

AGENDA

REGULAR MEETING

CITY COUNCIL & REDEVELOPMENT AGENCY CITY OF YUBA CITY

NOVEMBER 4, 2008

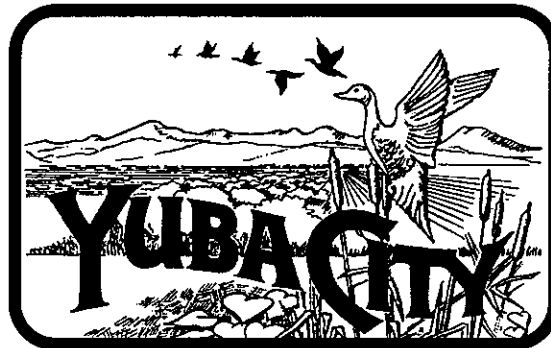
CLOSED SESSION – 5:30 P.M. – BUTTE ROOM
REGULAR MEETING – 7:00 P.M. – COUNCIL CHAMBERS

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
NOVEMBER 4, 2008
Closed Session 5:30 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 5:30 p.m.—Butte Room

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible purchase of the following property of portions thereof: APN 52-401-014 and 52-413-006.

Confer with real property negotiators Steven Jepsen and Steve Kroeger pursuant to Government Code Section 54956.8 regarding negotiations regarding the possible sale of the following property or portion thereof: 52-380-017.

Confer with legal counsel regarding existing litigation pursuant to Government Code Section 54956.9 (a), City of Yuba City vs. Dunmore, Sutter County Superior Court Case No. CVCS 08-1170.

Confer with legal counsel regarding initiation of litigation pursuant to Government Code Section 54956.9(c) – one potential case.

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. Proclamation for Law Enforcement Records and Support Personnel Day

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.

2. 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.

3. 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.

Bid Openings

4. Sun SPARC Enterprise M4000 Server (FB 09-02)

Recommendation: Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.

Ordinances

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

Recommendation: Adopt Ordinance No. 011-08 adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles 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.

6. City Council Approval of Minutes of October 7 and 21, 2008

Recommendation: Approve the Council meeting minutes of August 5, 2008.

7. Transportation Development Act (TDA) Claim for FY 2008-2009

Recommendation: Adopt a resolution authorizing submission of the City's FY 2008-2009 TDA claim to the Sacramento Area Council of Governments (SACOG).

8. Biennial Review of the City of Yuba City Conflict of Interest Code

Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

9. The Feather River Parkway – Willow Island Project Grant Funding

- Recommendation:
1. Adopt a resolution authorizing the City Manager to execute an amendment of Memorandum of Understanding with the Sutter County Resource Conservation District (SCRCD) for the preparation of the Grant Application to the Resource Agency for Phase II of the Feather River Parkway – Willow Island Project, and
 2. Adopt a resolution approving the filing of an application for grant funds for the California River Parkways Grant program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

General Items

10. Presentation of Treasurer’s Report – Quarter Ended September 30, 2008

Recommendation: Note & File Quarterly Treasurer's Report

11. Final Financial Report for Fiscal Year Ending June 30, 2008

Recommendation: Note and File the Final Financial Report for the Fiscal Year Ending June 30, 2008.

12. Budget Status Report for Fiscal Year 2008-09 and Quarterly Financial Report

Recommendation: Review and discuss the Quarterly Financial Report and provide direction to staff regarding proposed FY 2008-09 budget reductions.

Business from the City Council/Redevelopment Agency Board


13. Discussion and direction to staff on the potential for, and use of, Redevelopment Set Aside Funding (to \$5 million) for the acquisition of distressed properties in Yuba City

14. City Council Reports

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

Adjournment

**City of Yuba City
Staff Report**

Date: November 4, 2008
To: Honorable Mayor & Members of the City Council
From: General Services Department
Presentation By: Devin Barber, General Services Director 

Summary

Subject: Sun SPARC Enterprise M4000 Server (FB 09-02)
Recommendation: Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.
Fiscal Impact: \$59,396.28 Technology Replacement Fund account # 6630-69201.

Background:

The existing server is now five years old and had reached the end of its useful life. It no longer meets the reliability requirements for its role and is no longer completely supported by Sun Microsystems Inc because of its age.

