



## AGENDA

APRIL 22, 2014

SPECIAL MEETING  
CITY COUNCIL  
CITY OF YUBA CITY  
AND  
BOARD OF DIRECTORS  
SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY

5:00 P.M. – CLOSED SESSION: BUTTE ROOM

6:00 P.M. – SPECIAL MEETING: COUNCIL CHAMBERS

<b>MAYOR</b>	• Kash Gill
<b>VICE MAYOR</b>	• John Dukes
<b>COUNCILMEMBER</b>	• John Buckland
<b>COUNCILMEMBER</b>	• Tej Maan
<b>COUNCILMEMBER</b>	• Craig Starkey
<b>CITY MANAGER</b>	• Steven Kroeger
<b>CITY ATTORNEY</b>	• Timothy Hayes

1201 Civic Center Blvd  
Yuba City CA 95993

*Wheelchair Accessible*



*If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4817 at least 72 hours in advance so such aids or services can be arranged. City Hall TTY: 530-822-4732*

**AGENDA  
SPECIAL MEETING OF THE  
CITY COUNCIL  
CITY OF YUBA CITY  
AND  
BOARD OF DIRECTORS  
SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY**

**COUNCIL CHAMBERS  
APRIL 22, 2014  
5:00 P.M. – CLOSED SESSION  
6:00 P.M. – SPECIAL MEETING**

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

**Closed Session—Butte Room**

**Public Comment:** Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council prior to the City Council convening into closed session. Comments from the public will be limited to three (3) minutes. No member of the public will be allowed to be present once the City Council convenes into closed session. Contact the City Clerk in advance of the closed session either in person at City Hall, by phone 822-4817, or email [tlocke@yubacity.net](mailto:tlocke@yubacity.net) to allow for time for testimony.

- A. Confer with labor negotiators Steve Kroeger regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code.

**Special Meeting—Council Chambers**

Call to Order

Roll Call:     \_\_\_\_\_ Mayor Gill  
                  \_\_\_\_\_ Vice Mayor Dukes  
                  \_\_\_\_\_ Councilmember Buckland  
                  \_\_\_\_\_ Councilmember Maan  
                  \_\_\_\_\_ Councilmember Starkey

Invocation

Pledge of Allegiance to the Flag

**Presentations and Proclamations**

1. **Public Service Recognition Week May 4-10, 2014**
2. **Proclamation for the Retirement of Battalion Chief John Limas**

**3. Proclamation for the Retirement of Fire Captain Jeff Steffens**

**4. Presentation by the City of Yuba City Bicycle Committee**

**Public Hearings**

**5. Feather River Parkway Phase 2 – Adopt Mitigated Negative Declaration**

Recommendation: Conduct a Public Hearing, and after Review, Adopt the Mitigated Negative Declaration for the Feather River Parkway Phase 2 project

**Bid Openings**

**6. Chemical Bid (FB14-06)**

Recommendation: Award formal bid contracts for the period of May 1, 2014 through April 30, 2015, based on the lowest responsive bid in all categories as listed in the staff report

**7. ADA Improvements 2014 Project (Award of Contract – Total Cost \$252,330)**

Recommendation: a) Award Contract No. 14-01, ADA Improvements 2014, to Dunton Construction Company, Inc. of Anderson CA in the amount of their Bid of \$229,389.40  
b) Authorize the City Manager to Execute the Contract on Behalf of the City, following approval by the City Attorney

**8. Low Lift Pump Station (Water Intake Facility) Security Improvement Project (Award of Contract – Total Cost \$4,910,000)**

Recommendation: a) Declare the bid received from Hal Hays Construction of Riverside, CA non-responsive and reject the bid  
b) Reject the bid protest of Hal Hays Construction of Riverside, CA protesting the bid of Auburn Constructors of Sacramento, CA  
c) Award Contract No. 12-29, Low Lift Pump Station Security Improvement Project, to Auburn Constructors of Sacramento, CA in the amount of their bid of \$3,899,300  
d) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney  
e) Authorize the Finance Director to make a supplemental appropriation of \$945,000 from Unallocated Water Fund Reserve to Account No. 1161 (Low Lift Pump Station Security Improvements)  
f) Award a professional services agreement to Carollo Engineers of Sacramento, CA for construction management support and engineering services during construction in the amount of \$197,600 with the finding that it is in the City's best interest

## **9. King Avenue Safe Routes to School Project (Award of Contract – total Cost \$831,301)**

- Recommendation:
- a) Award Contract No. 12-24 King Avenue Safe Routes to School Project, to JD Pasquetti Engineering, Inc., of Lincoln, CA in the amount of their bid of \$755,801
  - b) Authorize the City Manager to Execute the Contract on Behalf of the City, following approval by the City Attorney
  - c) Authorize the Finance Director to make Necessary Budget Transfers between CIP Accounts, as outlined in the Fiscal Impact

### **Public Communication**

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

### **10. Written Requests**

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

### **11. Appearance of Interested Citizens**

Members of the public may address the City Council concerning any item that has been described in the notice of this meeting. Individuals are encouraged to limit their statements to 3 minutes

### **Consent Calendar**

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

### **12. Minutes of April 1 and April 9, 2014**

Recommendation: Approve the City Council Meeting Minutes of April 1 and April 9, 2014

### **13. General Municipal Election November 4, 2014**

- Recommendation:
- a) Adopt a Resolution calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2014 for the election of three seats on the City Council
  - b) Authorize the Mayor to enter into an agreement for election services with Sutter County

**14. Confidential Bargaining Unit Modification**

- Recommendation:
- a) Adopt a Resolution approving the side letters with Police Officers' Association and Public Employees Union, Local 1 on the Confidential bargaining unit modification
  - b) Adopt a Resolution identifying Confidential employees with the City and aligning their benefits with the Mid-Managers' bargaining unit

**General Items**

**15. Status update concerning the dissolution of the City's Former Redevelopment Agency**

- Recommendation: This item is for informational purposes only concerning other City and Successor Agency matters on this agenda

