



AGENDA

JANUARY 16, 2024

REGULAR MEETING CITY COUNCIL CITY OF YUBA CITY

5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

MAYOR	• Shon Harris
VICE MAYOR	• Dave Shaw
COUNCILMEMBER	• Marc Boomgaarden
COUNCILMEMBER	• Wade Kirchner
COUNCILMEMBER	• Michael Pasquale
CITY MANAGER	• Diana Langley
CITY ATTORNEY	• Shannon L. Chaffin

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit [yubacity.net ADA & Accessibility Resources page](http://yubacity.net/ADA&AccessibilityResources). 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 help. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or (TTY: 530-822-4732), so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.

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Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link: https://yubacity-net.zoom.us/webinar/register/WN_nVQWtmiJSEGR_4HXoDiytg. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Public Comment:

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council in the Council Chamber prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

Closed Session

- A. Conference with Legal Counsel – Existing Litigation (Government Code, § 54956.9(d)(1))
Name of Case(s): Robert Stoddard
Claim No. 1596610128, 1796610250, 1796610262

- B. Confer with Real Property Negotiator (Government Code § 54956.8)
Property: APN 51-516-007, located at the southwest corner of Darrough Drive and Youngs Lane, Yuba City, California; APN 61-060-015, located at 2761 Quail Pointe Drive, Yuba City California; APN 62-210-002, located at 1488 Royo Ranchero Road, Yuba City, California; APN 62-250-040, located at 1480 Williamsburg Drive, Yuba City, California; APN 62-270-010, located at 3059 Jefferson Avenue, Yuba City, California.

Negotiator: Diana Langley, City Manager/Executive Director

Negotiating parties: TBD

Under negotiation: Whether to sell the properties, and if so, the price and terms of payment

Regular Meeting

Call to Order

Roll Call

- ☐ Mayor Harris
- ☐ Vice Mayor Shaw
- ☐ Councilmember Boomgaarden
- ☐ Councilmember Kirchner
- ☐ Councilmember Pasquale

Invocation/Inspiration

Pledge of Allegiance to the Flag

City Attorney's Report on Closed Session Items, City Attorney Shannon Chaffin

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. **Smoke Free Places Presentation**
2. **Film Yuba Sutter Presentation**

Public Communication

3. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda will be considered at this time. Public comment is limited to three minutes per speaker. Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted five minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

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 request specific items to be discussed or removed from the Consent Calendar for individual action.

4. Annual Investment Policy Adoption

Recommendation: Approve Investment Policy as presented

5. Bains-Butte House - General Plan Amendment 23-03, Rezone 23-03, and Environmental Assessment 23-06

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City approving Rezone (RZ) 23-03 rezoning 0.32 acres from the Two-Family Residential (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains – Butte House

project, located on the northeast corner of Butte House Road and Blevin Road (Assessor's Parcel Number (APN) 059-020-013), by title only and waive the second reading

6. Annual Community Facilities District Report Pursuant to Government Code Section 53411

Recommendation: Note and file

7. 2024 Council Assignments - Amended

Recommendation: Approve the Mayor's Amended Assignments to Regional Boards and Committees for Calendar Year 2024

8. Waste Water Treatment Facility Lift Station 2 Rehabilitation Project - Contingency Increase

Recommendation: Adopt a Resolution which takes the following actions:

A. Authorize an increase in the construction contingency of \$60,213.37, with a finding that it is in the best interest of the City

B. Authorize Amendment No. 1 to the Professional Services Agreement with Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$22,500.00, subject to material terms, with a finding that it is in the best interest of the City

Business Items

9. THIS ITEM IS TIME CERTAIN AT 6:50PM, FOR VERBAL COMMENT DIAL 1-866-730-7514 PIN# 663320

Public Hearing No. 3 for Updating of City Councilmember District Boundaries for Annexed Property

Recommendation: Conduct a Public Hearing to receive public input on district boundaries to account for property annexed to the City

10. Levy of the 2024 Annual Assessment of the Downtown Yuba City Business Improvement District

Recommendation: A. Conduct a Public Hearing, and after consideration,

B. Adopt a Resolution confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for calendar year 2024

11. Montna Bocce Ball Courts (Contract Award)

Recommendation: Adopt a Resolution which takes the following actions:

A. Awards a construction contract to Figueroa Landscape Company, Inc. of Woodland, CA in the amount of their total base bid \$309,419.66, plus Bid Alternate Schedule 2, Item No. 17 in the amount of \$20,874.00, for a total amount of \$330,293.66

B. Authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

C. Authorizes the Finance Director to make necessary supplemental appropriations to fund the Montna Bocce Ball Courts Project

12. Public Works - Development Services Supervisor Classification Adjustments

Recommendation: A. Adopt a Resolution:

1. Approving a side letter with the Mid-Managers bargaining unit to add the Planner – Senior classification, retitle the Engineer – Senior classification to Engineer – Senior Civil, and add the Public Works Maintenance Superintendent classification

2. Authorizing the Finance Director to amend the salary schedule to reestablish the Planner – Senior classification salary range, change the title of Engineer – Senior to Engineer – Senior Civil, and reestablish the Public Works Maintenance Superintendent classification salary range

3. Reclassifying the vacant Project Manager position to a Senior Civil Engineer position

B. Authorize the Finance Director to make budget adjustments as necessary

13. Bogue Road Improvements – SR-99 to Railroad Avenue (Design Award)

Recommendation: A. Adopt a Resolution awarding a Professional Services Agreement to MHM, Inc. of Marysville, CA for design services for the Bogue Road Improvements Project, including associated SR-99 and sewer extension work, in the amount of \$363,199 plus a 5% contingency of \$18,160 for a total contract amount of \$381,359, with the finding that it is in the best interest of the City

B. Authorize an additional \$150,000 in annual professional services to MHM, Inc. of Marysville, CA, for a total expenditure of up to \$450,000 for Fiscal Year 23/24 for on-call engineering, surveying, and design services

C. Authorize the Finance Director to make budget adjustments and related transfers in the amount of \$270,000 in Development Impact Fee funds from the designated Third Bridge Right-of-Way Development Impact Fee fund balance to Account No. 931295-65501 (Bogue Road Sewer Extension Project) and \$30,000 in Streets and Roads funds from Bridge Street Widening Account No. 921187-65501 to Account No. 921295-65501

Future Agenda Items

14. Future Agenda Items

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

15. City Manager's Report

16. City Council Reports

Adjournment



BLUE ZONES PROJECT

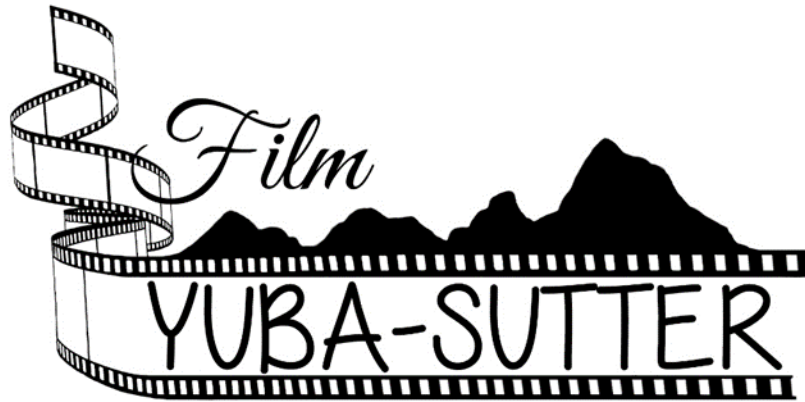
Smoke-Free Places Presentation

By:

Eric Paredes, Public Policy Advocate

530-682-2263

Eric.paredes@sharecare.com



Film Commission Presentation

By:

Sabrina Jurisich, Regional Film Commissioner

CITY OF YUBA CITY

Public Communication

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements.

Procedure

You are welcome and encouraged to participate in this meeting. Complete a Speaker Card located in the lobby and give to the Clerk, public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda, will be considered at this time.

When a matter is announced, wait to be recognized by the Mayor to provide your comments to the Council. Comments should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

Request for additional time to address Council

Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted 5 minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Procedure

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

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

Or email to:
Jackie Sillman, City Clerk
cityclerk@yubacity.net

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Annual Investment Policy Adoption
Recommendation: Approve Investment Policy as presented
Fiscal Impact: None

Purpose:

To review the City's Investment Policy to ensure that it continues to meet statutory requirements and reflects treasury best practices.

Council's Strategic Goal:

This item supports the City Council strategic goal of fiscal responsibility with a timely review and update of a fiscal policy.

Background:

In accordance with the City's Investment Policy ("Policy") and Government Code Section 53646 (a) (1), the Policy is submitted annually to the City Council for review and approval.

Each year, the City Treasurer and the City's investment advisors review the policy for updates to present to City Council.

Analysis:

Upon completion of this year's review, the City Treasurer is recommending one small change to the policy as it pertains to asset-backed and mortgage-backed securities per Senate Bill 882, also known as the Local Government Omnibus Act of 2023, passed in September 2023 and goes into effect on January 1, 2024. This bill made a change to Code section 53601, the section of Code that governs the investment of public funds. Language was added to Code Section 53601(o), the subdivision that allows investment in asset-backed and mortgage-backed securities, to state that securities allowed under 53601(o) that are issued by the U.S. Treasury, federal agencies, or United States government-sponsored enterprises are exempt from the credit and diversification requirements included in 53601(o). Both of the City's investment advisors, PFMAM and Insight Investments, have reviewed the document. The final policy draft will be posted to the City's website.

To address the new Code language, staff is suggesting edits to Policy section VII. Suitable And Authorized Investments. This edit will expand the use of asset-backed federal agency securities. This change will not significantly impact the City's pooled treasury portfolio as market conditions have pushed trade decisions to adequate diversification across all investment types.

Fiscal Impact:

None.

Alternatives:

1. Approve with modifications as desired by the Council.
2. Do not change the language in the policy.

Recommendation:

Staff recommends approval of the Investment Policy as presented.

Attachments:

1. Investment Policy, Redlined Changes

Prepared By:

Spencer Morrison
City Treasurer

Submitted By:

Spencer Morrison
City Treasurer



City of Yuba City

Investment Policy

January 1, 20243

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I. PURPOSE

It is the policy of the City of Yuba City to invest public funds in a prudent manner which will provide maximum security while meeting daily cash flow demands and conforming to all statutes governing the investment of public funds. Within these parameters, funds will be invested to optimize investment return.

II. SCOPE

This Investment Policy (“the Policy”) shall apply to all financial assets, other than proceeds of debt issues, of the City of Yuba City and the Successor Agency to the Redevelopment Agency of Yuba City (collectively “the City”). These funds are accounted for in the City’s comprehensive annual financial report and include:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Internal Service Funds
- Trust and Agency Funds
- Any new fund created by the governing body, unless specifically exempted by the governing body

This Policy applies to all transactions involving the financial assets and related activity of all the foregoing funds, with the exception of the proceeds of debt issuance. Investment of bond proceeds will be governed by the permitted investment section of bond documents.

III. OBJECTIVES

The City’s funds shall be invested in accordance with all applicable City policies, ordinances, and codes, State statutes, and Federal regulations, and in the manner designed to accomplish the following primary objectives, in priority order:

- Preservation of capital and protection of investment principal
- Maintenance of sufficient liquidity to meet anticipated cash flows
- Diversification to avoid incurring unreasonable market risks
- Attainment of a market rate of return
- Conformance with all applicable City ordinances, State statutes and Federal regulations

IV. STANDARD OF CARE

Prudence. The standard of prudence to be used by investment officials shall be the “prudent investor standard” which states:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the

conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

Investment officers acting in accordance with written procedures and this Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy.

V. INVESTMENT AUTHORITY AND RESPONSIBILITIES

Delegation of Authority. Authority to manage the investment program is granted to the City Treasurer and derived from the California Government Code Section 53607 and the City of Yuba City Municipal Code Section 3-7.201. The City Treasurer serves as the Chief Investment Officer for the City and the Successor Agency to the Redevelopment Agency of Yuba City, and is authorized to invest or deposit the City's funds in accordance with this Policy, California Government Code Sections 53600 and 53630 et seq., and all other related federal and State laws.

The City Finance Director is responsible for the day-to-day administration and implementation of the Investment Policy.

Internal Controls. An internal control structure shall be established and maintained to ensure that the financial assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Internal controls shall be subject to an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development of a wire transfer agreement with the lead bank and third-party custodian

Investment Procedures. Written investment procedures for the operation of the investment program shall be established that are consistent with this Policy. The procedures should include reference to:

- Safekeeping
- Master repurchase agreements
- Wire transfer agreements
- Banking service contracts

- Collateral/depository agreements

Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the established procedures set forth.

Ethics and Conflicts of Interest. City employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees shall disclose to the City Manager any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio, and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

VI. PROVIDERS OF FINANCIAL SERVICES

Authorized Broker/Dealers. A list of broker/dealers from which the City purchases investments directly shall be maintained. It shall be the policy of the City to purchase securities only from those authorized firms. To be eligible, a firm must have minimum capital of \$10,000,000 and at least five years of operation. These may include “primary” dealers, financial firms that have a primary dealer within their holding company structure, or regional dealers. All must qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

All approved broker/dealers must supply the following annually:

- (1) Audited financial statements
- (2) Proof of Financial Industry Regulatory Authority (FINRA) registration
- (3) Proof of State registration

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria for commercial paper in the Suitable and Authorized Investments section of this Policy.

An annual review of the minimum capital requirement and registration of qualified financial institutions and broker/dealers will be conducted.

From time to time, the City Treasurer may choose to invest in instruments offered by minority and community financial institutions. In such situations, a waiver to the criteria above may be granted. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with State or local law. These types of investment purchases should be approved by the City Council in advance.

Contracted Investment Advisor Services. The City Treasurer may engage the services of registered external investment advisors in regard to the City’s investment program. The City Treasurer may, by written agreement with investment advisors, delegate the day-to-day placement of investments. Investment advisors shall make all investment decisions and transactions in strict accordance with State law and this Investment Policy.

If the City has granted to an outside investment advisor authority to buy or sell securities, the

investment advisor may place orders for the execution of such transactions with the broker/dealers of its choice.

Safekeeping and Custody. One or more banks shall be selected to provide safekeeping and custodial services for the City. A Safekeeping Agreement approved by the City shall be executed with each custodian bank prior to utilizing the bank's safekeeping services. Custodian banks will be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping-related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities, except non-negotiable Certificates of Deposit, Money Market Funds, LAIF and CAMP will be delivered by book entry to be held by the City's custodian bank or its Depository Trust Company (DTC) participant account.

VII. SUITABLE AND AUTHORIZED INVESTMENTS

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686. Percentage limits and credit criteria, where listed, are applied at the time of purchase. Credit ratings, where shown, specify the minimum credit rating category required at purchase without regard to +/- or 1, 2, 3 modifiers, if any. In the event a security held by the City is subject to a credit rating change that brings it below the minimum credit ratings specified in this Policy, the City Treasurer will review the security with the course of action to be determined on a case-by-case basis, considering such factors as the reason for the credit rating change, prognosis for recovery or further rate drops, and the market price of the security. The City has further restricted authorized investments to the following:

Government Obligations.

United States Treasury bills, notes, bonds, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, with a final maturity not exceeding five years from the date of trade settlement.

Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government sponsored enterprises securities, with a final maturity not exceeding five years from the date of trade settlement. There is no limit to that amount of the City's portfolio that may be invested in Federal Agency or GSE securities, ~~except that the aggregate investment in Federal Agency mortgage-backed securities shall not exceed 20% of the City's total portfolio.~~

State and Local Agency Obligations.

1. *California Obligations.*

- a. ***State Obligations.*** Registered State warrants or treasury notes or bonds of this State, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the State or by a department, board, agency, or authority of the State. Such obligations must have a final maturity not exceeding five years from the date of trade settlement, and rated in a rating category of “A-1”, or the equivalent or higher short-term; or “A”, or the equivalent or higher long-term by a Nationally Recognized Statistical Rating Organization (NRSRO) at the time of trade settlement.
- b. ***Local Agency Obligations.*** (1) Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this State, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency with a final maturity not exceeding five years from the date of trade settlement, and rated in a rating category of “A-1”, or the equivalent or higher short-term; or “A” or the equivalent or higher long-term by a NRSRO at the time of trade settlement; and (2) Obligations of the City of Yuba City and the Successor Agency to the Redevelopment Agency of the City of Yuba City, including RDA tax allocation bonds.

2. ***Other 49 state Obligations.*** Registered treasury notes or bonds of any of the other 49 states, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California. Such obligations must have a final maturity not exceeding five years from the date of trade settlement, and rated in a rating category of “A-1”, or the equivalent or higher short-term; or “A”, or the equivalent or higher long-term by a NRSRO at the time of trade settlement.

Supranationals. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a final maturity not exceeding five years from the trade settlement, and eligible for purchase and sale within the United States. Supranationals shall be rated in a rating category of “AA” or the equivalent or higher by a NRSRO at the time of purchase. The aggregate investment in supranationals shall not exceed 30% of the City’s total portfolio.

Special Assessment District Obligations. Limited Obligation Improvement Bonds issued by the City of Yuba City related to special assessment districts. Investment in such obligations requires the approval of the City Council and maturities may extend to 30 years from the date of trade settlement.

Bankers’ Acceptances. Eligible Banker’s Acceptances with a maturity not exceeding 180 days from the date of trade settlement, rated in a rating category of “A-1” or the equivalent or higher by a NRSRO, drawn on or accepted by a commercial bank with combined capital and surplus of at least \$250 million, whose deposits are insured by the FDIC, and whose senior long-term debt is rated in a rating category of “A” or the equivalent or higher by a NRSRO at the time of trade

settlement. The aggregate investment in banker's acceptances shall not exceed 40% of the City's total portfolio.

Commercial Paper. Prime Commercial Paper with a maturity not exceeding 270 days from the date of trade settlement with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five hundred million dollars (\$500,000,000) and (3) have debt other than commercial paper, if any, that is rated in a rating category of "A" or higher by a NRSRO.

B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program-wide credit enhancements, including, but not limited to, overcollateralization, letters of credit or a surety bond and (3) have commercial paper that is rated in a rating category of "A-1" or higher, or the equivalent, by a NRSRO.

The aggregate investment in commercial paper shall not exceed 40% of the City's total portfolio.

Negotiable Certificates of Deposit. Negotiable Certificates of Deposit with a maturity not exceeding five years from the date of trade settlement, issued by a nationally or State-chartered bank, a savings association or a federal association, a State or federal credit union, or by a federally licensed or State licensed branch of a foreign bank. Purchases are limited to institutions which have long-term debt rating in a rating category of "A" or the equivalent or higher by a NRSRO. The aggregate investment in Negotiable Certificates of Deposit shall not exceed 30% of the City's total portfolio.

Bank Deposits. Deposits in FDIC insured financial institutions located in California including, but not limited to, demand deposit accounts, savings accounts, market rate accounts, negotiable order of withdrawal accounts, and non-negotiable certificates of deposits are required to be collateralized as specified under Government Code. Collateral may be waived for any portion that is covered by federal deposit insurance. The amount on deposit shall not exceed the shareholder's equity of any depository bank, nor shall the deposit exceed the total net worth of any institution. In addition, the financial institution must have received a minimum overall satisfactory rating for meeting the needs of California Communities in its most recent evaluation under the Community Reinvestment Act. For non-negotiable certificates of deposit, the maximum maturity is five years from the date of trade settlement and the maximum allocation is 30% of the City's total portfolio.

Placement Service Certificates of Deposit. The City may invest in Placement Service Certificates of Deposit with a "Selected Depository Institution" in accordance with California Government Code Section 53601.8. The aggregate investment in Placement Service Certificates of Deposit shall not exceed 30% of the City's total portfolio.

Repurchase Agreements. Repurchase Agreements with a final termination date not exceeding 30 days and collateralized by U.S. Treasury obligations, Federal Agency securities, or Federal Instrumentality securities listed above with the maturity of the collateral not exceeding five years. For the purpose of this section, the term collateral shall mean purchased securities under

the terms of the City's Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. The market value of the collateral securities shall be marked-to-the-market daily. All collateral securing Repurchase Agreement must be delivered to the City's custodian bank, or be handled under a tri-party repurchase agreement. The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

Repurchase Agreements shall be entered into only with broker/dealers who are recognized as Primary Dealers with the Federal Reserve Bank of New York, or with financial firms that have a primary dealer within their holding company structure. A copy of the City's Master Repurchase Agreement shall be maintained along with a list of the broker/dealers who have executed the same.

Medium-Term Notes. Medium-Term Notes ("Corporate Notes") issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the trade settlement, and rated in a rating category of "A" or the equivalent or higher by a NRSRO at the time of purchase. The aggregate investment in medium term notes shall not exceed 30% of the City's total portfolio.

Asset Backed Securities. A mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum remaining maturity of five years. Eligible securities shall be rated in a rating category of "AA" or its equivalent rating or higher by an NRSRO. The aggregate investment in asset backed securities shall not exceed 20% of the City's total portfolio.

Money Market Funds. Money Market Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in this Policy and (4) have a rating of "AAAm" or the equivalent by at least two NRSROs. The aggregate investment in money market funds shall not exceed 20% of the City's total portfolio and no more than 10% may be invested in any one Money Market Fund.

Local Government Investment Pools. State of California's Local Agency Investment Fund (LAIF) and shares of beneficial interest issued by a joint powers authority such as the California Asset Management Program (CAMP), as authorized respectively in Government Code Sections 16429.1 and 53601 (p), up to the maximum allowed by the pools.

Due Diligence Requirement. A thorough investigation of an investment pool is required prior to investing and on a continual basis. At a minimum, the following information shall be required for each pool:

- A description of eligible investment securities, and a written statement of investment policy and objectives
- A description of interest calculations, how interest is distributed, and how gains and

losses are treated

- A description of how these securities are safeguarded (including the settlement process), and how often these securities are priced and the program audited
- A description of who may invest in the program, how often, and the size of deposits and withdrawals
- A schedule for receiving statements and portfolio listings
- Whether reserves, retained earnings, etc. are utilized by the pool/fund
- A fee schedule, and when and how fees are assessed
- Whether the pool/fund is eligible for bond proceeds and/or will it accept such proceeds

Legislative Changes. Any State of California legislative action that further restricts allowable maturities, investment types or percentage allocations will be incorporated into this Policy and supersede any and all previous applicable language. If the City is holding an investment that is subsequently prohibited by a legislative change, the City may hold that investment until the maturity date to avoid an unnecessary loss.

VIII. INVESTMENT PARAMETERS

Diversification. The City shall diversify the investments within the portfolio to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities. The asset allocation in the portfolio should be flexible depending upon the outlook for the economy, the securities markets, and the City's anticipated cash flow needs. Notwithstanding anything herein to the contrary, no more than 5% of the City's total portfolio may be deposited with or invested in securities issued by one corporate, financial, or municipal issuer with the exception of the U.S. Treasury, federal agency institutions, government sponsored enterprises, and investment pools.

Maximum Maturities. To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements and known future liabilities. The City will invest in securities maturing within five years from the date of trade settlement. A security purchased in accordance with this Policy shall not have a forward settlement date exceeding 45 days from the time of investment. Notwithstanding the five-year maturity limitation, the City Council grants its express authority per Government Code Section 53601, to invest in Special Assessment District obligations and obligations of the City of Yuba City and the Successor Agency to the Redevelopment Agency of the City of Yuba City with maturities extending beyond five years.

Sale of Investments Prior to Maturity. The City recognizes that investments occasionally may be sold prior to maturity and measured losses may be desirable in a diversified portfolio as long as such sales are consistent with the overall objectives of the City and the guidelines established by this Policy. Such sales shall be considered within the context of the overall portfolio's return, provided that the sale of a security is in the best long term interest of the City.

IX. EVALUATION OF INVESTMENT PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. An appropriate performance benchmark shall be established against which portfolio performance shall be compared on a regular basis. The

selected performance shall be representative of the City's overall investment objectives and liquidity requirements.

X. REPORTING

The City Treasurer shall prepare and present a quarterly investment report to the City Council within 45 days of quarter-end. This report will include the following elements relative to the investments held at quarter-end:

- Type of Investment
- Issuer of Investment
- Maturity date
- Coupon rate
- Yield to maturity
- Face value
- Market value
- A list of monthly transactions
- A description of investments that are under the management of contracted parties
- A statement of compliance of the City's portfolio with this Policy
- A statement of the City's ability to meet expenditure requirements for the following six months, or an explanation of why sufficient funds may not be available
- Other information regarding the City's portfolio as appropriate

XI. POLICY REVIEW AND ADOPTION

This Investment Policy shall be submitted annually to the City Council for adoption. The Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of the City and its relevance to current law and financial and economic trends. Any modifications made thereto must be approved by the City Council.

GLOSSARY OF SELECTED TERMS*

Benchmark

A passive index used to compare the performance, relative to risk and return, of an investor's portfolio.

Cash Flow

A comparison of cash receipts (revenues) to required payments (debt service, operating expenses, etc.).

CDARS

The Certificate of Deposit Account Registry Service: a convenient way for safety-conscious investors to earn interest and access FDIC insurance on certificates of deposit larger than the \$250,000 FDIC limit.

Credit Rating

Various alphabetical and numerical designations used by institutional investors, Wall Street underwriters, and commercial rating companies to give relative indications of bond and note creditworthiness. Standard & Poor's and Fitch Ratings use the same system, starting with their highest rating, of AAA, AA, A, BBB, BB, B, CCC, CC, C, and D for default. Moody's Investors Service uses Aaa, Aa, A, Baa, Ba, B, Caa, Ca, C, and D. Each of the services use pluses (+), minuses (-), or numerical modifiers to indicate steps within each category. The top four letter categories are considered investment grade ratings.

Credit Risk

The chance that an issuer will be unable to make scheduled payments of interest and principal on an outstanding obligation. Another concern for investors is that the market's perception of a corporation's credit will cause the market value of a security to fall, even if default is not expected.

Duration

A measure of the timing of cash flows to be received from a security that provides the foundation for a measure of the interest rate sensitivity of a bond. Duration is an elasticity measure and represents the percentage change in price divided by the percentage change in interest rates. A high duration measure indicates that for a given level of movement in interest rates, prices of securities will vary considerably.

FDIC

The Federal Deposit Insurance Corporation (FDIC) is an independent agency created by the Congress to maintain stability and public confidence in the nation's financial system by insuring deposits, examining and supervising financial institutions for safety and soundness and consumer protection, and managing receiverships.

Fiduciary

An individual who holds something in trust for another and bears liability for its safekeeping.

Liquidity

The ease with which an investment may be converted to cash, either by selling it in the secondary market or by demanding its repurchase pursuant to a put or other prearranged agreement with the issuer or another party.

Liquidity Risk

The chance that a security, sold prior to maturity, will be sold at a loss of value. For a local agency, the liquidity risk of an individual investment may not be as critical as how the overall liquidity of the portfolio allows the agency to meet its cash needs.

Market Risk

The chance that the value of a security will decline as interest rates rise. In general, as interest rates fall,

prices of fixed income securities rise. Similarly, as interest rates rise, prices fall. Market risk also is referred to as systematic risk or risk that affects all securities within an asset class similarly.

Maturity

The stated date on which all or a stated portion of the principal amount of a security becomes due and payable.

Net Present Value

An amount that equates future cash flows with their value in present terms.

Par Amount or Par Value

The principal amount of a note or bond which must be paid at maturity. Par, also referred to as the “face amount” of a security, is the principal value stated on the face of the security. A par bond is one sold at a price of 100 percent of its principal amount.

Pooled Investment

A market institution authorized under various sections of state law that represents the combined deposits of more than one local agency and pays returns based upon each local agency’s share of investment in the pool.

Portfolio

The combined holdings of all investment assets held by an investor.

Principal Amount

The face amount or par amount of a bond or issue of bonds payable on stated dates of maturity.

Put

The ability of a holder of an investment security to sell at a specified time and for a specified price the security back to the issuer or prior holder.

Return

The principal plus interest on an investment or portfolio of investments. In certain unfavorable market environments or due to risk factors, income derived from principal and interest may be less than the original amount invested.

Risk

The uncertainty of maintaining the principal or interest associated with an investment due to a variety of factors.

Yield

For the purposes of this publication, return and yield are synonymous.

*Excerpted from Understanding Public Investment Reporting - A Handbook For Local Elected Officials, California Debt and Investment Advisory Commission, 2003.

GLOSSARY OF INVESTMENT INSTRUMENTS*

Asset-Backed Securities

Securities that are supported by pools of assets, such as installment loans or leases, or by pools of revolving lines of credits. Asset-backed securities are structured as trusts in order to perfect a security interest in the underlying assets.

Bank Note

A senior, unsecured, direct obligation of a bank or U.S. branch of a foreign bank.

Banker's Acceptance

Normally, a short-term bill of exchange that is accepted as payment by banks engaged in financing trade of physical assets or merchandise.

Bond

A debt obligation of a firm or public entity. A bond represents the agreement to repay the debt in principal and, typically, in interest on the principal.

Callable Security

An investment security that contains an option allowing the issuer to retire the security prior to its final maturity date.

Certificate of Deposit

A short-term, secured deposit in a financial institution that usually returns principal and interest to the lender at the end of the loan period. Certificates of Deposit (CDs) differ in terms of collateralization and marketability. Those appropriate to public agency investing include:

Negotiable Certificates of Deposit

Generally, short term debt instruments that usually pay interest and are issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. The majority of negotiable CDs mature within six months while the average maturity is two weeks. Negotiable CDs are traded in a secondary market and are payable upon order to the bearer or initial depositor (investor).

Non-Negotiable Certificates of Deposit

CDs that carry a penalty if redeemed prior to maturity. A secondary market does exist for these non-negotiable CDs, but include a transaction cost that reduces returns to the investor. Non-negotiable CDs issued by banks and savings and loans are insured by the Federal Deposit Insurance Corporation up to the amount of \$250,000, including principal and interest. Amounts deposited above this amount may be secured with other forms of collateral through an agreement between the investor and the issuer. Collateral may include other securities including Treasuries or agency securities such as those issued by the Federal National Mortgage Association.

Commercial Paper

A short-term, unsecured promissory note issued by a large corporation.

Corporate Notes and Bonds

Debt instruments, typically unsecured, issued by corporations, with original maturities in most cases greater than one year and less than ten years.

Federal Agency and Instrumentality Obligations

Obligations issued by a government-sponsored entity or a federally regulated institution.

Mortgage Pass-Through Obligations

Securities that are created when residential mortgages (or other mortgages) are pooled together and undivided interests or participations in the stream of revenues associated with the mortgages are sold.

Municipal Notes, Bonds, and Other Obligations

Obligations issued by state and local governments to finance capital and operating expenses.

Notes

Debt obligations of a firm or public entity, usually maturing in less than ten years.

Repurchase Agreements

From the perspective of a local agency, the short term, often overnight, purchase of securities with an agreement to resell the securities at an agreed upon price.

Reverse Repurchase Agreements

Differs from a repurchase agreement in the sense that a reverse repurchase agreement is an agreement to sell securities in return for cash with an agreement to repurchase the securities at an agreed upon price.

State and Local Investment Pools

The combined deposits of state and local agencies organized and operated by a state treasurer or a local official. These pools operate much like a mutual fund, with local agencies investing money together in order to increase efficiency and reduce costs.

State Notes, Bonds, and Warrants

Obligations of the State of California or another state government with different maturity lengths.

Supranationals

International financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe.

Zero-Interest Bond

A bond on which interest is not payable until maturity (or earlier redemption), but compounds periodically to accumulate to a stated maturity amount. Zero-interest bonds are typically issued at a discount and repaid at par upon maturity.

*Excerpted from Understanding Public Investment Reporting - A Handbook For Local Elected Officials, California Debt and Investment Advisory Commission, 2003.

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council; City of Yuba City
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: Bains-Butte House - General Plan Amendment 23-03, Rezone 23-03, and Environmental Assessment 23-06

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City approving Rezone (RZ) 23-03 rezoning 0.32 acres from the Two-Family Residential (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains – Butte House project, located on the northeast corner of Butte House Road and Blevin Road (Assessor’s Parcel Number (APN) 059-020-013), by title only and waive the second reading

Fiscal Impact: The cost for processing land use entitlements is funded by the project applicant through the payment of application fees

Purpose:

To consider General Plan Amendment (GPA) 23-03 and Rezone (RZ) 23-03 for the Bains – Butte House project.

Council’s Strategic Goal:

This item meets the City Council’s strategic goal of being business friendly.

Background:

The applicant, Jaswant Bains, filed an application for GPA 23-03 and RZ 23-03 to change the land use and zoning from Low-Medium Density (R-2) to Medium-High Density Residential (R-3).

On September 27, 2023, the Yuba City Planning Commission conducted a public hearing, and the Planning Commission unanimously voted to adopt Resolution PC 23-26 recommending approval of GPA 23-03 and RZ 23-03 to the City Council together with Environmental Assessment 23-06. There was no opposition expressed by the public at the Planning Commission meeting.

On December 19, 2023, the City Council conducted a public hearing for GPA 23-03, RZ 23-03, and Environmental Assessment (EA) 23-06. The City Council voted 5-0, with all Council members present, in approval of GPA 23-03 and EA 23-06 and voted to advance RZ 23-03 to a second reading on January 16, 2024.

Analysis

General Plan Amendment (GPA) 23-03 and Rezoning (RZ) 23-03 (Project):

- **GPA 23-03** proposes to amend the General Plan Land Use Element map for a 0.32-acre parcel (approximately 14,000 square feet) from the Low-Medium Density (MDR) land use designation to the Medium-High Density Residential (HDR) designation. The MDR designation allows for a residential density range of 6 to 14 residences per acre. The HDR designation allows for a density range of 12 to 36 residences per acre. The new designation provides for a full range of attached housing types, including duplexes, and multiple-family housing types. For this property, this translates to a potential of 4 to 11 residences that could be constructed on this property; and
- **RZ 23-03** proposes to rezone the same 0.32 acres from the Two-Family (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no specific development project proposed at this time. Any future development will need to occur consistent with the proposed General Plan designation and Zoning.

Compatibility with neighboring uses:

Table 2: Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	Low-Medium Density Residential (MDR)	Two-Family Residential (R-2)	Vacant Land
North	Low-Medium Density Residential (MDR)	Two-Family Residential (R-2)	Single-family residence
East	Medium-High Density Residential (HDR)	Multiple-Family Residential (R-3)	Single-family residence
West	Low Density Residential (LDR)	One-Family Residence (R-1)	Blevin Road and a single-family residence across the street.
South	Business, Technology and Light Industrial (BTLI)	Heavy Commercial/ Light Industrial (CM)	Butte House Road and a vacant parcel across the street.

