, school-issued, off-campus permit; or

(f) The juvenile is going to or coming from a compulsory alternative education program activity; or

(h) The juvenile is attending or, without any detour or stop, going to, or returning from, an event or activity directly related to the medical condition of the parent, legal guardian or child of whom the juvenile is the custodial parent; or

(i) The juvenile is officially enrolled in home schooling; or

(j) The juvenile is exempt by law from compulsory education, continuation education or alternative education; or

(k) The juvenile is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law, or

(g) The juvenile is, without any detour or stop, going to or returning from any event or activity authorized by the provisions of California Education Code Section 48205 or any other applicable state or federal law.

(h) The school which the juvenile is required to attend is not in session.

Section 5-8A.040 Parental, Guardian and Caretaker Responsibility. It is unlawful for the parent, legal guardian or caretaker of any juvenile to knowingly permit or, by insufficient control, to allow the juvenile to be in violation of Section 5-8A.030 of this chapter.

Section 5-8A.050 Violation, Enforcement and Penalties.

A. Violation. Any person who willfully violates any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Yuba City may be entitled.

B. Aiding and Abetting. Any person who willfully permits, aids, abets, allows or encourages any juvenile to violate any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Yuba City may be entitled.

C. Enforcement. A peace officer may issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and may detain the juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or may transport the juvenile to his or her home or to the school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as directed by the citation.

D. Penalties.

(1) Any juvenile convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars (\$250.00) or may be required to perform county or school-approved work projects or community service or both. If required to perform a project, the total time for performance shall not exceed twenty (20) hours over a period not to exceed sixty (60) days, during times other than a juvenile's hours of school attendance or juvenile, parent or legal guardian's hours of employment.

(2) Any parent, legal guardian, caretaker or individual convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty DOLLARS (\$250.00).

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall become effective thirty (30) days after its adoption and within fifteen (15) days of the passage of this ordinance, a copy shall be published once 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 on the 21st day of October, 2008, and adopted at a regular meeting thereof held on ____ day of _____, 2008.

AYES:
NOES:
ABSENT:

Rory Ramirez, Mayor

ATTEST:

Terrel Locke, City Clerk

APPROVED AS TO FORM:

Timothy P. Hayes
City Attorney

CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Utilities Department
Presented by: Maria C. Solis, Assistant Director of Utilities

Summary

Subject: Award Wastewater Treatment Facility Solids Thickening Improvements Project (Formal Bid Project No. 08-06).

Recommendation:

- a. Award Contract No. 08-06, Wastewater Treatment Facility Solids Thickening Improvements Project to Auburn Constructors Inc. of Sacramento, CA in the low bid amount of \$1,499,300 and authorize Finance Director to perform related budget transfers between Project accounts.
- b. Authorize the City Manager to execute the contract on behalf of the City following approval by the City Attorney not to exceed \$1,724,000.

Fiscal Impact:

\$1,724,000 funded from Wastewater CIP accounts:

\$1,499,300 - Wastewater CIP Account No. 981037-65501, Thickening Facility and Expansion Predesign – Construction
\$224,700 - Wastewater CIP Account No. 981037-65504, Thickening Facility and Expansion Predesign - Contingency

Background:

The Wastewater System Master Plan Update was adopted by City Council in December 2005, which included future wastewater treatment and collection system projects to be considered by Council. In December 2005 Council also directed staff to begin engineering design of a new sludge thickening building, two new gravity belt thickeners, and a new odor facility for the sludge thickening process.

RMC Water and Environment (RMC) was given notice to proceed November 2006 to develop an alternatives report, complete engineering design, and ultimately complete the final plans and specifications for the selected sludge thickening alternative. City staff and RMC worked cooperatively to evaluate the five alternatives analyzed within the alternatives report before selecting the final preferred alternative for sludge thickening. As part of the preferred alternative selection process staff also conducted pilot testing in April 2007 to ensure equipment would perform to the specifications required at the Yuba City Wastewater Treatment Facility.

The preferred alternative selected includes two rotary drum sludge thickeners, modification of an existing building to eliminate design of a new sludge thickening building, concrete work, piping installation, pump installation, electrical and instrumentation work, and other miscellaneous work per project plans and specifications.

The Wastewater Treatment Facility Solids Thickening Improvements Project Plans and Specifications were approved and authorization to advertise bid documents was granted by the City Council on August 5, 2008.

Analysis:

The new rotary drum sludge thickeners provide redundancy for two of the unit processes at the Wastewater Treatment Facility, both sludge thickening and dewatering of sludge. Thickening of sludge is conducted prior to transferring sludge to the Digester process unit. Dewatering is performed after the digestion process and prior to solar drying of the sludge. The benefits of the rotary drum system compared to the 35 year old existing sludge thickening process include a 30% reduction in energy consumption, reduced chemical usage by 50%, 75% reduced maintenance and labor costs, process redundancy, and provide an increase in operational efficiency.

The Wastewater Treatment Facility Solids Thickening Improvements Project Plans and Specifications were advertised in August and September 2008. Plans and specification were provided to local builder/contractor exchanges and purchased by 40 contractors/suppliers. On October 1, 2008, 9 bids were received and opened in the City Clerk's office. The bid results were as follows:

Vendor	Bid Amount
Auburn Constructors Inc. Sacramento, CA	\$1,499,300.00
Syblon Reid Construction, Inc. Folsom, CA	\$1,554,000.00
Kaweah Construction Co. Fresno, CA	\$1,766,000.00
Western Water Constructors, Inc. Santa Rosa, CA	\$1,783,000.00
K.G Walters Construction Co. Inc. Santa Rosa, CA	\$1,803,578.00
GSE Construction Co., Inc. Livermore, CA	\$1,863,000.00
Pacific Mechanical Corp. Concord, CA	\$1,912,100.00
Cushman Contracting Corporation, Goleta, CA	\$1,973,000.00
Gantry Constructors, Inc. Clarkdale, AZ	\$1,976,505.00
Engineers Estimate	\$2,100,000.00

Auburn Constructors Inc. of Sacramento, CA is the low bidder. Contract administration and inspection of the project will be performed by Utilities Department staff and RMC Water and Environment staff. Construction is expected to begin January 2009 and will continue through the Fall of 2009.