**16. Approval of the mandated Long Range Property Management Plan for the Yuba City Successor Agency**

- Recommendation:
- a) As the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets
  - b) As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets

**17. Ratification and Amendment to the Loan Agreement for Originating Agency debt between the City of Yuba City and the Former Redevelopment Agency of the City of Yuba City**

- Recommendation:
- a) As the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency
  - b) As the Successor Agency to the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency

**18. Ratification and Amendment to the Reimbursement and Contribution Agreement for Gauche Aquatic Park between the City of Yuba City and the Former Redevelopment Agency of the City of Yuba City**

- Recommendation:
- a) As the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution Agreement between the City of Yuba City and the Former Redevelopment Agency.
  - b) As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution

Agreement between the City of Yuba City and the Former  
Redevelopment Agency

**Business from the City Council**

**19. City Council Reports**

- Councilmember Buckland
- Councilmember Maan
- Councilmember Starkey
- Vice Mayor Dukes
- Mayor Gill

**Adjournment**



# Proclamation

of the City Council

## ***PUBLIC SERVICE RECOGNITION WEEK*** ***May 4 – 10, 2014***

*In honor of the millions of public employees at the federal, state, county, and city levels:*

**Whereas**, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working; and

**Whereas**, Public employees take not only jobs, but oaths; and

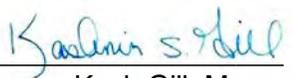
**Whereas**, Many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

**Whereas**, Public servants include teachers, doctors and scientists nurses and safety inspectors, laborers, computer technicians and social workers, lifeguards, engineers, accountants, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

**Whereas**, Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

**Whereas**, We grateful for the opportunity to thank you for all you do on behalf of our nation. Each and every day, we have the pleasure of witnessing firsthand your remarkable contributions and achievements. Even during these difficult times, you continue working to find innovative solutions to complex issues. Your hard work does not go unnoticed, and we want you to know that we proud to serve with you.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Kash Gill, Mayor of the City of Yuba City and on behalf of the entire City Council, proclaim that May 4-10, 2014, is Public Service Recognition Week. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city. Done this 22<sup>nd</sup> Day April 2014, at the City of Yuba City, County of Sutter, State of California.

  
Kash Gill, Mayor



# Proclamation

of the City Council

**BATTALION CHIEF JOHN LIMAS**  
*Yuba City Fire Department*  
1987 - 2014

**WHEREAS**, John Limas is retiring from the Yuba City Fire Department on April 28, 2014 with over 27-years of service to the City of Yuba City and the residents of Sutter County; and

**WHEREAS**, prior to joining the Yuba City Fire Department, John Limas was a member of the Santa Barbara County Fire Department as a Seasonal Firefighter and Squad Boss, and with the Susanville District of the Bureau of Land Management as Fire Engine Operator; and

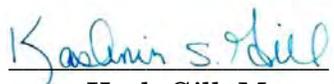
**WHEREAS**, John Limas began his tenure with the Yuba City Fire Department in 1987 and, during the subsequent years, he has held the rank of Fire Recruit, Firefighter, Fire Equipment Operator, Fire Officer I, Fire Captain, Fire Captain II to his current rank of Battalion Chief; and

**WHEREAS**, John served and participated in every aspect of a modern fire department including the development of the Department's Swift Water Rescue/ATR Team, Safety Committee, Juvenile Firesetter Committee, Fire Recruit Academy, Training Committee, with the implementation of Enhanced 9-1-1, and with the Department's fire prevention efforts. Additionally, John Limas served as an Instructor with the Yuba College's Fire Academy, and many other key roles within the Fire Department; and

**WHEREAS**, John Limas contributed to the growth, success and professionalism of the Yuba City Fire Department and the firefighting profession.

**NOW, THEREFORE, BE IT RESOLVED** that I, Kash Gill, Mayor of the City of Yuba City, and on behalf of the entire City Council of the City of Yuba City, do hereby honor and commend Battalion Chief John Limas for his 27-plus years of faithful service to the Yuba City Fire Department, the City of Yuba City, and to the people of Yuba City and Sutter County, and commend him for his 32-year career in the Fire Service, and wish him much success and happiness in his well deserved retirement.

Done on this 22<sup>nd</sup> day of April, 2014 at the City of Yuba City, County of Sutter, State of California.

  
Kash Gill, Mayor



# Proclamation

of the City Council

## **FIRE CAPTAIN JEFF STEFFENS** *Yuba City Fire Department* 1984 - 2014

**WHEREAS**, Jeff Steffens is retiring from the Yuba City Fire Department on April 28, 2014 with over 30-years of service to the City of Yuba City and the residents of Sutter County; and

**WHEREAS**, prior to joining the Yuba City Fire Department, Jeff Steffens served as a Firefighter with the California Division of Forestry from 1976-1977 and as a Smokejumper with the U.S. Forest Service from 1978 -1982; and

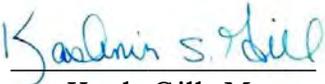
**WHEREAS**, Jeff Steffens began his tenure with the Yuba City Fire Department in 1984 as a Fire Recruit and during the subsequent years, he has held the rank of Firefighter, Engine Operator, Fire Officer I, and Fire Captain; and

**WHEREAS**, Jeff served and participated in every aspect of a modern fire department including fire suppression, developing fire training and curriculum, and as part of the Department's HazMat Team and Fire Investigation Team and many other key committees and roles within the Fire Department; and

**WHEREAS**, Jeff Steffens contributed to the growth, success and professionalism of the Yuba City Fire Department and the firefighting profession.

**NOW, THEREFORE, BE IT RESOLVED** that I, Kash Gill, Mayor of the City of Yuba City, and on behalf of the entire City Council of the City of Yuba City, do hereby honor and commend Jeff Steffens for his 30-plus years of faithful service to the Yuba City Fire Department, the City of Yuba City, and to the people of Yuba City and Sutter County, and commend him for his 38-year career in the Fire Service, and wish him much success and happiness in his well-deserved retirement.