Traffic

The current MDR land use designation of the site would allow for the potential of 2 to 4 residences being able to be developed on the property. Changing this 0.32 acre parcel from MDR to HDR will result in the potential for 4 to 11 residences being able to be developed on the property in the future. Due to the lot configuration, required setbacks, parking, standard building practices, etc., the actual build is expected to be in the 4 to 6 unit range. Notable effects on traffic impacts from this proposed change in density are anticipated to be minimal with the site's proximity to Butte House, a major arterial.

Environmental Considerations:

An environmental assessment (EA 23-06) was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. On September 8, 2023 a Notice of Intent to Adopt a Mitigated Negative Declaration was

distributed to responsible and trustee agencies and published in the Appeal Democrat. This commenced a 20-day comment period that ended on September 27, 2023. During this comment period, the City did not receive comments.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Fiscal Impact:

The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Alternatives:

1. Deny the application to approve General Plan Amendment 23-03 and Rezone 23-03.
2. Provide staff with alternate direction.

Recommendation:

Adopt an Ordinance of the City Council of the City of Yuba City approving Rezone (RZ) 23-03 rezoning 0.32 acres from the Two-Family Residential (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains – Butte House project, located on the northeast corner of Butte House Road and Blevin Road (Assessor's Parcel Number (APN) 059-020-013), by title only and waive the second reading.

Attachments:

1. City Council Ordinance
2. Planning Commission Staff Report Packet, dated September 27 2023

Prepared By:

Aaron Brown
Assistant Planner

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 23-06 BY ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT (GPA) 23-03 RE-DESIGNATING 0.32-ACRES LOW-MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE DESIGNATION TO THE MEDIUM-HIGH DENSITY RESIDENTIAL (HDR) DESIGNATION FOR THE BAINS-BUTTE HOUSE PROJECT, LOCATED ON THE NORTHEAST CORNER OF BUTTE HOUSE ROAD AND BLEVIN ROAD (ASSESSOR'S PARCEL NUMBER (APN) 059-020-013).

WHEREAS, the City received an application from Jaswant Bains for a General Plan Amendment to amend the General Plan Land Use Map from an MDR land use designation to an HDR designation, and a Rezoning for this property revising the zoning from a R-2 Zone District to a R-3 Zone District. Development that could result from this action will be provided full City services; and

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-06) for the Project; and

WHEREAS, on September 27, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 23-03, RZ-23-03, as well as Environmental Assessment (EA) 23-06, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission unanimously recommended the City Council of the City of Yuba City adopt a resolution adopting EA 23-06, approve GPA 23-03, and adopt an ordinance approving RZ 23-03.

WHEREAS, on December 19, 2023, the City Council conducted a Public Hearing to consider the GPA 23-03, RZ-23-03, and EA 23-06, and received both oral testimony and written information presented at the hearing regarding the same; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to approve the project; and

WHEREAS, the City Council desires to approve RZ 23-03.

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

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.
2. CEQA Findings: The City Council of the City of Yuba City has concurrently approved EA 23-06 by adopting an Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program for the project. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. No further CEQA is required, as CEQA has been completed for this project.
3. Rezone Findings. The City Council finds that Rezone 23-03 is consistent with the General Plan as amended by General Plan Amendment 23-03. The City Council finds that Rezone 23-03 i) is consistent with the General Plan goals and policies as amended and as further described in the City Council's Resolution approving General Plan Amendment 23-03; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality economic growth and development for the City.
4. Approval of RZ 23-03. Based on the information provided above, the City Council of Yuba City adopts an Ordinance approving RZ 23-03 and reclassify the zone districts for those districts as depicted in Exhibit "A," which is incorporated by reference.
5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.
7. Effective Date of Resolution. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption and the City Council of the City of Yuba City adopts a final resolution authorizing amendment of the General Plan and identifying General Plan Amendment 23-03 as a component of the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 19th day of December 2023, and adopted the Ordinance after the second reading at a regular meeting held on the 16th day of January 2024, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

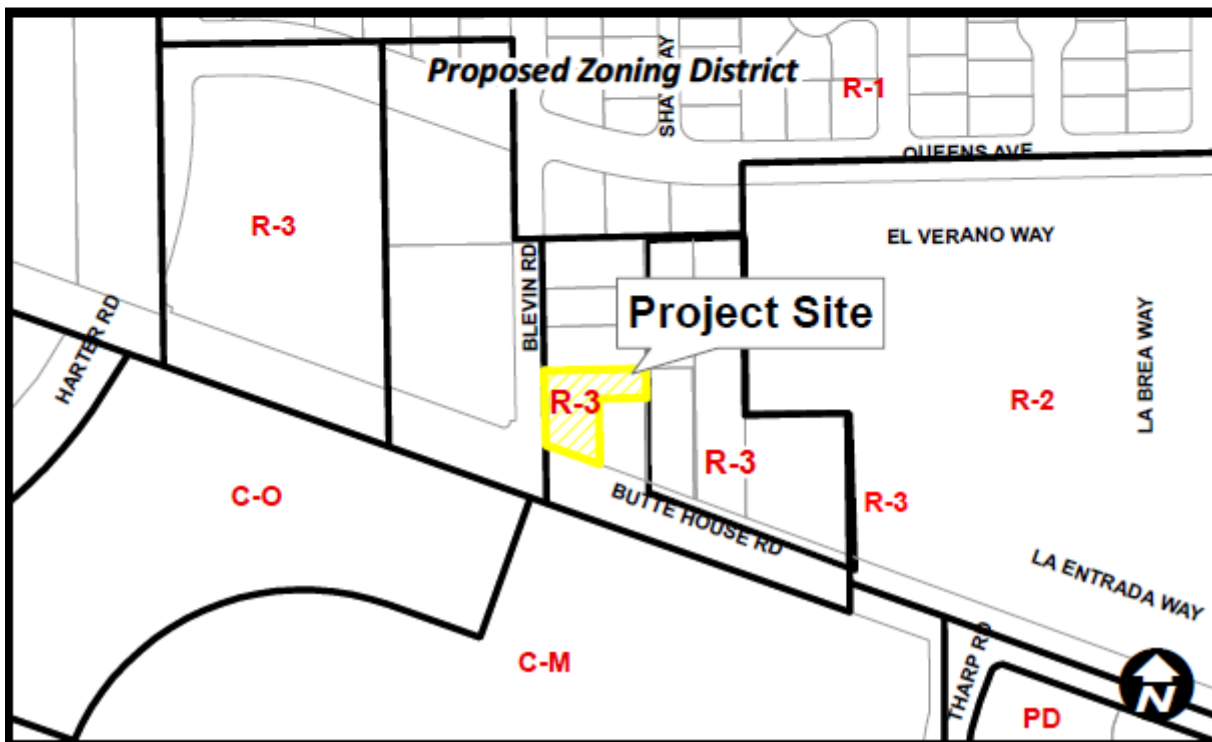
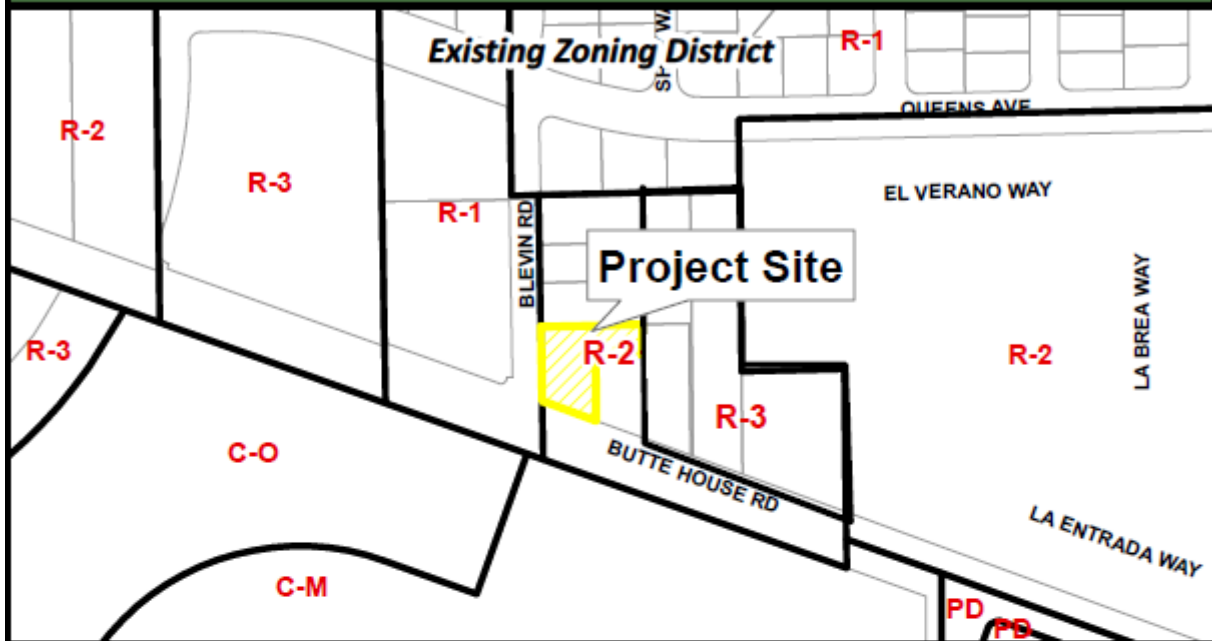
Exhibit A: Rezone Map, RZ 23-03

I, _____, Deputy City Clerk of the City of Yuba City, California,
DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed
and adopted by the City Council of the City of Yuba City on the date and by the vote indicated
herein.

EXHIBIT A

Bains - Butte House Road

GPA 23-03, RZ 23-03, EA 23-06 | Rezone Map



ATTACHMENT 2



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Date: September 27, 2023
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation by: Benjamin Moody, Development Services Director

Subject: **General Plan Amendment (GPA) 23-03, Rezone (RZ) 23-03, Bains-Butte House.**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution of the Planning Commission of the City of Yuba City recommending the City Council approve Environmental Assessment 23-06 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, approve General Plan Amendment (GPA) 23-03 re-designating 0.32-acres Low-Medium Density Residential (MDR) land use designation to the Medium-High Density Residential (HDR) designation, and adopt an Ordinance approving Rezone (RZ) 23-03 rezoning the same 0.32 acres from the Two-Family Residential (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains – Butte House project, located on the northeast corner of Butte House Road and Blevin Road (Assessor's Parcel Number (APN) 059-020-013).

Applicant/Owner: Jaswant Bains

Project Location: The 0.32-acre parcel is located on the northeast corner of Butte House Road and Blevin Road. Assessor's Parcel Number (APN) 059-020-013 (See Figure 1).

General Plan:

Existing: The property is within the Low-Medium Density Residential (MDR) Land Use Designation, which provides for a density range of 6 to 14 residences per acre.

Proposed: Medium-High Density Residential (HDR) designation which provides for a density range of 12 to 36 residences per acre.

Zoning:

Existing: The project is within the Two-Family Residential (R-2) Zone District.

Proposed: Multiple-Family Residential (R-3) Zone District.

Project Description

General Plan Amendment (GPA) 23-03 and Rezoning (RZ) 23-03 (Project):

- **GPA 23-03** proposes to amend the General Plan Land Use Element map for a 0.32-acre parcel (approximately 14,000 square feet) from the Low-Medium Density (MDR) land use designation to the Medium-High Density Residential (HDR) designation. The MDR designation allows for a residential density range of 6 to 14 residences per acre. The HDR designation allows for a density range of 12-36 residences per acre. The new designation provides for a full range of attached housing types including duplexes, and multiple-family housing types. For this property this translates to a potential of four to 11 residences that could constructed on this property; and
- **RZ 23-03** proposes to rezone the same 0.32 acres from the Two-Family (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no specific development project proposed at this time. Any future development will need to occur consistent with the proposed General Plan designation and Zoning.

Background

There is no recent history with this small parcel. Several parcels on the east side of this property and a parcel to the east across Blevin Road were recently rezoned to the same R-3 Zone District as part of the General Plan Housing Element update. Housing Element policies encourage additional higher density housing be constructed within the City.

Analysis

Compatibility with neighboring uses:

Table 2: Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	Low-Medium Density Residential (MDR)	Two-Family Residential (R-2)	Vacant Land
North	MDR	R-2	Single-family residence
East	Medium-High Density Residential (HDR)	Multiple-Family Residential (R-3)	Single-family residence
West	Low Density Residential (LDR)	One-Family Residence (R-1)	Blevin Road and a single-family residence across the street.
South	Business, Technology and Light Industrial (BTLI)	Heavy Commercial/ Light Industrial (CM)	Butte House Road and a vacant parcel across the street.

With no development proposed it is not possible to fully analyze the compatibility of the differing uses. However, re-designating this property high density residential would align with the similar

recent changes to neighboring parcels. The general plan and zoning revisions to the neighboring properties was a result of the City implementing the updated Housing Element, which calls for more properties designated for multiple-family development. Due to those changes, it is expected that this area will be transitioning over time from several single-family residences to higher density multiple-family uses.

Traffic

Changing this small one-third acre parcel from MDR to HDR will result in the potential for four to 11 residences being able to be developed on the property in the future. This change should not have any notable effects on traffic.

Environmental Considerations:

An environmental assessment (EA 23-06) was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. On September 8, 2023 a Notice of Intent to Adopt a Mitigated Negative Declaration was distributed to responsible and trustee agencies and published in the Appeal Democrat. This commenced a 20-day comment period that ended on September 27, 2023. During this comment period the City did not receive comments.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Recommended Actions:

- A. Conduct a Public Hearing and make the necessary findings to:
- B. Adopt a Resolution of the Planning Commission of the City of Yuba City recommending the City Council approve Environmental Assessment 23-06 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, approve General Plan Amendment (GPA) 23-03 re-designating 0.32-acres Low-Medium Density Residential (MDR) land use designation to the Medium-High Density Residential (HDR) designation, and adopt an Ordinance approving Rezone (RZ) 23-03 rezoning the same 0.32 acres from the Two-Family Residential (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains – Butte House project, located on the northeast corner of Butte House Road and Blevin Road (Assessor's Parcel Number (APN) 059-020-013).

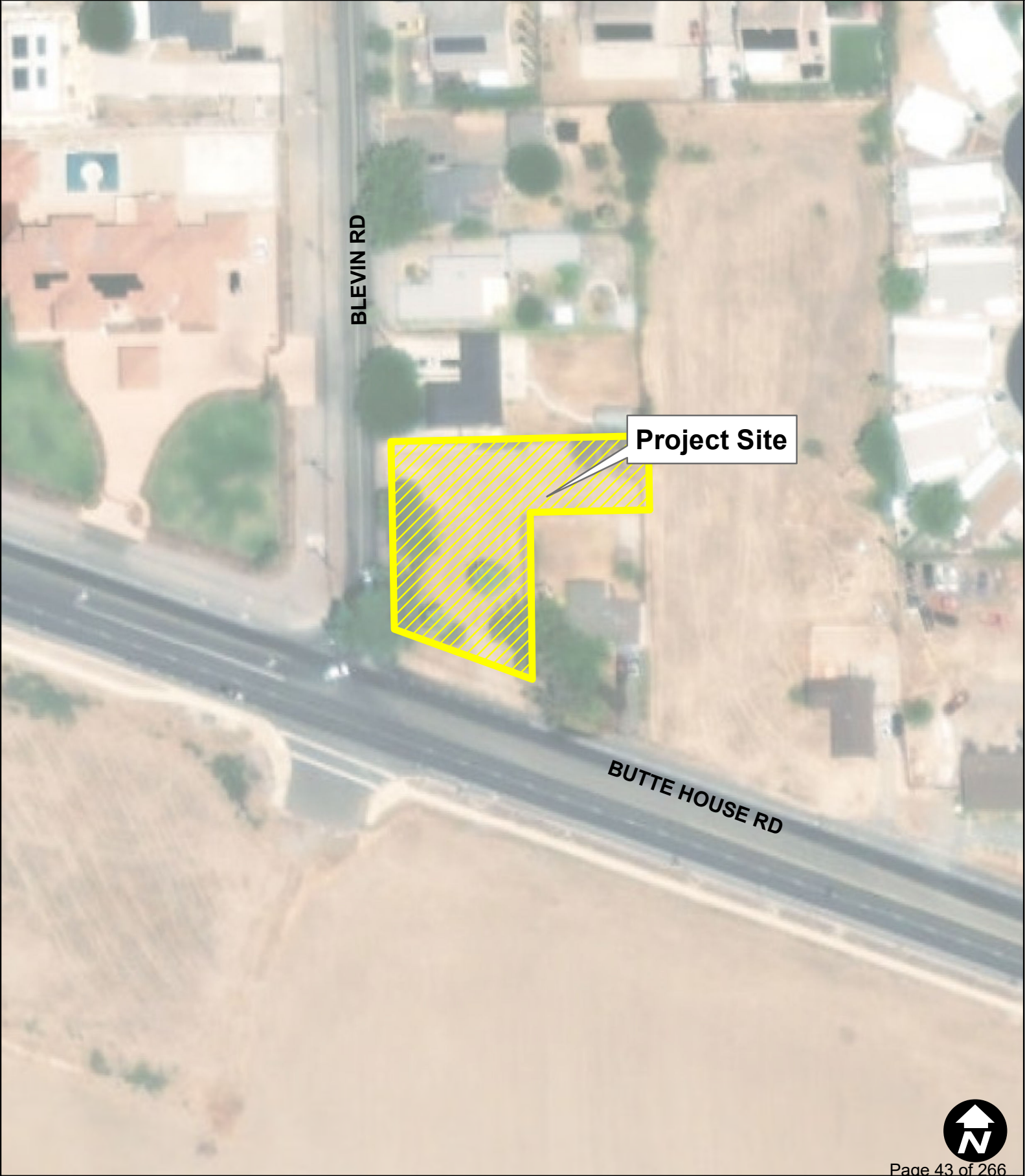
Attachments:

1. Bains-Butte House Location Map
2. Planning Commission Resolution (GPA 23-03, RZ 23-03)
 Exhibit A: General Plan Map, GPA 23-03
 Exhibit B: Rezone Map, RZ 23-03
3. Environmental Assessment 23-06 and the associated Mitigation Monitoring and Reporting Program

ATTACHMENT 1

Bains - Butte House Road

GPA 23-03, RZ 23-03, EA 23-06 | Location Map



BLEVIN RD

Project Site

BUTTE HOUSE RD



ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. 23-26

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING THE CITY COUNCIL APPROVE ENVIRONMENTAL ASSESSMENT 23-06 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE MITIGATION MEASURES, APPROVE GENERAL PLAN AMENDMENT (GPA) 23-03 RE-DESIGNATING 0.32-ACRES LOW-MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE DESIGNATION TO THE MEDIUM-HIGH DENSITY RESIDENTIAL (HDR) DESIGNATION, AND ADOPT AN ORDINANCE APPROVING REZONE (RZ) 23-03 REZONING THE SAME 0.32 ACRES FROM THE TWO-FAMILY RESIDENTIAL (R-2) ZONE DISTRICT TO THE MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE DISTRICT, FOR THE BAINS – BUTTE HOUSE PROJECT, LOCATED ON THE NORTHEAST CORNER OF BUTTE HOUSE ROAD AND BLEVIN ROAD (ASSESSOR’S PARCEL NUMBER (APN) 059-020-013).

WHEREAS, the City received an application from Jaswant Bains for a General Plan Amendment to amend the General Plan Land Use Map from an MDR land use designation to a HDR designation, and a Rezoning for this property revising the zoning from a R-2 Zone District to a R-3 Zone District. Development that could result from this action will be provided full City services; and

WHEREAS, this property is within Yuba City’s city limits and the property owner wished to develop their property to urban levels; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 23-06) for the Project; and

WHEREAS, the Planning Commission reviewed related EA 23-06 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigation measures that reduce potential significant impacts to less than significant; and

WHEREAS, all development that may result from this action will be provided a full range of City services; and

WHEREAS, the City on September 8, 2023, published a legal notice and a public hearing notice was mailed to each property owner within at least 300 feet of the project site in compliance with State law concerning the Planning Commission’s consideration on September 27, 2023; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed GPA 23-03 and RZ 23-03 are consistent with the other elements of the General Plan and the Zoning Regulations; and

WHEREAS, on September 27, 2023, the Planning Commission held a duly noticed public hearing and considered all of the project and environmental information, at which time it received

input from City Staff, the applicant; the public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommends the City Council of the City of Yuba City adopt a resolution adopting Environmental Assessment 23-06, approving GPA 23-03, and adopting an ordinance approving RZ 23-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that General Plan Amendment 23-03 and Rezone 23-03, may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 23-06. Additionally, the Planning Commission recommends that the City Council find and determine that an environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines and reflects the Planning Commission's independent judgment and analysis. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 23-06 necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgement and analysis the Planning Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur, and there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are potentially significant or adverse. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. As such, the Planning Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 23-06.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration (EA 23-06) prepared for the project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City

Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The Planning Commission further recommends the City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. General Plan Findings. The Planning Commission finds, and recommends that the City Council find that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 23-03, including the following:
 - a. The proposed HDR land use designation, when used in conjunction with the proposed rezoning and the accompanying development standards, will limit the residential density to be compatible with existing neighboring higher density residential land use designations.
 - b. The Project will not generate significant amounts of new traffic that would cause a decrease in levels of service for nearby General Plan streets including Butte House Road and Blevins Road, and any new residences that result from this Project will pay their fair share of traffic development impact fees, making the project consistent with the Transportation Element.
 - c. Increasing the allowable residential density is consistent with the Housing Element's goals and policies that are intended to expand housing opportunities within the City.
 - d. The environmental document prepared for the Project (EA 23-06) found that the Project will not create significant environmental impacts on water quality, air quality, biological resources, agricultural lands, open space, and archaeological resources, making the Project consistent with the Environmental Conservation Element of the General Plan.
 - e. The Project will connect to all City services including water, wastewater, and stormwater drainage, making it consistent with the Public Utilities Element, and the Police and Fire Departments determined that the Project will not cause any safety or emergency response issues. As such the Project will be consistent with the Noise and Safety Element.
 - f. Any new residences that will be constructed as a result of this Project will pay all applicable park and school development impact fees, making it consistent with the Parks, Schools, and Community Facilities Element.
4. Recommendation of Approval of the General Plan Amendment. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of a resolution approving GPA 23-03 as provided in Exhibit "A."
5. Rezone Findings. The Planning Commission finds, and recommends that the City Council find and determine, that Rezone 23-03 is consistent with the General Plan as amended by General Plan Amendment 23-03. The Planning Commission further recommends that the City Council find that Rezone 23-03 i) is consistent with the General Plan goals and policies as amended and as further described above; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience,

access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality balanced neighborhoods that provide housing options for the City.

6. Recommendation of Approval of the Rezone. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of an ordinance approving RZ 23-03 and reclassify the zone districts as depicted in Exhibit "B" to be shown on the zoning map for the City of Yuba City.
7. Effective Date of this Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 27, 2023, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

Jackie Sillman, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: General Plan Map, GPA 23-03

Exhibit B: Rezone Map, RZ 23-03

EXHIBIT A

Bains - Butte House Road

GPA 23-03, RZ 23-03, EA 23-06 | General Plan Map

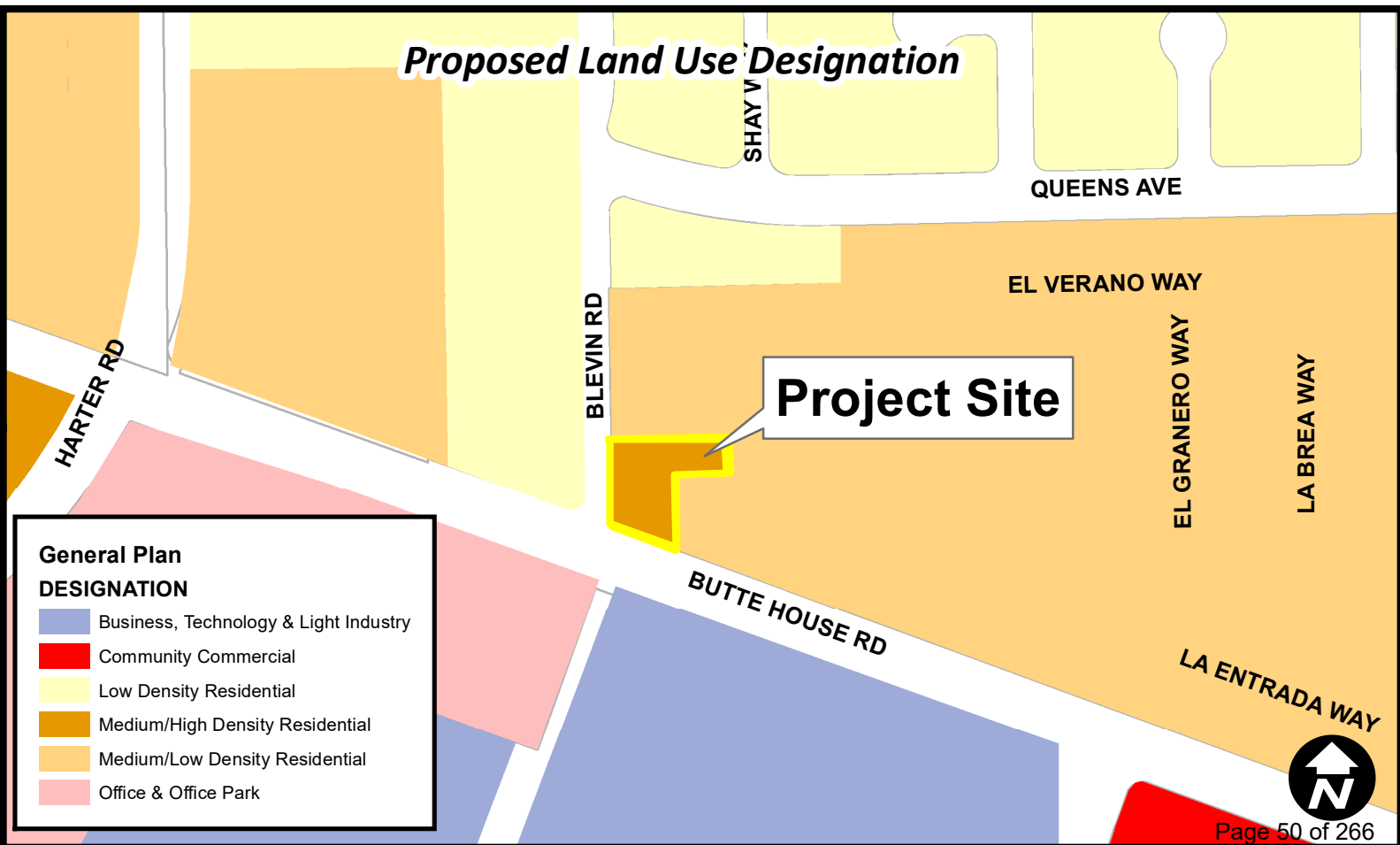
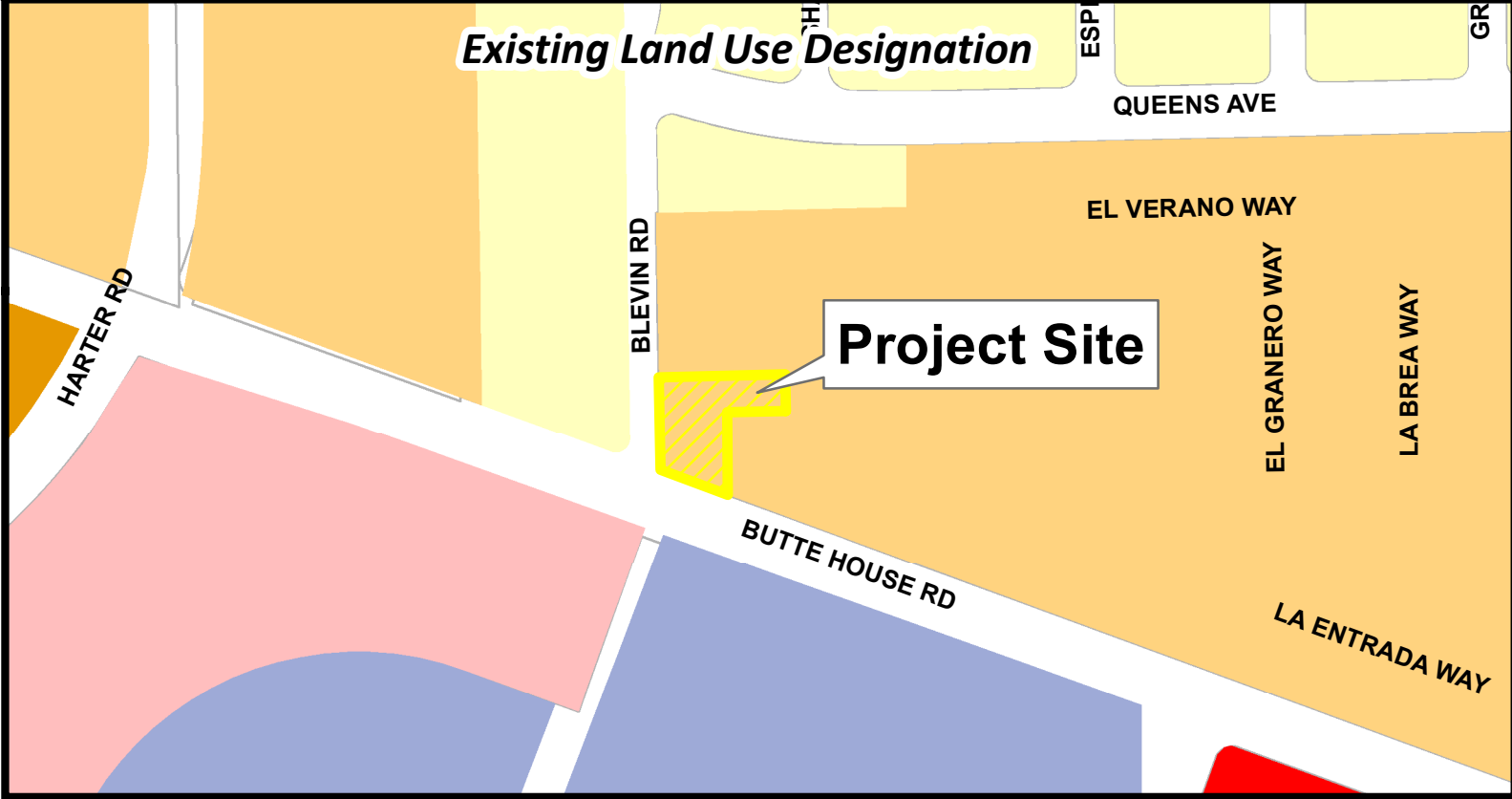
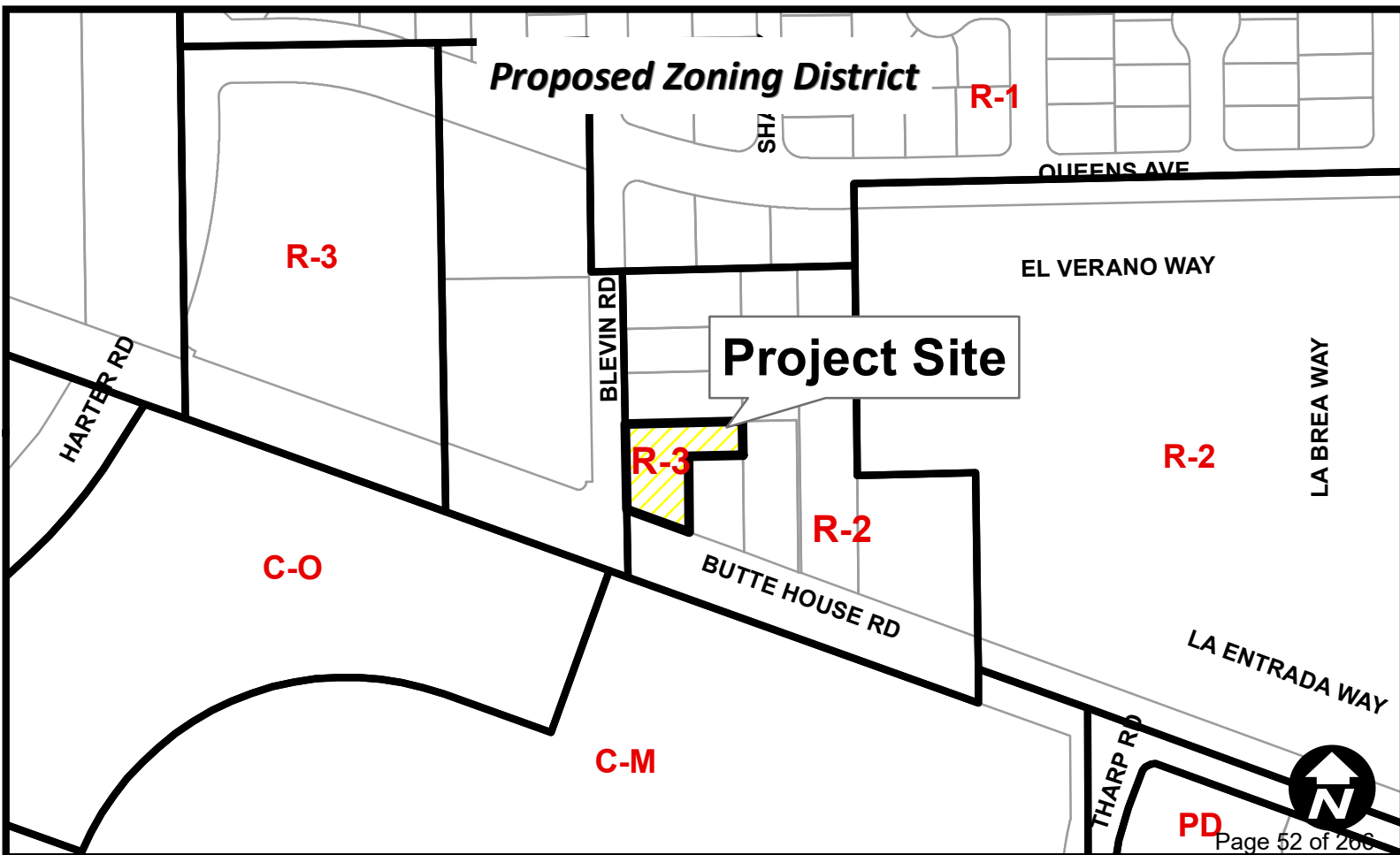
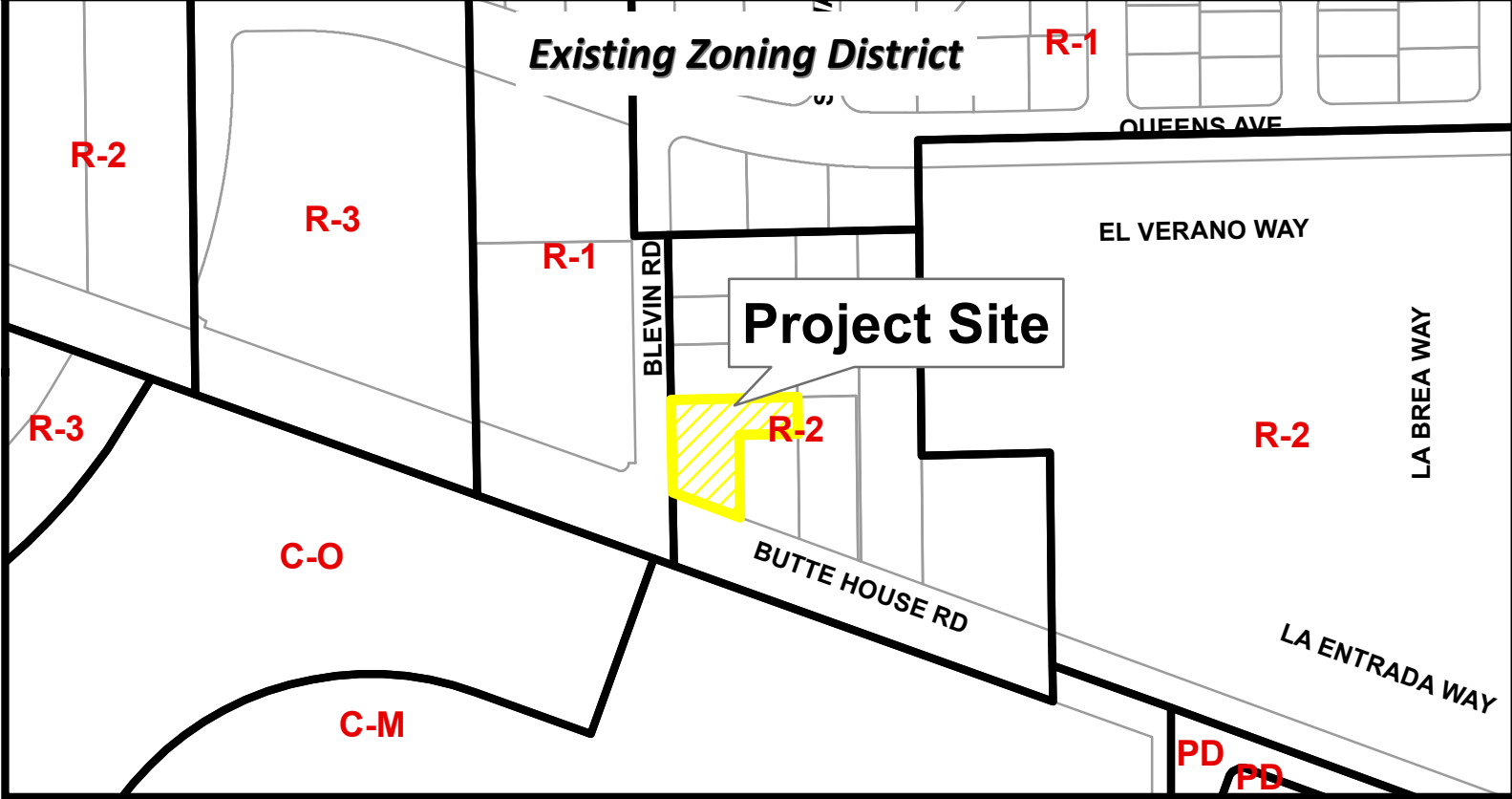


EXHIBIT B

Bains - Butte House Road

GPA 23-03, RZ 23-03, EA 23-06 | Rezone Map



ATTACHMENT 3



Environmental Assessment 23-06

Initial Study and Mitigated Negative Declaration for General Plan Amendment 23-03, Rezoning 23-03, Bains-Butte House: A request to amend the General Plan for 0.32 acres from Low-Medium Density Residential Land Use Designation to Medium-High Density Residential Designation and to rezone the same property from a Two-Family Residential Zone District to a Multiple-Family Residential Zone District.