Fiscal Impact:

The cost of construction for this project is \$1,499,300 based on the approved low bid amount. In addition, a 15% contingency has been added for authorization up to \$1,724,000. The 15% contingency is recommended because of the complexity of this project. This authorized amount will be funded from the following Wastewater Enterprise CIP accounts:

\$1,499,300 - Wastewater CIP Account No. 981037-65501, Thickening Facility and Expansion Predesign - Construction (current total project balance \$2,028,000),
\$224,700 - Wastewater CIP Account No. 981037-65504, Thickening Facility and Expansion Predesign - Contingency (current total project balance \$157,000).

Upon Council's approval of staff's recommendations, the Finance Director will perform a budget transfer between account numbers 981037-65501 and 981037-65504 considering the current Contingency account balance is \$157,000.

PG&E has reviewed the project plans and specifications and has agreed to give the City up to a \$69,589 energy rebate.

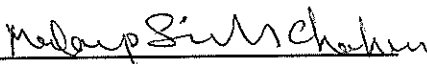
Alternatives:

Do not award the contract and reject the bids. Existing sludge thickening equipment is at the end of its useful life and delay could result in disruption of plant operations and violation of the NPDES permit requirements.


Recommendation:

- a. Award Contract No. 08-06, Wastewater Treatment Facility Solids Thickening Improvements Project to Auburn Constructors Inc. of Sacramento, CA in the low bid amount of \$1,499,300 and authorize Finance Director to perform related budget transfers between Project accounts.
- b. Authorize the City Manager to execute the contract on behalf of the City following approval by the City Attorney not to exceed \$1,724,000.

Prepared By:

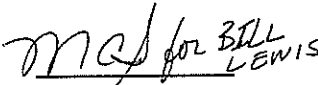
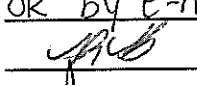
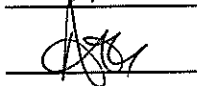

Mandeep Singh Chohan
Assistant Civil Engineer

Submitted By:


Steven R. Jepsen
City Manager

Reviewed By:

Department Head
City Attorney
Finance
Community Development


OK by e-mail



CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Community Development Department
Presentation By: Katie Ertmer, Associate Planner

Summary

Subject: Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District; Owner/Applicant: Taylor Lincoln-Walton.

Recommendation: Adopt Ordinance No. 010-08 for approval of Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District, as shown on Exhibit A, and waive the second reading.

Fiscal Impact: None. The costs for processing the applications are funded by the payment of the required entitlement fee, a flat rate fee that covers all staff costs.

Background:

The City Council introduced the ordinance for approval of Rezone RZ 08-01 and waived the first reading at its meeting on October 7, 2008. Staff recommends that the City Council waive the second reading and adopt the ordinance.

Exhibit:

A. Ordinance No. 010-08

ORDINANCE NO. 010-08

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REZONING 3 ACRES WITHIN THE C-1, NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT TO THE C-2, COMMUNITY COMMERCIAL DISTRICT; FILE RZ 08-01; LOCATED AT THE SOUTHEAST CORNER OF LINCOLN ROAD AND SESSLER DRIVE, BEING ASSESSOR'S PARCEL NUMBERS 56-010-003 AND 56-010-004; APPLICANT AND OWNER BEING TAYLOR VILLAGE SACRAMENTO INVESTMENTS PARTNERS, L.P.

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

Section 1. The Planning Commission of the City of Yuba City having heretofore conducted a public hearing on September 24, 2008, on the matter of rezoning of the property located at the southeast corner of Lincoln Road and Sessler Drive, and at the conclusion of said hearing adopted the Mitigated Negative Declaration prepared for the project determining that there are no significant adverse environmental impacts resulting from the project and recommended City Council approval of the rezoning of said property to the C-2, Community Commercial District.

The City Council of the City of Yuba City having considered said recommendations of the City Planning Commission on the matter of the rezoning of said property and conducted a public hearing on the matter on October 7, 2008, and after review and consideration of the Mitigated Negative Declaration found that the Mitigated Negative Declaration prepared for the project is in conformance with State and local environmental guidelines and adopted said Mitigated Negative Declaration.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the property located at the southeast corner of Lincoln Road and Sessler Drive, as outlined in Exhibit A, attached hereto and made a part hereof by this reference, be and the same is rezoned C-2, Community Commercial District District.

This ordinance shall be effective thirty (30) days after it is adopted, and, after it is adopted, 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 7th day of October, 2008, and passed and adopted at a regular meeting held on the 21st day of October, 2008.

AYES:

NOES:

ABSENT:

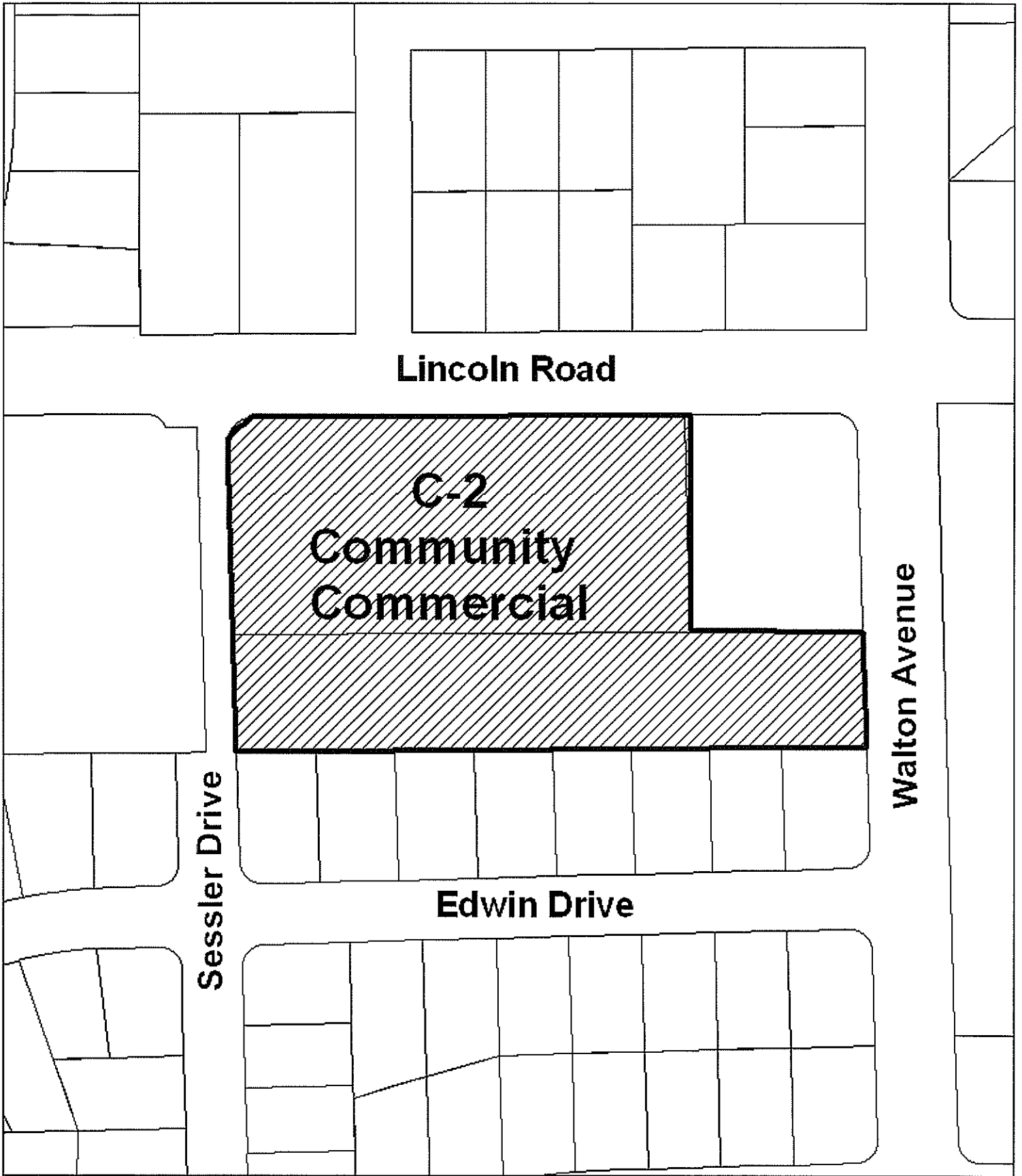
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Lincoln Road

Sessler Drive

Walton Avenue

Edwin Drive

C-2
Community
Commercial

40 20 0 40 Feet



C-2 Community Commercial



Exhibit A

RZ 08-01

DRAFT

MINUTES
SPECIAL MEETING
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
SEPTEMBER 30, 2008 – 6:00 P.M.

Call To Order

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 6:05 p.m.

Roll Call

Present: Councilmembers Gill, Maan, McBride, Miller, and Mayor Ramirez
Absent: None

Invocation

Police Chief Richard Doscher gave the invocation.

Pledge of Allegiance to the Flag

Councilmember McBride led the Pledge of Allegiance to the Flag.

General Item

Councilmember Miller recused himself due to a possible conflict of interest.

1. **Region 1 Hillcrest Water System conversion to surface water rate and possible protest hearings for Region 1 and Region 2/3**

Utilities Director Bill Lewis reviewed the policy decisions directed by Council and the August 29, 2008 directions from Council which included:

(1) Determination on whether Region 1 can be served alone for equal to or less than \$3,570 or \$19.80 per month. Region 1, by itself, could be served for \$3,415 or \$18.95 per month.

(2) Determination of interest of investor owned utilities in the lease or purchase of the Hillcrest Water System. Seven Letters of Interest were mailed out and four companies responded that they are interested. Mr. Lewis gave a summary of the four respondent's average winter and summer rates.

(3) Evaluation of the cash flow for groundwater. There was a \$666,851 shortfall from May 2001-June 2007 and there is a tentative \$138,628 operations and maintenance shortfall and \$265,905 capital shortfall for 2007/08 for a total of \$2,071,384.

(4) Determination of any viable options. There really aren't any.

Arsenic concentrations in Regions 2/3 are rising. We will likely be out of compliance at the next testing.

Mr. Lewis said a 30" pipeline is proposed for Regions 2/3. Regions 2/3 require a 22" pipeline but anticipated growth in the area will require a 30" pipeline. By putting in the 30" line and charging only for Region 2/3's share—54%, it is cheaper than the residents paying 100% of a 22" pipeline.

Proposed options include: (1) another 218 protest hearing, and if so, would it be for Regions 1/2/3, Regions 1 & 2/3 or Region 2/3. (2) If another protest hearing is not conducted, evaluate selling the system. (3) Combine the rate of surface water and groundwater.

Staff recommends that two separate 218 protest hearings be conducted for Region 1 & 2/3; that Council adopt a resolution of the guidelines for the submission and tabulation of protests; and that protest notices are mailed with a postcard indicating the surcharge.