Done on this 22<sup>nd</sup> day of April, 2014 at the City of Yuba City, County of Sutter, State of California.

  
Kash Gill, Mayor



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**Presentation by:**  
**Kelly Swanson**  
**Bicycle Advisory Committee**

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Parks and Recreation Department  
**Presentation by:** Diana Langley, Public Works Director

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**Summary**

**Subject:** Feather River Parkway Phase 2 – Adopt Mitigated Negative Declaration  
**Recommendation:** Conduct a public hearing, and after review, adopt the Mitigated Negative Declaration for the Feather River Parkway Phase 2 Project.  
**Fiscal Impact:** There are mitigation measures associated with the Mitigated Negative Declaration. The cost to implement the mitigation measures is included in the total estimated project cost of \$1,849,000.

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**Purpose:**

To construct Phase 2 of the Feather River Parkway Project.

**Background:**

In 2002, the City completed the Feather River Parkway Strategic Plan in an effort to utilize approximately 172 acres of City property along the Feather River north of the Highway 20/10<sup>th</sup> Street Bridge.

In 2013, Phase 1 of the Feather River Parkway Project was completed. The project was constructed utilizing a \$1.4 Million grant from the State of California Natural Resources Agency's California River Parkways Grant program (Proposition 50) to improve approximately 80 acres through the construction of an access road, parking lot, walking and biking trails, picnic benches, a pavilion, interpretive signage, and an ADA accessible concrete river overlook.

In April 2013, the City Council accepted a \$1,743,000 grant through the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006", also known as Proposition 84, for Phase 2 of the Feather River Parkway Project.

The Phase 2 Project includes creation of 2.6 miles of new public trails, picnic areas, an overlook on the Feather River, improved access to the pond located in the Phase 1 project area, interpretive signage, restoration of 2 acres of wetlands, and preservation of 10 acres of riparian woodlands (Exhibit 1).

**Analysis:**

In accordance with the California Environmental Quality Act (CEQA) an environmental analysis was performed by the City's consultant, EN2 Resources, and an Initial Study and Mitigated Negative Declaration (IS/MND) were prepared. It was determined that there will not be a significant impact to the environment due to the mitigation measures proposed.

The IS/MND was filed with the State Clearinghouse (SCH# 2014022014) on February 6, 2014 and circulated for public review through March 10, 2014. Comments were received from the Central Valley Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the Central Valley Flood Protection Board. Their comments have been taken into consideration and a Revised IS/MND has been issued to address their comments. Recirculation of the Revised IS/MND is not required since the original mitigation measures have been replaced with equal or more effective measures. The comments received do not reveal any new avoidable significant effects. Staff recommends that Council conduct a public hearing and adopt the Mitigated Negative Declaration.

**Fiscal Impact:**

The total estimated project cost is \$1,849,000, funded through \$1,743,000 in Proposition 84 grant funds and \$106,000 in Park Development Impact Fees.

**Alternatives:**

The grant agreement requires that the City provide evidence of compliance with CEQA by April 30, 2014. There is no viable alternative unless the City requests an extension to the deadline for CEQA compliance.

**Recommendation:**

Conduct a public hearing, and after review, adopt the Mitigated Negative Declaration for the Feather River Parkway Phase 2 Project.

Prepared by:

Submitted by:

*/s/ Diana Langley*

*/s/ Steven C. Kroeger*

Diana Langley  
Public Works Director

Steven C. Kroeger  
City Manager

Reviewed by:

Department Head

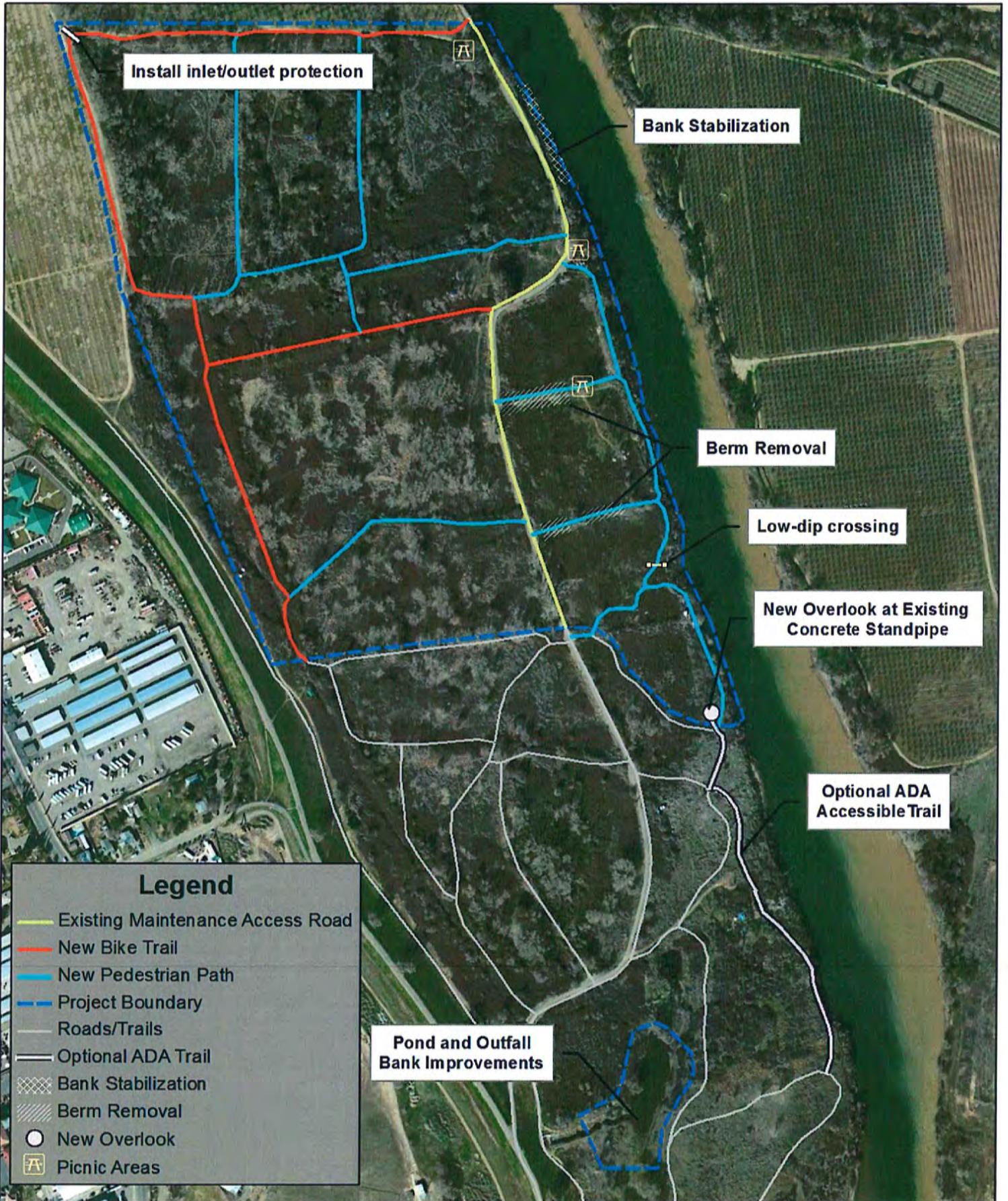
DL

Finance

RB

City Attorney

TH



**Install inlet/outlet protection**

**Bank Stabilization**

**Berm Removal**

**Low-dip crossing**

**New Overlook at Existing Concrete Standpipe**

**Optional ADA Accessible Trail**

**Pond and Outfall Bank Improvements**

**Legend**

- Existing Maintenance Access Road
- New Bike Trail
- New Pedestrian Path
- - - Project Boundary
- Roads/Trails
- Optional ADA Trail
- Bank Stabilization
- Berm Removal
- New Overlook
- A Picnic Areas

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Feet  
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**Exhibit 1 : Project Site Map  
Feather River Parkway: Phase II**

**EN2** Water and Energy Consulting Services  
**RESOURCES, INC.**  
Author: Jeremy Waites Date: 1/20/2014



REVISED INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION

FEATHER RIVER PARKWAY, PHASE II PROJECT

City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 94993  
(530) 822-4650

~~February 6, 2014~~ April 4, 2014

State Clearinghouse No.: \_\_\_\_\_

REVISED INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION

FEATHER RIVER PARKWAY, PHASE II PROJECT

Prepared for:  
City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 94993  
(530) 822-4650

Prepared by:  
EN2 Resources, Inc.  
P.O. Box 2260 / 1024 Simon Drive, Suite H  
Placerville, CA 95667  
(530) 626-1401

~~February 6, 2014~~  
REVISED April 4, 2014

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Appendix A Mitigation Monitoring and Reporting Program

## ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials
AB 32	Assembly Bill 32
ADA	Americans with Disability Act
APE	Area of Potential Effect
AQMD	Air Quality Management District
BMP	Best Management Practices
CARB	California Air Resources Board
CCC	California Conservation Corps
CDFW	California Department of Fish and Wildlife
CDTSC	California Department of Toxic Substances Control
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
City	City of Yuba City
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CVRWQC	Central Valley Regional Water Quality Control Board
CWQCB	California Water Quality Control Board
DBH	diameter at breast height
DWR	Department of Water Resources
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
FERC	Federal Energy Regulatory Commission
FRAQMD	Feather River Air Quality Management District
General Permit	General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities
GGS	Giant garter snake
GHG	greenhouse gas
H <sub>2</sub> S	hydrogen sulfide
HCP	Habitat Conservation Plan
IS	Initial Study
L <sub>dn</sub>	Day-Night Average Level
MMRP	Mitigation, Monitoring, and Reporting Program
MND	Mitigated Negative Declaration
mph	miles per hour
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
ND	Negative Declaration
NEIC	Northeast Information Center
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NSVAB	Northern Sacramento Valley Air Basin

NWI	National Wetland Inventory
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety and Health Administration
Parkway	Feather River Parkway
PCA	Pest Control Advisor
PCB	polychlorinated biphenyls
PG&E	Pacific Gas and Electric Company
PFI	Past Forward, Inc.
Plan	Fugitive Dust Plan
PM	Particulate matter
Project	Feather River Parkway Phase II Project
QR	Quick Response
ROG	reactive organic gases
RSP	rock-slope protection
SHPO	State Historic Preservation Officer
SO2	sulfur dioxide
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VELB	Valley elderberry longhorn beetle

## 1.0 INTRODUCTION

The City of Yuba City (City) is proposing the Feather River Parkway Phase II Project (Project). The Project would expand and improve the river front Feather River Parkway (Parkway) created in 2012. The City received funding for the Project from the State of California Natural Resources Agency (CNRA), through the Proposition 84 California River Parkways Grant Program, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. The grant is administered through the CNRA.

The Project area encompasses approximately 84 acres north of the existing river front park and would create 2.6 miles of new public trails. The Project improvements would include pedestrian and cycling trails, picnic areas, building an elevated structure overlooking the Feather River, and improving access to a pond in the completed Phase 1 area. The Project would enhance and restore approximately 2 acres of wetlands and enhance and preserve 10 acres of riparian woodlands. In addition, the Project would include interpretive signage that describes the habitat setting of the Project, including the habitat function, wildlife species, fisheries, the restoration process, the role of the Feather River in the State history, the river's significance to the California State Water Project, and its functionality.

The proposed Project is a portion of the Feather River Parkway Strategic Plan, which was developed by the City, and adopted as part of the City's General Plan (April 8, 2004) to utilize portions of the Feather River floodplain as a public parkway. The Feather River Parkway Strategic Plan describes a river front park that extends along the river's edge south of the City for approximately 6 miles, encompassing approximately 790 acres. The Project area is at the northern end of this planned parkway system, and would contain amenities that contribute to the entire parkway project objectives.