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

Denis Cook
Land Use Planning Consultant

and

City of Yuba City
Development Services Department
Planning Division

September 8, 2023

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CITY OF YUBA CITY

Development Services Department
Planning Division

1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from proposed General Plan Amendment (GPA) 23-03 and Rezoning (RZ) 23-03 (collectively “Project”). The request includes:

General Plan Amendment (GPA) 23-03, Bains-Butte House: proposes to amend the General Plan Land Use Element map for a 0.32-acre parcel (approximately 14,000 square feet) from the Low-Medium Density (MDR) land use designation to the Medium-High Density Residential (HDR) designation. The existing MDR designation allows for a residential density range of 6 to 14 residences per acre, which for this property allows for 2-4 new residences. The proposed HDR designation increases the allowed density range to 12-36 residences per acre. This translates to a range of 4 to 11 residences that could be constructed on this property. The new designation provides for a full range of attached housing types including duplexes, and multiple-family housing types; and

RZ 23-03: proposes to rezone the same 0.32 acres from the Two-Family (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no specific development project proposed at this time. Any future development will need to occur consistent with the proposed General Plan designation and Zoning.

The GPA/RZ is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project. The Project requires discretionary review by the City of Yuba City Planning Commission for a recommendation to the City Council for a decision.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed Project and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be

prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The IS identified potentially significant effects, but:
 - a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 - b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters, and technical appendices. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed GPA/RZ will undergo a public review process by the Planning Commission that will result in a recommendation by the Planning Commission to the City Council and a decision by the City Council. This public review process is needed to assure that the Project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced Project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this Project and a mitigated negative declaration has been prepared.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed Project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed Project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at <http://www.yubacity.net>. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on September 8, 2023 and will end on September 27, 2023 at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993
developmentservices@yubacity.net
Phone: (530) 822-4700

2. Project Description

2.1. Project Title

General Plan Amendment (GPA) 23-03 and Rezoning (RZ) 23-03, Bains-Butte House.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Director of Development Services
(530) 822-3231
developmentservices@yubacity.net

2.4. Project Location

The 0.32-acre parcel is located on the northeast corner of Butte House Road and Blevins Road. Assessor's Parcel Number (APN) 059-020-013.

2.5. Project Applicant

Bains 05 Family Revocable Trust/Jaswant Bains
833 Tudor Road
Yuba City, CA 95991

2.6. Property owner

Bains 05 Family Revocable Trust/Jaswant Bains
833 Tudor Road
Yuba City, CA 95991

2.7. General Plan Designation

Existing: Low-Medium Density (MDR) Land Use Designation (6-14 residences per acre).

Proposed: Medium-High Density (HDR) Land Use Designation (12-36 residences per acre).

2.8. Zoning

Existing: Two-Family Residential (R-2) Zone District.

Proposed: Multiple-Family Residential (R-3) Zone District.

Figure 1: Location Map



Figure 2: General Plan Amendment 23-03

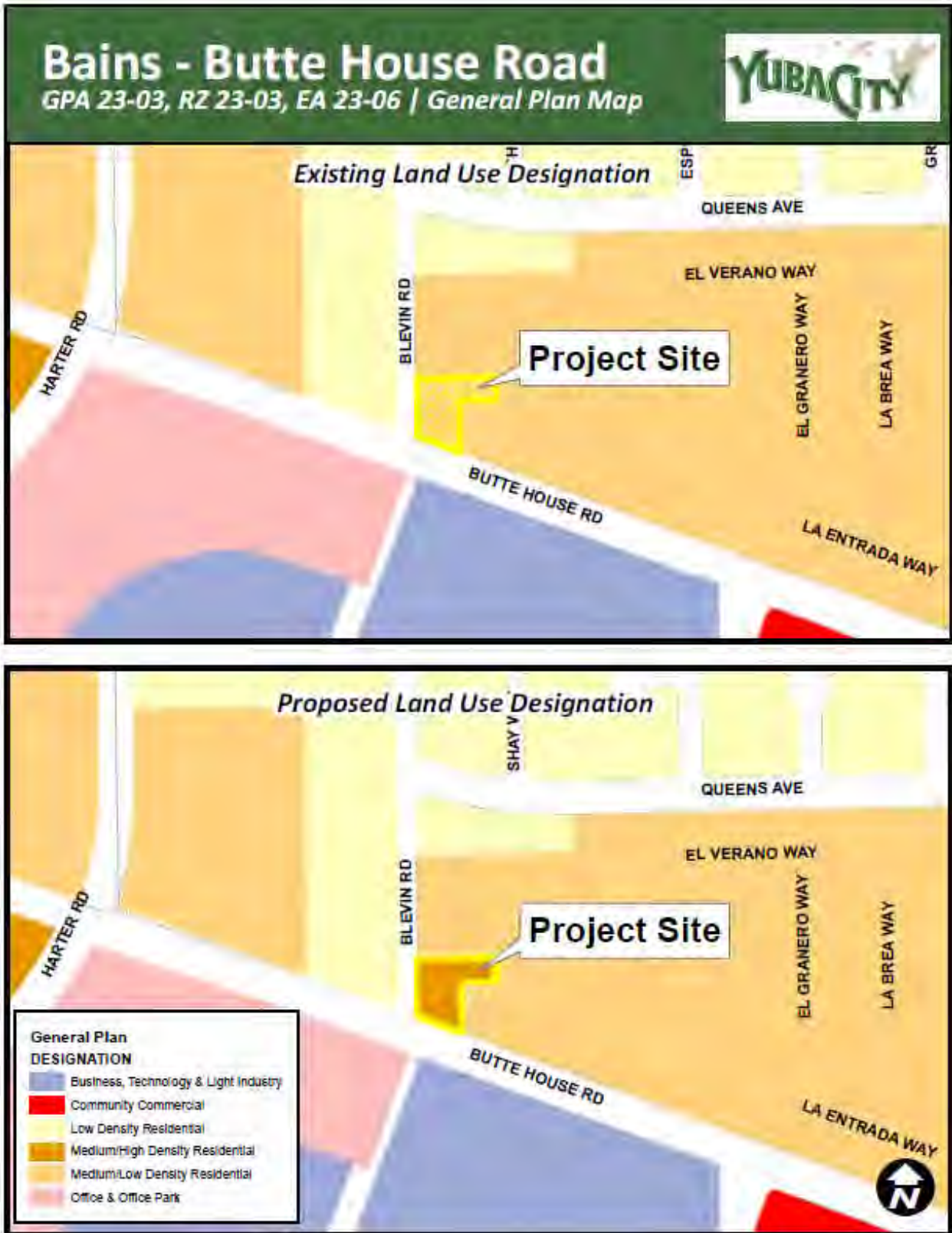


Figure 3: Rezone 23-03



2.9. Project Description

Proposed is the Bains-Butte House General Plan Amendment and Rezoning (collectively “Project”). The proposal includes:

Bains-Butte House GPA 23-03 proposes to amend the General Plan Land Use Element map for a 0.32-acre parcel (approximately 14,000 square feet) from the Low-Medium Density (MDR) land use designation to the Medium-High Density Residential (HDR) designation. The existing MDR designation allows for a residential density range of 6 to 14 residences per acre, which for this property allows for 2-4 new residences. The proposed HDR designation increases the allowed density range to 12-36 residences per acre. This translates to a range of four to 11 residences that could be constructed on this property. The new designation provides for a full range of attached housing types including duplexes, and multiple-family housing types; and

Bains-Butte House RZ 23-03 proposes to rezone the same 0.32 acres from the Two-Family (R-2) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no specific development project proposed at this time. Any future development will need to occur consistent with the proposed General Plan designation and Zoning.

2.10. Surrounding Land Uses and Setting

Setting: The 0.32-acre parcel is flat and has a single-family residence and accessory building on the site. There are several mature trees on the property. The neighborhood around the parcel consists of single-family residences on the north, east and west. To the south across Butte House Road is vacant property zoned for heavy commercial and light industrial uses.

Table 1: Bordering Uses

North:	Single-family residence.
South:	Butte House Road, across the street is vacant, zoned for heavy commercial and light industrial uses.
East:	Single-family residence.
West:	Blevins Road with a single-family residence across the Street.

2.11. Other Public Agencies Whose Approval May be Required

- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
- Central Valley Regional Water Quality Control Board.

2.12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

All geographically relevant Native American tribes were timely notified of the project, and consultation was not requested.

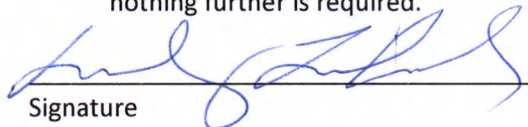
2.13. Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

9/8/ 2023
Date

Doug Libby, AICP, Deputy Director of Development Services

2.14. Evaluation of Environmental Impacts:

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

“Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3.1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the Project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located several miles northwest of the Project site, are visibly prominent throughout Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. As there is no actual development proposed, the design guidelines do not apply. They will be applied when a development is proposed.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the vicinity of the Project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista?

There are no designated scenic areas within the vicinity, so there would not be impacts on a designated vista. Further, as there is no development proposed there will be no impacts on scenic resources. Therefore, this GPA/RZ will not create any significant impacts on the scenic views. When a development is proposed it will be evaluated on its own merits.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

This vacant property is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees or buildings. The GP/RZ will permit various types of residential development at a wide range of densities, and related uses. As no development project is proposed, it would be speculative at this time to analyze impacts to scenic resources. When a development is proposed it will be evaluated on its own merits.

c) In nonurbanized areas substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

The site is within the urbanized area. The GP/RZ will permit a wide range of residential development and related uses. As no development project has been proposed it would be speculative at this time to analyze any impacts that may result from conflicts with any scenic quality standards. When a development is proposed it will be evaluated on its own merits.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The site is within the urban area where exterior lighting is already prevalent. The GP/RZ will permit various types of residential development and related uses. As no development project has been proposed it would be speculative at this time to analyze any impacts from exterior lighting. When a development is proposed it will be evaluated on its own merits.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3.2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the

landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as “Super Williamson Act Contracts.” Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The approximately 0.32-acre site is located on land that the 2018 Department of Conservation Important Farmland Map for Sutter County identifies as “Urban and Built-Up Land.” As such the Project site is not considered to be Prime Farmland, Farmland of Statewide Importance or Unique Farmland. The site is within the boundaries of the Yuba City urban area, surrounded by urban uses. The property is also very small, and has a residence on it, making it unviable for agricultural use. Therefore, there will be no loss of agricultural land.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project site is currently zoned for urban type uses and is not under a Williamson Act contract. There will therefore be no impact related to a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that may have at one time been utilized for agriculture but was developed many years ago for urban uses. There is no timberland located on the Project site or within the vicinity. There will be no impact on existing zoning of forestland, nor will the proposed Project cause the rezoning of any forestlands.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

There is no forested land on the Project site or within the vicinity. Therefore, there will be no impact on forest land.

- e) *Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The proposed Project involves a small urban sized parcel within an area already served by City services and developed with a residence on it and on three sides. There are no forestlands on the Project site or in the vicinity. No properties within the area are under a Williamson Act contract. Therefore, there will be no impacts on agricultural lands from this proposal.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3.3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X
c) Expose sensitive receptors to substantial pollutant concentrations?				X
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often

exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and state government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and state ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are

identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NO_x): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5}): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO₂): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than

10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as

implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The GP/RZ will permit various types of residential development and related uses. Since no development project has been proposed it would be speculative at this time to analyze the impacts on air quality. When a development is proposed it will be evaluated on its own merits.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The GP/RZ will permit various types of residential development and related uses. Therefore it would be speculative at this time to analyze the impacts on air quality standards because no development project has been proposed. When a development is proposed it will be evaluated on its own merits.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

There are no sensitive receptors within 1,000 feet of the Project.

d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

For any development that may result from this Project, site grading and construction of new residences typically do not generate objectionable odors. Ongoing residential uses typically also do not generate odors. As such, the impact of the Project towards creating local offensive odors would be less than significant.

3.4. Biological Resources

Table 3.4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

3.4.1. Environmental Setting/Affected Environment

The approximately 0.32-acre level parcel is within the Yuba City urbanized area with a single-family residence on it. The small property is surrounded by suburban development. There are no riparian areas or known critical habitat areas on-site or in the vicinity.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal “endangered species” legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as

“species of special status.” Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered “Waters of the United States” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high-water marks” on opposing channel banks. All activities that involve the discharge of dredge or fill material into

Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define “endangered” and “rare” as specified in CEQA Guidelines section 15380(b).

3.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

- 8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
- 8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
- 8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
- 8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
- 8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- 8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
- 8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

See b) below.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

There is no riparian habitat on the Project site or within the vicinity. According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence

is the Golden Sunburst, a flowering plant that occurs primarily in the non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. As this property does not fall within this area, the impacts to special status species from any development that may result from this Project will be less than significant.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact on any wetland areas or waterways.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Any development that may occur as a result of this proposed Project would not disturb any waterways, as the nearest waterway is the Feather River several miles to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed. As such the impacts on fish or wildlife habitats will be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No trees or other known biological resources that would be protected by local policies or ordinances remain on the proposed Project site. Therefore, there would be no significant impacts on biological resources caused by this Project.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

Effective March 2005, Senate Bill 18 requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

In response to AB 52, and SB 18 the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

The parcel has on it a single-family residence. However, as there is no development proposed, there is no proposal to remove the residence. However, development that could result from this GPA/RZ would likely require removal of the residence. The EIR prepared for the General Plan did not identify this residence as having historical significance. As a result, any potential impacts on any historical resources from a development that may result from this Project will be less than significant.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

See a) above.

c) Disturb any human remains, including those interred outside of formal cemeteries?

No formal cemeteries or other places of human internment are known to exist on the proposed Project site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, the mitigation measure provided in Section 3.18 is provided to ensure the impacts are less than significant.

3.6. Energy

Table 3.6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

d) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Project construction that could result from this GPA/RZ would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically run on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant

and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character. Therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

New construction would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards would reduce energy consumption associated with Project operations, although reductions from compliance cannot be readily quantified. Overall, Project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Following construction, the main sources of energy consumption would be ongoing residential activities and vehicle usage. However, associated vehicle traffic from the residences that could be constructed on this small parcel is not a large enough impact on air quality or GHG emissions to be considered significant.

Project impacts related to energy consumption are considered to be less than significant.

e) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

New construction that could result from this GPA/RZ will be required to be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's impacts on energy usage will be less than significant.

3.7. Geology and Soils

Table 3.7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the

north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar,

but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, the Yuba City area is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and

Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings, and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a risk in the City limits or within the City's Sphere of Influence.

Result in substantial soil erosion or the loss of topsoil?

As a result of this GPA/RZ future development of the property would result in approximately 0.32 acres of ground being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the drainage system. However, as part of the grading and construction of the Project area, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are less than significant.

b) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

See c) below.

c) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

d) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Any new residences that could be constructed as a result of this GPA/RZ will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

e) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: Mitigation Measure # 1 shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department @ 530-822-4700.

Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey in the vicinity that potential paleontological resource was found, as determined by the paleontologist;
2. Assess effects on identified sites;
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;
4. Obtain comments from the researchers;
5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.

In considering any suggested mitigation proposed by a consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.

With application of this mitigation any impacts on paleontological resources will be less than significant.

3.8. Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may

endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

See b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as

to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The construction of multiple-family residences that could result from this action will create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by residential auto use will contribute GHG gases. Due to the small size of the Project (less than an acre), it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the Project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure

Greenhouse Gas Mitigation Measure 1: The Project shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9. Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.				X

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery

Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

See b) below.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The hazardous materials associated the construction that could result from this GPA/RZ will be those materials associated with grading and construction equipment, which typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, development that could occur as a result of this GPA/RZ will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste would be household hazardous waste. Assuming

proper and legal disposal of those wastes there should not be a significant impact from household hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is not a school within one-quarter mile of the Project site. Therefore, there is not a potential for any impacts on a school from hazardous materials.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?

The property is not on any listings of sites that are contaminated by hazardous wastes. Therefore, the potential for impacts from a known hazardous materials site is less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The Project is not located within the Sutter County Airport Comprehensive Land Use Plan, nor is it within two miles of a public use airport.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, the impacts on emergency response or evacuations plans will be less than significant.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The Project site is located in the Yuba City urban area, and the Yuba City urban area is surrounded by irrigated farmland. There are no wildlands on the site or in the immediate vicinity. Accordingly, the impacts from potential wildland fires will be less than significant.

3.10. Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv. impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed

Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Yuba City area is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.

- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and City agencies which have developed, served, controlled, or conserved water for any purpose for the County or City for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the City or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together make up the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the water treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since any development that would result from this GPA/RZ will receive water only through the City system, it is unlikely that the Project could impact the water quality in the City system.

Wastewater generated by development that would result from the Project will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. The wastewater from the Project is not expected to generate any unique type of waste that would cause the system to become out of compliance with state standards.

All storm water runoff associated with the Project will drain into the City drainage system and into a system managed by the Sutter County Water Agency and ultimately into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, the impacts on the City's water and waste-water systems or storm water drainage system from development that would result from this GPA/RZ would be less than significant

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?

New development that could result from this GPA/RZ will connect to the City's water system. While consumer consumption of City water will increase with the Project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water supplies.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i) result in substantial erosion or siltation on- or off-site?*
- ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?*
- iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by development that could result from the proposed Project, which will ultimately drain into the Feather River. The Project will be required to construct the local collection facilities and pay the appropriate fees to the Sutter County Water Agency for its fair share of improvements and expansion to the existing drainage system. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any large lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City

would not be exposed to inundation by tsunamis. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the Project area. Thus, it is unlikely that the Project site would be subject to inundation by a seiche, tsunami, mudflow or landslide. Therefore, the potential for significant impacts from any of these types of events is less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Regarding impacts on a groundwater management plan, the City primarily utilizes surface water, so any impact on groundwater would be less than significant. Regarding water quality, as noted in Part a) above, all new construction that may result from this Project will be required to utilize Best Management Practices. Assuming all required standards are met the impacts on water quality from stormwater from development of this property will be less than significant.

3.11. Land Use and Planning

Table 3.11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1 Environmental Setting/Affected Environment

The 0.32-acre property is flat with a single-family residence and an accessory building on it.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

Development that could result from this Project will not physically divide an established community as any new residential construction that would result from this GPA/RZ would be small and compatible with neighboring properties, most of which were recently rezoned to the same R-3 Zone District. Therefore, the impact of new residences that could occur on neighboring properties that the City has recently changed to the multiple-family residential designation as a result of Housing Element policies is expected to be less than significant.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

This GPA/RZ is consistent with other general plan policies and programs that generally encourage more housing. The new construction that would result from this GPA/RZ must meet all City design and development standards. As such, the new development's impacts on plans, policies and programs designed to avoid or mitigate environmental effects will be less than significant. This includes policies and programs in the recently adopted Housing Element which encourages additional multiple-family housing, and is also consistent with the City's recently initiated and approved general plan amendment on neighboring properties for the same reason.

3.12. Mineral Resources

Table 3.12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a

continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

See b) below.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City limits, and no mineral extraction facilities currently exist within the City. Additionally, the site is within an urban residential neighborhood, which generally is considered incompatible with mineral extraction facilities. As such, development that may result from this Project will not have an impact on mineral resources.

3.13. Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a

day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundborne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage. The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached

single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings. Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan¹ are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
 - Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
 - Increase setbacks for noise sources from adjacent dwellings,
 - Retain fences, walls, and landscaping that serve as noise buffers,
 - Use soundproofing materials and double-glazed windows, and
 - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be “significant” if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

Figure 1: Noise Exposure

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)													
	50		55		60		65		70		75		80	
Residential – Low Density Single Family, Duplex, Mobile Home														
Residential – Multi-Family														
Transient Lodging – Motel/Hotel														
Schools, Libraries, Churches, Hospitals, Nursing Homes														
Auditorium, Concert Hall, Amphitheaters														
Sports Arena, Outdoor Spectator Sports														
Playgrounds, Neighborhood Parks														
Golf Courses, Riding Stables, Water Recreation, Cemeteries														
Office Buildings, Business, Commercial and Professional														
Industrial, Manufacturing, Utilities, Agriculture														
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.													
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.													
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.													
	Clearly Unacceptable: New construction or development generally should not be undertaken.													
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.														

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The construction phase of any development that could result from this GPA/RZ would involve temporary noise sources. The noise sources would include typical grading and paving equipment and miscellaneous equipment. During construction, which would occur during daylight hours, Monday through Saturday, noise from construction activities would contribute to the residential noise environment in the immediate Project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. There are several residences within 50 feet of the Project property line that could be effected. However, the GP/RZ will permit various types of residential development at varying densities and related uses. But because no development project has been proposed it would be to speculative at this time to analyze the noise impacts.

Table 2: Typical Construction Noise Levels		
Type of Equipment ⁽¹⁾	dBA at 50 ft.	
	Without Feasible Noise Control ⁽²⁾	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		
⁽²⁾ Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications		

- b) *Generation of excessive ground borne vibration or ground borne noise levels?*

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 3 describes the typical construction equipment vibration levels.

Table 3: Typical Construction Vibration Levels	
Equipment ⁽¹⁾	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. There are neighboring residences that could be impacted. But as noted above, construction activities would be limited to daylight hours. Further, construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, because of the very small site (1/3 acre) the short duration of several days at most for grading activities associated with development of the Project site, the temporary impact to any uses in the vicinity of development that could result from this Project would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Project is not within an airport land use plan nor are there any public or private airports or airfields located in this vicinity. Therefore, this impact is not applicable to the Project.

3.14. Population and Housing

Table 3.14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The proposed Project is located in an urbanized area of the City, making it essentially an in-fill project. All City services already serve the property.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2021. Policies in the adopted Housing Element encourage more land dedicated to providing additional multiple-family residential development

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households²

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.

3.14.5 Impact Assessment/Environmental Consequences:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed GPA/RZ could result in the construction of between four and nine new residences. The existing infrastructure that serves this area, including streets, water, sewer, drainage, etc., is adequate to accommodate this change. This Project includes a general plan amendment and rezoning that is being scrutinized by this process for consistency with all plans, ordinances, and programs. As such, it is by

definition, planned growth. Therefore, Project's impacts that would be caused by un-planned growth are less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Although there is a residence on the property, it is not proposed to be removed as part of this GPA/RZ. But a future project that may result from this GPA/RZ would likely cause the house to be removed. Removal of the house that is within the urban area would not be expected to necessitate the construction of replacement housing elsewhere. It would also be likely that, due to the proposed residential zoning, a future project on this site would result in additional housing over an above the loss of one residence. As such the potential impacts from displacing substantial numbers of people is less than significant.

3.15. Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such

codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since all new development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services will be less than significant.

Police Protection: The Police Department reviewed this proposal and did not express concerns. Since new development that may result from this Project will pay development impact fees intended to offset the cost of additional police facilities and equipment resulting from this growth, the impacts on police services will be less than significant.

Schools: New residences that may result from this GPA and RZ must pay the Yuba City Unified School District adopted school impact fees that are intended to provide their fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools will be less than significant.

Parks: The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct new parks. Therefore, the impact on parks from this Project will be less than significant.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new connection to those systems must pay connection fees that are utilized for expansion of the respective systems. The City also collects development impact fees for County services that are provided to the new development, such as the library system and justice system. Accordingly, the Project will have a less than significant impact with regard to the provision of water, sewer and other public services.

3.16. Recreation

Table 3.16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The four to nine new residences that could be constructed as a result of this GPA/RZ will incrementally increase the use of City parks. However, for each new residence development impact fees for new or expanded parks and recreation facilities will be paid. These fees mitigate any incremental impacts new residential development would have on public recreational facilities. Therefore, the impact on the City park system from this Project is less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

As there is no proposed development it is not known whether any new recreational facilities will be included. However, the small size of any development that could result from this action, plus the fact that a recreation facility would be located on-site, the impacts from an on-site recreational facility would be less than significant. Regarding impacts on existing City parks, the potential for four to nine new residences would be paying impact fees to offset any impacts on the existing park system. Therefore, the impact on park expansion caused by development that may result from this Project will be less than significant.

3.17. Transportation/Traffic

Table 3.17: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

Federal Highway Administration: FHWA is the agency of the U.S. Department of Transportation (DOT) responsible for the Federally funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled ...". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the

information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Development that could result from this Project will not be a large traffic generator, that being the traffic generated by 4 to 9 new multiple-family or duplex residences. Butte House Road, which the site fronts, is within the City's acceptable level of service standard of D or better. Any development that could result from this GPA/RZ will be required to provide any needed on-site Butte House Road improvements for auto, bicycle, and pedestrian facilities. This includes right-of-way dedications, curb, gutters and sidewalks of Butte House Road and Blevins Road and driveways at the maximum distance from the corner. As such, the potential impacts on nearby streets due to this Project will be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact.

Although there is no development proposed, no more than nine residences could be constructed on this site. This would not be expected to generate more than 90 trips per day. Since the Project will not exceed the 110 trip per day criteria, the impacts from VMT will be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Because of the small size of the property, development that may result from this GPA/RZ will generate little additional traffic flow. Public Works Department review of the Project did not indicate that there are any street design issues on nearby streets. Additionally, per the Public Works Department, any development that may result will be required to dedicate the appropriate right-of-way and improve the streets to full City standards, as well as placement of new driveways in the safest locations. Therefore, any increase in street hazards generated by development that would result from this Project are less than significant.

d) Result in inadequate emergency access?

The Fire and Police Departments have reviewed the Project plans and did not express concerns about emergency access to the property. As such the potential for significant impacts on emergency access to this area will be less than significant.

3.18. Tribal Cultural Resources

Table 3.18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or

- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.18.3 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

Senate Bill 18: Effective March 2005, it requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration

of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

3.18.4 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers (Wilson and Towne 1978).

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.5 Summary of Native American Consultation

In response to AB 52 and SB 18 the City supplied the following Native American tribes with a Project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
 - A cultural landscape with a geographically defined boundary;
 - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
 - A unique archaeological resource as defined in Section 21083.2; and/or
 - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

- a) *Would the project cause a substantial adverse change in the significance of a tribal resource, defined in Public Resources Code 21074 as either a site, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:*
- i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

There is one residence on the property. The City solicited consultation with culturally affiliated California Native American tribes regarding the proposed Project in accordance with AB 52 and AB 18. No response was received. As it is very unlikely that the house that is of recent vintage has cultural significance to Native American tribes, the impact to the cultural value of a Native American tribe is less than significant.

- ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed Project) in accordance with AB 52 and AB 18. No response was received, but there remains a potential for an unknown site to exist. As such the “Unanticipated Discoveries” mitigation is utilized since there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, the mitigation measure is provided below to ensure impacts on tribal cultural resources are less than significant.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: Post Ground Disturbance A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the **Unanticipated Discoveries Mitigation Measure 2** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.

Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19. Utilities and Service Systems

Table 3.19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater: Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water: The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling: Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. As of June 2021,

the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the “Non-Chapter 15 (Non 15) Program”) regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In

California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

See b) below.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Development that could result from this Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate this project. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an on-site water well at the water plant that supplements the surface water when needed.

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City.

The ongoing expansions of those plants to accommodate growth beyond this project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by a combination of Yuba City drainage lines and the Sutter County Water Agency. As the Sutter County Water Agency did not comment on the Project, the impacts from development that may be due to this GPA/RZ on the stormwater drainage system will be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services to this Project site. With these considerations the impacts on these types of facilities are expected to be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?

See Parts a) and b), above.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

See e) below.

e) Comply with federal, state, and local statutes and regulations related to solid waste?

Recology Yuba-Sutter provides solid waste disposal for the area as well as for all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development.

3.20. Wildfire

Table 3.20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The Project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed in Section 3.17 of this Initial Study, redevelopment of this parcel that could result from this GPA/RZ is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Therefore, the impacts of the Project related to emergency response or evacuations would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is in a level urban area with no native vegetation remaining, and the urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires. In light of this, the exposure of potential new residences that may be constructed as a result of this GPA/RZ to wildfire is less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As discussed above, the site is not near any wildland areas and the Project itself does not propose any development. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project will not generate any impacts.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the Project related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?

The Project site was stripped many years ago of native vegetation, likely for agricultural uses and more recently for urban uses. Therefore any development that could occur as a result of this Project will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when

viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This amendment to the Land Use Element of the General Plan was compared to policies in other elements of the General Plan. As such the potential traffic generated by development that may result from this GPA/RZ is within what was anticipated in the General Plan which considered anticipated future growth of the area. The City has adequate water and wastewater capacity, and the potential development will utilize those services. Stormwater drainage will also meet all City standards. There will be no loss of agricultural land. The Yuba City Unified School District has not indicated that they lack capacity to provide proper educational facilities to the new students. The FRAQMD also did not comment that the Project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but that will create significant cumulative impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The development that may result from this proposed Project in and of itself would not create a significant hazard that has not been mitigated to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed PGPA/RZ would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

“Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination,” prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. “Fault Zone Activity Map.” Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at <http://www.envirostor.dtsc.ca.gov/public/>

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16 livability/scenic_highways/index.htm

Appendix A

MITIGATION MEASURES AND MONITORING PLAN Bains-Butte House General Plan Amendment and Rezone

*Initial Study and Mitigated Negative Declaration EA 23-06
For General Plan Amendment 23-03 and Rezone 23-03*

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
For Jaswant Bains General Plan Amendment & Rezoning

Initial Study and Mitigated Negative Declaration EA 23-06
For General Plan Amendment 23-03 and Rezoning 23-03

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.7 Geology and Soils	Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and	Developer	Developer, Public Works Dept., Development Services Dept.	During grading phase

	other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials	Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	not be permanently curated, unless approved by the Tribe. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.			
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CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Annual Community Facilities District Report Pursuant to Government Code Section 53411
Recommendation: Note and file
Fiscal Impact: Information item only

Purpose:

Annual report on the background and status of the Community Facilities District as required by state law.

Council's Strategic Goal:

This item fulfills the City Council strategic goal of fiscal responsibility.

Background:

In accordance with Government Code Sections 50075.3 (regarding special taxes) and 53411 (report on bonded proceeds), a report concerning the Sunsweet Boulevard and Valencia Estates Community Facilities Districts is required to be filed annually with the City Council. This staff report serves to fulfill the requirements.