Public Communication

Mayor Ramirez asked for public comment and the following residents spoke:

Dennis Jones, 1026 Falls Drive, Yuba City
Phil Treanor, 1570 Richland Road, Yuba City
Noal D. Miles, 487 Anita Way, Yuba City
Suzanne Connelly, 1660 Alicia Drive, Yuba City
Elaine Miles, 487 Anita Way, Yuba City

DRAFT

Lynn Horn, 1999 Nepal Court, Yuba City
Janet Bauer, 1532 Rancho Way, Yuba City
Ann Dais, 1576 Jones Road, Yuba City
Larry Stange, 483 Littlejohn Road, Yuba City
Darin Gale, 1945 Phillips Road, Yuba City
Chein da Rosa, 1307 Scotten Court, Yuba City
Scott Sorenson, 1815 Nand Drive, Yuba City
Walt Zukias, 1055 Portolla Valley Road, Yuba City
Cindy Humlick, 428 Camino Cortez, Yuba City
Bradley Harrison, 428 Camino Cortez, Yuba City
John Fitch, 1827 DeRae Court, Yuba City
Paula Linteo, 1529 Lincoln Road, #10, Yuba City
Jackie Sillman, 1964 Cherry Street, Yuba City
Tony Galyeon, 1400 Sherman Court, Yuba City
John Dukes, 1985 Nand Drive, Yuba City
Cindy Geddes, 1800 Pacificia Drive, Yuba City
John Buckland, 1478 La Grande Avenue, Yuba City
Lloyd Leighton, 1300 Delone Drive, Yuba City
Daniel Jacuzzi, 1409 Marble Court, Yuba City

1. Region 1 Hillcrest Water System conversion to surface water rate and possible protest hearings for Region 1 and Region 2/3 (continued)

Mayor Ramirez said the City is only enforcing federal regulations that reduced arsenic from 50 to 10 parts per billion for arsenic. Water is fee based. The customers who use it, pay for it. He reviewed the history of the Ad Hoc Committee. There was a lot of information disseminated, and it may have been difficult to understand.

Attorney Michael Colantuono addressed the options from a legal prospective. He stated that you have to distinguish surface water customers from groundwater customers. One can not pay the expenses incurred by the other.

Councilmembers discussed the options presented. They said many residents have told them that they did not understand the protest hearing. Councilmembers agreed they would like to repeat the 218 protest hearing and discussed the combination of Region options. They decided to separate Region 1 from Regions 2/3 and have two protest hearings.

Councilmember Gill moved to a) Adopt Resolution No. 08-096 approving guidelines for the submission and tabulation of protests in connection with the rate hearings for Region 1 and Region 2/3 as separate protests; b) Direct staff to set the protest hearings for not less than 45 days after mailing of protest notices; and c) Approve form of Notices for Proposition 218 Protest hearings. Councilmember McBride seconded the motion that passed with a unanimous vote.

Adjournment

Mayor Ramirez adjourned the special City Council meeting of the City of Yuba City at 9:35 p.m.

Rory Ramirez
Mayor

ATTEST:

Terrel Locke
City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Public Works
Presented by: George Musallam, Public Works Director

Summary

Subject: CDBG Sidewalk Improvements Project 2008

Recommendation: Adopt a resolution approving the plans and specifications for the CDBG Sidewalk Improvements Project 2008 and authorizing advertisement for bids on the project.

Fiscal Impact: Engineer's Estimate \$367,682.40 - Account Nos. 961073 (King Av Elem Area SW Imp), 961074 (Park Av Elem Area SW Imp), and 961075 (Franklin Av Area SW Imp)

Background:

The Public Works Department is moving forward with the design of sidewalk improvements at three project areas in Yuba City. These improvements are part of the City's ongoing program to provide accessibility to all pedestrians using City streets through the Community Development Block Grant (CDBG) program. This project includes the installation or upgrade of 25 pedestrian access ramps in the King Avenue Elementary Area in addition to 19 pedestrian access ramps in the Park Avenue Elementary Area. The project also involves the construction of sidewalk, curb and gutter to connect existing facilities on Franklin Avenue near Yuba City High School and in the Park Avenue Elementary Area. Exhibit A and Exhibit B show specific project area locations.

Project design, management, and construction inspection will be administered by the City's Public Works Department.

Analysis:

Public Works has prepared the plans, specifications, and estimates for the CDBG Sidewalk Improvements Project 2008. The project involves the installation of Americans with Disabilities Act (ADA) compliant pedestrian access ramps in addition to sidewalk, curb and gutter to connect existing facilities.

With Council approval of the plans and specifications and authorization to bid, staff proposes to move forward with the subject project at the following anticipated schedule, weather permitting:

Advertise for bid:	October 22 – November 20, 2008
Award Contract:	December 2, 2008
Start of construction:	January 2009
Completion:	March 2009

The plans and specifications for the project are on file in the Public Works office for review.

Fiscal Impact:

The estimated construction cost is \$367,682.40. In the Fiscal Year 2008-09 Capital Improvement Program, there are sufficient Community Development Block Grant funds budgeted through Account Nos. 961073 (King Av Elem Area SW Imp), 961074 (Park Av Elem Area SW Imp), and 961075 (Franklin Av Area SW Imp) to cover the estimated \$367,682.40 required for this project.

Alternatives:

Delay or modify recommended action.

Recommendation:


Staff recommends that Council adopt a resolution approving the plans and specifications for the CDBG Sidewalk Improvements Project 2008 and authorizing advertisement for bids on the project.

Prepared by:



Marc A. Mattox
Assistant Engineer

Submitted by:




Steven R. Jepsen
City Manager


Reviewed by:

Department Head

Finance

City Attorney





RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE PLANS AND SPECIFICATIONS FOR THE CDBG
SIDEWALK IMPROVEMENTS PROJECT 2008 AND AUTHORIZING
ADVERTISEMENT FOR BIDS ON THE PROJECT.**

BE IT RESOLVED AND ORDERED by the City Council of the City of Yuba City that the plans and specifications for the CDBG Sidewalk Improvements Project 2008 be approved.

BE IT FURTHER RESOLVED AND ORDERED by the City Council of the City of Yuba City that the Department of Public Works is hereby authorized and directed to advertise for bids for the CDBG Sidewalk Improvements Project 2008.

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 21st day of October 2008.