The pedestrian and cycling trails, and river overlook would provide recreational opportunities in a park setting while incorporating educational exhibits and interpretive displays to educate park users on the ecological significance of the environment that surrounds them. The proposed pedestrian and cycling trails would connect with the existing bike trails linked to downtown Yuba City via the levee trail.

The majority of the pedestrian and cycling trails would be built on the existing 6- to 8-foot tall retention embankments, or berms, bordering abandoned sewage lagoons located at the Project site. These existing berms are interconnected such that no trails would be constructed in the low lying areas within the old sewage lagoons. The idle sewage lagoons were used by the City until the late 1970's until new treatment facilities were built in southern Yuba City. Other trails would be built on existing fire breaks and access routes that were created in the Project area in 2012.

The Project site is currently heavily vegetated with both native and non-native species. The high embankments around the idle sewage lagoons and the uncontrolled growth of vegetation severely limit recreational uses in the area and create unsuitable habitat for typical floodplain corridor benefits.

### CEQA Review

To comply with the City's requirements under the California Environmental Quality Act (CEQA), this Initial Study (IS) and proposed Mitigated Negative Declaration (MND) (per CEQA Guidelines §15070-15075) identifies and addresses potential environmental effects and mitigation measures to be implemented during construction, operation, and maintenance of the proposed Project. This IS/proposed MND includes the

City's understanding of applicable environmental regulatory review processes and required mitigation measures for implementing the proposed Project.

## **2.0 PROJECT LOCATION**

The proposed Project is located within the United States Geological Survey (USGS) 7.5-minute Yuba City Quadrangle in the New Helvitia Land Grant (see Figure 1 for the Project Regional and Vicinity Map). The proposed Project would occur within Sutter County.