Analysis:

The report must address the following items:

Sunsweet Boulevard, established 2004

1. *The amount of funds collected and expended* – On May 12, 2005, the City issued \$3,250,000 in Community Facilities District Bonds. Of this amount, \$2,705,904 was placed into the project fund and the remainder was used for cost of issuance and to establish a reserve fund. The entire \$2,705,904 has been expended on the project. On July 19, 2016, the outstanding bonds, \$2,437,327, were refunded and are referred to as special tax refunding bonds, series 2016. Special tax assessments were placed on the properties within the district and the amount

collected for fiscal year 2022-23, as of December 31, is \$225,333 in assessments. These funds will be used to pay debt service.

2. *The status of the project required or authorized to be funded* – The project as defined by the “List of Authorized Facilities” (that was adopted as part of the resolution forming the district) is complete, including related improvements (traffic signal at Highway 99 and connector road to Walton Avenue on the south side of Sunsweet), with a Notice of Completion dated July 2007.

CFDs 2017-1 and 2021-1

1. *The amount of funds collected and expended* – during fiscal year 2022-23, the City collected \$48,242 in special assessments from the district property owners.
2. *The status of the project required or authorized to be funded* – the City expended \$6,406.79 for district administration on behalf of the district with the remainder to fund Police protection services; Fire protection and suppression services; maintenance of parks, parkways, streets and roads, and open space; flood and storm protection services, among other less common services.

Fiscal Impact:

Information item only.

Alternatives:

Not applicable.

Recommendation:

Note and file the annual Community Facilities District report pursuant to Government Code Section 53411.

Attachments:

None

Prepared By:
Spencer Morrison
Finance Director

Submitted By:
Spencer Morrison
Finance Director

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Shon Harris, , Mayor

Summary

Subject: 2024 Council Assignments - Amended
Recommendation: Approve the Mayor's Amended Assignments to Regional Boards and Committees for Calendar Year 2024
Fiscal Impact: None

The amended assignment list below reflects the most up-to-date appointments:

Shon Harris	Dave Shaw	Marc Boomgaarden	Wade Kirchner	Michael Pasquale
Advisory Board Screening Committee	Advisory Board Screening Committee	Beale Military Liaison	Feather River Air Quality Management District (Alt)	Beale Military Liaison (Alt)
Gilsizer Drainage District*	County-Wide RDA Oversight Board*	Gilsizer Drainage District* (Alt)	Gilsizer Drainage District*	County-Wide RDA Oversight Board* (Alt)
Gov't Affairs Committee for Sutter Yuba Homeless Consortium (Alt)	Greater Sacramento Economic Council (GSEC)	Local Agency Formation District (LAFCO)	Regional Waste Management Authority (RWMA) (Alt)	Feather River Air Quality Management District
Intergovernmental Relations Committee	Intergovernmental Relations Committee	Regional Housing Authority	Regional Water Authority (RWA)	Gov't Affairs Committee for Sutter Yuba Homeless Consortium
Local Agency Formation District (LAFCO) (Alt)	School District Liaison	Sacramento Area Council of Government (SACOG) (Alt)**	Sutter Butte Flood Control Agency (SBFCA)	North Sac Valley Integrated Regional Water Mgmt Group
Sacramento Area Council of Governments (SACOG)**	Regional Waste Management Authority (RWMA)	Sutter Animal Services Authority (SASA) (Alt)	Sutter Yuba Mosquito Vector District	Sutter Animal Services Authority (SASA)
School District Liaison (Alt)	Sutter Butte Flood Control Agency (SBFCA) (Alt)	Sutter Butte Flood Control Agency (SBFCA)	Yuba-Sutter Transit Authority (YSTA)	Sutter Butte Flood Control Agency (SBFCA) (Alt)
Sutter Animal Services Authority (SASA)	Yuba-Sutter Economic Development Corp (YSEDC) (Alt)**	Sutter County Children & Families Commission		Yuba-Sutter Economic Development Corp (YSEDC)**
Yuba Sutter Arts Council	Yuba-Sutter Transit Authority (YSTA)	Development Impact Fee Ad Hoc		Yuba-Sutter Transit Authority (YSTA) (Alt)
Yuba-Sutter Transit Authority (YSTA) (Alt)	Pension Policy Ad Hoc	Habitat for Humanity Ad Hoc		Budget Oversight Ad Hoc
Pension Policy Ad Hoc	Development Impact Fee Ad Hoc			Habitat for Humanity Ad Hoc
Budget Oversight Ad Hoc	Sikh Parade Ad Hoc			
Sikh Parade Ad Hoc				

* = Mayoral Appointment

** = Recommendation

Grey = Ad Hoc Committee

The updates are as follows:

Gilsizer Drainage District

Shon Harris (Mayor)

Wade Kirchner

Marc Boomgaarden (Alt)

[Remove Michael Pasquale]

North Sacramento Valley Integrated Regional Water Management Group

Michael Pasquale

[Remove Wade Kirchner]

Attachments:

1. 2024 - Council Assignments 01.16.24 v2

Prepared By:

Ciara Wakefield

City Clerk Administrator

Submitted By:

Diana Langley

City Manager

ATTACHMENT 1



City Council 2024 Boards and Commission Assignments

Commission	Members	Date/Time/Location	Contact	700 Form	Stipend
Advisory Board Screening Committee	Shon Harris (Mayor) Dave Shaw (Vice-Mayor)	As needed – to fill term ending dates June & Dec 1201 Civic Center Blvd YC	Ciara Wakefield City Clerk Administrator (530) 822-4817 cwakefield@yubacity.net	NO	None
Beale Military Liaison	Marc Boomgaarden Michael Pasquale (Alt)	Volunteer/Advocacy As needed	Janice Nall – Beale AFB (530) 218-2121 jsn@c-mp.com	N/A	None
Blue Zones	Shon Harris	TBD / As needed	Marni Sanders Executive Director marni.sanders@sharecare.com	NO	None
Countywide Redevelopment Oversight Board* (Mayoral appointment)	Dave Shaw Michael Pasquale (Alt)	As needed - Sutter County 1160 Civic Center Blvd Yuba City, CA 95993	Steve Smith, Assistant CAO (530) 822-7100 SMSmith@co.sutter.ca.us	YES	None
Feather River Air Quality Management District (FRAQMD)	Michael Pasquale Wade Kirchner (Alt)	4:00 p.m. First Monday Every other Month 541 Washington Ave, YC	Shelley Channel and Maria Ramos - FRAQMD (530) 634-7659 Ext 204 schannel@fragmd.org mramos@fragmid.org	YES	\$100/meeting
Gilsizer Drainage District	Shon Harris (Mayor) Wade Kirchner Marc Boomgaarden (Alt)	4:00 p.m. Monthly Every 2 nd Wednesday 1201 Civic Center Blvd YC	Tammi Gaschke – Sutter Co (530) 822-7450 TGaschke@co.sutter.ca.us	YES	None
Gov't Affairs Committee for Sutter Yuba Homeless Consortium	Michael Pasquale Shon Harris (Alt)	When called Via Zoom	Johnny Burke (530) 632-5761 director@syhomelessconsortium.org	YES	None
Greater Sacramento Economic Development Council (Recommendation)	Dave Shaw Diana Langley	9:00 a.m. Quarterly 400 Capitol Mall #2520	Brittany Jones (916) 287-9082 bjones@selectsacramento.com	NO	None
Intergovernmental Relations Committee (IRC)	Shon Harris (Mayor) Dave Shaw (Vice-Mayor)	TBD / As needed	Judy Sanchez (530) 822-4602 jsanchez@yubacity.net	NO	None
Local Agency Formation Commission (LAFCO)	Marc Boomgaarden Shon Harris (Alt)	2:00 p.m., 2 nd Thursdays Jan, Mar, May, July, Sep, Nov 1201 Civic Center Blvd YC	Doug Libby, Executive Director (530) 822-3231 dlibby@yubacity.net	YES	None



City Council 2024 Boards and Commission Assignments

Commission	Members	Date/Time/Location	Contact	700 Form	Stipend
North Sacramento Valley Integrated Regional Water Management Group	Michael Pasquale	9:00 a.m. Mondays TBD 210 N. Lassen St City Hall - Willows	Guadalupe Rivera (530) 822-7400 GRivera@co.sutter.ca.us	YES	None
Regional Housing Authority	Marc Boomgaarden	12:15 p.m. Twice /Month 1 st & 3 rd Wednesdays 1455 Butte House Rd, YC	Jennifer Ruiz – Housing Authority (530) 671-0220 Ext 122 j.ruiz@regionalha.org	YES	\$50/meeting
Regional Waste Management	Dave Shaw Wade Kirchner (Alt)	4:30 p.m. Monthly Every 3 rd Thursday 915 8 th Street, Msvl	Scott Scholz & Lisa O’Leary (530) 634-6890 scott@yubasutterrecycles.com lisa@yubasuttertransit.com	YES	\$100/meeting
Regional Water Authority	Wade Kirchner Ben Moody	9:00 am 2 nd Thursday every other month in various locations	Ashley Flores, Executive Assistant & Board Secretary (916) 967-7692 x2000 Aflores@rwah2o.org	YES	None
Sacramento Area Council of Governments (SACOG)	Shon Harris Marc Boomgaarden (Alt)	9:00 a.m. Monthly Every 3 rd Thursday 1415 L St #300, Sacto	Lanette Espinoza - SACOG (916) 340-6232 LEspinoza@sacog.org	YES	\$100/meeting
School District Liaison	Dave Shaw Shon Harris (Alt)	Quarterly Thursdays @ 3:00 750 Palora Ave, YC	Lora Broad – YCUSD (530) 822-7601 lbroad@ycusd.k12.ca.us	NO	None
Sutter Animal Services Authority (SASA)	Shon Harris Michael Pasquale Marc Boomgaarden (Alt)	4:00 p.m. Monday Jan-Apr-Jun-Sep-Nov. 1201 Civic Center Blvd, YC	Ann Gillen – Yuba City (530) 822-4652 agillen@yubacity.net	YES	None
Sutter Butte Flood Control Agency (SBFCA)	Marc Boomgaarden Wade Kirchner Michael Pasquale (Alt) Dave Shaw (Alt)	1:00 p.m. Monthly Every 2 nd Wednesday 1201 Civic Center Blvd, YC	Terra Yaney – SBFCA (530) 755-9859 admin@sutterbutteflood.org	YES	None
Sutter County Children & Families Commission	Marc Boomgaarden	Quarterly Location TBD	Julie Price (530) 822-7505 JPrice@co.sutter.ca.us	YES	None



City Council 2024 Boards and Commission Assignments

Commission	Members	Date/Time/Location	Contact	700 Form	Stipend
Sutter Yuba Mosquito Vector District	Wade Kirchner	4:00 p.m. Monthly Every 2 nd Thursday 701 Bogue Road, YC	Stephen Abshier & Jessica Farrell (530) 674-5456 steve@sutter-yubamvcd.org jfarrell@sutter-yubamvcd.org	YES	\$100/meeting
Yuba Sutter Arts	Shon Harris	6:00 p.m. Monthly Every 4 th Wednesday 624 E Street, Msvl	David Read, Executive Director (530) 742-2787 email@yubasutterarts.org	YES	None
Yuba Sutter Economic Development Corporation (Recommendation)	Michael Pasquale Diana Langley Dave Shaw (Alt)	Meets Quarterly 950 Tharp Road, #1303, YC	Brynda Stranix, CEO (530) 751-8555 bstrannix@ysedc.org	NO	None
Yuba-Sutter Transit Authority (YSTA)	Dave Shaw Wade Kirchner Michael Pasquale (Alt) Shon Harris (Alt)	4:00 p.m. Monthly Every 3 rd Thursday 915 8 th Street, Msvl	Matthew Mauk & Lisa O'Leary (530) 634-6880 matt@yubasuttertransit.com lisa@yubasuttertransit.com	YES	\$100/meeting

Ad Hoc Committees	Members
Pension Policy	Shon Harris Dave Shaw
Development Impact Fee	Dave Shaw Marc Boomgaarden
Budget Oversight	Shon Harris Michael Pasquale
Sikh Parade	Shon Harris Dave Shaw
Habitat for Humanity	Marc Boomgaarden Michael Pasquale
Revenue	Dissolved



City Council

2024 Boards and Commission Assignments

Shon Harris	Dave Shaw	Marc Boomgaarden	Wade Kirchner	Michael Pasquale
Advisory Board Screening Committee	Advisory Board Screening Committee	Beale Military Liaison	Feather River Air Quality Management District (Alt)	Beale Military Liaison (Alt)
Gilsizer Drainage District*	County-Wide RDA Oversight Board*	Gilsizer Drainage District* (Alt)	Gilsizer Drainage District*	County-Wide RDA Oversight Board* (Alt)
Gov't Affairs Committee for Sutter Yuba Homeless Consortium (Alt)	Greater Sacramento Economic Council (GSEC)	Local Agency Formation District (LAFCO)	Regional Waste Management Authority (RWMA) (Alt)	Feather River Air Quality Management District
Intergovernmental Relations Committee	Intergovernmental Relations Committee	Regional Housing Authority	Regional Water Authority (RWA)	Gov't Affairs Committee for Sutter Yuba Homeless Consortium
Local Agency Formation District (LAFCO) (Alt)	School District Liaison	Sacramento Area Council of Government (SACOG) (Alt)**	Sutter Butte Flood Control Agency (SBFCA)	North Sac Valley Integrated Regional Water Mgmt Group
Sacramento Area Council of Governments (SACOG)**	Regional Waste Management Authority (RWMA)	Sutter Animal Services Authority (SASA) (Alt)	Sutter Yuba Mosquito Vector District	Sutter Animal Services Authority (SASA)
School District Liaison (Alt)	Sutter Butte Flood Control Agency (SBFCA) (Alt)	Sutter Butte Flood Control Agency (SBFCA)	Yuba-Sutter Transit Authority (YSTA)	Sutter Butte Flood Control Agency (SBFCA) (Alt)
Sutter Animal Services Authority (SASA)	Yuba-Sutter Economic Development Corp (YSEDC) (Alt)**	Sutter County Children & Families Commission		Yuba-Sutter Economic Development Corp (YSEDC)**
Yuba Sutter Arts Council	Yuba-Sutter Transit Authority (YSTA)	Development Impact Fee Ad Hoc		Yuba-Sutter Transit Authority (YSTA) (Alt)
Yuba-Sutter Transit Authority (YSTA) (Alt)	Pension Policy Ad Hoc	Habitat for Humanity Ad Hoc		Budget Oversight Ad Hoc
Pension Policy Ad Hoc	Development Impact Fee Ad Hoc			Habitat for Humanity Ad Hoc
Budget Oversight Ad Hoc	Sikh Parade Ad Hoc			
Sikh Parade Ad Hoc				

* = Mayoral Appointment

** = Recommendation

Grey = Ad Hoc Committee

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Public Works
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Waste Water Treatment Facility Lift Station 2 Rehabilitation Project - Contingency Increase

Recommendation: Adopt a Resolution which takes the following actions:

A. Authorize an increase in the construction contingency of \$60,213.37, with a finding that it is in the best interest of the City

B. Authorize Amendment No. 1 to the Professional Services Agreement with Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$22,500.00, subject to material terms, with a finding that it is in the best interest of the City

Fiscal Impact: \$82,713.37 – Account No. 1105 (Lift Station Improvements)

Purpose:

To maintain the City's Wastewater Treatment Facility (WWTF) operational effectiveness through proactive rehabilitation and major maintenance.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure.

Background:

The City's wastewater collections system includes 17 lift stations, which were evaluated by the City's consultant in the 2020 Wastewater Master Plan. Major rehabilitation of Lift Station 2 was recommended as a priority for completion within the first one to five years under the 2020 plan. Identified concerns include exposed aggregate and reinforcing bars in the wet well and the lack of a bypass discharge option for emergencies and shutdowns.

This project proposes the rehabilitation of the Lift Station 2 wet well, installation of new pumps, and construction of a new bypass connection. To rehabilitate Lift Station 2, a large bypass system will be utilized to divert all sewage flow during the construction process.

On June 6, 2023, Council awarded a construction contract to W.M. Lyles, Inc. (Lyles) of Fresno, CA to perform this work, as well as a professional services agreement with Inferrera Construction Management Group, Inc. (ICM) to perform construction management and inspection services during construction.

Analysis:

The project specifications call for the following Lift Station Wet Well improvements:

- Wet well to be detergent steam cleaned
- Voids and cracks within the wet well to be repaired
- Exposed corroded reinforcement bars to be cleaned and patched to original concrete surface
- Wet well to be coated with SewperCoat Cementitious Coating (SewperCoat)
- New pumps installed

Construction Contingency:

This work must be completed while a large and complex sewage bypass system is operating concurrently with the wet well rehabilitation to prevent a lapse in wastewater services. Construction on the wet well started in September 5th, 2023. Two significant unforeseen conditions that were uncovered upon cleaning the wet well (Damaged Reinforcement Bars) and (Damaged Discharge Piping) were presented to Council on October 3, 2023 and additional funding for repairs was approved.

As work to coat the wet well with SewperCoat began, ICM identified, and staff confirmed, an approximately 3/16" unknown existing cementitious surface coating (unknown coating) was present within various sections of the wet well. Testing of the unknown coating by ICM yielded a non-compliant surface incompatible with Sewpercoat. To obtain satisfactory performance of SewperCoat and remain in compliance with SewperCoat warranty, the unknown coating had to be removed to the original wet well concrete subsurface. Performing this extra work extended the bypass operation and schedule by approximately two (2) weeks. Due to the massive effort to bypass the sewage flow into the lift station, the additional work needed to be completed expeditiously to facilitate completion of the Project. Costs incurred by the Contractor to operate the bypass system is approximately \$2,000/day. Staff authorized Lyles to proceed with removing the unknown coating prior to Council authorization, in order to avoid contract delays, additional costs, and keep the project moving forward.

Even with the considerable added work, the project progressed expeditiously and was completed on October 25th, 2023. On December 8, 2023, Lyles submitted an invoice totaling \$73,175.32 for the unknown coating removal work, including costs to extend the bypass operation. ICM and staff have reviewed the invoice and determined it is compliant with the City's extra work provisions of the project contract specifications and reflects actual costs required to perform work.

Construction Management & Inspection:

ICM has actively managed its budget throughout the construction process and has a balance of \$9,403.75 remaining through October 2023. However, to provide the necessary construction management and inspection staffing required to oversee the final construction completion and assure that the Lyles performed extra work per Contract Specifications, staff is requesting an additional \$25,000 in budget authority. This represents the amount required to complete all construction management and inspection services through project completion, including additional work performed during the damaged reinforcement bars, damaged discharge piping, and unknown

coating delays, and change order invoice review.

Fiscal Impact:

With the construction contract award on June 6, 2023, Council authorized a total construction contract amount of \$347,600.00 with a 20% contingency of \$69,520.00. Council also authorized a construction management and inspection contract amount of \$39,500.00.

Previously approved (October 3, 2023 Council meeting) additional construction funding:

\$35,000.00 – Damaged Rebar Replacement
\$25,000.00 – Discharge Piping Replacement
\$60,000.00 – Bypass Operation
\$120,000.00 – Total Additional Construction Funding Required
\$44,520.00 – Less Construction Contingency Remaining on Project
\$75,480.00 – Total Additional Authorization Requested

With the unforeseen discovery of the unknown coating, staff is requesting the following additional construction funding authorization:

\$145,000.00 – Total Additional Construction Contingency Authorized
\$132,038.05 – Less Construction Contingency Expended on Project
\$12,961.95 – Construction Contingency remaining on project
\$73,175.32 – Amount Needed for Unknown Coating Removal & Bypass Operation
\$60,213.37 – Total Additional Construction Authorization Requested

\$62,000.00 – Total CM & Inspection Required
\$39,500.00 – CM & Inspection Contract Amount
\$22,500.00 – Total Additional CM & Inspection Requested

\$82,713.37 - Total Additional Funding Requested

Capital Improvement Program (CIP) Account No. 981105 (Lift Station Improvements) has a current available balance of approximately \$608,000.00.

Alternatives:

There is no reasonable alternative to performing the additional work described in this staff report. Foregoing this work would void the SewperCoat warranty and compromise the structural integrity of the wet well.

Recommendation:

Adopt a Resolution which takes the following actions:

1. Authorize an increase in the construction contingency of \$60,213.37, with a finding that it is in the best interest of the City.
2. Authorize Amendment No. 1 to the Professional Services Agreement with Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$22,500.00, subject to material terms, with a finding that it is in the best interest of the City.

Attachments:

1. Resolution - Contingency Increase
2. Amendment No. 1 to the Professional Service Agreement
3. Prime Professional Service Agreement

Prepared By:

Nick Menezes
Associate Civil Engineer

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING
AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ICM FOR
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES AND
AUTHORIZING AN INCREASE IN CONSTRUCTION CONTINGENCY FUNDING FOR
THE WWTF LIFT STATION 2 REHABILITATION PROJECT (21-24)**

WHEREAS, on June 6, 2023, the City of Yuba City (City) awarded a construction contract to W. M. Lyles, Inc., in the total amount of \$347,600.00 for the WWTF Lift Station 2 Rehabilitation Project (Project), with the finding that it is in the best interest of the City; and

WHEREAS, on June 6, 2023, the City awarded a Professional Services Agreement to Inferrera Construction Management Group, Inc. of Shingle Springs, CA to provide construction management and inspection services necessary for the Project; and

WHEREAS, with the award of said construction contract the City authorized a construction contingency amount of \$69,520.00; and

WHEREAS, on October 3, 2023, City Council authorized an increase in the construction contingency of \$75,480.00 in response to unforeseen conditions related to reinforcement bars (rebar) repair and pump discharge piping repair; and

WHEREAS, upon wet well detergent steam cleaning and subsequent field inspection activities it was discovered that the existing wet well contained sections of a non-compliant unknown cementitious coating (unknown coating) requiring additional work and bypass operations to remove in order to satisfy SewperCoat application and warranty requirements; and

WHEREAS, ICM and staff have determined that costs for removal of the unknown coating and additional bypass system operation are accurate and compliant with the extra work provisions of the project contract specifications; and

WHEREAS, ICM has actively managed its budget throughout the extended construction process, yet requires an additional \$22,500.00 in ICM labor charges and expenses to closeout Project; and

WHEREAS, the City Council desires to amend the Professional Services Agreement with ICM for construction management and inspection services associated with the Project.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

1. The City Council finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. The City Council hereby authorizes an increase in the construction contingency of \$60,213.37, with a finding that it is in the best interest of the City.
3. The City Council hereby authorizes the City Manager to enter into Amendment No. 1 to the Professional Services Agreement with ICM of Shingle Springs, CA for construction management and inspection services in the amount of \$22,500.00, for a total contract amount of \$62,000.00, subject to material terms and approval as to legal form by the City

Attorney. The City Council finds that approval of such amendment in the best interest of the City.

4. This Resolution shall become effective immediately.

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 16th day of January, 2024.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit "A" – Amendment No. 1 to the Professional Service Agreement

Public Works



AMENDMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES INFERRERA CONSTRUCTION MANAGEMENT GROUP, INC.

Inferrera Construction Management Group, Inc.
7040 Settlers Trail
Shingle Springs, CA 95682

SUBJECT: Amendment No. 1 to Scope of Services for Lift Station No. 2 Rehabilitation Project

This Amendment to the Agreement for Professional Services dated July 12, 2023 ("First Amendment") is made and entered into as of the ____ day of _____ 2024 by and between the City of Yuba City ("City") and Inferrera Construction Management Group, Inc. ("Consultant").

Recitals

Whereas, by Professional Services Agreement dated July 12, 2023 ("Prime Agreement"), City entered into an agreement with Consultant for professional engineering and project development services for the City's Lift Station No. 2 Rehabilitation Project in the amount of \$39,500.

Whereas, construction on the Project commenced on August 15, 2023 and was subsequently extended by approximately 2-weeks due to several unforeseen construction conditions, both Parties desire to amend the Prime Agreement to provide for revised compensation related to the Consultant providing construction management and inspection services for the extended construction duration of the Lift Station No. 2 Rehabilitation Project.

Agreement

In consideration of the foregoing Recitals and for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and Consultant agree as set forth herein. (Additions to the original text of the Prime Agreement are noted with a double underline, and deletions are noted with a ~~strike through~~.)

1. The following paragraph 3 of the Prime Agreement is amended to read in its entirety as follows:

Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's total compensation exceed ~~thirty-nine thousand five hundred dollars (\$39,500)~~ Sixty-two thousand dollars (\$62,000) without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
2. A copy of the Prime Agreement is attached hereto as Exhibit "A" and, except as otherwise amended by this First Amendment, is incorporated as though set forth in full herein.
3. Except as amended in this First Amendment, the terms and conditions of the Prime Agreement shall remain the same and shall be in full force and effect. This First Amendment is not effective until approved and executed by the authorized City representative.

Public Works



IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date and year first written above.

CITY:

CITY OF YUBA CITY, a municipal corporation

Diana Langley, City Manager

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Shannon Chaffin, City Attorney

CONSULTANT:

INFERRERA CONSTRUCTION MANAGEMENT
GROUP, INC.

Jeffrey Inferrera, PE

Kindly execute the original and two (2) copies and return to City Hall at 1201 Civic Center Boulevard, Yuba City, CA 95993; the City will return a fully-executed copy to you via mail for your files.

Attachments:

Exhibit A: Prime Agreement.

Public Works



Exhibit A – Prime Agreement

PROFESSIONAL SERVICES AGREEMENT
WWTF Lift Station 2 Rehabilitation Project – Construction
Management & Inspection

This Agreement is made and entered into as of July 12, 2023, by and between the City of Yuba City, a municipal corporation ("City") and Inferrera Construction Management Group, Inc. (ICM) ("Consultant").

RECITALS

- A. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein; and
- C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

- 1. Scope of Services. The Consultant shall furnish the following services in a professional manner.

See Attached Scope of Services
(Exhibit A)

- 2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is completed and approved by the City. Finalization shall be completed at the direction of the City of Yuba City.
- 3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed **Thirty-Nine Thousand, Five Hundred Dollars (\$39,500.00)** without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
- 4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's invoices shall include a brief description of the services performed, the date the services were

performed, the number of hours spent and by whom, and a description of any reimbursable expenses. City shall pay Consultant not later than 30 days after approval of the monthly invoice by City staff. When payments made by the City equal 90% of the maximum fee provided for in this Agreement, no further payments shall be made until the final work under this Agreement has been accepted by City.

5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from City.
6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination. Such compensation is subject to the conditions of Section 4 of this agreement.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees, agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon request.
- * Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). Consultant shall require all subcontractors to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regards to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City. City shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant, which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

8. Consultant's Books and Records:

- a. Consultant shall maintain any and all ledgers, books of accounts, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
- b. Consultant shall maintain all documents and records which demonstrated performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
- c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Auditor or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

9. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. Will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and
- b. Possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(B)(2).)

10. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

11. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

12. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.

13. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature, which are legally required of Consultant to practice its profession. Consultant

represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession. Consultant shall maintain a City of Yuba City business license.

14. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs, including attorney fees and expenses in connection therein), arising out of the performance of this Agreement in whole or in part by any negligent act or omission of the Consultant, or anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be liable, or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising out of the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.
15. Insurance Requirements. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, necessary insurance policies as described in Exhibit B.
16. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City	Benjamin Moody Public Works & Development Services Director City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 (530) 822-4626
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If to Consultant:	Jeffrey Inferrera Principal Inferrera Construction Management Group, Inc. 7040 Settlers Trail Shingle Springs, CA 95682 (916) 792-9871
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17. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

18. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
19. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under the Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.
20. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
21. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
22. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Sutter.
23. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
24. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS and thereafter the mediator remaining shall hear

the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

25. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
26. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.
27. Prohibited Interest. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising there from.
28. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non- discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF YUBA CITY:

CONSULTANT:

By: Diana Langley

**Diana Langley
City Manager**

By: 

**Jeffrey Inferrera
Principal
Inferrera Construction Management Group, Inc.**

Attachments: Exhibit A – Scope of Services
 Exhibit B – Insurance Requirements

Exhibit A
Scope of Services

April 18, 2023

Mr. Nicholas Menezes, PE
City of Yuba City
Public Works Department
1201 Civic Center Blvd.
Yuba City, CA 95993

RE: Proposal for Construction Management and Inspection Services for the Lift Station No. 2 Rehabilitation Project Contract No. 21-24

Dear Mr. Menezes,

Thank you for the opportunity to present this proposal for construction management and inspection services for the City's Municipal Well No. 2 Project (Project). Inferrera Construction Management Group, Inc. (ICM) has worked with the City for several years on the WWTF Improvements Project and CIPP pipeline project and we are excited to be working on this important new Project.

We understand that the primary objective of this Project is the following:

- Initial potholing and field verification of existing system components
- Demolition and replacement of three pumps, piping, fittings, and mounting equipment and some existing features of the lift station.
- The City is providing the pumps, Flygt 3202, which will be connected directly to the VFDs via a pullbox. Consequently, the amount of electrical work is minimal.
- Application of Sewpercoat in wet well, inlet structure, and valve vault and two manholes.
- Installation of the bypass discharge connection.
- A short night time bypass event.

ICM is experienced with this type of work. We have completed pump station rehabilitation projects including pump replacements and concrete repair like the Folsom Oak Avenue Pump Station, five Delta Diablo lift stations, and the Manteca Influent Pump Station. We have completed numerous projects with bypass pumping such as the Yuba City CIPP Project, Manteca Union Road CIPP project, Folsom Oak Avenue Pump Station, Manteca North Trunk Sewer, and Delta Diablo lift stations.

We understand that the design was completed by City engineering. The City has asked for ICM support to review submittals, specifically for the bypass pumping submittal. Also, we understand that the City may be providing some inspection support, especially at the time of the pump installation. Bids are due April 19, 2023. The Contract Time for Completion is 30 calendar days (Paragraph 6.3). The estimated cost is \$550,000.

For this Project, we propose Jeffrey Inferrera as your construction manager, Paul Lopez as your inspector who will be onsite as needed. Jeff and Paul have over 60 years of combined experience managing and inspecting public works projects. Their resumes are attached.

Our Scope of Work will consist of the following Tasks:

Task 1. Project Startup

Project Startup, ICM will perform the following:

- a) Conduct pre-construction meeting.
- b) Photographic documentation of pre-construction conditions.

Task 2. Construction Management and Administration

ICM will provide the following services:

- a) Conduct progress meetings and provide notes.
- b) Review schedules.
- c) Review bypass pumping submittal and other submittals as requested.
- d) Review schedule of values.
- e) Review monthly pay applications.
- f) Review requests for changes.
- g) Provide administrative support and project controls.

Task 3. Construction Inspection

ICM's inspector will provide as needed inspection. Inspector will provide the following services:

- a) Enforce the contract requirements as well as codes and regulations.
- b) Take daily photographs.
- c) Provide a daily report.
- d) Coordinate with City and Operations staff.
- e) Coordinate with material testing.

Task 4. Project Closeout

Project Closeout activities consist of the following:

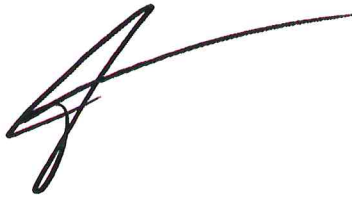
- a) Develop and maintaining the punchlist.
- b) ICM will transfer inspection files to the City.

Exclusions

- a) Surveying and survey stakeout.
- b) Material testing.
- c) ICM is not responsible for Contractor's safety or safety program.
- d) ICM is not responsible for Contractor's schedule.
- e) Engineering services during construction such as technical RFI and submittal review with exceptions listed in Scope of Work.
- f) Inspector apprentice, if required by State DIR or other entity.

Our Budget Table, developed specifically for this Project, is attached as well as a Fee Schedule. Our proposed budget is \$31,490. Thank you for your kind consideration of our proposal. We look forward to working with the City of Yuba City on this important Project. If you have questions, please call me at 916-792-9871.

Sincerely,
Inferrera Construction Management Group, Inc.

A handwritten signature in dark ink, appearing to be 'Jeffrey Inferrera', with a long, sweeping horizontal stroke extending to the right.

Jeffrey Inferrera, PE, RCI
President

Attachments

City of Yuba City

Lift Station No. 2 Rehabilitation Project

ICM's Estimated Budget for Construction Management and Inspection Services

Role	Team Member	Jun-23 Hours	Jul-23 Hours	Aug-23 Hours	Total Hours	Rate	Total Budget
Construction Manager	Jeffrey Inferrera	12	4	4	20	\$ 200	\$ 4,000
Construction Inspector	Paul Lopez	16	120	16	152	\$ 160	\$ 24,320
Administration	Colleen Ryan	4	4	4	12	\$ 85	\$ 1,020
Vehicle		\$ 200.00	\$ 1,500.00	\$ 200.00		\$	\$ 1,900
Computer/Phone/Internet		\$ -	\$ 250	\$ -		\$	\$ 250

Grand Total Budget \$ 31,490

18-Apr-23

ICM

Inferrera Construction Management Group, Inc.
Fee Schedule
For City of Yuba City
Lift Station No. 2 Project

Labor Hourly Rates by Position

Construction Manager	\$200
Construction Inspector	\$160
Electrical Inspector	\$180
Administrator	\$85

Expense Rates

Vehicle	Note 3
Field Computer, Monthly	\$100
Field Phone/Internet, Monthly	\$150
Other ODCs billed separately	

Administrative Fees

Expenses	0%
Subconsultants	5%

Notes:

1. Minimum 4-hour onsite charge per site or off-site visits.
2. Overtime will be charged 1.5 times the hourly rate for time worked over eight hours a day and Saturdays. Sundays, Holidays, and time worked over twelve hours a day are charged at 2 times the hourly rate. Second shift work performed between 5 p.m. and 5 a.m. will be charged an additional \$15 per hour.
3. Travel will be charged in accordance with prevailing wage requirements which include IRS mileage rate and travel time over 50 miles one way, plus a minimum of \$25 per day. Business driving will be charged at the IRS mileage rate.
4. This Rate Schedule is valid until December 31, 2023. After December 31, 2023, rates subject to 5% adjustment per year.