AYES:

NOES:

ABSENT:

MAYOR

ATTEST:

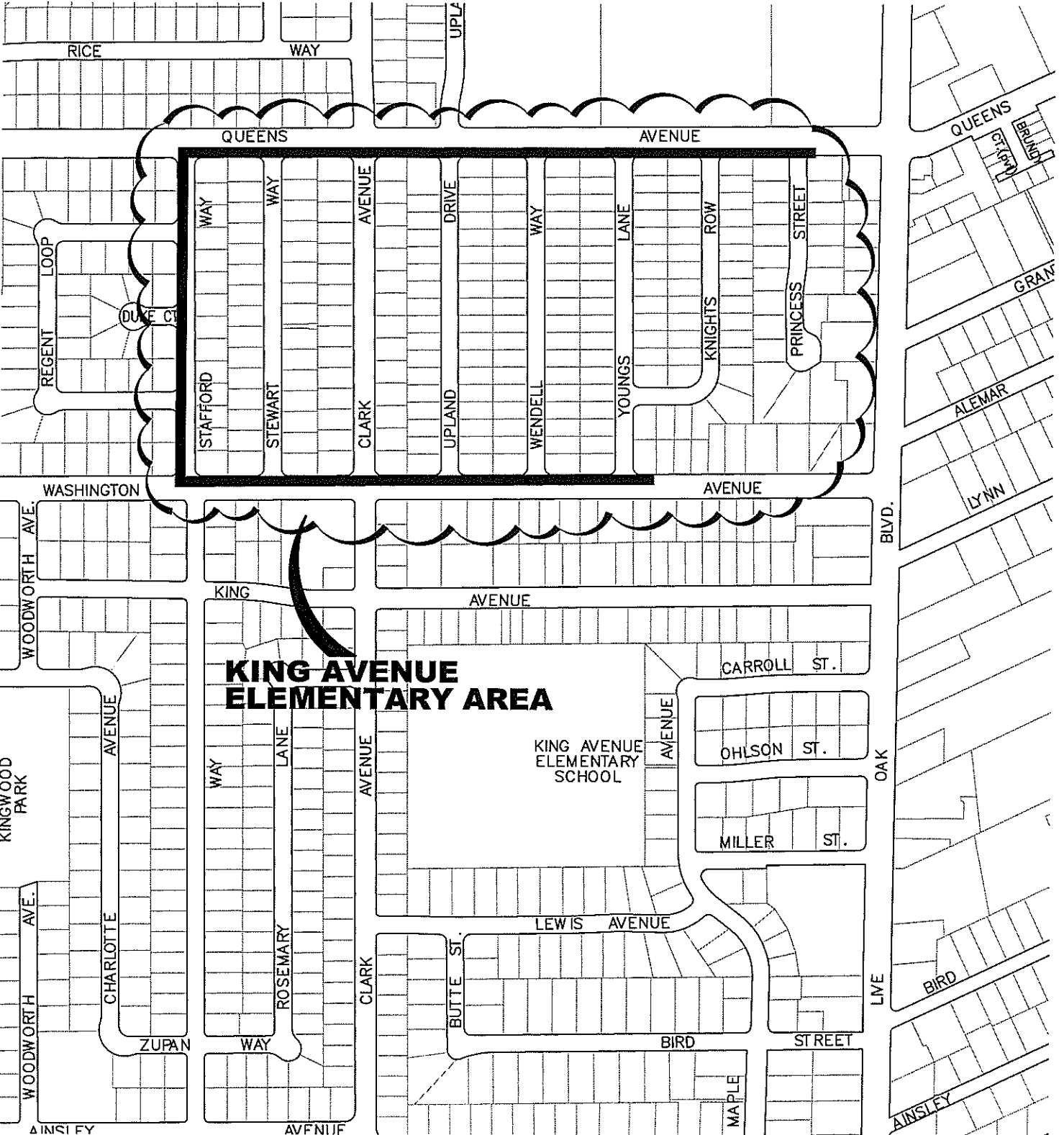
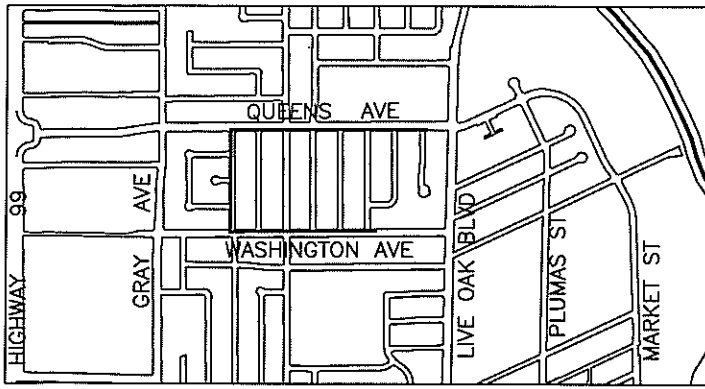
CITY CLERK

EXHIBIT A



SCALE: 1" = 400'