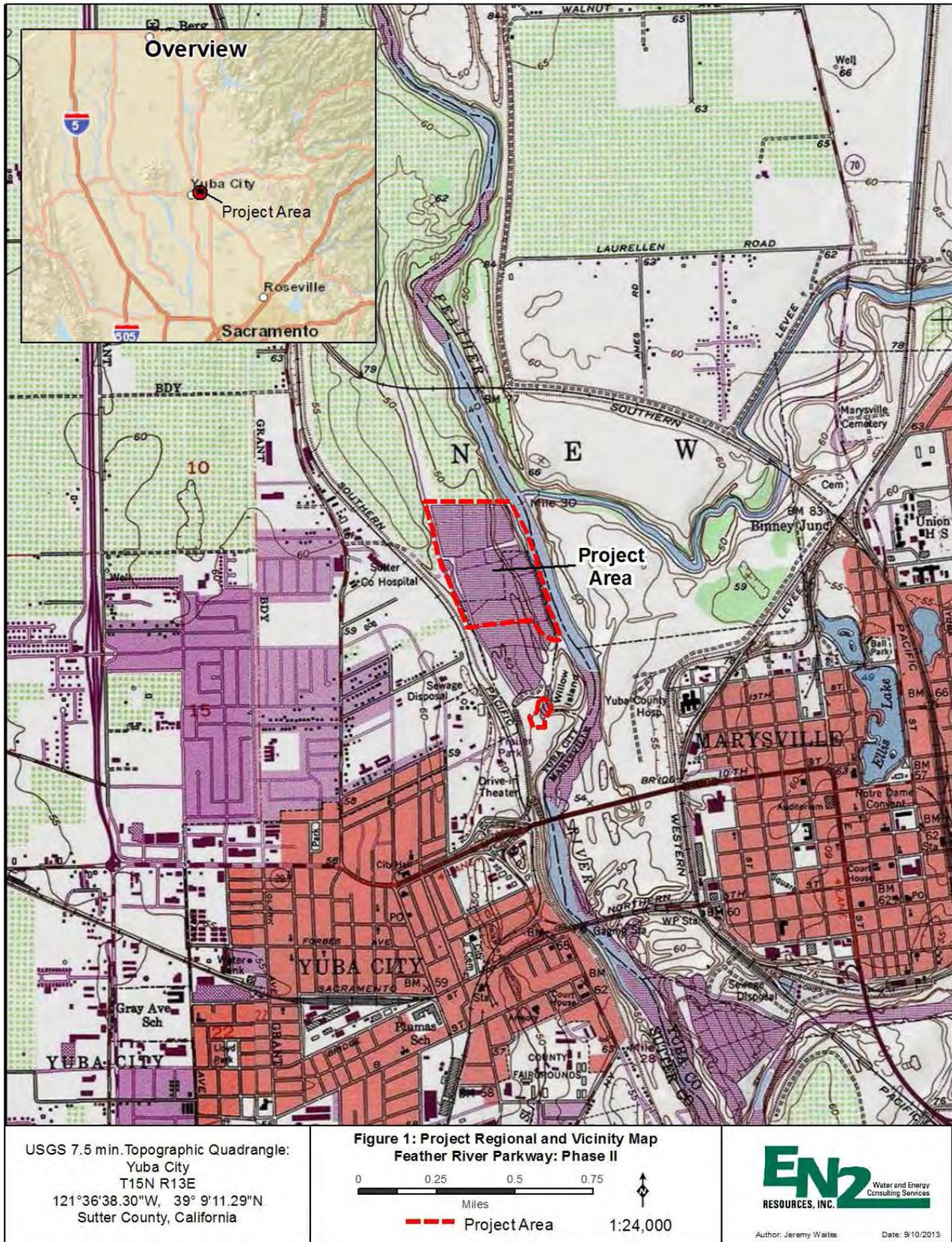


Figure 1 Project Regional and Vicinity Map

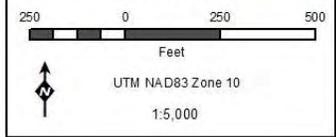
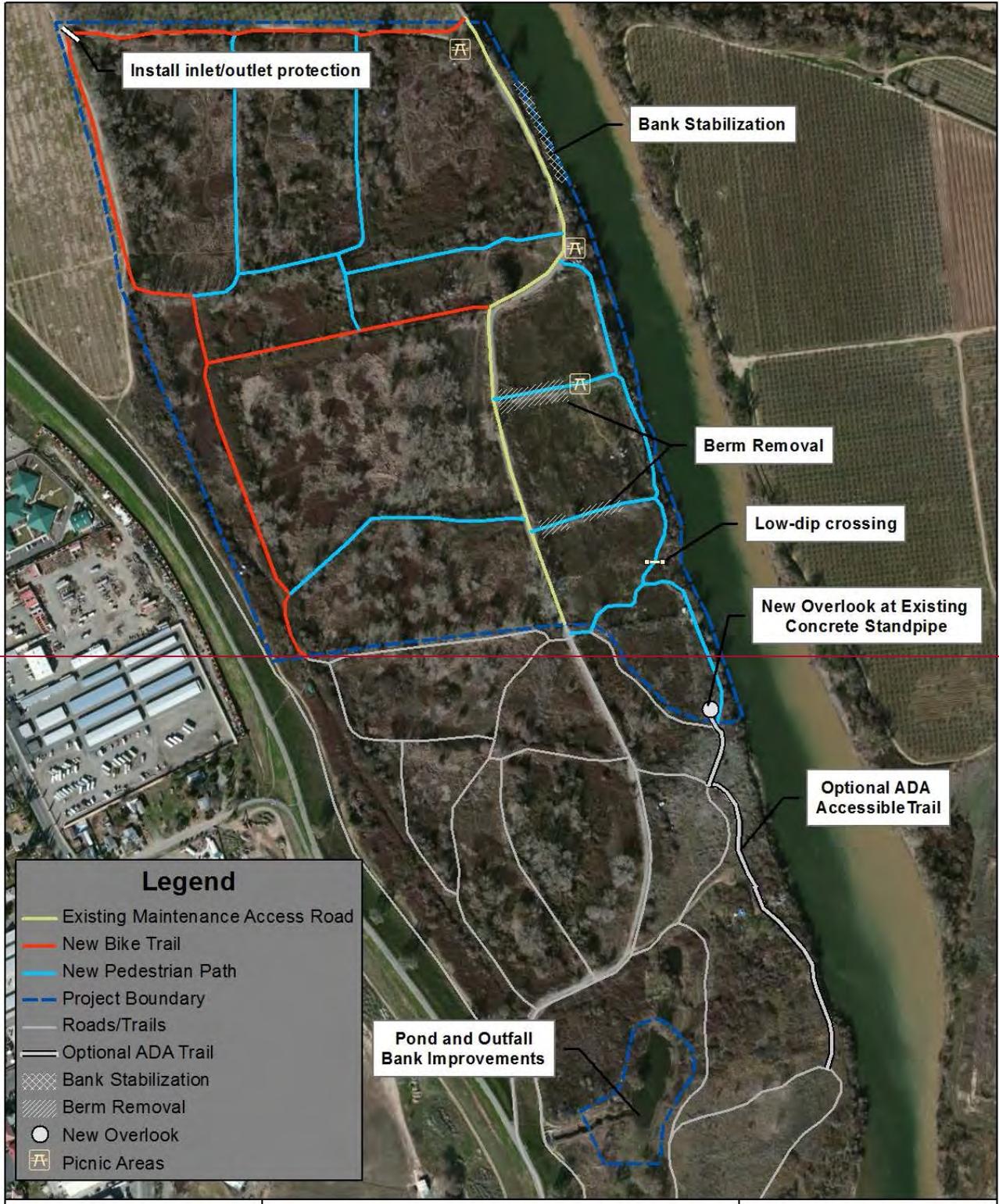
### 3.0 PROJECT OBJECTIVES

Objectives of the proposed Project include:

1. Create a safe and secure recreational area for the public.
2. Increase the river trail system for pedestrians and cyclists in a manner that minimizes adverse effects on the environment.
3. Preserve, enhance, and manage natural areas and wildlife habitat.
4. Promote the Parkway as a civic destination and recreation area by enhancing the walking and biking opportunities at the Parkway that are linked to the City system via the trail on the levee.
5. Educate Parkway users about the Feather River and surrounding ecosystem.
6. Ensure the Project meets the requirements established by the State of California Resources Agency Proposition 84 California River Parkways Grant Program in an economically feasible manner.

### 4.0 PROPOSED PROJECT COMPONENTS AND CONSTRUCTION

The Project area encompasses approximately 84 acres and 2.6 miles of public trails. The Project would establish a parkway that would provide a safe recreational area that incorporates hiking, biking, picnic areas, nature walks, and wildlife viewing. This section describes the various recreational, educational, and restoration and enhancement components that are being proposed as part of the Project. Please refer to Figure 2, Project Site Map, at the end of the Project Description, for the location of the proposed Project components.