Mr. Inferrera has more than 30 years of experience in the water and wastewater industry with emphasis in construction management, resident engineering, and inspection. He specializes in pump stations, wastewater and water treatment plants and pipelines

Qualifications

Registrations:

Professional Civil
Engineer, California No.
62190

Registered Construction
Inspector (Division I)
ACIA, No. 5832

California SWPPP QSP,
QSD No. 23237

Education:

MS, Environmental
Engineering, Cornell
University, 1991

BS, *cum laude*,
Environmental Science
and Engineering, Rutgers
University, 1986

Delta Diablo Pump Station Rehabilitation Project – Antioch, CA

Construction Manager for the Delta Diablo Sanitation District Pump Station Rehab project which consisted of rehabilitation of five pump stations. Work included all trades including pipelines, pumping systems, electrical, instrumentation and controls, coatings, concrete, HVAC, and building construction.

WWTP Rehabilitation Project – City of Yuba City, CA

Construction Manager for the Wastewater Treatment Facility Improvements project consisted of Digester fixed covers and gas system piping, Bar Screen replacement, structural steel canopy and sludge dewatering screw presses including conveyance system. Major electrical and control improvements included new Motor Control Centers, PLC's, 12KV transformers, electrical ductbanks, and SCADA integration of five process areas, plus modernization of facility network.

Las Vegas Wastewater Treatment Plant – Las Vegas, NV - Resident engineer for plant expansion of city's water pollution control facility expansion from 66 to 93 MGD. This \$105 million expansion program involved 13 separate construction contracts, six separate contractors, and multiple contracts. Facilities involved in this expansion include secondary clarifiers, blower building, primary sedimentation, biological nutrient removal, chlorination/dichlorination, chemical feed facilities, filtration, anaerobic digesters, pumping stations, SCADA, headworks, mechanical dewatering, odor control, and O&M building. Approximately 10,000 lineal feet of pipeline was installed ranging in size from 8 to 120 inches in diameter.

City of Manteca Project Wastewater Quality Control Facility Expansion - Manteca, CA

Construction manager and/or inspector for over \$100 million of construction projects for the City of Manteca including the following:

- Inspection of Union and Louise Road Cured in Place Pipeline (CIPP) Rehabilitation Project.
- Inspection of South Trunk Sewer Project as part of the FEZ Project Phase
- New WWTP Influent Pump Station.
- Construction of aeration basins and secondary clarifiers.
- New 10 mgd tertiary filtration and UV disinfection.
- New solids handling facility including sludge mixing tank.
- North Plant Aeration Efficiency Improvements.
- Two new digesters, rehabilitation of two existing digesters, new digester control building.
- Tara Park and Woodbridge sewer lift stations.
- Atherton Tank and Pump Station Project.

St. Andrew's Lift Station Upgrade, El Dorado Irrigation District - Resident engineer for the \$1 million upgrade of St. Andrew's Lift Station upgrade project. Construction work includes demolition of the existing electrical/mechanical dry pit, installation of five raw sewage pumps ranging from 3 to 150 hp, conversion of the dry pit to a wet pit, conversion of the wet pit to an emergency storage tank, installation of a 500 kW generator, miscellaneous valves and piping, and construction of a masonry electrical control building. Mr. Inferrera was responsible for contract administration, inspection, change orders, resolution of contractor conflicts and of technical issues.

VFWD Mare Island Way Sewer Rehabilitation Project – Vallejo, CA

Construction Manager for the Mare Island Sewer Rehab Project which consisted of new sewer main & manholes, Cured-In-Place Pipe liner, and 24-hour sewage bypass pumping. Construction included 380 lineal feet of 8", 36", 42", & 48" PVC pipeline, 7' & 10' dia. poured-in-place manholes, 560 lineal feet of 36" CIPP rehabilitation, and subsequent restoration of asphaltic paving and landscaping. Existing 3-5 MGD sewage flows maintained via bypass pumping throughout construction and rehabilitation.

Oak Avenue Wastewater Pump Station, City of Folsom - Performed resident engineering and inspection of the Oak Avenue Wastewater Pump Station. Station consisted of the construction vector discharge location, piping, concrete ramp, manhole, and fencing. Mr. Inferrera was responsible for contract administration, inspection, change orders, resolution of contractor conflicts and of technical issues.

SRWA Raw Water Pump Station Project, Construction Manager for a 45,000 gpm (100 cfs) raw water pump station in the levee of the Tuolumne River, east of Modesto. This work included soil freeze excavation shoring and construction of a large pump station within a levee. Site civil work in the flood plain and discharge of high pump station flows in the river made this Project environmentally sensitive.

Fruitridge Center Sewage Pumping Station, Power Inn Sewage Pumping Station, and Fruitridge Road Pipeline, Sacramento Regional County Sanitation District - Provided construction management and administration services for two new sewage pumping stations and gravity and force main sewer pipelines. This project included a 10 MGD pump station consisting of four 150 hp pumps in two wet wells, valves and metering vaults, odor control building, and a generator/electrical building and a 22 MGD pump station consisting of four 200 hp pumps in two wet wells, valve metering vaults, a control building, and a biofilter. The pipeline included over 32,000 ft of gravity and interceptor sewer pipeline ranging in size from 8 to 54 inches in diameter, 186 manholes, 22,000 ft of force main ranging in size from 24 to 30 inches in diameter, four railroad crossings, pipe reaming, cathodic protection system, slip-lining, water line relocations, and service connections. Mr. Inferrera was responsible for contract administration, change orders, resolution of contractor conflicts and of technical issues.

SJWD Hinkle Reservoir Outage Temporary Tank Project – Construction Manager for the construction of two 1-million-gallon bolted steel tanks and appurtenances connected to a 100MGD water treatment plant. Appurtenances included piping connections, instrumentation, mixers and ports for future chlorine injection. Mr. Inferrera was responsible for contract administration, inspection, change orders, resolution of contractor conflicts and of technical issues.

Influent Pump Station, City of Manteca - Construction manager for the successful construction of a 20 MGD influent pump station and wastewater treatment plant expansion. The pump station consisted of a 40-foot deep structure, two 10 MGD and two 5 MGD pumps, variable frequency drives, piping, and valves. Jeff handled change orders, ran weekly meetings, monitored contractor schedule, was responsible for change orders, RFIs, CPRs, work orders, resolution of contractor conflicts, initiation of owner requested design changes, control of engineer's response to submittals and RFIs, construction cost estimates, and performed startup and SCADA prove out.



Mr. Lopez has 30 years of experience as a public works construction inspector and assistant construction manager. He has performed inspection on water and wastewater treatment and distribution projects including pipelines, treatment facilities, and pump stations. He has also assisted the construction manager and the design engineer with change orders, RFIs, submittal, and progress payment review.

Qualifications

Education/Certifications

Civil Engineering, California State University, San Diego, 1983 to 1986

Registered Construction Inspector (Division 1), American Construction Inspectors Association, No 6035

D1 – Water Distribution Operation, California Department of Health, No 42251

Competent Person Training, Trenching and Excavation

Confined Space Training, Asbestos Concrete Pipe Safety Training

Delta Diablo Pump Station Rehabilitation Project – Antioch, CA

Inspector for the Delta Diablo Sanitation District Pump Station Rehab project which consisted of rehabilitation of five pump stations. Work included all trades including pipelines, pumping systems, electrical, instrumentation and controls, coatings, concrete, HVAC, and building construction.

Municipal Well Pump Station and Piping System - City of Woodland, CA

Senior construction inspector on this \$1.5 million water pumping and piping system. The project included over 4,000 feet of underground piping including ductile iron pipe in City roadways. As the inspector of record, provided oversight of all construction activities, coordinated work activities with the general contractor, and was responsible for project daily inspection and report writing.

Fair Oaks 40 inch American River Canyon Pipeline Project – San Juan Water District, CA.

Inspector for the installation of the new 40 inch pipeline over the American River Canyon including **steel pipe**, epoxy coated and lined.

CIPP Garden Highway Trunk Sewer Phase 1 – City of Yuba City. Inspector for the installation of approximately 3000ft of Cured In Place Pipe lining system within the City's existing 42-inch Techite pipeline. The work included road closure, night work, 4 trench locations for bypass pumping, and working within Garden Highway.

Olive Ranch Water Pipeline Project – San Juan Water District, CA. Inspector for the installation of 8 inch ductile iron potable water mainline installed within roadways. The work included trenching, shoring, bedding, backfill, traffic control and interfacing with the public and multiple agencies.

Bohemian Village Water Main Replacement – Sacramento Suburban Water District, CA. Inspector for the installation of 2 miles of water main. This project consisted of 8 to 16 inch ductile iron main line construction down the center of Marconi Ave. The project encountered extensive underground interferences. Inspection was performed on the pipe installation, lateral tie ins, bedding and backfill, shoring, and traffic control.

Palm Ave. Pipeline Project – Citrus Heights Water District, CA. Inspector for the installation of over 5,000 linear feet 6 and 8 inch ductile iron and C900 potable water mainline. The work included trenching, shoring, jack and bore, bedding, backfill, traffic control and interfacing with the public.

Sedimentation and Flocculation Improvements Project – San Juan Water District, CA. Inspector for the replacement of sludge removal system, flocculator drive motors and paddles, rapid mixers and motor

control cabinets (MCC). Work included new structural support columns, 500 linear feet of a concrete settled water channel, chlorine and polymer distribution systems, stainless steel and ductile iron piping systems and new sample pumps and analyzers.

Treatment Plant Improvements Project, City of Manteca, CA

Inspector for a sludge removal system, water diversion structure, mechanical shop and employee locker room. The work included new masonry buildings, concrete diversion structure, underground pipelines, aboveground piping systems, including ductile iron pipe, mechanical systems and electrical improvements. As the inspector of record, provided oversight of all construction activities, coordinated work activities with the general contractor, and was responsible for project daily inspection and report writing. In addition, worked directly with the engineer to resolve construction issues.

Van Maren Pumping Station, County of Sacramento, CA

Construction inspector for a new \$17 million pump station. This 2 year project included a T-lock lined 35 foot deep wet well, two diversion structures, three tunnel borings and 1500 feet of 36" sanitary sewer pipeline 24 feet below grade. With poor soil conditions, shoring and dewatering was critical. Inspected subgrade, rebar, formwork, concrete placement, T-lock lining system, pipeline installation including ductile iron pipe, backfill, pump installation, and instrumentation. Reviewed progress payments, submittals, RFI's and SWPPP.

Treatment Plant Expansion Project, City of Woodland, CA

Senior construction inspector on this \$28 million wastewater treatment plant expansion project. With a project duration of two years, provided inspection and reporting of over 10 structures including a new pump station at a depth of 15 feet including dewatering and Class 3 soils. Underground pipe trenches were shored and dewatered, soil conditions were poor. Inspected aboveground and underground pipelines including ductile iron pipe, also concrete structures, manholes, and pump and mechanical systems. As the inspector of record, provided oversight of all construction activities, coordinated work activities with the general contractor, and was responsible for project daily inspection and report writing.

Pleasant Grove Treatment Plant, City of Roseville, CA

Inspector the Pleasant Grove \$98 million wastewater treatment plant. For three years, provided inspection and reporting of over 20 structures including the pump station and headworks. Covered civil, structural and mechanical disciplines. Inspected deep underground pipelines that required shoring and dewatering. Inspected ductile iron pipe, vitrified clay pipe, reinforced concrete pipe, and lined piping systems. Mechanical inspection included vertical turbine pumps, compressed air filtration and HVAC systems. Inspected utilities, reinforced concrete and masonry structures, structural backfill, and roadway construction. Provided inspection for coatings and electrical.

Treatment Plant Improvements Project, City of Yuba City, CA

Inspector and assistant construction manager for this two year project that included underground and aboveground pipelines including ductile iron pipe, new bar screen, rehabilitated digester system, new sludge dewatering system, new electrical room, new PLCs, new transformers.





Ms. Ryan has over 5 years of experience in the administrative world, including document control, certified payroll and electronic filing. She will manage the document tracking system and general administration. She specializes in document control of pipelines, pump stations, and water and wastewater treatment plants.

Qualifications

Certifications:

Confined Space Certified

OSHA Certified

CPR/First Aid Certified

Treatment Plants

- Peterson Water Treatment Plant FLOC/SED Rehabilitation – *San Juan Water District*
- Regional Surface Water Supply Water Treatment Plant – *Stanislaus Regional Water Authority*
- Hinkle Reservoir Outage Temporary Tanks – *San Juan Water District*
- Wastewater Treatment Facility Improvements Project – *City of Yuba City*
- Wastewater Treatment Plant Odor Control Project – *El Dorado Irrigation District*
- Deer Creek Process Improvements – *El Dorado Irrigation District*
- WTP Backwash and Recycled Water Upgrades Project – *City of Folsom*
- Hinkle Liner and Cover Replacement – *San Juan Water District*
- Collections Relocation EDHWWTP – *El Dorado Irrigation District*

Pump Stations

- Arden Fluoridation Facilities Project – *Golden State Water Company*
- Reservoir 3 and Clarifier Re-Coating Project – *Golden State Water Company*
- Trussel Plant – Well Equipping, Booster Station & Reservoir – *Golden State Water Company*
- Raw Water Pump Station Phase 1 – *Stanislaus Regional Water Authority*
- River Bluff Reservoir and Pump Station – *City of Ceres*
- Pump Stations Rehabilitations – *Delta Diablo Sanitation District*
- Oak Avenue Pump Station PWWF Relief Project – *City of Folsom*

Pipelines

- Barrett Ranch East Phase 1 – *Sacramento Suburban Water District*
- Arden Water Services and Pipeline Phase 1B – *Sacramento County Water Agency*
- Arden Water Services and Pipeline Phase 2A – *Sacramento County Water Agency*
- Arden Water Services and Pipeline Phase 2B – *Sacramento County Water Agency*
- Arden Water Services and Pipeline Phase 3 – *Sacramento County Water Agency*
- Arden Water Services and Pipeline Phases 4, 5, 6 – *Sacramento County Water Agency*
- Fair Oaks 40 Pipeline Relining Project – *San Juan Water District*
- Hanks Exchange Pipeline – *El Dorado Irrigation District*
- Mare Island Way Sewer – *Vallejo Flood & Wastewater District*
- Stormwater Trash Capture Project – *Vallejo Flood & Wastewater District*
- Lafayette Sewer Renovations – *Central Contra Costa Sanitary District*
- North Trunk Sewer Project – *City of Manteca*
- Water Mains and Services Project – *San Juan Water District*
- Valley Vista Development Project – *Tuolumne Utilities District*
- Garden Highway Trunk Line Rehab Phase 1 Project – *City of Yuba City*
- Town Center Force Main Phase 3 – *El Dorado Irrigation District*

Exhibit B
Professional Services Agreement
Insurance Requirements

- I. **Workers' Compensation Coverage.** Consultant shall maintain Workers' Compensation Insurance for his/her employees in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease. In addition, Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease. for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees and volunteers for losses arising from work performed by Consultant for City. This provision shall not apply if Consultant has no employees performing work under this Agreement. If the Consultant has no employees for the purposes of this Agreement, Consultant shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.

- II. **General Liability Coverage.** Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

- III. **Automobile Liability Coverage.** Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.

- IV. **Professional Liability Coverage.** Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors or omissions which may arise from Consultant's operations under this Agreement, whether such operations are by the Consultant or by its employees, subcontractors, or sub-consultants. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit per occurrence basis.

- V. **Endorsements.** Each general liability and automobile liability insurance policy shall be with insurers possessing a current A.M. Best's rating of no less than A:VII and shall be endorsed with the following specific language or equivalent:
- A. The City, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insured with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations. Conforms to ISO CG 2009 and CG 2037 10 01. Both are required.
 - B. This policy shall be considered primary insurance as respects to the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.
 - C. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
 - D. The insurer waives all rights of subrogation against the City, its elected or appointed officers, officials, employees or agents.
 - E. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.
 - F. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage except after thirty (30) days written notice has been received by the City.
- VI. **Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retention's.
- VII. **Certificates of Insurance.** Consultant shall provide certificates of insurance with original endorsements to City, as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of performance of this agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: **THIS ITEM IS TIME CERTAIN AT 6:50PM, FOR VERBAL COMMENT DIAL 1-866-730-7514 PIN# 663320**

Public Hearing No. 3 for Updating of City Councilmember District Boundaries for Annexed Property

Recommendation: Conduct a Public Hearing to receive public input on district boundaries to account for property annexed to the City

Fiscal Impact: None

Purpose:

To receive a report on the districting process for annexed property and permissible criteria to be considered to modify district boundaries; and conduct a Public Hearing to receive public input on district boundaries.

Council's Strategic Goal:

Including recently annexed areas into the City Council District Boundaries addresses the City Council's overarching goal of quality of life.

Background:

Prior to the November 2022 election, City Councilmembers were elected at-large in which every voter in the City voted for each member of Council, regardless of where the voter or the candidate is registered to vote in the City. Under a district-based system of elections, the City is divided into districts, candidates may only run for the seat representing the district in which they are registered to vote, and voters may only vote for a candidate from their district. One of the reasons for the transition is that district elections are consistent with the California Voting Rights Act (CVRA), which encourages district elections for communities with a significant population of minority groups.

Between September 21, 2021, and February 1, 2022, the City Council held five public hearings to establish a District-Based System of Elections for members of the City Council. On February 1, 2022, City Council adopted an Ordinance adding Sections 2-9.04, 2-9.05, and 2-9.06 to Chapter 2, Title 9 of the Yuba City Municipal Code to establish a District-Based System of Elections for members of the City

Council. The Ordinance is based on the National Demographics Corporation (NDC) Green Map (NDC Green Map), which is based on data from the 2020 census, and includes election sequencing to transition to a District-Based System of Elections.

Since the adoption of the current boundary maps, there have been significant annexations in the southwest and southern portions of Yuba City, adjacent to Council Districts 4 and 5. The annexed areas are currently primarily vacant agricultural land. The Council District Boundary Maps need to be modified to incorporate the annexed areas and be adopted prior to April 2024.

On November 7, 2023, a Public Hearing was held to receive input from the community regarding updating the District Boundaries to include annexed properties. One member of the public spoke and recommended that the boundaries for Districts 4 and 5 be split at Highway 99. No public comment spoke at the Public Hearing on December 19, 2023.

Analysis:

Process

The City Council typically chooses where the district lines will be drawn every 10 years based on the latest U.S. Census. Between these regular 10-year updates changes to district boundaries are typically not allowed under the Elections Code. However, there is an exception for circumstance here, as new territory has been annexed into the City and the total annexed territory contains less than 25% of the City's population. In such cases the City Council may update the district boundaries to allow for the new members of the community to vote in City elections, etc.

State laws set strict criteria for the updates of the district boundaries in such circumstances. Specifically the City Council is required to add the new territory "to the nearest existing Council district without changing the boundaries of other Council district boundaries."

Even though the criteria for setting the boundaries for annexed property is constrained by State law, the default procedures for redistricting boundaries still apply. Under these procedures the public will have the opportunity to draw and submit district maps for Council's consideration, and the City may develop its own maps for consideration. By law, the City must hold at least four public hearings that enable community members to provide input on the drawing of district maps:

- One Public Hearing was held on November 7, 2023, to invite public input regarding the composition of the City's voting districts before any draft maps are drawn.
- One Public Hearing was held on December 19, 2023, to invite public input regarding the composition of the City's proposed modifications to the voting districts based on the attached draft map.
- Two additional Public Hearings will be held to invite public input regarding the composition of the City's proposed modifications to the voting districts based on the attached draft map. These hearings are currently scheduled for January 16 and February 6, 2024.
- After the Public Hearings, the City Council will introduce an ordinance establishing a map with the modified voting division boundaries scheduled for February 20, 2024, and the ordinance will then be presented for final adoption on March 5, 2024.

Mandatory Criteria for Creating Districts

While public input concerning the composition of the City's voting divisions will be considered, as noted above there are several mandatory criteria that the City must comply with when the actual divisions are created:

1. Any annexed property must be added to the nearest existing Council district; and
2. No other changes to existing Council districts can occur.

Fiscal Impact:

There is no fiscal impact to modifying the boundaries other than staff time to prepare the necessary staff reports and modify the district boundary maps.

Alternatives:

Decline to hold a Public Hearing at this time.

Recommendation:

Conduct a Public Hearing to receive public input on district boundaries.

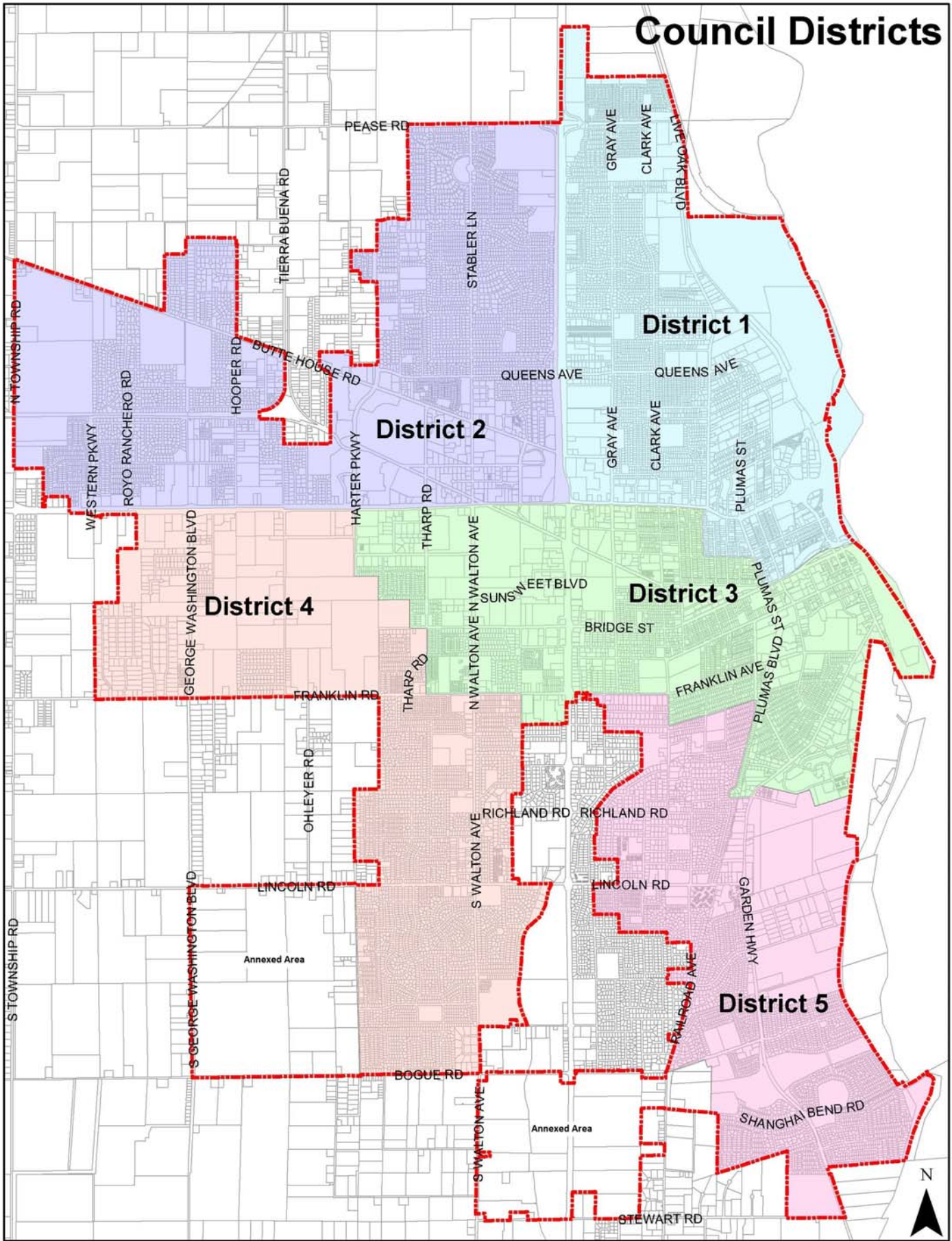
Attachments:

1. Attachment 1 - Council Districts Map with Annexations
2. Attachment 2 - Council Districts Map with Proposed Boundary Modifications

Prepared By:
Diana Langley
City Manager

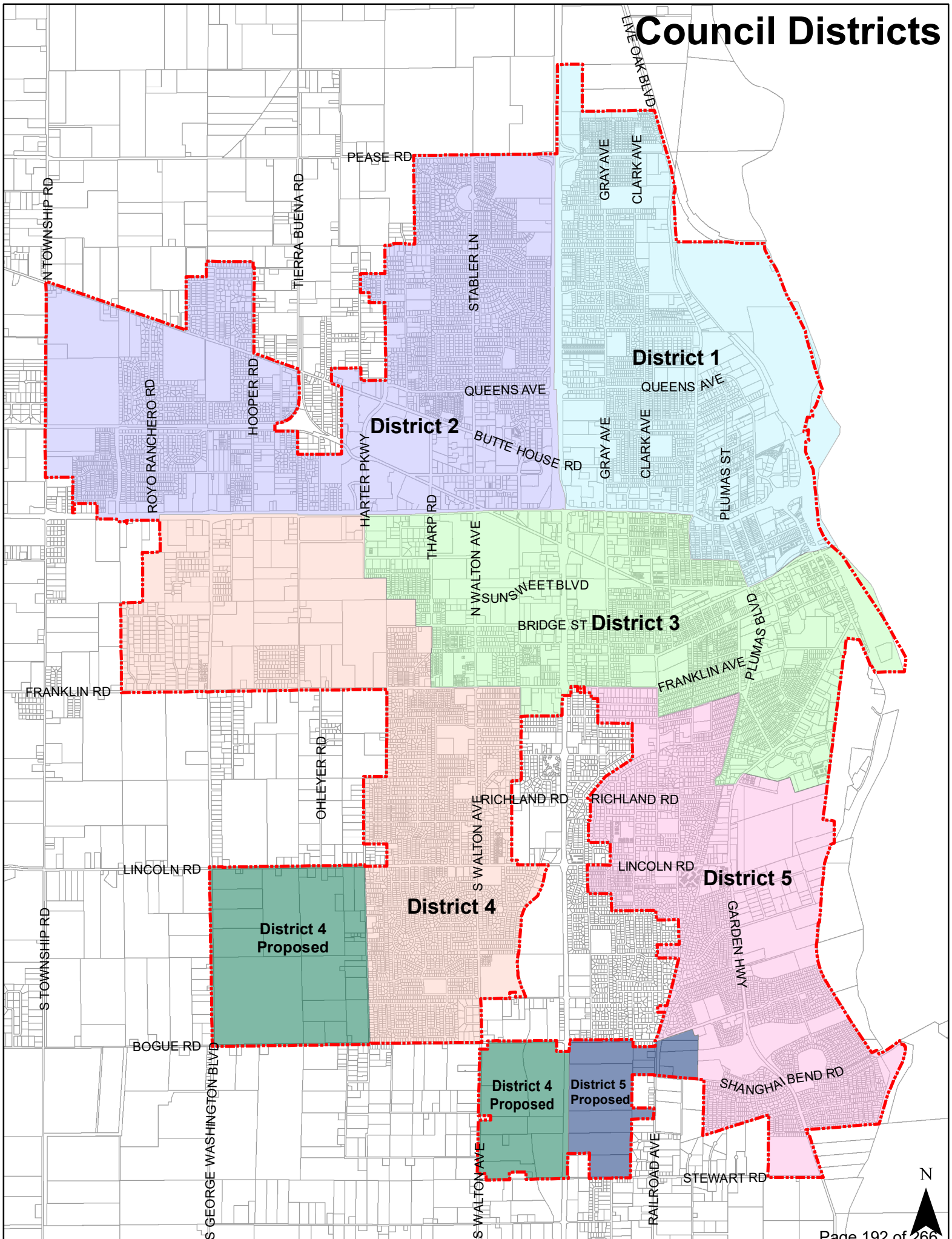
Submitted By:
Diana Langley
City Manager

ATTACHMENT 1



ATTACHMENT 2

Council Districts



CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Levy of the 2024 Annual Assessment of the Downtown Yuba City Business Improvement District

Recommendation: A. Conduct a Public Hearing, and after consideration,
B. Adopt a Resolution confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for calendar year 2024

Fiscal Impact: None related to levy and collection of annual assessments.

Purpose:

To continue the Downtown Yuba City Business Improvement District.

Council's Strategic Goal:

This item addresses Council's Strategic Goals of Business Friendly and Fiscal Responsibility.

Background:

At the meeting of December 19, 2023, the City Council received the 2023-2024 Annual Report from the Yuba City Downtown Business Association and adopted Resolution No. 23-175 declaring its intention to levy and collect an annual assessment for calendar year 2024 in the Downtown Yuba City Business Improvement District (BID). A Public Hearing was set for January 16, 2024. The notice of Public Hearing was published in the Appeal Democrat on January 2, 2024.

The purpose of the Public Hearing is for the City Council to hear and consider all protests against the levying of the proposed assessments. The City Council should note that the Annual Report proposes no changes to the BID boundaries or the assessment formula as originally established.

Analysis:

After the Public Hearing, the City Council may take one of the following actions:

1. Terminate proceedings if protests are received from business owners in the proposed district who collectively pay 50% or more of the proposed assessment (a "majority protest"). If the majority protest is only against the furnishing of a specified type of improvement or activity within the district, those types of improvements or activities shall be eliminated.
2. Order changes in any of the matters provided in the Annual Report including: 1) Changes in the proposed assessments, 2) The proposed improvements and activities to be funded with the revenues derived from the levy of the assessments, and 3) The proposed boundaries of the area and any benefit zones with the area. The City Council cannot change the boundaries to include any territory that will not, in its judgment, benefit by the improvement of activity.
3. Continue the Public Hearing with the understanding that the Public Hearing must be completed within 30 days.
4. Adopt a Resolution confirming the Annual Report as originally filed or as amended. The adoption of the Resolution constitutes the levy of the assessment for calendar year 2024.

Fiscal Impact:

While there is no direct fiscal impact to the City related to the levy and collection of annual assessments, the funds generated through the BID are used to promote the downtown merchants, which provide sales tax revenue to the City.

Alternatives:

1. Do not levy assessments.
2. Identify alternate funding source for Downtown improvements and activities.

Recommendation:

A. Conduct a Public Hearing, and after consideration,

B. Adopt a Resolution confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for calendar year 2024

Attachments:

1. Attachment 1 - Resolution - Confirming the Annual Report and Levying the Assessment
2. DBA Map and Formula Attachment

Prepared By:

Diana Langley
City Manager

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING THE ANNUAL REPORT FOR THE YUBA CITY DOWNTOWN BUSINESS
ASSOCIATION AND LEVYING THE ASSESSMENT FOR THE DOWNTOWN YUBA CITY
BUSINESS IMPROVEMENT DISTRICT FOR CALENDAR YEAR 2024**

WHEREAS, on December 19, 2023, the Yuba City Council adopted Resolution No. 23-175 (the "Resolution") declaring its intention to levy and collect an annual assessment for calendar year 2024 in the Downtown Yuba City Business Improvement District (the "District") pursuant to the Parking and Business Improvement Area Law of 1989, Part 6, (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"); and

WHEREAS, pursuant to the Act and the Resolution, the City of Yuba City published a Notice of Public Hearing on January 2, 2024, regarding the proposed levy of the 2024 Annual Assessment for the Downtown Business Improvement District; and

WHEREAS, the Public Hearing has been held and the City Council has heard and considered all oral and written protests and other comments regarding the levying of the proposed assessments; and

WHEREAS, protests from businesses in the District paying fifty percent (50%) or more of the proposed assessments have not been received.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

1. The recitals set forth herein are true and correct.
2. The City Council does confirm the Annual Report as originally filed by the Yuba City Downtown Business Association.
3. This Resolution is effective on its adoption and constitutes the levy of the assessment for calendar year 2024 for the Downtown Yuba City Business Improvement District as referred to in the Annual Report, for those properties depicted in Exhibit "A" and per the levy rate formula as set forth in Exhibit "B".

I HEREBY CERTIFY that the foregoing resolution was introduced and read at a Regular Meeting of the City Council of the City of Yuba City on the 16th day of January 2024, and was duly adopted at said meeting by the following vote:

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibits:

- A. Map of District
- B. District Assessment Formula

EXHIBIT A

Yuba City - Downtown Plumas Street Area



EXHIBIT B

District Assessment Formula

The Business Improvement District (BID) is a self-initiated business district funded by an annual assessment based on a formula developed by the Downtown Yuba City Business Improvement District Formation Committee. The assessments will be used to fund improvements and activities in the BID designed for economic stimulation and business enhancement for the businesses in the BID. The assessment formula is based on type, size and location of businesses in order to offer a fair and equitable charge for each business in the BID.

Retail, Restaurant and Service Businesses: Includes businesses that buy and resell goods such as clothing stores, shoe stores, office supplies, businesses that sell prepared foods and drinks, general office, news and advertising media, printers, photographers, personal care facilities and outlets, contractors, builders, service stations, repairing and servicing businesses, renting and leasing businesses, utilities, vending machine businesses, household finance companies, theaters and entertainment-oriented businesses, and other similar businesses not otherwise defined in the other categories.

Professional Business: Includes attorneys, architects, accountants, engineers, surveyors, physicians, dentists, optometrists, chiropractors and others in a medical/health service field, consultants, real estate brokers, financial advisors, laboratories (including dental and optical), hearing aid services, artists and designers, and similar businesses.

Lodging Businesses: Includes inns, hotels, motels, RV parks, and other similar businesses.

Financial Institutions: Includes banks, savings & loans, credit unions, and similar businesses.

Associate Members: Businesses outside the BID boundaries that would like to participate will be charged.

Note: Retail and restaurant businesses will be assessed on size which will be determined by number of employees, either full-time or the equivalent made up of multiples of part-time employees.

Business Type	Business Size (Number of Employees)	Annual Assessment Zone	
		A	B
Retail, Restaurant and Service	Small (1-4)	\$385	\$180
	Medium (5-9)	\$560	\$285
	Large (10+)	\$735	\$380
Professional Business		\$350	\$180
Lodging Business		\$560	\$285
Financial Business		\$875	\$725

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Community Services Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Montna Bocce Ball Courts (Contract Award)
Recommendation: Adopt a Resolution which takes the following actions:

A. Awards a construction contract to Figueroa Landscape Company, Inc. of Woodland, CA in the amount of their total base bid \$309,419.66, plus Bid Alternate Schedule 2, Item No. 17 in the amount of \$20,874.00, for a total amount of \$330,293.66

B. Authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

C. Authorizes the Finance Director to make necessary supplemental appropriations to fund the Montna Bocce Ball Courts Project

Fiscal Impact: \$379,837.71 – Account No. 1305 (Bocce Ball Courts Sam Brannan Park)

\$330,293.66 - Contract Award Amount
\$ 33,029.37 - Construction Contingency (10%)
\$ 16,514.68 - Construction Management and Inspection (5%)

Purpose:

To provide additional recreational opportunities for our community, including individuals with special needs.