CDBG SIDEWALK IMPROVEMENT PROJECT 2008



KING AVENUE ELEMENTARY AREA

KING AVENUE ELEMENTARY SCHOOL

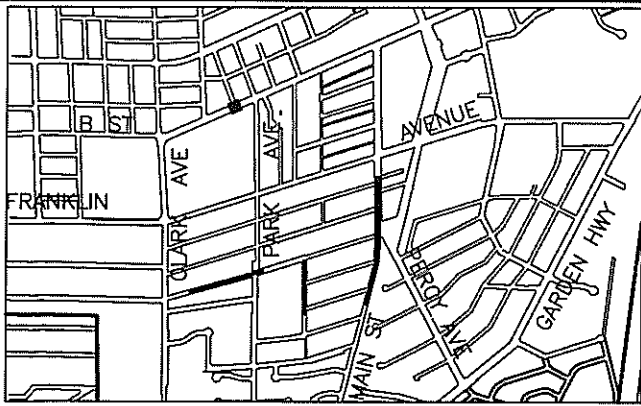
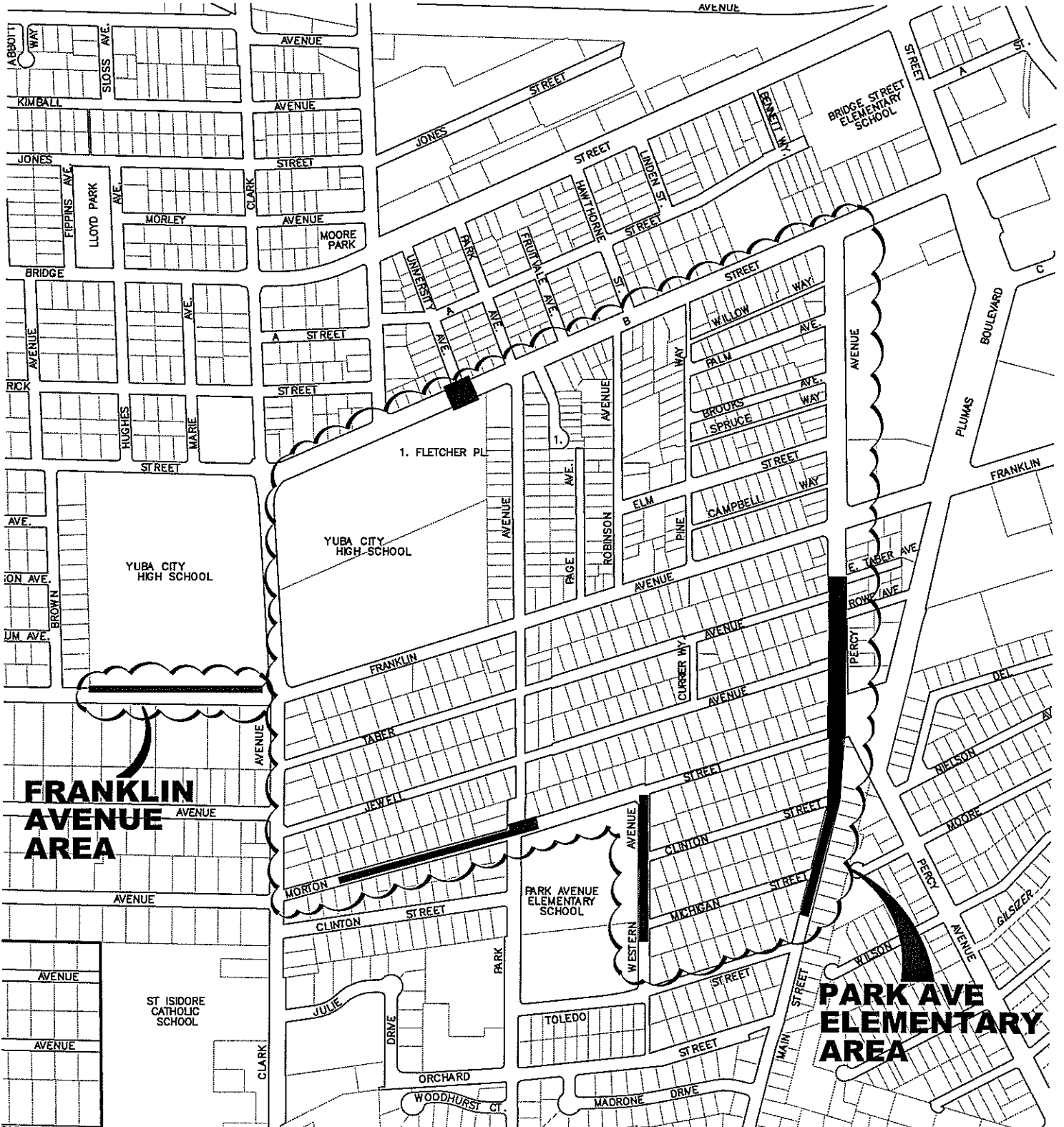


EXHIBIT B



SCALE: 1" = 600'

CDBG SIDEWALK IMPROVEMENT PROJECT 2008



FRANKLIN AVENUE AREA

PARK AVE ELEMENTARY AREA

CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Finance Department
Presentation By: Robin Bertagna, CPA, Finance Director

Summary

Subject: RED FLAG IDENTITY THEFT PREVENTION PROGRAM POLICY FOR UTILITY CUSTOMERS

Recommendation: Adopt a Resolution approving Yuba City's Red Flag Identity Theft Prevention Program Policy designed to detect, prevent and mitigate identity theft for City Utility accounts

Fiscal Impact: N/A

Background: The Federal Trade Commission (FTC) as part of the implementation of the Fair and Accurate Credit Transaction (FACT) Act of 2003 requires that financial institutions and creditors implement written programs which provide for detection of and response to specific activities ("red flags") that could be related to identity theft. These programs must be in place by November 1, 2008 for municipalities that offer Utility services to their citizens.

Analysis: Under these regulations, the Federal Trade Commission requires financial institutions and creditors develop and implement written identity theft prevention programs. The broad purpose of these regulations is to require financial institutions and creditors to formally address the risks of identity theft and develop a mitigation plan.

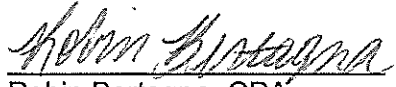
A "Red Flag" is defined as a pattern, practice, or specific activity that could indicate identity theft. An example of a "Red Flag" includes such items as a customer coming into City Hall to sign in for service and providing suspicious documents. This may include such items as an identification document or card that appears to be forged, altered or inauthentic. The purpose of this Policy is to identify these Red Flags, provide training to City staff in how to identify these warnings, and ultimately to protect citizens from identity theft.

Fiscal Impact: None

Alternatives: Modify Policy and approve a variation thereof.

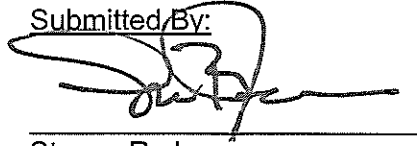
Recommendation: Adopt a Resolution adopting an Identity Theft Policy.