**Figure 2: Project Site Map  
Feather River Parkway: Phase II**

Figure 2 Project Site Map

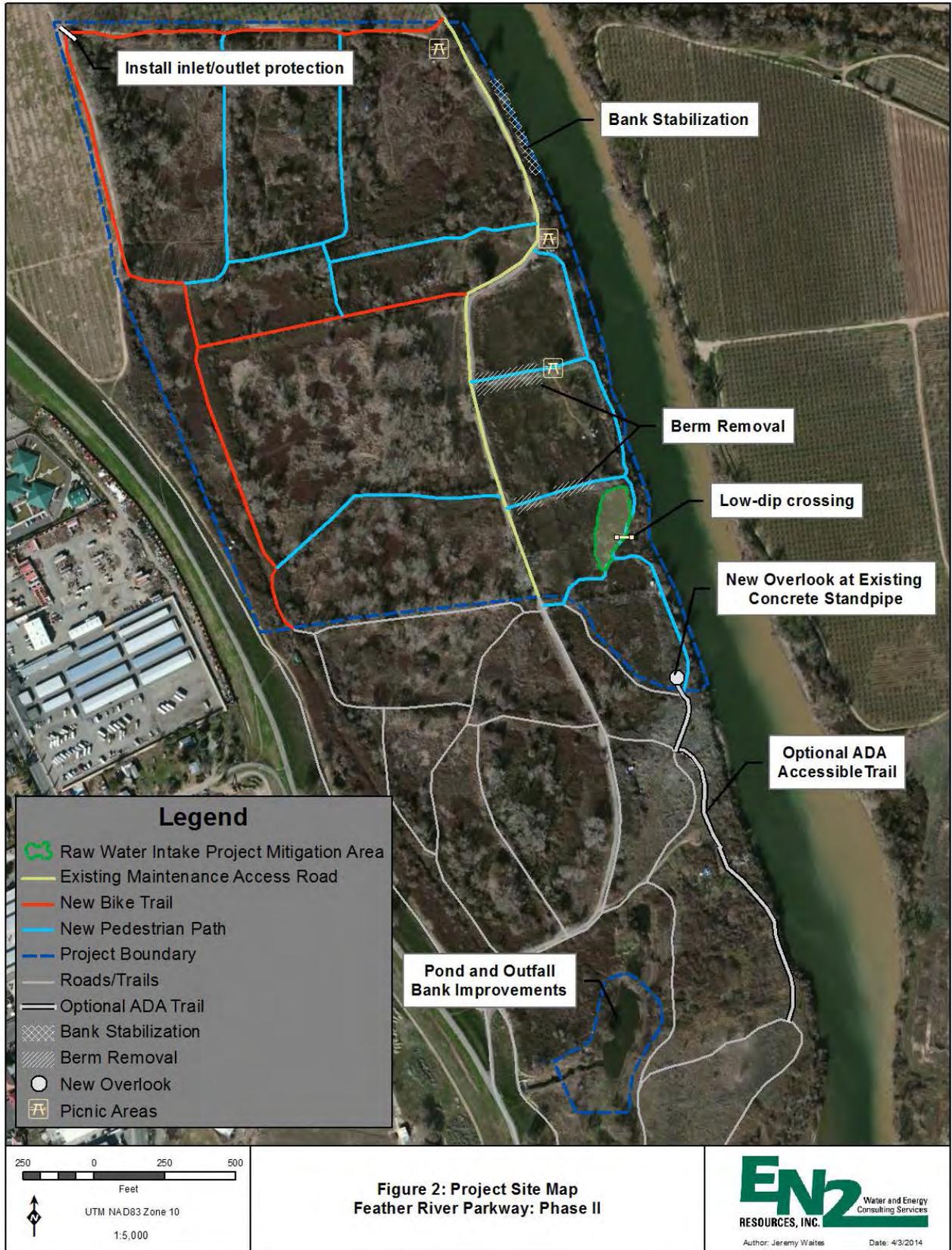


Figure 2 Project Site Map

## 4.1 Recreational Visitor Amenities

To support the various recreational opportunities proposed in the Project area, visitor amenities would include the following components:

- 7 Interpretive signs
- 3 Picnic areas
- 1 River overlook
- Access to pond in Phase I area
- Overall site map of the entire parkway located at the existing parking lot

### Ancillary Facilities

- 8 Benches
- 10 Picnic tables
- 10 Garbage cans
- 2 Bike racks
- Safety railing for river overlook
- Metal pipe gates to restrict vehicles in park

#### 4.1.1 Interpretive and Project Information Signage

The City would install interpretive and Project signage to provide educational information on the local area. The proposed signage would be at key vantage points to increase the public's understanding of the natural surroundings by the river, including riparian habitat, fisheries, wildlife, the California State Water Project, cultural history, and the Project's restoration process and recreational opportunities. Project signage would also describe the trail system and would include Quick Response (QR) codes that provide information about the trail system and the adjoining bicycle trail system in the City for users with QR readers on their mobile devices.

#### 4.1.2 River Overlook Structure

The Project would include a river overlook structure atop an existing berm adjacent to a pedestrian trail. The overlook would be constructed of concrete with a metal walkway surround and would provide upstream and downstream views of the Feather River and would meet accessibility requirements of the Americans with Disability Act (ADA).

#### 4.1.3 Access to Pond

Walkways to the pond in the existing Parkway area would be created by clearing vegetation and re-grading steep banks from existing pathways to improve access to the pond for wildlife viewing. New walkways would have a crushed rock surface.

#### 4.1.4 Ancillary Facilities

The City would install ancillary facilities to benefit visitors. Picnic tables and benches would be constructed from concrete and secured to the ground to withstand major flooding events. Garbage cans would be located throughout the Project site near picnicking locations and would be removed by the City during the rainy season. In addition, the City would install bike racks at several locations.

## 4.2 Pedestrian Trail Amenities

The Project would include the construction of approximately 2.6 miles of public trails, which would connect with the existing bike and pedestrian trails in the Parkway. The proposed public trail system includes the following:

- Walking trail (8,250 linear feet)
- Cycling trail (5650 linear feet)

### 4.2.1 Cycling and Walking Trails

The trails would be constructed primarily on the abandoned sewage lagoon berms. Firebreaks and access routes to remove debris and trash which were created in 2012 during construction of Phase I of the Parkway would also be used for recreational trails. The cycling trails would be 8 feet wide with 2-foot wide shoulders on either side, and would be surfaced with crushed aggregate base. Pedestrian pathways would be four feet wide surfaced with decomposed granite. On two short spurs of bicycling pathways, the existing berms would be lowered to create more interesting topography and to promote water flow through the area.

### 4.2.2 Optional Trail

Depending on funding, an ADA-compliant trail, connecting from the existing overlook in the Phase I area to the new river overlook, would be built. This trail would be approximately 1,350 feet long and constructed of concrete.

## 4.3 Riverbank Stabilization

Approximately 100 linear feet of river bank above the Ordinary High Water Mark (OHWM) of the Feather River adjacent to the existing City maintenance road would be stabilized. The existing Maintenance Road through this area is beginning to degrade and road base materials could at some point slough off and possibly fall into the Feather River below. Stabilizing materials ('rip-rap") have previously been placed nearby on the bank, and this area of the river bank is largely devoid of vegetation that would provide suitable habitat for native animals.