Analysis:

General Services worked with Information Technology and the City's Sun Microsystems representative to develop specifications that would meet the City's requirements. A formal bid was developed and advertised according to the City's ordinances. Seven (7) vendors received bid notification and the City received five (5) responses. The following bids were received:

<u>Vendor</u>	<u>Total Bid</u>
GovStor Sacramento, CA	\$59,396.28
Technologent Glendale, CA	\$71,303.62
CDW-G Vernon Hills, IL	\$73,884.44
Impex Technologies Torrance, CA	\$74,515.61

Venet Communications
Scottsdale, AZ

\$76,027.33

Information Technology worked with the City's Sun Microsystems representative to ensure all vendors were authorized to sell Sun equipment

Fiscal Impact:

Funding for this purchase has been appropriated in the FY09 budget and is available in the Technology Replacement Fund account # 6630-69201. The account has a balance of \$108,000.00, so sufficient funds are available for this purchase.

Alternatives:

- 1) Reject the bid
- 2) Request new bid process
- 3) Do not purchase

Recommendation:

Award the purchase to the low bidder, GovStor of Sacramento, CA for a Sun SPARC Enterprise M4000 Server in the amount of \$59,396.28.

Prepared By:

Vicky Anderson

Vicky Anderson
Analyst

Submitted By:

[Signature]

Steven R. Jepsen
City Manager

Reviewed By:

Department Head

Finance

City Attorney

[Signature]

CITY OF YUBA CITY
STAFF REPORT

Date: November 4, 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: **ORDINANCE PROHIBITING DAYTIME LOITERING OF MINORS IN PUBLIC PLACES DURING SCHOOL HOURS.**

Recommendation: Staff recommends that the City Council adopt Ordinance No. 011-08 adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles, and waive the second 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 adult 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 adopt Ordinance No. 011-08 adding chapter 8A of Title 5 to the Yuba City Municipal Code pertaining to Daytime Loitering and Truancy of Juveniles, and waive the second reading.

Prepared By:



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

Submitted By:



Steven R. Jepsen
City Manager

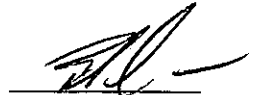
Reviewed By:


Department Head

Finance

City Attorney

Other: (Name, Title)





Verbal

ORDINANCE NO. 011-08

**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

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MINUTES
REGULAR MEETING OF
CITY COUNCIL & REDEVELOPMENT AGENCY
CITY OF YUBA CITY
COUNCIL CHAMBERS
October 7, 2008
Closed Session 6:00 P.M.
Regular Meeting 7:00 P.M.

Closed Session

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

Consider the appointment of Police Chief pursuant to Government Code Section 549857

Regular Meeting 7:00

Call to Order

The City Council of the City of Yuba City was called to order by Mayor Ramirez at 7:07p.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 Gill led the Pledge of Allegiance to the Flag.

Presentations and Proclamations

1. **Proclamation for Domestic Violence Awareness Month** – presented to Carol of Casa De Esperanza.
2. **Proclamation for Flood Awareness Month** – presented to John Miller, Chairman of the Sutter Buttes Flood Control Agency.
3. **Senior Commission** – presentation by Pasqua Halter of the Senior Commission.
4. **Sutter North Medical Foundation Tatts off Program Presentation** – presentation given by Julie Eckardt and Dean Ward of Sutter North Surgical Center.

Public Hearings

5. **Authorization to Accept Grant Funding, Approve Expenditure Recommendations and Budget Modifications as Required**

Police Chief Richard Doscher stated that the State Department of Finance has allocated \$100,848 to the Yuba City Police Department for the Fiscal Year 2008/2009. Chief Doscher informed Council that the California Block Grant that is normally brought before

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Council this time of year, but would not be this year as the City of Yuba City's crime rate is too low to qualify for those grant funds.

It was Chief Doscher's recommendation that Council authorize the Chief of Police to accept the FY 2008/2009 California Citizens' Option for Public Safety (COPS) funding and approve the expenditure recommendations and allow the Chief Financial Officer to make the necessary budget adjustments.

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.

Councilmember McBride moved to approve Resolution 08-097 authorizing the acceptance of the FY 2008/2009 California Citizen's Option for Public Safety (COPS) funding and expenditure recommendations, and further authorizing the Chief Financial Officer to make budget adjustments as necessary. Councilmember Gill seconded the motion that passed with a unanimous vote.