Prepared By:



Robin Bertagna, CPA
Finance Director

Submitted By:



Steven R. Jepsen
City Manager

Reviewed By:

City Attorney

e-mail

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF YUBA CITY ADOPTING AN IDENTITY THEFT
POLICY**

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective November 1, 2008, and require municipal utilities and other departments to implement an identity theft program and policy, and

WHEREAS, the City of Yuba City has determined that the following policy is in the best interest of the municipality and its citizens.

NOW, THEREFORE, the City Council of the City of Yuba City does hereby resolve to approve and adopt the attached Identity Theft Prevention Policy.

The foregoing Resolution of the City Council of the City of Yuba City is duly introduced, PASSED AND ADOPTED at a regular meeting thereof held on this 21st day of October, 2008 by the following vote:

Ayes:

Noes:

Absent:

Mayor

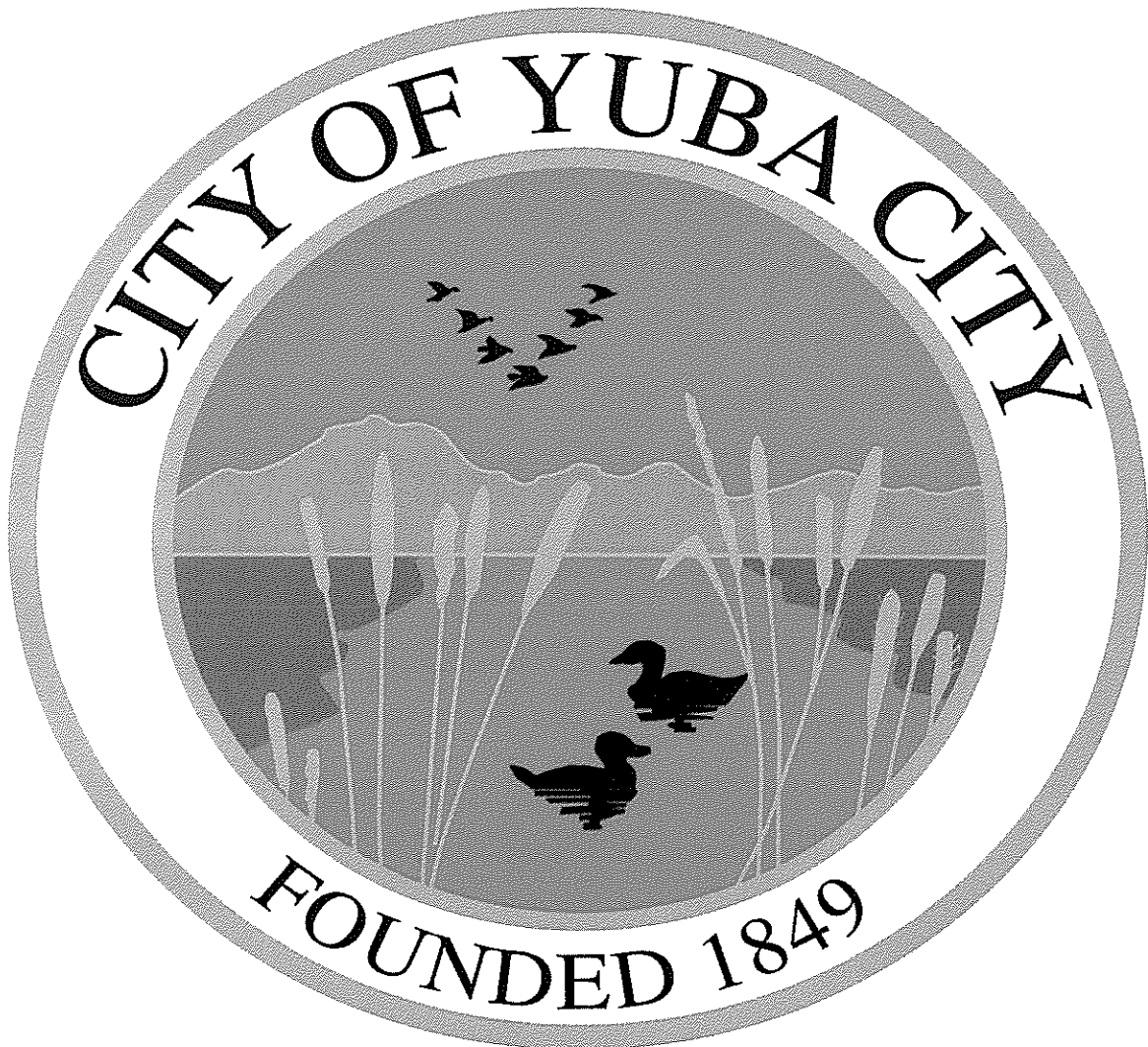
Attest:

City Clerk

City of Yuba City

Identity Theft Prevention Policy

Effective beginning November 1, 2008



I. PROGRAM ADOPTION

The City of Yuba City ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City of Yuba City, and therefore approved this Program on October 21, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flag Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flag Rule definitions used in this Program

The Red Flag Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies

Red Flags

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least every six months the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by the Finance Director who will function as Program Administrator. The Customer Service Manager and the City's Accountant comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained annually either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Utility staff shall provide quarterly reports to the Program Administrator on incidents of Identity Theft, the Utility's compliance with the Program and the effectiveness of the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices will be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

CITY OF YUBA CITY
STAFF REPORT

Date: October 21, 2008
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: George Musallam, Public Works Director

Summary

Subject: Franklin Road/Walton Avenue Improvements

Recommendation:

- a. Approve the proposed typical sections for Walton Avenue between Anneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road.
- b. Authorize the City Manager to sign an Easement Agreement with Crowne Development, Inc., for dedication of right-of-way and a public utility easement associated with AP# 58-120-001 (428 N. Walton Avenue).
- c. Authorize the City Manager to sign an Easement Agreement with Gurmit Rai, etal, for dedication of right-of-way associated with AP# 57-150-117 (southwest corner of Franklin Road and Walton Avenue).