Council Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure, as it will allow the City to expand recreational infrastructure at Sam Brannan Park, ultimately improving the quality of life for the community.

Background:

The Yuba/Sutter Special Olympics is an active member of the Special Olympics Northern California Inc. The Yuba/Sutter Special Olympics was created in 1968 by four families which had children with disabilities. One of the four founding families was the Montna family, which included father Larry, mother Norma, and their son, Butchie. Larry and Norma donated funds to build Butchie's Pool back in 1980, which was in service from 1980 to 2016. Larry passed away in 2020 and Norma passed away in 2017. Their estate plan included a \$300,000 donation to the Yuba/Sutter Special Olympics.

In the Fall of 2021, Mr. T.J. Fetters, the Area Director for Yuba/Sutter Special Olympics, approached City staff requesting the City construct new bocce ball courts at Sam Brannan Park. For the past seven years, the Yuba/Sutter Special Olympic teams have utilized the two bocce courts at Kingwood Park. Due to the high usage of the courts at Kingwood Park and the desire to facilitate tournaments and increase participation, it was determined that Sam Brannan Park was the best location for new courts.

At the September 6, 2022 City Council meeting, Council adopted a Resolution which Authorized the City Manager to execute a Donation and Facility Use Agreement between the City of Yuba City and Special Olympics Northern California Inc. This would allow the City to accept a \$300,000 donation for the construction of a new bocce court facility at Sam Brannan Park. The proposed facility includes the construction of four bocce courts with a concrete structure and artificial turf, an ADA-compliant concrete path to the courts, perimeter court walkways, six-foot-long steel benches, decomposed granite hardscaping, a gateway arch, and various amenities for the bocce courts.

Analysis:

The Project was advertised for bids beginning December 15, 2023. On January 9, 2024, twelve (12) bids were received and opened by the City Clerk Administrator. Since the project had multiple bid schedules, the lowest responsible and responsive bidder for the Base Bid Schedule would be recommended for award. A list of the Base Bids received, and the Engineer's Estimate are shown below:

Company	Base Bid Amount
Figueroa Landscape Company, Inc.	\$309,419.66
PBM Construction, Inc.	\$322,417.00
Hyatt Contracting, Inc.	\$332,914.75
ABS Builders, Inc.	\$342,771.62
Lamon Construction Co., Inc.	\$363,790.75
Baldoni Construction Service, Inc.	\$381,565.00
The Design Build, Inc.	\$404,294.00
North Star Construction and Engineering, Inc.	\$434,255.00
B&M Builders, Inc.	\$441,750.00
Santos Excavating, Inc.	\$448,593.00
JPB Designs, Inc.	\$456,755.00
Abide Builders	\$673,350.00
<i>Engineer's Estimate: \$362,932.50</i>	

Figueroa Landscape Company, Inc. is the low, responsible, and responsive bidder.

In addition to the items in the Base Bid Schedule, there were also two alternative bid schedules: "Bid Alternate Schedule 1 - Cost Deduction for Oyster Shell Courts," and "Bid Alternate Schedule 2 - Site Furnishings."

Staff researched oyster shell bocce courts with regard to play quality, cost, ongoing repair, and maintenance. Staff found that oyster shell courts provide good play quality, which mimics traditional bocce play, but high levels of maintenance are required to ensure the quality of play and usability of the courts. In order to ensure quality play, the oyster shell courts should be raked between each match, and additional shells, and rolling of the courts would need to occur on a regular basis. Staff does not believe that it has capacity to maintain the courts as required, and staff believes that the bocce rakes may be subject to vandalism and/or theft. The synthetic turf has a higher initial cost, though it is relatively maintenance-free, and has a useful life of approximately twenty years. Synthetic turf courts are a frequently used industry standard, and these type of courts are used regularly at Kingwood Park.

Based on these reasons, staff recommends the installation of the synthetic turf courts.

The site furnishing add alternate items consist of seven 6-foot-wide steel benches, seven 6-foot-wide steel benches with shade canopies, and four 40-foot by 40-foot shade structures. The total bid prices for the items are as follows:

Bid Item	Total Item Cost
6-Foot-Wide Steel Benches: 7 Total	\$20,874.00
6-Foot-Wide Steel Benches with Shade Canopies: 7 Total	\$70,441.00
40-Foot × 40-Foot Shade Structure: 4 Total	\$222,184.00

Based upon the above add-alternate item prices, staff recommends only including Bid Item No. 17, "6' Steel Bench" in Figueroa Landscape Company's contract.

Contract administration, construction management, and quality assurance inspection will be performed by Public Works Department and Community Services Department staff. Project construction is expected to begin in late February 2024, weather permitting, and continue through late April 2024.

Fiscal Impact:

The estimated total construction cost for the project is approximately \$379,837.71, which consists of the following components:

Construction Contract:	\$330,293.66
Construction Contingency (10% of Construction \$ Cost)	33,029.37
Construction Management and Inspection (5% of \$ Construction Cost)	16,514.68
Total Project Cost:	\$379,837.71

Currently, Account No. 1305 (Bocce Ball Courts Sam Brannan Park) has a balance of \$292,460, which is \$87,377.71 less than what is necessary to fund the project. To fund a portion of the shortfall, staff reviewed the City's list of General Fund CIP projects to determine if any projects are substantially complete, and/or have available appropriations which can be reduced to offset the increase in appropriations to 901305-65501 and not have an impact on unallocated General Fund. Staff's findings are as follows:

CIP Number	Project Name	Available reallocate	Appropriations to
901286	Feather River Parkway Parking Lot Improvements (Project Complete)	\$48,704.76	
901298	Town Center Fountain	\$100,000.00	
901307	Collins Corner, Maple Park (Project Complete)	\$11,006.59	
Total Amount Available for Transfer:		\$159,711.35	

After staff conferred on the projects' statuses and needs, they determined that the following reallocation of appropriations would be preferable to fund the Montna Bocce Ball Court Project:

Account	Available Appropriations to reallocate
901286: Feather River Parkway Parking Lot Improvements	\$48,704.76
901298: Town Center Fountain	\$27,666.36
901307: Collins Corner, Maple Park	\$11,006.59
New Balance: 1305: Bocce Ball Courts Sam Brannan Park:	\$379,837.71

Staff recommends authorizing the Finance Director to increase appropriations of \$87,377.71 to 901305-65501 and reduce appropriations as follows: 901286-65501 \$48,704.76, 901298-65501 \$27,666.36 and 901307-65501 \$11,006.59.

Environmental:

Staff has performed a preliminary environmental assessment of this project and determined that it falls within a Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the installation of new bocce courts within existing City facilities is a minor alteration of an existing public facility involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project. A CEQA Notice of Exemption was approved by Council at the meeting for Approval of Plans Specification, and Estimate. Staff will coordinate filing the Notice of Exemption prior to commencement of the project.

Alternatives:

1. Instruct staff to include or exclude items from the alternate bid schedules. This may increase or decrease the total project cost, depending on the items included or excluded.
2. Instruct the staff to utilize different funding sources to fund the project.

Reccomendation:

Adopt a Resolution which takes the following actions:

- A. Awards a construction contract to Figueroa Landscape Company, Inc. of Woodland, CA in the amount of their total base bid \$309,419.66, plus Bid Alternate Schedule 2, Item No. 17 in the amount of \$20,874.00, for a total amount of \$330,293.66
- B. Authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney
- C. Authorizes the Finance Director to make necessary supplemental appropriations to fund the Montna Bocce Ball Courts Project

Attachments:

1. Resolution
2. Exhibit A - Contract Agreement
3. Attachment 2 - Project Exhibit

Prepared By:

Josh Wolffe
Associate Civil Engineer

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AWARDING A CONSTRUCTION CONTRACT TO FIGUEROA LANDSCAPE COMPANY, INC.
THE AMOUNT OF THEIR TOTAL BASE BID, PLUS BID ALTERNATE ITEM 17, FOR A
TOTAL BID OF \$330,293.66, AUTHORIZING THE CITY MANAGER TO EXECUTE THE
CONTRACT ON BEHALF OF THE CITY, SUBJECT TO REVIEW AND APPROVAL AS TO
LEGAL FORM BY THE CITY ATTORNEY, AND AUTHORIZING THE FINANCE DIRECTOR
TO MAKE NECESSARY SUPPLEMENTAL APPROPRIATIONS TO FUND THE MONTNA
BOCCE BALL COURT PROJECT**

WHEREAS, the City of Yuba City advertised for bids for the City of Yuba City's Montna Bocce Ball Courts Project; and

WHEREAS, in response to the advertisement, the City received twelve (12) bids for the Montna Bocce Ball Courts Project in the following bid amounts:

Figueroa Landscape Company, Inc.	\$309,419.66
PBM Construction, Inc.	\$322,417.00
Hyatt Contracting, Inc.	\$332,914.75
ABS Builders, Inc.	\$342,771.62
Lamon Construction Co., Inc.	\$363,790.75
Baldoni Construction Services, Inc.	\$381,565.00
The Design Build, Inc.	\$404,294.00
North Star Construction and Engineering, Inc.	\$434,255.00
B&M Builders, Inc.	\$441,750.00
Santos Excavating, Inc.	\$448,593.00
JPB Designs, Inc.	\$456,755.00
Abide Builders	\$673,350.00; and

WHEREAS, the City Public Works Department has reviewed the twelve (12) bids, and examined Figueroa Landscape Company, Inc. and its bid response, found it to be both the lowest qualified responsive and responsible bidder, and has recommended it for award of this project; and

WHEREAS, Staff has performed a preliminary environmental assessment of this project and has determined that it falls within Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the installation of new bocce courts within existing City facilities is a minor alteration of an existing public facility involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project. A CEQA Notice of Exemption was approved by Council at the meeting for Approval of Plans Specification, and Estimate. Staff will coordinate filing the Notice of Exemption prior to commencement of the project.; and

WHEREAS, the City desires to award the bid to Figueroa Landscape Company, Inc. of Woodland, CA and enter into an agreement with Figueroa Landscape Company, Inc. to construct Montna Bocce Ball Courts Project.

NOW, THEREFORE, be it resolved by the City Council of Yuba City as follows:

Section 1. The City Council of the City of Yuba City does hereby accept the twelve (12) bids received as noted above, finds that Figueroa Landscape Company, Inc. is the lowest responsive and responsible bidder, and awards the construction contract to Figueroa Landscape Company, Inc. in the amount of their total base bid, plus Bid Alternate Item 17, for a Total bid of \$330,293.66 for the Montna Bocce Ball Courts Project. Said contract agreement shall substantially comply with the terms and conditions presented in the draft agreement attached to this Resolution, shall be subjected to review and approval as to legal form by the City Attorney, and the City Manager shall be authorized to execute the same on behalf of the City of Yuba City.

Section 2. The City Council of the City of Yuba City authorizes the Finance Director to make necessary supplemental appropriations to fund the Montna Bocce Ball Courts Project.

Section 3. This Resolution shall take effect immediately.

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 16th day of January, 2024.

AYES:

NOES:

ABSENT:

ATTEST:

Shon Harris, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

A. Exhibit A – Agreement – Contract No. 1305-CON-23

EXHIBIT A

**CONTRACT AGREEMENT
CONTRACT
FOR THE CONSTRUCTION OF
MONTNA BOCCE BALL COURTS
CONTRACT NO:1305-CON-23**

THIS AGREEMENT, made and concluded this ____ day of _____, 2024, between the City of Yuba City, party of the first part, and _____, Contractor, part of the second part.

ARTICLE I. – WITNESSETH, That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the said party of the first part, and under the conditions expressed in the two bonds, bearing even date with these presents, and hereunto annexed, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by said party of the first part, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the City of Yuba City Public Works Department, the work described in the Special Provisions, Standard Specifications of the State of California Department of Transportation dated 2023, the Standard Plans dated 2023, including any addenda thereto and also in conformance with current Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished, which said special provisions, project plans, Standard Plans, Standard Specifications, and Labor Surcharge and Equipment Rental Rates are hereby specially referred to and by such reference made a part hereof.

The special provisions for the work to be done are dated 12/15/2023 and are entitled:

BID BOOK

**NOTICE TO CONTRACTORS
SPECIAL PROVISIONS
PROPOSAL
AND CONTRACT**

FOR

**MONTNA BOCCE BALL COURTS
CONTRACT NO: 1305-CON-23**

The project plans for the work to be done were approved May 16, 2023 and are entitled:

**PROJECT PLANS FOR
MONTNA BOCCE BALL COURTS
CONTRACT NO: 1305-CON-23**

ARTICLE II. – The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon the conditions herein set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III. – The State general prevailing wage rates determined by the Director of Industrial Relations are hereby made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith. When the project is subject to both State and Federal hourly minimum rates for wages and fringe benefits and when the two rates differ for similar kinds of labor, the Contractor shall not pay less than the higher rate.

ARTICLE IV. – By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in conformance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. – And the said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage, arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City of Yuba City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications, and the requirements of the Engineer under them, to wit.

Approved as to legal form:

City Attorney
City of Yuba City

CITY OF YUBA CITY

Diana Langley
City Manager

Date

CONTRACTOR

Company Name

Company Address

Phone Number

Signature

Name (Printed)

Title

Date

BID ITEM LIST

Base Bid Schedule					
Bid Item	Item Description	Unit	Quantity	Unit Price	Total Price
1	Mobilization/Demobilization	LS	1	\$63,170.00	\$63,170.00
2	Temporary Construction Fence	LF	450	\$6.50	\$2,925.00
3	Clearing and Grubbing	SF	9,900	\$1.37	\$13,563.00
4	Remove Existing Concrete	SY	155	\$45.60	\$7,068.00
5	Finish Grading (Court, Sidewalk, Concrete Pads)	SF	10,950	\$1.09	\$11,935.50
6	Class 2 Aggregate Base	CY	110	\$90.43	\$9,947.30
7	Minor Concrete - Bocce Courts (Includes Wire Mesh Reinforcement and 6" Curbs with Weep Holes)	SF	7,335	\$11.54	\$84,645.90
8	Minor Concrete - Sidewalk, Concrete Pads	SF	940	\$20.85	\$19,599.00
9	Stabilized Decomposed Granite	SF	2,900	\$7.84	\$22,736.00
10	Bocce Court Surfacing - Includes Court Turf and Perimeter Rubber Strip	LS	1	\$54,790.00	\$54,790.00
11	Provide and Install Custom Gateway Arch	LS	1	\$3,857.00	\$3,857.00
12	Bocce Rules Sign with Post	EA	1	\$1,184.00	\$1,184.00
13	Bocce Scoreboard with Post	EA	4	\$1,782.00	\$7,128.00
14	3"x20"x3/16" Aluminum Bocce Ball Rack	EA	28	\$114.82	\$3,214.96
15	Steel Entrance Gates	EA	4	\$914.00	\$3,656.00
Bid Alternate Schedule 1 – Cost Deduction for Oyster Shell Courts					
46	Cost Deduction: Install Oyster Shells instead of artificial turf and concrete. (Unit price provided for this item will be deducted from base bid schedule City chooses to install Oyster Shell Courts instead of Turf Courts)	LS	4	-	-
Bid Alternate Schedule 2 – Site Furnishings					
17	6' Steel Bench	EA	7	2,982.00	\$20,874.00
18	6' Bench with Shade Canopy	EA	7	-	-
19	40' x 40' shade Structure	EA	4	-	-
Total Base Bid + Bid Alternate Item No. 17:				\$330,293.66	

ATTACHMENT 2

NOTCH IN CONCRETE. FACE OF NOTCH 35' FROM CENTER OF COURT. ONE ON EACH SIDE OF COURT, FOUR PER COURT. SEE DETAIL 5, SHEET 7 FOR MORE INFORMATION.

4"x4"x0.12" STEEL ENTRANCE GATES. SEE DETAIL 4, SHEET 7 FOR MORE INFORMATION.

PROTECT EXISTING LIGHT AND PULL BOX IN PLACE. ADJUST TO GRADE AS NECESSARY.

LAYOUT LEGEND:

INSTALL 3"x20"x3/16" ALUMINUM BOCCIE BALL RACK WITH FOUR HOLES, BOCCEMON OR EQUIVALENT. WET-SET SCREWS IN CONCRETE WITH WING NUTS PLACED AT BOTTOM OF SCREWS

INSTALL "BOCCEMON CLUB SCOREBOARD" OR EQUIVALENT WITH BLACK BACKGROUND AND WHITE CITY PARKS AND RECREATION LOGO, SEE DETAIL NOS. 11 AND 12, AND STANDARD DETAIL ST16, SHEET 10.

INSTALL "THE BOCCEMON COURT RULES BOARD" OR EQUIVALENT WITH COLOR CITY PARKS AND RECREATION LOGO, DETAIL NOS. 10 AND 13, AND STANDARD DETAIL ST16, SHEET 10.

EXPANSION JOINT. SEE DETAIL NO. 3, SHEET 7

SCORE JOINT. SEE DETAIL NO.3, SHEET 7.

TURF BOCCIE COURTS WITH CONCRETE BASE. SEE DETAILS 1, 2, AND 3, SHEET 7.

CALTRANS MINOR CONCRETE. 4" THICK CONCRETE ON 4" BASE ROCK COMPACTED TO 95% RELATIVE DENSITY.

3/8" MINUS DECOMPOSED GRANITE, GOLD COLORED. STABILIZED AND COMPACTED TO 90% RELATIVE DENSITY

DECORATIVE ENTRY ARCHWAY. SEE DETAIL NOS. 6-8, SHEET 9.

6' STEEL BENCH. SEE DETAIL 9, SHEET 10. (BID ALTERNATE)

RELOCATE EXISTING PICNIC BENCHES AS NOTED ON PLANS



0 16 32 Feet

CITY OF YUBA CITY

MONTNA BOCCIE BALL COURTS
CONSTRUCTION PLAN



SUBMITTED BY: J. WOLFFE	DESIGN BY: JGW	DRAWING NO. 5563-B
1201 CIVIC CENTER BLVD. YUBA CITY, CA 95993 (530) 822-3288	DRAWN BY: JGW CHECKED BY: STAFF DATE OF PLANS: 12/15/2023	SHEET <u>5</u> OF <u>11</u> SHEETS

NOTES:

- ONLY MAIN PAD AND COURT PERIMETER SIDEWALK SHALL BE REINFORCED WITH WIRE MESH. THE ENTRANCE SIDEWALK, PICNIC TABLE AND BENCH PADS, AND ADA RAMP SHALL BE NON-REINFORCED CONCRETE.
- ALL SIGNS AND SCOREBOARDS SHALL BE INSTALLED SUCH THAT THE TOP OF THE SIGNS AND SCOREBOARDS HAVE A HEIGHT OF 5' ABOVE THE CONCRETE GRADE.
- PAINTED COURT LINES:
 - 2" WHITE LINES SHALL BE INSTALLED AT THE CENTER LINE OF EACH COURT, AND ALSO 13' FROM THE BACK WALL OF EACH COURT. TWO COATS MINIMUM.
 - 2" YELLOW LINES SHALL BE INSTALLED AT 25' AND 30' FROM THE CENTERLINE OF EACH COURT, ON BOTH THE NORTH AND SOUTH SIDES OF EACH COURT. TWO COATS MINIMUM.

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Public Works
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Public Works - Development Services Supervisor Classification Adjustments

Recommendation: A. Adopt a Resolution:

1. Approving a side letter with the Mid-Managers bargaining unit to add the Planner – Senior classification, retitle the Engineer – Senior classification to Engineer – Senior Civil, and add the Public Works Maintenance Superintendent classification

2. Authorizing the Finance Director to amend the salary schedule to reestablish the Planner – Senior classification salary range, change the title of Engineer – Senior to Engineer – Senior Civil, and reestablish the Public Works Maintenance Superintendent classification salary range

3. Reclassifying the vacant Project Manager position to a Senior Civil Engineer position

B. Authorize the Finance Director to make budget adjustments as necessary

Fiscal Impact: None anticipated for Fiscal Year 23/24

Purpose:

To adjust three (3) mid-management classifications in the Public Works and Development Services Departments in order to better fit the organizational needs of the Departments.

Council's Strategic Goal:

This item addresses the City Council's Strategic Goals of *Public Safety* and *Business Friendly* by providing the classification and compensation options necessary to effectively recruit and retain quality supervisory employees responsible for the growth and maintenance of the City's public and private infrastructure.

Background:

The Public Works and Development Services Departments face a transitional period within their supervisory roles. While the Departments have a plethora of talented employees, the Departments

also anticipate some transitions in key positions. This has offered Department administration the opportunity to evaluate the structure and responsibilities of the supervisory classifications. The Departments are recommending amendments to the advanced professional levels in the Engineer and Planner series, and reclassification of the recently vacated Project Manager position to a Senior Civil Engineer position.

Additionally, Public Works would like to reestablish the Public Works Maintenance Superintendent mid-management classification for a potential future temporary or permanent management option for the Public Works – Maintenance Branch. The current Deputy Public Works Director - Maintenance has been on extended leave, and the Department would like to use this classification to provide an opportunity to temporarily transfer existing staff for interim management of the six (6) Maintenance Branch operating divisions.

Analysis:

Public Works and Development Services administration have evaluated the needs of their public services and staff development. The Department recommends the following changes to the supervisory classifications and salary schedule, effective January 27, 2024:

Public Works and Development Services Supervisor Classification Adjustments				
New Classification	Current Classification	Budgeted Positions	Action	Additional Information
Senior Civil Engineer	Senior Engineer	5 – no incumbents at Senior level	Name change	All budgeted positions currently underfilled
Senior Planner	N/A	0	Add to MM unit	Reestablish deleted classification
Public Works Maintenance Superintendent	N/A	0	Add to MM unit	Reestablish deleted classification
Senior Civil Engineer	Project Manager	1 – vacant	Reclassify	Provide more engineering project capacity

The change in name for the Senior Engineer and Project Manager classifications to "Senior Civil Engineer" does not involve any wage changes or other budgetary impact. The change is recommended in order to more effectively meet organization needs and facilitate anticipated future recruitment efforts.

In order to reestablish the Planner – Senior classification, Development Services requests that the following salary range be added to the salary schedule, set 15% above the Planner – Associate:

JCN	TITLE	1		2		3		4		5	
7065	Planner – Senior	\$7,611		\$7,992		\$8,392		\$8,812		\$9,253	
		\$43.91		\$46.11		\$48.42		\$50.84		\$53.38	
JCN	TITLE	1	2	3	4	5	6	7	8	9	
7465	Planner – Senior	\$7,611	\$7,802	\$7,992	\$8,192	\$8,392	\$8,602	\$8,812	\$9,032	\$9,253	
		\$43.91	\$45.01	\$46.11	\$47.26	\$48.42	\$49.63	\$50.84	\$52.11	\$53.38	

In order to reestablish the Public Works Maintenance Superintendent classification, Public Works requests that the following salary range be added to the salary schedule, derived from the City's 2022 survey :

JCN	TITLE	1		2		3		4		5	
7090	Public Works Maintenance Superintendent	\$9,071		\$9,525		\$10,001		\$10,501		\$11,026	
		\$52.33		\$54.95		\$57.70		\$60.58		\$63.61	
JCN	TITLE	1	2	3	4	5	6	7	8	9	
7490	Public Works Maintenance Superintendent	\$9,071	\$9,298	\$9,525	\$9,763	\$10,001	\$10,251	\$10,501	\$10,764	\$11,026	
		\$52.33	\$53.64	\$54.95	\$56.33	\$57.70	\$59.14	\$60.58	\$62.10	\$63.61	

Staff has communicated with the affected bargaining unit, the Mid-Managers. Representatives from the unit have approved these changes by executing a side letter to their Memorandum of Understanding (MOU) amending the represented positions as described above (Exhibit 1A).

Fiscal Impact:

The reclassification of the Project Manager to a Senior Civil Engineer is not anticipated to have any negative fiscal impact on Fiscal Year 23/24. The Department will likely underfill this position at the Assistant/Associate Civil Engineer level or at the entry level for a Senior Civil Engineer, which will result in cost savings from the prior position for a number of years. Public Works is currently recruiting for the Engineer series to fill one (1) current vacancy and the one (1) recommended reclassified vacancy. The particular positions within the series to be filled with those recruitments will depend on the education and experience of the successful candidates. There may be some cost savings in the Fiscal Year 23/24 budget associated with these new hires, should they be filled at the Assistant or Associate Civil Engineer levels.

There are no incumbent engineers or planners at the Senior level at this time.

The Department does not intend to allocate a permanent Public Works Maintenance Superintendent at this time.

Alternatives:

1. Do not approve the classification adjustments.
2. Direct staff to request the reclassification of the Project Manager to a Senior Civil Engineer in

the Fiscal Year 24/25 budget cycle, which will delay recruitment for the vacancy.

Recommendation:

A. Adopt a Resolution:

1. Approving a side letter with the Mid-Managers bargaining unit to add the Planner – Senior classification, retitle the Engineer – Senior classification to Engineer – Senior Civil, and add the Public Works Maintenance Superintendent classification.
2. Authorizing the Finance Director to amend the salary schedule to reestablish the Planner – Senior classification salary range, change the title of Engineer – Senior to Engineer – Senior Civil, and reestablish the Public Works Maintenance Superintendent classification salary range.
3. Reclassifying the vacant Project Manager position to a Senior Civil Engineer position.

B. Authorize the Finance Director to make budget adjustments as necessary.

Attachments:

1. Resolution - PW-DS Supervisor Classification Adjustments
2. 1-16-24 MM Classifications Side Letter

Prepared By:

Scarlett O. Harris
Administrative Analyst II

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. 24-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING A SIDE LETTER WITH THE MID-MANAGERS UNIT TO AMEND THEIR REPRESENTED CLASSIFICATIONS, AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE SALARY SCHEDULE, AND RECLASSIFYING THE VACANT PROJECT MANAGER POSITION TO REFLECT PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT SUPERVISORY ORGANIZATIONAL CHANGES

WHEREAS, the Public Works and Development Services Departments have identified the need to modify the organizational roles and responsibilities of a number of supervisory classifications; and

WHEREAS, the Development Services Department has identified the need to reestablish the Planner- Senior mid-management classification; and

WHEREAS, the Public Works Department has identified the need to reclassify the vacant Project Manager position to a Senior Civil Engineer position; and

WHEREAS, the Public Works Department has identified the need to reestablish the Public Works Maintenance Superintendent mid-management classification; and

WHEREAS, the City has evaluated staff's requests, as outlined below, and has determined them to be appropriate; and

WHEREAS, the Mid-Managers bargaining unit has agreed to modify the represented classifications in its Memorandum of Understanding in accordance with these requests.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

SECTION I. Unit Modifications.

- A. The classification of Planner – Senior will be reestablished and added to the Mid-Managers bargaining unit.
- B. The classification of Engineer – Senior will be retitled the Engineer – Senior Civil.
- C. The classification of Public Works Maintenance Superintendent will be reestablished and added to the Mid-Managers bargaining unit.
- D. The classifications added or altered will be governed by the terms of the Memorandum of Understanding applicable to the Mid-Managers bargaining unit.

SECTION II. Salary Schedule Amendments.

The following modifications of the City's salary schedule are approved to reflect the organizational changes and new or updated job classifications.

TITLE CHANGE

FROM:
ENGINEER – SENIOR

TO:
ENGINEER – SENIOR CIVIL

PLANNER – SENIOR

ADD:

JCN	TITLE	1		2		3		4		5	
7065	Planner – Senior	\$7,611		\$7,992		\$8,392		\$8,812		\$9,253	
		\$43.91		\$46.11		\$48.42		\$50.84		\$53.38	
JCN	TITLE	1	2	3	4	5	6	7	8	9	
7465	Planner – Senior	\$7,611	\$7,802	\$7,992	\$8,192	\$8,392	\$8,602	\$8,812	\$9,032	\$9,253	
		\$43.91	\$45.01	\$46.11	\$47.26	\$48.42	\$49.63	\$50.84	\$52.11	\$53.38	

PUBLIC WORKS MAINTENANCE SUPERINTENDENT

ADD:

JCN	TITLE	1		2		3		4		5	
7090	Public Works Maintenance Superintendent	\$9,071		\$9,525		\$10,001		\$10,501		\$11,026	
		\$52.33		\$54.95		\$57.70		\$60.58		\$63.61	
JCN	TITLE	1	2	3	4	5	6	7	8	9	
7490	Public Works Maintenance Superintendent	\$9,071	\$9,298	\$9,525	\$9,763	\$10,001	\$10,251	\$10,501	\$10,764	\$11,026	
		\$52.33	\$53.64	\$54.95	\$56.33	\$57.70	\$59.14	\$60.58	\$62.10	\$63.61	

SECTION III. Reclassification.

The vacant Project Manager position in the Engineering Division is reclassified to a Senior Civil Engineer position.

SECTION IV. Authorization.

The above modifications shall become effective with the payroll period beginning January 27, 2024.

The Finance Director is hereby authorized to amend the salary schedule and budget to reflect the adjustments, establish the salary steps, and make any necessary supplemental appropriations required.

SECTION V. Bargaining Unit Side Letter.

The attached side letter amending the Memorandum of Understanding between the City and the Mid-Managers (Exhibit 1A) is hereby approved and is incorporated herein by reference.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 16th day of January, 2024.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Stacey Sheston
BB&K, Special Counsel

Exhibits:

A. Side Letter with Mid-Managers

ATTACHMENT 1A

The City of Yuba City and the Mid-Managers Unit
Side Letter of Agreement to the
July 1, 2023 through June 25, 2027 MOU

The City of Yuba City ("City") and the Mid-Managers Unit ("Mid-Managers") have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act to this side letter amending their Memorandum of Understanding ("MOU"), with a current term of July 1, 2023 through June 25, 2027 as set forth below. This side letter of Agreement describes the Parties' full and complete agreement to amend that MOU by adding the language as set forth below.

Appendix "A" – Represented Classifications

The Mid-Managers Unit represents the following classifications:

Accounting Manager
Administrative Analyst III
Animal Services Manager
Chief Building Official
City Clerk Administrator
Deputy Director of Development Services
Deputy Public Works Director – Engineering
Deputy Public Works Director – Maintenance
Deputy Public Works Director – Utilities
Division Fire Chief
Engineer-Senior Civil
Environmental Compliance Manager
Information Security Administrator
Information Technology Manager
Park Maintenance Manager
Parks and Grounds Superintendent
Planner-Senior
Planning Manager
Project Manager
Public Works Maintenance Superintendent
Recreation Manager

Appendix "B" – 5 Step Salary Schedule
Attached

Appendix "C" – 9 Step Salary Schedule.
Attached

All other provisions of the MOU between the City and the Mid-Managers shall remain unchanged.

Date: _____

CITY OF YUBA CITY

Diana Langley, City Manager

Date: Jan 11, 2024

Mid-Managers

Ciara Wakefield
Ciara Wakefield (Jan 11, 2024 08:57 PST)

Ciara Wakefield

Phillip Marler
Phillip Marler (Jan 10, 2024 17:02 PST)

Phil Marler

Katherine Willis
Katherine Willis (Jan 10, 2024 14:24 PST)

Kathy Willis



Scott Chandler

Appendix "B" - 5 Step Salary Schedule

1/10/2024 1:24 PM

CITY OF YUBA CITY SALARY SCHEDULE AND GENERAL COMPENSATION PLAN EFFECTIVE JANUARY 27, 2024

Mid Managers - EMPLOYEES HIRED PRIOR TO APRIL 28, 2018

CLASSIFICATION	Group	SALARY STEPS					
		1	2	3	4	5	
7165* ACCOUNTING MANAGER	MM	10,041 57.93	10,543 60.83	11,070 63.87	11,624 67.06	12,205 70.42	Monthly Hourly
7070* ADMINISTRATIVE ANALYST III	MM	7,761 44.78	8,149 47.01	8,556 49.36	8,984 51.83	9,433 54.42	Monthly Hourly
7125* ANIMAL SERVICES MANAGER	MM	8,600 49.62	9,030 52.10	9,481 54.70	9,955 57.43	10,452 60.30	Monthly Hourly
7112* CHIEF BUILDING OFFICIAL	MM	9,857 56.87	10,350 59.71	10,868 62.70	11,411 65.83	11,981 69.12	Monthly Hourly
7418* CITY CLERK ADMINISTRATOR	MM	9,434 54.43	9,906 57.15	10,401 60.01	10,921 63.01	11,467 66.16	Monthly Hourly
7185 DEPUTY DIRECTOR OF DEVELOPMENT SERVICES	MM	11,468 66.16	12,041 69.47	12,643 72.94	13,275 76.59	13,939 80.42	Monthly Hourly
7175* DEPUTY P.W. DIRECTOR - ENGINEERING	MM	11,298 65.18	11,863 68.44	12,456 71.86	13,079 75.46	13,733 79.23	Monthly Hourly
7195* DEPUTY P.W. DIRECTOR - MAINTENANCE	MM	9,388 54.16	9,857 56.87	10,350 59.71	10,867 62.69	11,411 65.83	Monthly Hourly
7160* DEPUTY P.W. DIRECTOR - UTILITIES	MM	9,989 57.63	10,488 60.51	11,012 63.53	11,563 66.71	12,141 70.05	Monthly Hourly
7110* DIVISION FIRE CHIEF	MM	11,720 67.62	12,306 71.00	12,921 74.54	13,567 78.27	14,245 82.18	Monthly Hourly
7120* ENGINEER - SENIOR	MM	9,350 53.94	9,818 56.64	10,309 59.48	10,824 62.45	11,366 65.57	Monthly Hourly
7200* ENVIRONMENTAL COMPLIANCE MANAGER	MM	9,080 52.38	9,534 55.00	10,011 57.76	10,512 60.65	11,037 63.68	Monthly Hourly

7205*	INFORMATION SECURITY ADMINISTRATOR	MM	9,043 52.17	9,495 54.78	9,970 57.52	10,469 60.40	10,992 63.42	Monthly Hourly
7105*	INFORMATION TECHNOLOGY MANAGER	MM	10,018 57.80	10,519 60.69	11,045 63.72	11,597 66.91	12,177 70.25	Monthly Hourly
7043*	PARK MAINTENANCE MANAGER	MM	6,928 39.97	7,274 41.97	7,638 44.07	8,020 46.27	8,421 48.58	Monthly Hourly
7044*	PARKS AND GROUNDS SUPERINTENDENT	MM	8,600 49.62	9,030 52.10	9,481 54.70	9,955 57.43	10,452 60.30	Monthly Hourly
7065*	PLANNER-SENIOR	MM	7,611 43.91	7,992 46.11	8,392 48.42	8,812 50.84	9,253 53.38	Monthly Hourly
7060*	PLANNING MANAGER	MM	9,556 55.13	10,034 57.89	10,536 60.78	11,063 63.83	11,616 67.01	Monthly Hourly
7085*	PROJECT MANAGER	MM	7,879 45.46	8,273 47.73	8,687 50.12	9,121 52.62	9,578 55.26	Monthly Hourly
7090*	PUBLIC WORKS MAINTENANCE SUPERINTENDENT	MM	9,071 52.33	9,525 54.95	10,001 57.70	10,501 60.58	11,026 63.61	Monthly Hourly
7046*	RECREATION MANAGER	MM	8,062 46.51	8,465 48.84	8,888 51.28	9,332 53.84	9,799 56.53	Monthly Hourly

MOU Article 1.5 - Bilingual Pay - effective November 18, 2023

Employees who are proficient in speaking a foreign language, as determined by the City receive bilingual pay in the amount of 1.4% of the base rate of pay

- - -

* Indicates classifications which are not eligible for overtime compensation and are exempt from the Fair Labor Standards Act (FLSA).