6. **General Plan Amendment GP 08-01 and Rezone RZ 08-01 at the southeast corner of Lincoln Road and Sessler Drive to change the land use designation from Neighborhood Commercial to Community Commercial and to change the zoning from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District Owner/Applicant: Taylor Village Sacramento Investments Partners, LP.**

Associate Planner Katie Ertmer answered a question that was asked by a Councilmember prior to the meeting regarding the ownership of this property. She stated the property was previously owned by the Kumar Family and was purchased by the current owner in May. The current owner, Taylor Village Sacramento Investments Partners, LP has recently been changed to Taylor Lincoln Walton, a development company located in Sacramento.

Ms. Ertmer requested Council approve the General Plan Amendment and Rezone to accommodate a project that was approved by the Planning Commission on September 24, 2008. The project consists of a Walgreen's, Fresh and Easy and "shops" buildings. Due to its design the property would have to be rezoned to accommodate the drive-thru located between the Walgreen's and Fresh and Easy buildings.

In addition to normal impact fees, the applicant will pay a contribution for future road developments. There will be a masonry wall and 15 feet of landscaping at the south end of the property line which is shared with residences. Delivery trucks will be restricted to deliver between the hours of 7 a.m. and 10 p.m. in order to minimize noise impacts on the surrounding neighborhood.

Council expressed concerns for the increased amount of commercial traffic, as this location is adjacent to an elementary school. Councilmember Gill asked if there was any consideration given to the traffic that backs up on Walton already and would delivery trucks have an impact on the already congested traffic issue in that area.

Ms. Ertmer stated that Fresh and Easy has a company policy to accommodate sensitive neighborhood areas such as schools, churches, etc. She said that a complete traffic and noise study had been done prior to the Planning Commission reviewing the development plan, and that both studies found that all impacts associated with the project are fully mitigated.

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Public Works Director George Musallam stated consideration had been given to the frontage areas and future road widening.

Ms. Ertmer stated that this project would have been approved at the Planning Commission Level if not for the addition of the Walgreen's Drive-Thru.

Mayor Ramirez opened the public hearing.

The following persons addressed the council on this item:

Lux Taylor of Taylor Village Sacramento Investment Partners, LP
Jennifer Daw of Fresh and Easy
Brian Halloway of Fresh and Easy
Tony Blackwell, 772 Village Court, Yuba City
Kellie Swanson, 850 Swanson Court, Yuba City

After hearing no further comment, Mayor Ramirez closed the public hearing.

Mayor Ramirez stated that given the improvements, accessibility, jobs and conveniences that will be brought to the neighborhood the improvements outweigh the risks involved.

Councilmember Miller moved to adopt the findings that following review and consideration of the Mitigated Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant impact on the environment, adopt the Mitigated Negative Declaration as contained in Exhibit A, adopt the finding that General Plan amendment GP 08-01 to change the General Plan designation from Neighborhood Commercial to Community Commercial is in the public interest, adopt Resolution 08-098 for General Plan amendment GP 08-01 from the Neighborhood Commercial designation to the Community Commercial designation, as shown on Exhibit A of the Resolution, adopt the following findings for Rezone RZ 08-01, and introduce a Ordinance 010-08 for approval of Rezoning RZ 08-01 for amendments to the Official Zoning Map to amend the zoning from the Neighborhood Convenience Commercial (C-1) District to the Community Commercial (C-2) District, as shown on Exhibit C, and waive the first reading. Councilmember McBride seconded the motion that passed with a unanimous vote.

7. Walton Avenue Crosswalk Removal, south of Camino De Flores

Director of Public Works George Musallam stated that the signal light at Walton and Camino De Flores has been completed. It is necessary for the safety of the students attending Andros Karperos and West Walton schools to remove the mid-block crosswalk and direct student traffic to the signal light.

Mr. Musallam requested Council adopt a resolution eliminating the mid-block crosswalk on Walton Avenue, south of Camino De Flores.

George Parker, Director of Facilities for Yuba City Unified School District, spoke on this item.

Mayor Ramirez opened the public hearing.

Hearing no comment, Mayor Ramirez closed the public hearing.