Fiscal Impact: \$2,475,000 – Account No. 931061 (Developer Impact Fees)

Background:

In the FY 2008-09 Capital Improvement Program, there are developer impact fee funds designated for the widening of Walton Avenue between Anneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road (see Exhibit 1). Public Works has contracted with MHM, Inc., of Marysville to prepare the plans for the improvements.

Analysis:

In order to move forward with this project and add travel lanes to Walton Avenue and Franklin Road, additional right-of-way is required from two properties. Staff worked with both property owners to develop agreements for dedication of right-of-way. Staff has received signed Agreements from Crowne Development, Inc., for right-of-way and public utility easement dedication along the east side of Walton Avenue along AP# 58-120-001, and from Gurmit Rai, etal, for right-of-way dedication along the west side of Walton Avenue along AP# 57-150-117 at the southwest corner of Franklin Road and Walton Avenue (see Exhibit 2). Staff is requesting authorization for the City Manager to sign both agreements.

Surveys have been completed for the project and a preliminary layout has been prepared. Due to right-of-way constraints on Walton Avenue, MHM has prepared three alternative sections for consideration. These sections are shown in Exhibit 3 as Sections 1-3 and all take into consideration

the right-of-way being dedicated by Crowne Development on the east side of Walton Avenue. A brief description of each alternative is as follows:

Section 1 – Provides for curb and gutter on the west side, a southbound 3' bike lane, two southbound 11' travel lanes, a 10' continuous left-turn lane, two northbound 11' travel lanes, a northbound 3' bike lane, curb and gutter, and a 5' sidewalk on the east side. The benefits of this alternative are that the section fits within the right-of-way, and bike lanes, a narrow continuous left-turn lane, and a sidewalk on the east side are provided. The negative to this alternative is that there is no sidewalk on the west side.

Section 2 – Provides for a 5' sidewalk on the west side, curb and gutter, a southbound 3' bike lane, two southbound 12' travel lanes, two northbound 12' travel lanes, a northbound 3' bike lane, curb and gutter, and a 5' sidewalk on the east side. The benefits of this alternative are that the section fits within the existing right-of-way, and bike lanes and sidewalks are provided on both sides. The negatives to this alternative are there is not a continuous left-turn pocket which leads to awkward transitions at Franklin Road and Anneka Lane.

Section 3 – Provides for a 5' sidewalk on the west side, curb and gutter, a southbound 3' bike lane, two southbound 11' travel lanes, an 11' continuous left-turn lane, two northbound 11' travel lanes, a northbound 3' bike lane, curb and gutter, and a 5' sidewalk on the east side. The benefits of this alternative are that bike lanes, sidewalks on both sides, and a continuous left-turn lane are provided. The major negative of this alternative is that approximately 7' of right-of-way along the west side of Walton Avenue would need to be acquired from 5 parcels.

Staff recommends approval of Section 1 because it provides for two travel lanes each direction, a continuous left-turn lane, bike lanes, and a sidewalk on the east side. At such time as the properties on the west develop, the City can require the dedication of additional right-of-way and construction of sidewalks along the west side.

Right-of-way constraints on Franklin Road allow for only one possible section, attached as Exhibit 4. This section provides for a 4' sidewalk on the north side, curb and gutter, a westbound 3' bike lane, two westbound 11' travel lanes, two eastbound 11' travel lanes, an eastbound 3' bike lane, and a 5' sidewalk on the south side. This section is not ideal because parking will be prohibited on Franklin Avenue and a continuous left-turn lane will not be provided. However, this is the only section that will work unless additional right-of-way is obtained.

Once staff receives direction regarding the preferred alternative for Walton Avenue and confirmation of the section for Franklin Road, MHM will complete the plans and specifications, which should take approximately 3 months. Staff will then request that Council approve the plans and specifications, and the project should be ready for bid early next year so that construction can begin in the spring.

Fiscal Impact:

As mentioned previously, in the FY 2008-09 Capital Improvement Program there is \$2,475,000 in developer impact fees, Account No. 931061, for the widening and improvement of Walton Avenue and Franklin Road. The funds are broken down as \$2,200,000 for construction costs plus contingency and \$275,000 for design, right-of-way, and construction administration. In addition, the

project includes the extension of a 16" water line on Franklin Road between Walton Avenue and Neil Drive. Once an estimate has been developed for costs associated with the water line, staff will request the transfer of Water Enterprise Funds to the project account. A final engineer's estimate will be presented to Council when the plans and specifications are presented for approval.

Alternatives:

Possible alternatives are as follows:

1. Approve an alternative section for Walton Avenue and direct staff to acquire additional right-of-way if required.
2. Direct staff to develop an alternative section for Franklin Road and acquire additional right-of-way as required.

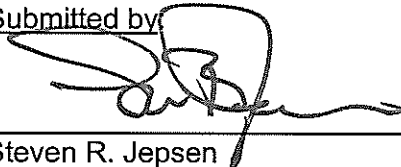
Recommendation:

Approve the proposed typical sections for Walton Avenue between Anneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road, authorize the City Manager to sign an Easement Agreement with Crowne Development, Inc., for dedication of right-of-way and a public utility easement associated with AP# 58-120-001 (428 N. Walton Avenue), and authorize the City Manager to sign an Easement Agreement with Gurmit Rai, etal, for dedication of right-of-way associated with AP# 57-150-117 (southwest corner of Franklin Road and Walton Avenue).

Prepared by:

Diana Langley
Diana Langley
Principal Engineer

Submitted by:


Steven R. Jepsen
City Manager

Reviewed by:

Department Head

Finance

City Attorney

GM
AMB

- Attachments:
- Exhibit 1 – Project limits
 - Exhibit 2 – Right-of-way acquisitions
 - Exhibit 3 – Walton Avenue sections
 - Exhibit 4 – Franklin Road sections
 - Agreement with Crowne Development
 - Agreement with Gurmit Rai, etal

EXHIBIT 1
PROJECT LIMITS



SCALE: 1" = 350'