EMPLOYEE BARGAINING GROUPS

CON - Confidential
PUE, Local #1 - General Employees
DH - Department Head
MM - Middle Manager
FM - Fire Management

FLM - 1st Level Manager
PD - Police Department
FIRE - Fire Department
PSMM - Police Sworn Mid Manager
PS - Police Sergeant

Appendix "C" - 9 Step Salary Schedule

1/10/2024 1:25 PM

CITY OF YUBA CITY SALARY SCHEDULE AND GENERAL COMPENSATION PLAN EFFECTIVE JANUARY 27, 2024

Mid Managers - EMPLOYEES HIRED ON OR AFTER APRIL 28, 2018

CLASSIFICATION			Group	SALARY STEPS								
				1	2	3	4	5	6	7	8	9
7565*	ACCOUNTING MANAGER	MM	10,041	10,292	10,543	10,807	11,070	11,347	11,624	11,915	12,205	Monthly
			57.93	59.38	60.83	62.35	63.87	65.46	67.06	68.74	70.42	Hourly
7470*	ADMINISTRATIVE ANALYST III	MM	7,761	7,955	8,149	8,353	8,556	8,770	8,984	9,209	9,433	Monthly
			44.78	45.89	47.01	48.19	49.36	50.60	51.83	53.13	54.42	Hourly
7525*	ANIMAL SERVICES MANAGER	MM	8,600	8,815	9,030	9,256	9,481	9,718	9,955	10,204	10,452	Monthly
			49.62	50.86	52.10	53.40	54.70	56.07	57.43	58.87	60.30	Hourly
7512*	CHIEF BUILDING OFFICIAL	MM	9,857	10,104	10,350	10,609	10,868	11,140	11,411	11,696	11,981	Monthly
			56.87	58.29	59.71	61.21	62.70	64.27	65.83	67.48	69.12	Hourly
7419*	CITY CLERK ADMINISTRATOR	MM	9,434	9,670	9,906	10,154	10,401	10,661	10,921	11,194	11,467	Monthly
			54.43	55.79	57.15	58.58	60.01	61.51	63.01	64.58	66.16	Hourly
7585	DEPUTY DIRECTOR OF DEVELOPMENT SERVICES	MM	11,468	11,755	12,041	12,342	12,643	12,959	13,275	13,607	13,939	Monthly
			66.16	67.82	69.47	71.20	72.94	74.76	76.59	78.50	80.42	Hourly
7575*	DEPUTY P.W. DIRECTOR - ENGINEERING	MM	11,298	11,581	11,863	12,160	12,456	12,768	13,079	13,406	13,733	Monthly
			65.18	66.81	68.44	70.15	71.86	73.66	75.46	77.34	79.23	Hourly
7595*	DEPUTY P.W. DIRECTOR - MAINTENANCE	MM	9,388	9,623	9,857	10,104	10,350	10,609	10,867	11,139	11,411	Monthly
			54.16	55.52	56.87	58.29	59.71	61.21	62.69	64.26	65.83	Hourly
7560*	DEPUTY P.W. DIRECTOR - UTILITIES	MM	9,989	10,239	10,488	10,750	11,012	11,288	11,563	11,852	12,141	Monthly
			57.63	59.07	60.51	62.02	63.53	65.12	66.71	68.38	70.05	Hourly
7510*	DIVISION FIRE CHIEF	MM	11,720	12,013	12,306	12,614	12,921	13,244	13,567	13,906	14,245	Monthly
			67.62	69.31	71.00	72.77	74.54	76.41	78.27	80.23	82.18	Hourly
7520*	ENGINEER - SENIOR	MM	9,350	9,584	9,818	10,064	10,309	10,567	10,824	11,095	11,366	Monthly
			53.94	55.29	56.64	58.06	59.48	60.96	62.45	64.01	65.57	Hourly
7600*	ENVIRONMENTAL COMPLIANCE MANAGER	MM	9,080	9,307	9,534	9,773	10,011	10,262	10,512	10,775	11,037	Monthly
			52.38	53.69	55.00	56.38	57.76	59.20	60.65	62.16	63.68	Hourly

7605*	INFORMATION SECURITY ADMINISTRATOR	MM	9,043 52.17	9,269 53.48	9,495 54.78	9,733 56.15	9,970 57.52	10,220 58.96	10,469 60.40	10,731 61.91	10,992 63.42	Monthly Hourly
7505*	INFORMATION TECHNOLOGY MANAGER	MM	10,018 57.80	10,269 59.24	10,519 60.69	10,782 62.20	11,045 63.72	11,321 65.31	11,597 66.91	11,887 68.58	12,177 70.25	Monthly Hourly
7443*	PARK MAINTENANCE MANAGER	MM	6,928 39.97	7,101 40.97	7,274 41.97	7,456 43.02	7,638 44.07	7,829 45.17	8,020 46.27	8,220 47.42	8,421 48.58	Monthly Hourly
7444*	PARKS AND GROUNDS SUPERINTENDENT	MM	8,600 49.62	8,815 50.86	9,030 52.10	9,256 53.40	9,481 54.70	9,718 56.07	9,955 57.43	10,204 58.87	10,452 60.30	Monthly Hourly
7465*	PLANNER-SENIOR	MM	7,611 43.91	7,802 45.01	7,992 46.11	8,192 47.26	8,392 48.42	8,602 49.63	8,812 50.84	9,032 52.11	9,253 53.38	Monthly Hourly
7460*	PLANNING MANAGER	MM	9,556 55.13	9,795 56.51	10,034 57.89	10,285 59.34	10,536 60.78	10,800 62.31	11,063 63.83	11,339 65.42	11,616 67.01	Monthly Hourly
7485*	PROJECT MANAGER	MM	7,879 45.46	8,076 46.59	8,273 47.73	8,480 48.92	8,687 50.12	8,904 51.37	9,121 52.62	9,349 53.94	9,578 55.26	Monthly Hourly
7490*	PUBLIC WORKS MAINTENANCE SUPERINTENDENT	MM	9,071 52.33	9,298 53.64	9,525 54.95	9,763 56.33	10,001 57.70	10,251 59.14	10,501 60.58	10,764 62.10	11,026 63.61	Monthly Hourly
7446*	RECREATION MANAGER	MM	8,062 46.51	8,264 47.68	8,465 48.84	8,677 50.06	8,888 51.28	9,110 52.56	9,332 53.84	9,565 55.18	9,799 56.53	Monthly Hourly

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Employees who are proficient in speaking a foreign language, as determined by the City
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* Indicates classifications which are not eligible for overtime compensation and are exempt from the Fair Labor Standards Act (FLSA).

EMPLOYEE BARGAINING GROUPS

CON - Confidential

PUE, Local #1 - General Employees

DH - Department Head

MM - Middle Manager

FM - Fire Management

FLM - 1st Level Manager

PD - Police Department

FIRE - Fire Department

PSMM - Police Sworn Mid Manager

PS - Police Sergeant

CITY OF YUBA CITY
STAFF REPORT

Date: January 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Public Works
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Bogue Road Improvements – SR-99 to Railroad Avenue (Design Award)

Recommendation: A. Adopt a Resolution awarding a Professional Services Agreement to MHM, Inc. of Marysville, CA for design services for the Bogue Road Improvements Project, including associated SR-99 and sewer extension work, in the amount of \$363,199 plus a 5% contingency of \$18,160 for a total contract amount of \$381,359, with the finding that it is in the best interest of the City

B. Authorize an additional \$150,000 in annual professional services to MHM, Inc. of Marysville, CA, for a total expenditure of up to \$450,000 for Fiscal Year 23/24 for on-call engineering, surveying, and design services

C. Authorize the Finance Director to make budget adjustments and related transfers in the amount of \$270,000 in Development Impact Fee funds from the designated Third Bridge Right-of-Way Development Impact Fee fund balance to Account No. 931295-65501 (Bogue Road Sewer Extension Project) and \$30,000 in Streets and Roads funds from Bridge Street Widening Account No. 921187-65501 to Account No. 921295-65501

Fiscal Impact: \$422,961 – Total Design Cost
 \$381,359 – Contract Award Amount
 \$228,398 – Account No. 931295-65501 (DIF funds)
 \$122,961 – Account No. 941295-65501 (ARPA funds)
 \$30,000 – Account No. 921295-65501 (Road funds)
 \$41,602 – Design Management

Purpose:

To develop improvement plans for the future construction of Bogue Road transportation and wastewater collection improvements from State Route 99 (SR-99) to Railroad Avenue, in association with adjacent Newkom Ranch development.

Council's Strategic Goals:

This project addresses City Council's Strategic Goals of improving the City's *Infrastructure* while being *Business Friendly* through development partnership in the Bogue-Stewart Master Plan area.

Background:

On October 17, 2023, City Council authorized staff to initiate an Amendment to the Development Agreement with Newkom Ranch regarding the proposed infrastructure improvements needed along Bogue Road in the project area, in order to modify City and developer cost obligations and timelines to effectively facilitate the transportation and utility improvements. This amendment is in progress for consideration at the January 24, 2024 Planning Commission meeting, and is anticipated to be brought to Council in February.

Staff has coordinated the proposed scope with MHM, Inc. of Marysville CA (MHM) to provide design services for the future construction of the Bogue Road Improvements Project – SR-99 to Railroad Avenue, including road improvements, road maintenance, and sewer line extension work. In order to continue to move the project forward, staff recommends the initiation of MHM's design work in advance of the formal Amendment approval.

Analysis:

Staff recommends MHM for the project design due to their long-term experience on associated design and project management work. MHM has been the Engineer of Record associated with the Bogue-Stewart Master Plan over the past 10 years, including work specific to the Newkom Ranch development. MHM is currently producing the design documents for the Newkom Ranch on-site improvements and has also provided professional services across the City on various infrastructure improvement projects of similar scope. Therefore, staff believes MHM is uniquely qualified to provide the professional design services for the Bogue Road Improvements Project – SR-99 to Railroad Avenue which minimize cost, expedite delivery timelines, and provide consistent, quality design with other recent public and private developments.

MHM's proposal for the work is \$363,199, billed hourly at the included rates (Exhibit 1A). A summary of the scope of work is as follows:

- Project management and coordination for the Bogue Road Improvements Project – SR-99 to Railroad Avenue, including the extension of the sewer main and associated pump station
- Geotechnical Evaluations
- Design Engineering for Bogue Road Improvements
- Design Engineering for SR-99 Improvements
- Design Engineering for Sewer Pump Station Improvements

It is anticipated that it will take MHM approximately six to seven months to complete the plans, specifications, and estimates.

Fiscal Impact:

The recommended contract total is \$381,359, consisting of the \$363,199 proposal plus 5% contingency; the contract is to be funded by \$228,398 in Development Impact Fee (DIF) funds, \$122,961 in American Rescue Plan Act (ARPA) funds, and \$30,000 in Road funds. Funding is also required for necessary staff labor, fees, and other engineering costs.

On June 20, 2023, Council authorized staff to utilize MHM for professional services in the amount of \$300,000 as part of the FY 23/24 Citywide Sole Source and Professional Services item. The City has thus far encumbered approximately \$11,000 of this authorized amount, leaving a balance of \$289,000. In order to accommodate both the proposed agreement and projected additional needs for the remainder of the fiscal year, staff is recommending increasing the authorized amount by \$150,000 for a total of

\$450,000.

Staff recommends expanding the current Bogue Road Sewer Extension Project (Capital Improvement Program Account No. 1295) to include the adjacent road improvements required from SR-99 to Railroad Avenue for consistent budgeting and accounting. This account is currently funded with ARPA and wastewater enterprise funds for the wastewater improvements portion of the project.

In order to fund the design, staff labor, and fees required at this time for the DIF-eligible road improvements and the existing road maintenance portions of the project, staff requests reallocation of \$270,000 from the Third Bridge Right-of-Way DIF and \$30,000 in Streets and Roads funds remaining from the Bridge Street Widening Project (Account No. 921187-65501). The DIF balance for the Third Bridge is an estimated \$787,000.

Construction of the road portions of the project is preliminary estimated to be \$10 million, which will require future funding consideration through the annual budget process. The \$3.5 million estimated cost for the sewer extension is currently programmed in the project account.

Alternatives:

1. Direct staff to modify the design scope and associated costs.
2. Direct staff to issue a request for proposals to obtain additional design proposals
3. Reconsider design services after the amendment to the Development Agreement with Newkom Ranch is completed.

These alternatives are not anticipated to result in cost savings and will likely result in delaying the development of the project plans and specifications, which could potentially prevent the project from starting during the 2024 construction season.

Recommendation:

A. Adopt a Resolution awarding a Professional Services Agreement to MHM, Inc. of Marysville, CA for design services for the Bogue Road Improvements Project, including associated SR-99 and sewer extension work, in the amount of \$363,199 plus a 5% contingency of \$18,160 for a total contract amount of \$381,359, with the finding that it is in the best interest of the City.

B. Authorize an additional \$150,000 in annual professional services to MHM, Inc. of Marysville, CA, for a total expenditure of up to \$450,000 for Fiscal Year 23/24 for on-call engineering, surveying, and design services.

C. Authorize the Finance Director to make budget adjustments and related transfers in the amount of \$270,000 in Development Impact Fee funds from the designated Third Bridge Right-of-Way Development Impact Fee fund balance to Account No. 931295-65501 (Bogue Road Sewer Extension Project) and \$30,000 in Streets and Roads funds from Bridge Street Widening Account No. 921187-65501 to Account No. 921295-65501.

Attachments:

1. Resolution - Bogue Rd Imp Design
2. Bogue Road Improvements - Design PSA - MHM

Prepared By:

Benjamin K. Moody
Public Works and Development Services Director

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO MHM, INC. FOR DESIGN
SERVICES RELATED TO THE BOGUE ROAD IMPROVEMENTS – STATE ROUTE 99 to
RAILROAD AVENUE PROJECT AND AUTHORIZING THE FINANCE DIRECTOR TO
NECESSARY TRANSFERS AND RELATED BUDGET ADJUSTMENTS**

WHEREAS, on October 17, 2023, Council authorized staff to initiate modifications to the Development Agreement with Newkom Ranch, LLC regarding Bogue Road infrastructure to help upfront City obligations related to the associated Bogue Road infrastructure improvements; and

WHEREAS, staff has coordinated with MHM, Inc. of Marysville, CA to provide a proposal for design services for the future construction of the Bogue Road transportation and utilities improvements, from State Route 99 to Railroad Avenue; and

WHEREAS, an Amendment to the Development Agreement with Newkom Ranch, LCC is being created with anticipation that it will be considered for recommendation at the City Planning Commission meeting on January 24, 2024, and then by the Council in February; and

WHEREAS, in lieu of waiting for the finalization of the Development Agreement Amendment, before coordinating design services, staff is proposing Council award the design services in advance in order to avoid project delays; and

WHEREAS, MHM, Inc. has been the Engineer of Record associated with the Bogue Stewart Master Plan development, with work beginning over 10 years ago with ongoing complimentary work in the area; and

WHEREAS, MHM, Inc. has extensive experience working with the City on various infrastructure improvement projects, and is in a unique position to provide professional design services to the City that is in the best interest of the City for minimizing costs, expediting delivery timelines, and providing consistent coordinated designs across public and private developments; and

WHEREAS, on June 20, 2023, Council authorized expenditures of up to \$300,000 with MHM, Inc. for on-call engineering, surveying, and design services for Fiscal Year 23/24.

NOW, THEREFORE, the City Council of the City of Yuba City resolves as follows:

1. The City Council finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. The City Council does hereby award a Professional Services Agreement to MHM, Inc. of Marysville, CA for design services related to the Bogue Road Improvements Project, including associated SR-99 and sewer extension work, in the amount of \$363,199 plus \$18,160 (5% contingency), total amount of \$381,359, with the finding that it is in the best interest of the City.
3. The City Council does hereby authorize an additional \$150,000 in annual professional services to MHM, Inc. of Marysville, CA, for a total expenditure of up to \$450,000 for Fiscal Year 23/24 for on-call engineering, surveying, and design services.

4. The City Council does hereby authorize the Finance Director to make budget adjustments and related transfers in the amount of \$270,000 in Development Impact Fee funds from the designated Third Bridge Right-of-Way Development Impact fee fund balance to Account No. 931295-65501 (Bogue Road Sewer Extension Project) and \$30,000 in Streets and Roads funds from Account No. 921187-65501 (Bridge Street Widening Project) to Account No. 921295-65501.

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 16th day of January, 2024.

AYES:

NOES:

ABSENT:

ATTEST:

Shon Harris, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit 1A – Agreement for Professional Services

EXHIBIT 1A

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into as of _____, 2024, by and between the City of Yuba City, a municipal corporation ("City") and **MHM, Inc.** ("Consultant").

RECITALS

- A. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein; and
- C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

1. Scope of Services. The Consultant shall furnish the following engineering design services in a professional manner.

**See Attached Scope of Services
(Exhibit A)**

2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is completed and approved by the City. Finalization shall be completed at the direction of the City of Yuba City.
3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed **Three Hundred Eighty-One Thousand, Three Hundred Fifty-Nine Dollars (\$381,359)** without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's invoices shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenses. City shall pay Consultant not later than 30 days after

approval of the monthly invoice by City staff. When payments made by the City equal 90% of the maximum fee provided for in this Agreement, no further payments shall be made until the final work under this Agreement has been accepted by City.

5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from City.
6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination. Such compensation is subject to the conditions of Section 4 of this agreement.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees, agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon request.
- * Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). Consultant shall require all subcontractors to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regards to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City. City shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to

Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant, which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

8. Consultant's Books and Records:

- a. Consultant shall maintain any and all ledgers, books of accounts, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
- b. Consultant shall maintain all documents and records which demonstrated performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
- c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Auditor or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

9. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an

independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. Will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and
- b. Possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(B)(2).)

10. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

11. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

12. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.

13. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature, which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of

Consultant to practice its profession. Consultant shall maintain a City of Yuba City business license.

14. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs, including attorney fees and expenses in connection therein), arising out of the performance of this Agreement in whole or in part by any negligent act or omission of the Consultant, or anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be liable, or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising out of the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.
15. Insurance Requirements. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, necessary insurance policies as described in Exhibit B.
16. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City	Ben Moody, Public Works Director Public Works Department City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 (530) 822-4626
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If to Consultant:	Sean Minard, PE Principal Civil Engineer MHM, Inc. 1204 E Street Marysville, CA 95901 (530) 742-6485
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17. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

18. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
19. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under the Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.
20. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
21. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
22. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Sutter.
23. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
24. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

25. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
26. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.
27. Prohibited Interest. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising there from.
28. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non- discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF YUBA CITY:

CONSULTANT:

By: _____

Diana Langley
City Manager
City of Yuba City

By: _____

Sean Minard
Principal Civil Engineer
MHM, Inc.

Attachments: Exhibit A – Scope of Services/Schedule of Charges
 Attachment 1 – Combined Fee Summaries
 Attachment 2 – Detailed Fee Estimates
 Attachment 3 – Estimated Number of Drawings
 Attachment 4 – Subconsultant Detail Fee Estimates
 Attachment 5 – Labor Rate Schedules
 Exhibit B – Insurance Requirements
 Exhibit C – Vendor Payment Options

Exhibit A
Scope of Services

Attachment No. 1
MMH - Engineering and Surveying Services
SR 99 and Bogue Road Improvement
COMBINED FEE SUMMARY

No.	Task Description	MMH	Blackburn	Marcus-Bole	Total Costs
ENGINEERING AND SURVEYING SERVICES - SR 99 AND BOGUE ROAD IMPROVEMENTS					
1	Project Management and Coordination				
1.1	Project Management (January 2, 2024 through June 30, 2024)	\$ 4,489	\$ 2,174	\$ —	\$ 6,662
1.2	Invoicing and Progress Reports	\$ 2,945	\$ 1,733	\$ —	\$ 4,678
1.3	Progress Meetings	\$ 3,990	\$ 2,594	\$ —	\$ 6,584
	Subtotal Project Management and Coordination	\$ 11,424	\$ 6,500	\$ —	\$ 17,924
2	Environmental and Permitting				
2.1	Wetland Determination	\$ —	\$ —	\$ —	\$ —
2.2	Biological Resource Evaluation	\$ —	\$ —	\$ —	\$ —
2.3	Environmental Permit Facilitation	\$ —	\$ —	\$ —	\$ —
2.4	Archeological Study	\$ —	\$ —	\$ —	\$ —
2.5	Tribal Cultural Resources	\$ —	\$ —	\$ —	\$ —
2.6	CEQA Initial Study/Mitigated Negative Declaration	\$ —	\$ —	\$ —	\$ —
	Subtotal Environmental and Permitting	\$ —	\$ —	\$ —	\$ —
3	Geotechnical Evaluations				
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA	\$ —	\$ 2,793	\$ —	\$ 2,793
3.2	Subsurface Exploration	\$ —	\$ —	\$ —	\$ —
3.3	Laboratory Testing	\$ —	\$ 7,319	\$ —	\$ 7,319
3.4	Perform Engineering Analysis and Calculations	\$ —	\$ 4,095	\$ —	\$ 4,095
3.5	Prepare Geotechnical Report	\$ —	\$ —	\$ —	\$ —
	Subtotal Geotechnical Evaluations	\$ —	\$ 14,207	\$ —	\$ 14,207
4	Design Engineering for State Route 99 Improvements				
4.1	Topographic Surveying and Mapping - SR 99 Improvements	\$ 8,841	\$ —	\$ —	\$ 8,841
4.2	90% PS&E and DDR - State Route 99 Improvements	\$ 38,464	\$ —	\$ —	\$ 38,464
4.3	100% PS&E and DDR - State Route 99 Improvements	\$ 27,686	\$ —	\$ —	\$ 27,686
4.4	Final PS&E and DDR - State Route 99 Improvements	\$ 17,338	\$ —	\$ —	\$ 17,338
4.5	Storm Water Pollution Prevention Plan (does not include implementation)	\$ 3,389	\$ —	\$ —	\$ 3,389
4.6	Bidding Support - State Route 99 Improvements	\$ 5,384	\$ —	\$ —	\$ 5,384
	Subtotal Design Engineering for State Route 99 Improvements	\$ 101,102	\$ —	\$ —	\$ 101,102
5	Design Engineering for Bogue Road Improvements				
5.1	Topographic Surveying and Mapping - Bogue Road Improvements	\$ 18,302	\$ —	\$ —	\$ 18,302
5.2	90% PS&E and DDR - Bogue Road Improvements	\$ 38,312	\$ —	\$ —	\$ 38,312
5.3	100% PS&E and DDR - Bogue Road Improvements	\$ 25,675	\$ —	\$ —	\$ 25,675
5.4	Final PS&E and DDR - Bogue Road Improvements	\$ 18,610	\$ —	\$ —	\$ 18,610
5.5	Storm Water Pollution Prevention Plan (does not include implementation)	\$ 3,389	\$ —	\$ —	\$ 3,389
5.6	Bidding Support - Bogue Road Improvements	\$ 6,502	\$ —	\$ —	\$ 6,502
	Subtotal Design Engineering for Bogue Road Improvements	\$ 110,790	\$ —	\$ —	\$ 110,790
	Subconsultants Markup (10%)	\$2,071			\$2,071
	TOTAL EFFORT	\$225,387	\$20,706	\$0	\$246,093

Attachment No. 1
MMH - Engineering and Surveying Services
Phillips Area Sewer Pump Station Improvements
COMBINED FEE SUMMARY

No.	Task Description	MMH	Blackburn	Frisch	Total Costs
ENGINEERING AND SURVEYING SERVICES - PHILLIPS ROAD AREA - REGIONAL SEWER PUMP STATION					
1	Project Management and Coordination				
1.1	Project Management (January 2, 2024 through July 31, 2024)	\$ 4,447	\$ —	\$ 2,599	\$ 7,046
1.2	Invoicing and Progress Reports	\$ 3,497	\$ —	\$ 2,310	\$ 5,807
1.3	Progress Meetings	\$ 4,526	\$ —	\$ 2,594	\$ 7,119
	Subtotal Project Management and Coordination	\$ 12,469	\$ —	\$ 7,502	\$ 19,971
2	Environmental and Permitting				
2.1	CVFPB Permit	\$ —	\$ —	\$ —	\$ —
2.2	Biological Resource Evaluation	\$ —	\$ —	\$ —	\$ —
2.3	Environmental Permit Facilitation	\$ —	\$ —	\$ —	\$ —
2.4	Archeological Study	\$ —	\$ —	\$ —	\$ —
2.5	Tribal Cultural Resources	\$ —	\$ —	\$ —	\$ —
2.6	CEQA Initial Study/Mitigated Negative Declaration	\$ —	\$ —	\$ —	\$ —
	Subtotal Environmental and Permitting	\$ —	\$ —	\$ —	\$ —
3	Geotechnical Evaluations				
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA	\$ —	\$ —	\$ —	\$ —
3.2	Subsurface Exploration	\$ —	\$ —	\$ —	\$ —
3.3	Laboratory Testing	\$ —	\$ —	\$ —	\$ —
3.4	Perform Engineering Analysis and Calculations	\$ —	\$ —	\$ —	\$ —
3.5	Prepare Geotechnical Report	\$ —	\$ —	\$ —	\$ —
	Subtotal Geotechnical Evaluations	\$ —	\$ —	\$ —	\$ —
4	Design Engineering for Sewer PS Improvements				
4.1	Topographic Surveying and Mapping - Sewer PS Improvements	\$ 3,977	\$ —	\$ —	\$ 3,977
4.2	90% PS&E and DDR - Sewer PS Improvements	\$ 17,707	\$ —	\$ 16,909	\$ 34,616
4.3	100% PS&E and DDR - Sewer PS Improvements	\$ 12,323	\$ —	\$ 11,273	\$ 23,596
4.4	Final PS&E and DDR - Sewer PS Improvements	\$ 8,854	\$ —	\$ 8,455	\$ 17,308
4.5	Storm Water Pollution Prevention Plan (does not include implementation)	\$ 3,127	\$ —	\$ —	\$ 3,127
4.6	Bidding Support - Sewer PS Improvements	\$ 5,384	\$ —	\$ 4,284	\$ 9,668
	Subtotal Design Engineering for Sewer PS Improvements	\$ 51,372	\$ —	\$ 40,921	\$ 92,293
	Subconsultants Markup (10%)	\$4,842			\$4,842
	TOTAL EFFORT	\$68,683	\$0	\$48,423	\$117,106

Attachment No. 2
MHM - Engineering and Surveying Services
SR 99 and Bogue Road Improvement
DETAILED FEE ESTIMATE

No.	Task Description	Labor													Expenses	Total
		E7	E6	E5	E4	E3	E2	T4	Soils	Survey	Acct	Clerical	Total Hours	Total Labor (\$)		
	Rates	270.00	240.00	195.00	185.00	175.00	162.00	162.00	200.00	320.00	140.00	115.00			5.00%	
ENGINEERING AND SURVEYING SERVICES - SR 99 AND BOGUE ROAD IMPROVEMENTS																
1	Project Management and Coordination															
1.1	Project Management (January 2, 2024 through June 30, 2024)	12										9	21	\$ 4,275	\$ 214	\$ 4,489
1.2	Invoicing and Progress Reports	6								6		3	15	\$ 2,805	\$ 140	\$ 2,945
4.3	Progress Meetings	6	6		4								16	\$ 3,800	\$ 190	\$ 3,990
	Subtotal Project Management and Coordination	24	6	0	4	0	0	0	0	0	6	12	52	\$ 10,880	\$ 544	\$ 11,424
2	Environmental and Permitting															
2.1	Wetland Determination												0	\$	\$	\$
2.2	Biological Resource Evaluation												0	\$	\$	\$
2.3	Environmental Permit Facilitation												0	\$	\$	\$
2.4	Archeological Study												0	\$	\$	\$
2.5	Tribal Cultural Resources												0	\$	\$	\$
2.6	CEQA Initial Study/Mitigated Negative Declaration												0	\$	\$	\$
	Subtotal Environmental and Permitting-	0	0	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
3	Geotechnical Evaluations															
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA												0	\$	\$	\$
3.2	Subsurface Exploration												0	\$	\$	\$
3.3	Laboratory Testing												0	\$	\$	\$
3.4	Perform Engineering Analysis and Calculations												0	\$	\$	\$
3.5	Prepare Geotechnical Report												0	\$	\$	\$
	Subtotal Geotechnical Evaluations	0	0	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
4	Design Engineering for State Route 99 Improvements															
4.1	Topographic Surveying and Mapping - SR 99 Improvements		2		8	4				18			32	\$ 8,420	\$ 421	\$ 8,841
4.2	90% PS&E and DDR - State Route 99 Improvements	12	48		64	24	36						184	\$ 36,632	\$ 1,832	\$ 38,464
4.3	100% PS&E and DDR - State Route 99 Improvements	8	36		48	16	24						132	\$ 26,368	\$ 1,318	\$ 27,686
4.4	Final PS&E and DDR - State Route 99 Improvements	6	24		24	12	16						82	\$ 16,512	\$ 826	\$ 17,338
4.5	Storm Water Pollution Prevention Plan (does not include implementation)		2			12	4						18	\$ 3,228	\$ 161	\$ 3,389
4.6	Bidding Support - State Route 99 Improvements	4	8		8		4						24	\$ 5,128	\$ 256	\$ 5,384
	Subtotal Design Engineering for State Route 99 Improvements	30	120	0	152	68	84	0	0	18	0	0	472	\$ 96,288	\$ 4,814	\$ 101,102
5	Design Engineering for Bogue Road Improvements															
5.1	Topographic Surveying and Mapping - Bogue Road Improvements		2		10	4				20			36	\$ 9,430	\$ 8,872	\$ 18,302
5.2	90% PS&E and DDR - Bogue Road Improvements	8	36		80	40	24						188	\$ 36,488	\$ 1,824	\$ 38,312
5.3	100% PS&E and DDR - Bogue Road Improvements	6	24		48	32	16						126	\$ 24,452	\$ 1,223	\$ 25,675
5.4	Final PS&E and DDR - Bogue Road Improvements	4	16		36	24	12						92	\$ 17,724	\$ 886	\$ 18,610
5.5	Storm Water Pollution Prevention Plan (does not include implementation)		2			12	4						18	\$ 3,228	\$ 161	\$ 3,389
5.6	Bidding Support - Bogue Road Improvements	4	8		12		6						30	\$ 6,192	\$ 310	\$ 6,502
	Subtotal Design Engineering for Bogue Road Improvements	22	88	0	186	112	62	0	0	20	0	0	490	\$ 97,514	\$ 13,276	\$ 110,790
	TOTAL EFFORT	76	214	0	342	180	146	0	0	38	6	12	1,014	\$ 204,682	\$ 18,634	\$ 223,316

Attachment No. 2
MHM - Engineering and Surveying Services
SR 99 and Bogue Road Improvement
DETAILED FEE ESTIMATE

No.	Task Description	Labor													Expenses	Total
													Total Hours	Total Labor (\$)		
		E7	E6	E5	E4	E3	E2	T4	Soils	Survey	Acct	Clerical				
	Rates	270.00	240.00	195.00	185.00	175.00	162.00	162.00	200.00	320.00	140.00	115.00			5.00%	
ENGINEERING AND SURVEYING SERVICES - SR 99 AND BOGUE ROAD IMPROVEMENTS																

Assumptions:

1.1 Project Management (January 2, 2024 through June 30, 2024)	6 months x 2.0 hours (Sean) + 6 months x 1.5 hours office staff
1.2 Invoicing and Progress Reports	6 months x 1.0 hours (Sean) + 6 months x 1.0 hours (bookkeeper) + 6 months x 0.5 hours (clerical)
1.3 Progress Meetings	6 meetings x 1.0 hours (Sean) + 6 meetings x 1.0 hours (Project Manager) + 4 meetings x 1.0 hours (Senior Engineer)
2.1 Wetland Determination	no MHM scope of work
2.2 Biological Resource Evaluation	no MHM scope of work
2.3 Environmental Permit Facilitation	no MHM scope of work
2.4 Archeological Study	no MHM scope of work
2.5 Tribal Cultural Resources	no MHM scope of work
2.6 CEQA Initial Study/Mitigated Negative Declaration	no MHM scope of work
3.1 Coordination, Document Review, Site Visit, Permit Acquisitions, USA	no MHM scope of work
3.2 Subsurface Exploration	no MHM scope of work
3.3 Laboratory Testing	no MHM scope of work
3.4 Perform Engineering Analysis and Calculations	no MHM scope of work
3.5 Prepare Geotechnical Report	no MHM scope of work
4.1 Topographic Surveying and Mapping - SR 99 Improvements	assume 18 Hours of 2 Man Survey Crew + Drone Aerial + 10 manhours for Mapping (DTM)
4.2 90% PS&E and DDR - State Route 99 Improvements	MHM has estimated the total number of drawings to be 30 (actual number to be determined during design)
4.3 100% PS&E and DDR - State Route 99 Improvements	MHM has estimated the total number of drawings to be 30 (actual number to be determined during design)
4.4 Final PS&E and DDR - State Route 99 Improvements	MHM has estimated the total number of drawings to be 30 (actual number to be determined during design)
4.6 Bidding Support - State Route 99 Improvements	assume 16 manhours + 4 hours per addenda. Total 2 addenda
5.1 Topographic Surveying and Mapping - Bogue Road Improvements	assume 20 Hours of 2 Man Survey Crew + Drone Aerial + 12 manhours for Mapping (DTM) + Road Safe Potholing 2 days at \$4,200 per day
5.2 90% PS&E and DDR - Bogue Road Improvements	MHM has estimated the total number of drawings to be 27 (actual number to be determined during design)
5.3 100% PS&E and DDR - Bogue Road Improvements	MHM has estimated the total number of drawings to be 27 (actual number to be determined during design)
5.4 Final PS&E and DDR - Bogue Road Improvements	MHM has estimated the total number of drawings to be 27 (actual number to be determined during design)
5.6 Bidding Support - Bogue Road Improvements	assume 18 manhours + 4 hours per addenda. Total 3 addenda
6.1 Conformed Plans and Specifications for SR 99	no MHM scope of work
6.2 Conformed Plans and Specifications for Bogue Road Improvements	no MHM scope of work

Attachment No. 2
MHM - Engineering and Surveying Services
Phillips Area Sewer Pump Station Improvements
DETAILED FEE ESTIMATE

No.	Task Description	Labor											Total Hours	Total Labor (\$)	Expenses	Total
		E7	E6	E5	E4	E3	E2	T4	Soils	Survey	Acct	Clerical				
		270.00	240.00	195.00	185.00	175.00	162.00	162.00	200.00	320.00	140.00	115.00				
	Rates														5.00%	
ENGINEERING AND SURVEYING SERVICES - PHILLIPS ROAD AREA - REGIONAL SEWER PUMP STATION																
1	Project Management and Coordination															
1.1	Project Management (January 2, 2024 through July 31, 2024)	11										11	22	\$ 4,235	\$ 212	\$ 4,447
1.2	Invoicing and Progress Reports	7									7	4	18	\$ 3,330	\$ 167	\$ 3,497
4.3	Progress Meetings	7	7		4								18	\$ 4,310	\$ 216	\$ 4,526
	Subtotal Project Management and Coordination	25	7	0	4	0	0	0	0	0	7	15	58	\$ 11,875	\$ 594	\$ 12,469
2	Environmental and Permitting															
2.1	CVFPB Permit												0	\$	\$	\$
2.2	Biological Resource Evaluation												0	\$	\$	\$
2.3	Environmental Permit Facilitation												0	\$	\$	\$
2.4	Archeological Study												0	\$	\$	\$
2.5	Tribal Cultural Resources												0	\$	\$	\$
2.6	CEQA Initial Study/Mitigated Negative Declaration												0	\$	\$	\$
	Subtotal Environmental and Permitting	0	0	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
3	Geotechnical Evaluations															
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA												0	\$	\$	\$
3.2	Subsurface Exploration												0	\$	\$	\$
3.3	Laboratory Testing												0	\$	\$	\$
3.4	Perform Engineering Analysis and Calculations												0	\$	\$	\$
3.5	Prepare Geotechnical Report												0	\$	\$	\$
	Subtotal Geotechnical Evaluations	0	0	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
4	Design Engineering for Sewer PS Improvements															
4.1	Topographic Surveying and Mapping - Sewer PS Improvements		2		4		4			6			16	\$ 3,788	\$ 189	\$ 3,977
4.2	90% PS&E and DDR - Sewer PS Improvements	12	24		32		12						80	\$ 16,864	\$ 843	\$ 17,707
4.3	100% PS&E and DDR - Sewer PS Improvements	8	16		24		8						56	\$ 11,736	\$ 587	\$ 12,323
4.4	Final PS&E and DDR - Sewer PS Improvements	6	12		16		6						40	\$ 8,432	\$ 422	\$ 8,854
4.5	Storm Water Pollution Prevention Plan (does not include implementation)		2		10		4						16	\$ 2,978	\$ 149	\$ 3,127
4.6	Bidding Support - Sewer PS Improvements	4	8		8		4						24	\$ 5,128	\$ 256	\$ 5,384
	Subtotal Design Engineering for Sewer PS Improvements	30	64	0	94	0	38	0	0	6	0	0	232	\$ 48,926	\$ 2,446	\$ 51,372
	TOTAL EFFORT	55	71	0	98	0	38	0	0	6	7	15	290	\$ 60,801	\$ 3,040	\$ 63,841

Attachment No. 2
MHM - Engineering and Surveying Services
Phillips Area Sewer Pump Station Improvements
DETAILED FEE ESTIMATE

No.	Task Description	Labor											Total Hours	Total Labor (\$)	Expenses	Total
		E7	E6	E5	E4	E3	E2	T4	Soils	Survey	Acct	Clerical				
		Rates														
		270.00	240.00	195.00	185.00	175.00	162.00	162.00	200.00	320.00	140.00	115.00			5.00%	
ENGINEERING AND SURVEYING SERVICES - PHILLIPS ROAD AREA - REGIONAL SEWER PUMP STATION																

Assumptions:

1.1 Project Management (January 2, 2024 through July 31, 2024)	7 months x 1.5 hours (Sean) + 7 months x 1.5 hours office staff
1.2 Invoicing and Progress Reports	7 months x 1.0 hours (Sean) + 7 months x 1.0 hours (bookkeeper) + 7 months x 0.5 hours (clerical)
1.3 Progress Meetings	7 meetings x 1.0 hours (Sean) + 7 meetings x 1.0 hours (Project Manager) + 4 meetings x 1.0 hours (Senior Engineer)
2.1 CVFPB Permit	no MHM scope of work
2.2 Biological Resource Evaluation	no MHM scope of work
2.3 Environmental Permit Facilitation	no MHM scope of work
2.4 Archeological Study	no MHM scope of work
2.5 Tribal Cultural Resources	no MHM scope of work
2.6 CEQA Initial Study/Mitigated Negative Declaration	no MHM scope of work
3.1 Coordination, Document Review, Site Visit, Permit Acquisitions, USA	no MHM scope of work
3.2 Subsurface Exploration	no MHM scope of work
3.3 Laboratory Testing	no MHM scope of work
3.4 Perform Engineering Analysis and Calculations	no MHM scope of work
3.5 Prepare Geotechnical Report	no MHM scope of work
4.1 Topographic Surveying and Mapping - Sewer PS Improvements	assume 6 Hours of 2 Man Survey Crew + Drone Aerial + 4 manhours for Mapping (DTM)
4.2 90% PS&E and DDR - Sewer PS Improvements	MHM has estimated 25 civil drawings and 14 electrical drawings for a total of 39 drawings (actual amount will be determined during design)
4.3 100% PS&E and DDR - Sewer PS Improvements	MHM has estimated 25 civil drawings and 14 electrical drawings for a total of 39 drawings (actual amount will be determined during design)
4.4 Final PS&E and DDR - Sewer PS Improvements	MHM has estimated 25 civil drawings and 14 electrical drawings for a total of 39 drawings (actual amount will be determined during design)
4.6 Bidding Support - Sewer PS Improvements	assume 16 manhours + 4 hours per addenda. Total 2 addenda

Attachment No. 3
MHM - Engineering and Surveying Services
SR 99 and Bogue Road Improvement
STATE ROUTE 99 IMPROVEMENTS
ESTIMATED NUMBER OF DRAWINGS

Sh No.	Drawings
1	Cover Sheet and Vicinity Map
2	Drawing Index
3	General Abbreviations
4	Civil Legend and Notes
5	Key Map and Line Index
6	Project Control
7	Layout Sheet (1"=40') - State Route 99
8	Layout Sheet (1"=40') - State Route 99
9	Layout Sheet (1"=40') - State Route 99
10	Signal Plans - Bogue Road
11	Signal Plans - Bogue Road
12	Signal Plans - Bogue Road
13	Signal Plans - Bogue Road
14	Utility Plan
15	Utility Plan
16	Pavement Delineation and Sign Plan
17	Pavement Delineation Details
18	Standard Civil Details
19	Standard Civil Details
20	Standard Civil Details
21	Construction Area Signs
22	Construction Area Signs
23	Stage Construction and Traffic Handling Sheet
24	Stage Construction and Traffic Handling Sheet
25	Stage Construction and Traffic Handling Sheet
26	Typical Cross Sections
27	Typical Cross Sections
28	Erosion Control Legend Basic Information Sheet
29	Erosion Control Plan Sheet
30	Erosion Control Plan Sheet

Attachment No. 3
MHM - Engineering and Surveying Services
SR 99 and Bogue Road Improvement
BOGUE ROAD IMPROVEMENTS
ESTIMATED NUMBER OF DRAWINGS

Sh No.	Drawings
1	Cover Sheet and Vicinity Map
2	Drawing Index
3	General Abbreviations
4	Civil Legend and Notes
5	Structural Notes 1
6	Mechanical Legend and Notes
7	Plan and Profile Sheets (1"=40') - Bogue Road
8	Plan and Profile Sheets (1"=40') - Bogue Road
9	Plan and Profile Sheets (1"=40') - Bogue Road
10	Signal Plans - Phillips Road
11	Signal Plans - Phillips Road
12	Signal Plans - Phillips Road
13	Signal Plans - Railroad Avenue
14	Signal Plans - Railroad Avenue
15	Signal Plans - Railroad Avenue
16	Pavement Delineation and Sign Plan
17	Pavement Delineation Details
18	Standard Civil Details
19	Standard Civil Details
20	Standard Civil Details
21	Traffic Control Details
22	Traffic Control Details
23	Traffic Control Details
24	Typical Cross Sections
25	Typical Cross Sections
26	Water Pollution Control Drawings
27	Water Pollution Control Drawings

Attachment No. 3
MHM - Engineering and Surveying Services
Phillips Area Sewer Pump Station Improvements
ESTIMATED NUMBER OF DRAWINGS

Sh No.	Drawings
1	Cover Sheet and Vicinity Map
2	Drawing Index
3	General Abbreviations
4	Civil Legend and Notes
5	Structural Notes 1
6	Mechanical Legend and Notes
7	Pump Station - Overall Site Plan
8	Pump Station - Grading Plan
9	Pump Station - Detailed Plans
10	Pump Station - Piping Sections
11	Pump Station - Piping Sections
12	Pump Station - Wet Well Section 1
13	Pump Station - Wet Well Section 2
14	Pump Station - Pump Curve and Service Area
15	Site Details 1
16	Site Details 2
17	Civil Details - Solid Wall
18	Civil Details - Rolling Gate Detail
19	Civil Details - Miscellaneous Metals Details
20	Civil Details - Pipe Details
21	Civil Details - Concrete Appurtenances Details
22	Civil Details - Bio Bed Details
23	Civil Details - Wet Well Details
24	Civil Details - Concrete Details 1
25	Civil Details - Concrete Details 2
26	Electrical - Symbols and Abbreviations
27	Electrical - One-Line and Pedestal Elevation
28	Electrical - Load Calculation and Panel Board Schedule
29	Electrical - Pump Elementary Diagram
30	Electrical - Backup Controls and Mission Diagrams
31	Electrical - PLC Power Distribution and Backpan Elevation
32	Electrical - Example PLC I/O Wiring Diagram
33	Electrical - Electrical Equipment and Wet wall Plans
34	Electrical - Electrical Site Plan
35	Electrical - Electrical Details #1
36	Electrical - Electrical Details #2
37	Electrical - Electrical Conduit Schedule
38	Electrical - Instrumentation Symbols and Abbreviations
39	Electrical - Lift Station P&ID

Attachment No. 4
BCI - Engineering Services
SR 99 and Bogue Road Improvement
DETAILED FEE ESTIMATE

No.	Task Description	Labor									Total Hours	Total Labor (\$)	Expenses	Total
		E7	E6	E5	E4	E3	E2	Soils	Acct	Clerical				
		Rates	285.00	245.00	200.00	190.00	180.00	167.00	200.00	145.00				
ENGINEERING AND SURVEYING SERVICES - SR 99 AND BOGUE ROAD IMPROVEMENTS													5.00%	
1	Project Management and Coordination													
1.1	Project Management (January 2, 2024 through June 30, 2024)	6								3	9	\$ 2,070	\$ 104	\$ 2,174
1.2	Invoicing and Progress Reports	3							3	3	9	\$ 1,650	\$ 83	\$ 1,733
1.3	Progress Meetings	6				4					10	\$ 2,470	\$ 124	\$ 2,594
	Subtotal Project Management and Coordination	15	0	0	4	0	0	0	3	6	28	\$ 6,190	\$ 310	\$ 6,500
2	Environmental and Permitting													
2.1	Wetland Determination										0	\$	\$	\$
2.2	Biological Resource Evaluation										0	\$	\$	\$
2.3	Environmental Permit Facilitation										0	\$	\$	\$
2.4	Archeological Study										0	\$	\$	\$
2.5	Tribal Cultural Resources										0	\$	\$	\$
2.6	CEQA Initial Study/Mitigated Negative Declaration										0	\$	\$	\$
	Subtotal Environmental and Permitting-	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -
3	Geotechnical Evaluations													
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA	4				8					12	\$ 2,660	\$ 133	\$ 2,793
3.2	Subsurface Exploration										0	\$	\$	\$
3.3	Laboratory Testing	2			8				24		34	\$ 6,970	\$ 349	\$ 7,319
3.4	Perform Engineering Analysis and Calculations	4			6	4			4		18	\$ 3,900	\$ 195	\$ 4,095
3.5	Prepare Geotechnical Report										0	\$	\$	\$
	Subtotal Geotechnical Evaluations	10	0	14	12	0	0	28	0	0	64	\$ 13,530	\$ 677	\$ 14,207
4	Design Engineering for State Route 99 Improvements													
4.1	Topographic Surveying and Mapping – SR 99 Improvements										0	\$	\$	\$
4.2	90% PS&E and DDR – State Route 99 Improvements										0	\$	\$	\$
4.3	100% PS&E and DDR – State Route 99 Improvements										0	\$	\$	\$
4.4	Final PS&E and DDR – State Route 99 Improvements										0	\$	\$	\$
4.5	Storm Water Pollution Prevention Plan (does not include implementation)										0	\$	\$	\$
4.6	Bidding Support – State Route 99 Improvements										0	\$	\$	\$
	Subtotal Design Engineering for State Route 99 Improvements	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
5	Design Engineering for Bogue Road Improvements													
5.1	Topographic Surveying and Mapping – Bogue Road Improvements										0	\$	\$	\$
5.2	90% PS&E and DDR – Bogue Road Improvements										0	\$	\$	\$
5.3	100% PS&E and DDR – Bogue Road Improvements										0	\$	\$	\$
5.4	Final PS&E and DDR – Bogue Road Improvements										0	\$	\$	\$
5.5	Storm Water Pollution Prevention Plan (does not include implementation)										0	\$	\$	\$
5.6	Bidding Support – Bogue Road Improvements										0	\$	\$	\$
	Subtotal Design Engineering for Bogue Road Improvements	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
	TOTAL EFFORT	25	0	14	16	0	0	28	3	6	92	\$ 19,720	\$ 986	\$ 20,706

Assumptions:

- 1.1 Project Management (January 2, 2024 through June 30, 2024)
- 1.2 Invoicing and Progress Reports

6 months x 1.0 hours (Bob) + 6 months x 0.5 hours office staff

6 months x 0.5 hours (Bob) + 6 months x 0.5 hours (bookkeeper) + 6 months x 0.5 hours (clerical)

Attachment No. 4
BCI - Engineering Services
SR 99 and Bogue Road Improvement
DETAILED FEE ESTIMATE

- 1.3 Progress Meetings
- 3.1 Coordination, Document Review, Site Visit, Permit Acquisitions, USA
- ~~3.2 Subsurface Exploration~~
- 3.3 Laboratory Testing
- 3.4 Perform Engineering Analysis and Calculations

6 meetings x 1.0 hours (Bob) + 4 meetings x 1.0 hours (Senior Engineer)
Assume 12 Manhours (no encroachment permits included in scope)
~~no BCI scope of work~~
Assume 34 Manhours to perform R-value and other laboratory testing of soil
Assume 18 Manhours

Attachment No. 4
Frich - Engineering Services
Phillips Area Sewer Pump Station Improvements
DETAILED FEE ESTIMATE

No.	Task Description	Labor									Total Hours	Total Labor (\$)	Expenses	Total
		E7	E6	E5	E4	E3	E2	T4	Acct	Clerical				
	Rates	285.00	245.00	200.00	190.00	180.00	167.00	162.00	145.00	120.00			5.00%	
ENGINEERING AND SURVEYING SERVICES - PHILLIPS ROAD AREA - REGIONAL SEWER PUMP STATION														
1	Project Management and Coordination													
1.1	Project Management (January 2, 2024 through July 31, 2024)	7								4	11	\$ 2,475	\$ 124	\$ 2,599
1.2	Invoicing and Progress Reports	4							4	4	12	\$ 2,200	\$ 110	\$ 2,310
1.3	Progress Meetings	6			4						10	\$ 2,470	\$ 124	\$ 2,594
	Subtotal Project Management and Coordination	17	0	0	4	0	0	0	4	8	33	\$ 7,145	\$ 357	\$ 7,502
2	Environmental and Permitting													
2.1	CVFPB Permit										0	\$	\$	\$
2.2	Biological Resource Evaluation										0	\$	\$	\$
2.3	Environmental Permit Facilitation										0	\$	\$	\$
2.4	Archeological Study										0	\$	\$	\$
2.5	Tribal Cultural Resources										0	\$	\$	\$
2.6	CEQA Initial Study/Mitigated Negative Declaration										0	\$	\$	\$
	Subtotal Environmental and Permitting	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
3	Geotechnical Evaluations													
3.1	Coordination, Document Review, Site Visit, Permit Acquisitions, USA										0	\$	\$	\$
3.2	Subsurface Exploration										0	\$	\$	\$
3.3	Laboratory Testing										0	\$	\$	\$
3.4	Perform Engineering Analysis and Calculations										0	\$	\$	\$
3.5	Prepare Geotechnical Report										0	\$	\$	\$
	Subtotal Geotechnical Evaluations	0	0	0	0	0	0	0	0	0	0	\$	\$	\$
4	Design Engineering for Sewer PS Improvements													
4.1	Topographic Surveying and Mapping – Sewer PS Improvements										0	\$	\$	\$
4.2	90% PS&E and DDR - Sewer PS Improvements	12	24	24			12				72	\$ 16,104	\$ 805	\$ 16,909
4.3	100% PS&E and DDR - Sewer PS Improvements	8	16	16			8				48	\$ 10,736	\$ 537	\$ 11,273
4.4	Final PS&E and DDR - Sewer PS Improvements	6	12	12			6				36	\$ 8,052	\$ 403	\$ 8,455
4.5	Storm Water Pollution Prevention Plan (does not include implementation)										0	\$	\$	\$
4.6	Bidding Support - Sewer PS Improvements	4	12								16	\$ 4,080	\$ 204	\$ 4,284
	Subtotal Design Engineering for Sewer PS Improvements	30	64	52	0	0	26	0	0	0	172	\$ 38,972	\$ 1,949	\$ 40,921
	TOTAL EFFORT	47	64	52	4	0	26	0	4	8	205	\$ 46,117	\$ 2,306	\$ 48,423

Assumptions:

- 1.1 Project Management (January 2, 2024 through July 31, 2024)
- 1.2 Invoicing and Progress Reports
- 1.3 Progress Meetings
- 4.1 Topographic Surveying and Mapping – Sewer PS Improvements
- 4.2 90% PS&E and DDR - Sewer PS Improvements
- 4.3 100% PS&E and DDR - Sewer PS Improvements
- 4.4 Final PS&E and DDR - Sewer PS Improvements
- 4.6 Bidding Support - Sewer PS Improvements

7 months x 1.0 hours (Tom) + 7 months x 0.5 hours office staff

7 months x 0.5 hours (Tom) + 7 months x 0.5 hours (bookkeeper) + 7 months x 0.5 hours (clerical)

6 meetings x 1.0 hours (Tom) + 4 meetings x 1.0 hours (Senior Engineer)

no Frisch scope of work

Frisch has estimated 14 electrical drawings (actual amount will be determined during design)

Frisch has estimated 14 electrical drawings (actual amount will be determined during design)

Frisch has estimated 14 electrical drawings (actual amount will be determined during design)

assume 12 manhours + 2 hours per addenda. Total 2 addenda

Attachment No. 5

MHM - Engineering and Surveying Services

SR 99 and Bogue Road Improvement

LABOR RATE SCHEDULE

Fully Burdened Labor Rates		4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	100% 2022 and 0% 2023
Labor Classification		2024 Labor Rates	2025 Labor Rates	2026 Labor Rates	2027 Labor Rates	2028 Labor Rates	2029 Labor Rates	Weighted
E7 - Principal-in-Charge	Senior Professional - Grade 8	\$ 270.00	\$ 281.00	\$ 292.00	\$ 304.00	\$ 316.00	\$ 329.00	\$ 270.00
E6 - Project Manager	Senior Professional - Grade 7	\$ 240.00	\$ 250.00	\$ 260.00	\$ 270.00	\$ 281.00	\$ 292.00	\$ 240.00
E5 - Project Engineer / Project Surveyor	Senior Professional - Grade 6	\$ 195.00	\$ 203.00	\$ 211.00	\$ 219.00	\$ 228.00	\$ 237.00	\$ 195.00
E4 - Senior Engineer / Senior Surveyor	Senior Professional - Grade 5	\$ 185.00	\$ 192.00	\$ 200.00	\$ 208.00	\$ 216.00	\$ 225.00	\$ 185.00
E3 - Associate Engineer/ Associate Surveyor	Senior Professional - Grade 4	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 205.00	\$ 213.00	\$ 175.00
E2 - Assistant Engineer/ Assistant Surveyor	Senior Professional - Grade 3	\$ 162.00	\$ 168.00	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 162.00
E1 - Junior Engineer/ Surveyor	Staff Professional - Grade 2	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 178.00	\$ 146.00
T4 - Senior CADD Technician / Senior Technician	Senior CADD Drafter and Designer	\$ 162.00	\$ 168.00	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 162.00
T3 - Staff CADD Technician/ Associate Technician	CADD Drafter/Designer and Senior Technician	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 178.00	\$ 146.00
T2 - Assistant CADD Technician/ Asst. Technician	Staff Professional - Grade 1	\$ 130.00	\$ 135.00	\$ 140.00	\$ 146.00	\$ 152.00	\$ 158.00	\$ 130.00
T1 - Junior Techncian	Technican, Word Processor, Administrative Staff	\$ 120.00	\$ 125.00	\$ 130.00	\$ 135.00	\$ 140.00	\$ 146.00	\$ 120.00
E4 - Resident Engineer/Lead Inspector	Senior Professional - Grade 4	\$ 225.00	\$ 234.00	\$ 243.00	\$ 253.00	\$ 263.00	\$ 274.00	\$ 225.00
T4 - Building/Construction Inspector	Building/Construction Inspector	\$ 200.00	\$ 208.00	\$ 216.00	\$ 225.00	\$ 234.00	\$ 243.00	\$ 200.00
E4 - Resident Engineer/Lead Inspector - OT	Senior Professional - Grade 4 - Overtime	\$ 250.00	\$ 260.00	\$ 270.00	\$ 281.00	\$ 292.00	\$ 304.00	\$ 250.00
T4 - Building/Construction Inspector - OT	Building/Construction Inspector - Overtime	\$ 225.00	\$ 234.00	\$ 243.00	\$ 253.00	\$ 263.00	\$ 274.00	\$ 225.00
Survey Crew - 1 Man (prevailing)	Survey Crew - 1 Man (prevailing)	\$ 230.00	\$ 239.00	\$ 249.00	\$ 259.00	\$ 269.00	\$ 280.00	\$ 230.00
Survey Crew - 2 Man (prevailing)	Survey Crew - 2 Man (prevailing)	\$ 320.00	\$ 333.00	\$ 346.00	\$ 360.00	\$ 374.00	\$ 389.00	\$ 320.00
Survey Crew - 3 Man (prevailing)	Survey Crew - 3 Man (prevailing)	\$ 465.00	\$ 484.00	\$ 503.00	\$ 523.00	\$ 544.00	\$ 566.00	\$ 465.00
Survey Crew - 1 Man (prevailing) - OT	Survey Crew - 1 Man (prevailing) - Overtime	\$ 255.00	\$ 265.00	\$ 276.00	\$ 287.00	\$ 298.00	\$ 310.00	\$ 255.00
Survey Crew - 2 Man (prevailing) - OT	Survey Crew - 2 Man (prevailing) - Overtime	\$ 360.00	\$ 374.00	\$ 389.00	\$ 405.00	\$ 421.00	\$ 438.00	\$ 360.00
Survey Crew - 1 Man (non-prevailing)	Survey Crew - 1 Man (non-prevailing)	\$ 216.00	\$ 225.00	\$ 234.00	\$ 243.00	\$ 253.00	\$ 263.00	\$ 216.00
Survey Crew - 2 Man (non-prevailing)	Survey Crew - 2 Man (non-prevailing)	\$ 296.00	\$ 308.00	\$ 320.00	\$ 333.00	\$ 346.00	\$ 360.00	\$ 296.00
Survey Crew - 3 Man (non-prevailing)	Survey Crew - 3 Man (non-prevailing)	\$ 370.00	\$ 385.00	\$ 400.00	\$ 416.00	\$ 433.00	\$ 450.00	\$ 370.00
Accounting	Technican, Word Processor, Administrative Staff	\$ 140.00	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 140.00
Clerical	Office Aide	\$ 115.00	\$ 120.00	\$ 125.00	\$ 130.00	\$ 135.00	\$ 140.00	\$ 115.00

Other Direct Costs (ODCs)		
Item	rate	unit
(Some EXAMPLES below; add others if needed:)		
Vehicle - Light Truck and Car	\$9.50/hr or \$75/day or \$1,800/month	hr/day/month
Vehicle - 2 Wheel Drive	\$10.50/hr or \$85/day or \$1,950/month	hr/day/month
Vehicle - 4 Wheel Drive	\$11.50/hr or \$95/day or \$2,100/month	hr/day/month
ATV - All Terrian Vehicle	\$8.50/hr or \$70/day or \$1,750/month	hr/day/month
Standard Survey Equipment	\$16.50/hr	hour
GPS Survey Equipment	\$80.00/hr	hour
Nuclear Gage Equipment	\$9.50/hr	hour
GPS Bathymetric Survey Equipment	\$50.00/hr	hour
Drone Survey Equipment	\$14.00/hr	hour
Computer & Peripherals	\$6.50/hr	hour
Travel Expenses/Per Diem	T&M	T&M
Vehicle Mileage	IRS Rate	mile
Reproduction (8.5x11 sizes) - Black and White	\$0.50/ea	each
Reproduction (8.5x11 sizes) - Color	\$0.75/ea	each
Reproduction (11x17 sizes) – Black and White	\$0.75/ea	each
Reproduction (11x17 sizes) - Color	\$1.00/ea	each
Large Format Drawing Copies – 20lb Bond – Black and W	\$0.65/sq ft	sq ft
Large Format Drawing Copies – 20Ib Bond – Color	\$1.00/sq ft	sq ft
Plotting - Mylar	\$8.00/sq ft	sq ft
Mailings and Communication	T&M	T&M
Miscellaneous Supplies	T&M	T&M
Outside Equipment and Services	15% Markup	%
Profit on Labor	10.00%	%
Profit on ODCs	5.00%	%

Attachment No. 5
MHM - Engineering and Surveying Services
Phillips Area Sewer Pump Station Improvements
LABOR RATE SCHEDULE

Fully Burdened Labor Rates		4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	100% 2022 and 0% 2023
Labor Classification		2024 Labor Rates	2025 Labor Rates	2026 Labor Rates	2027 Labor Rates	2028 Labor Rates	2029 Labor Rates	Weighted
E7 - Principal-in-Charge	Senior Professional - Grade 8	\$ 270.00	\$ 281.00	\$ 292.00	\$ 304.00	\$ 316.00	\$ 329.00	\$ 270.00
E6 - Project Manager	Senior Professional - Grade 7	\$ 240.00	\$ 250.00	\$ 260.00	\$ 270.00	\$ 281.00	\$ 292.00	\$ 240.00
E5 - Project Engineer / Project Surveyor	Senior Professional - Grade 6	\$ 195.00	\$ 203.00	\$ 211.00	\$ 219.00	\$ 228.00	\$ 237.00	\$ 195.00
E4 - Senior Engineer / Senior Surveyor	Senior Professional - Grade 5	\$ 185.00	\$ 192.00	\$ 200.00	\$ 208.00	\$ 216.00	\$ 225.00	\$ 185.00
E3 - Associate Engineer/ Associate Surveyor	Senior Professional - Grade 4	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 205.00	\$ 213.00	\$ 175.00
E2 - Assistant Engineer/ Assistant Surveyor	Senior Professional - Grade 3	\$ 162.00	\$ 168.00	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 162.00
E1 - Junior Engineer/ Surveyor	Staff Professional - Grade 2	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 178.00	\$ 146.00
T4 - Senior CADD Technician / Senior Technician	Senior CADD Drafter and Designer	\$ 162.00	\$ 168.00	\$ 175.00	\$ 182.00	\$ 189.00	\$ 197.00	\$ 162.00
T3 - Staff CADD Technician/ Associate Technician	CADD Drafter/Designer and Senior Technician	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 178.00	\$ 146.00
T2 - Assistant CADD Technician/ Asst. Technician	Staff Professional - Grade 1	\$ 130.00	\$ 135.00	\$ 140.00	\$ 146.00	\$ 152.00	\$ 158.00	\$ 130.00
T1 - Junior Techncian	Technican, Word Processor, Administrative Staff	\$ 120.00	\$ 125.00	\$ 130.00	\$ 135.00	\$ 140.00	\$ 146.00	\$ 120.00
E4 - Resident Engineer/Lead Inspector	Senior Professional - Grade 4	\$ 225.00	\$ 234.00	\$ 243.00	\$ 253.00	\$ 263.00	\$ 274.00	\$ 225.00
T4 - Building/Construction Inspector	Building/Construction Inspector	\$ 200.00	\$ 208.00	\$ 216.00	\$ 225.00	\$ 234.00	\$ 243.00	\$ 200.00
E4 - Resident Engineer/Lead Inspector - OT	Senior Professional - Grade 4 - Overtime	\$ 250.00	\$ 260.00	\$ 270.00	\$ 281.00	\$ 292.00	\$ 304.00	\$ 250.00
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Survey Crew - 2 Man (prevailing)	Survey Crew - 2 Man (prevailing)	\$ 320.00	\$ 333.00	\$ 346.00	\$ 360.00	\$ 374.00	\$ 389.00	\$ 320.00
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Survey Crew - 1 Man (prevailing) - OT	Survey Crew - 1 Man (prevailing) - Overtime	\$ 255.00	\$ 265.00	\$ 276.00	\$ 287.00	\$ 298.00	\$ 310.00	\$ 255.00
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Survey Crew - 1 Man (non-prevailing)	Survey Crew - 1 Man (non-prevailing)	\$ 216.00	\$ 225.00	\$ 234.00	\$ 243.00	\$ 253.00	\$ 263.00	\$ 216.00
Survey Crew - 2 Man (non-prevailing)	Survey Crew - 2 Man (non-prevailing)	\$ 296.00	\$ 308.00	\$ 320.00	\$ 333.00	\$ 346.00	\$ 360.00	\$ 296.00
Survey Crew - 3 Man (non-prevailing)	Survey Crew - 3 Man (non-prevailing)	\$ 370.00	\$ 385.00	\$ 400.00	\$ 416.00	\$ 433.00	\$ 450.00	\$ 370.00
Accounting	Technican, Word Processor, Administrative Staff	\$ 140.00	\$ 146.00	\$ 152.00	\$ 158.00	\$ 164.00	\$ 171.00	\$ 140.00
Clerical	Office Aide	\$ 115.00	\$ 120.00	\$ 125.00	\$ 130.00	\$ 135.00	\$ 140.00	\$ 115.00

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Vehicle - 4 Wheel Drive	\$11.50/hr or \$95/day or \$2,100/month	hr/day/month
ATV - All Terrian Vehicle	\$8.50/hr or \$70/day or \$1,750/month	hr/day/month
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Vehicle Mileage	IRS Rate	mile
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Mailings and Communication	T&M	T&M
Miscellaneous Supplies	T&M	T&M
Outside Equipment and Services	15% Markup	%
Profit on Labor	10.00%	%
Profit on ODCs	5.00%	%

Exhibit B
Professional Services Agreement
Insurance Requirements

- I. **Workers' Compensation Coverage.** Consultant shall maintain Workers' Compensation Insurance for his/her employees in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease. In addition, Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees and volunteers for losses arising from work performed by Consultant for City. This provision shall not apply if Consultant has no employees performing work under this Agreement. If the Consultant has no employees for the purposes of this Agreement, Consultant shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.

- II. **General Liability Coverage.** Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

- III. **Automobile Liability Coverage.** Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.

- IV. **Professional Liability Coverage.** Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors or omissions which may arise from Consultant's operations under this Agreement, whether such operations are by the Consultant or by its employees, subcontractors, or sub-consultants. The amount of this insurance shall not be less

than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit per occurrence basis.

- V. Endorsements.** Each general liability and automobile liability insurance policy shall be with insurers possessing a current A.M. Best's rating of no less than A:VII and shall be endorsed with the following specific language or equivalent:
- A. The City, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insured with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations. Conforms to ISO CG 2009 and CG 2037 10 01. Both are required.
 - B. This policy shall be considered primary insurance as respects to the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.
 - C. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
 - D. The insurer waives all rights of subrogation against the City, its elected or appointed officers, officials, employees or agents.
 - E. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.
 - F. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage except after thirty (30) days written notice has been received by the City.
- VI. Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retention's.
- VII. Certificates of Insurance.** Consultant shall provide certificates of insurance with original endorsements to City, as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of performance of this agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

Exhibit C
Vendor Payment Options

The City of Yuba City currently participates in an electronic bill pay program.

The Control Pay Advanced program offered through Commerce Bank is an automated accounts payable solution. Commerce Bank enrolls City vendors in the program. Once enrolled, the Finance Department will send weekly electronic accounts payable files using the standard industry Automated Clearing House (ACH) technology, to Commerce Bank listing all information regarding the payment to the vendor. Commerce Bank will then process the accounts payable file and transmit electronic payments to those vendors in the program through Visa instead of the City processing individual checks and sending by mail. Vendors will receive the funds in their bank account within 24-48 hours.

Does your company accept Visa payment for invoices? _____ YES _____ NO

AUTHORIZED SIGNER:

By: _____

Title: _____

CITY OF YUBA CITY

Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Kirchner
- Councilmember Pasquale
- Vice Mayor Shaw
- Mayor Harris

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Manager's Report

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Council Reports

- Councilmember Boomgaarden
- Councilmember Kirchner
- Councilmember Pasquale
- Vice Mayor Shaw
- Mayor Harris

Adjournment