In order to protect the Feather River, the City worked with staff from California Department of Fish and Wildlife to develop a method that adequately stabilizes this section of the riverbank and minimizes impacts.

The base of the stabilized section would consist of larger boulders placed at the toe of the bank above the ordinary high water mark overlaid with smaller rock and woody debris to provide a stable foundation and a lower bench for aquatic habitat. The slope would be covered with facing grade rock-slope protection (RSP) material. The rock slope material would be covered by soil which would be over-seeded with creeping wild rye and planted with creeping wild rye plugs. Willow posts would be driven into the slope to further promote stability. The new RSP would match up to an existing section of RSP at the upstream limit of work. The existing RSP is installed at a slope of 1.5 horizontal to 1.0 vertical. The new section would transition from the steeper RSP to a milder slope of 2.5 to 1.0 and continue at the slope for approximately 100 linear feet, then transition back to the existing slope at the downstream limit of work.

## 4.4 Roadway Improvements

The City would improve the existing City's Utility Department maintenance road to upgrade safety for trail users. The existing maintenance road connects to the paved roadway located on the levee and the bike

and pedestrian trails would intersect this road at several places. Stop and Yield signs would be installed at intersections to alert users to look before crossing the maintenance road and to remind drivers on the road to watch for pedestrian and bike traffic.

## 4.5 Restoration Activities

The Project would include restoration and enhancement of natural habitat of the Feather River floodplain in areas where the proposed construction activities would occur. The following restoration components are included with this Project:

- Planting native trees.
- Removing non-native, invasive vegetation.
- Removing non-native vegetation from the area around the pond in the Phase 1 area and planting appropriate native plants there.
- Building a low dip crossing in a berm adjacent to the river. This would improve drainage of floodwaters from the Project area. The low dip crossing surface would be stabilized using a concrete turf block surface.

### 4.5.1 Replanting Plan and Restoration Activities

The proposed Project would require the implementation of a ~~planting plan~~ Restoration Plan that would include the installation of native trees to shade the pathways. The City would replant in areas that had been treated for non-native plants and weeds with native species that can provide the necessary shade to reduce re-establishment of the weed species. New plantings would be monitored regularly in order to schedule weed control and supplemental watering to ensure the establishment of the replanted vegetation. Frequency of monitoring would be dictated by seasonal conditions. The Restoration Plan would be developed further through consultation with the California Department of Fish and Wildlife and would include recommendations to replace nesting habitat for the tri-colored blackbird (*Agelaius tricolor*). The Restoration Plan would also be approved by the Central Valley Flood Protection Board.

### 4.5.2 Vegetation Clearing

Undesired vegetation would be removed prior to and during construction. Clearing of vegetation would only occur in the Project footprint area. Vegetation would be cleared 12 feet away from trails. Construction of the trail system would minimize removal of special status vegetation species, e.g., elderberry shrubs. Only trees smaller than four inches in diameter at breast height (DBH) would be removed as necessary for trails and access to ancillary facilities. Vegetation removal near the river bank would be minimized. Tree canopies would be raised along the existing maintenance road and new pathways to improve visibility and user safety. Himalaya blackberry plants would be cleared away from paths, and the maintenance road, and around ancillary facilities only to the extent necessary to make these areas accessible.

The area within the abandoned sewage ponds are overgrown with non-native and invasive weeds. In order to restore these areas, the vegetation would be cleared and the areas re-seeded with appropriate low-growing native grasses and forbs.

To remove significant infestations of non-native weeds, herbicide may need to be applied. Herbicide applications would be applied in accordance with regulatory guidelines. Consultation with a Pest Control

Advisor (PCA) regarding appropriate herbicide use and application would be completed prior to use at the Project site. The City would establish a maintenance schedule to control weeds in future years.

#### 4.6 Protection of Project Improvements from Flooding Events

Periodic flooding would inundate the Project site with deep, low velocity flows in the interior, and higher erosive flows along the Feather River's edge. The City would construct the Project to aid the flow and drainage of high water while utilizing building materials and structural designs that can withstand periodic stresses associated with flooding.

The majority of the trails would be constructed of crushed aggregate base that can easily be resurfaced after a major flooding event.

The low-dip crossing in the existing berm along the river bank will improve drainage across the Project area.

#### 4.7 PG&E Gas Pipeline

Pacific Gas and Electric Company (PG&E) owns and operates a high pressure gas main that runs west to east through the northern portion of the property. This facility would remain in place, and all construction and restoration activities would be conducted to ensure the pipeline is undisturbed.

### 5.0 PROPOSED PROJECT CONSTRUCTION METHODS AND SCHEDULE

A Storm Water Pollution Prevention Plan (SWPPP) meeting standards set by the State of California will be developed and implemented for the Project. Construction staging, including stockpiling of aggregate base or other materials for the proposed Project would be located at the existing parking lot. Construction equipment for Project activities would be the responsibility of the Contractor and would include the following:

#### ~~5.1 Grading and Graveling Equipment Needs~~

- Dump Truck
- Loader
- Grader
- Soil Compactor
- Generator
- Water Truck

The City anticipates that work on the Project would be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday except for holidays. Approximately 12 construction personnel would be required during the proposed Project construction activities. Parking for construction personnel would be available at the existing parking lot for the Parkway.

#### ~~5.25.1 Construction Safety~~

Contractor would install temporary fencing and/or signage across paths to indicate areas closed to the public to prevent unauthorized entry to the Project area during construction activity. In addition, the City would have a full-time inspector at the proposed Project site during the duration of the Project to monitor implementation and compliance with agency regulations and requirements by the construction personnel. This City representative would have the authority to stop work in the event of noncompliance.

## 6.0 PROPOSED PROJECT OPERATIONS AND MAINTENANCE

The Project area is within the jurisdiction of the City, and would therefore be operated and maintained by the City's Parks and Recreation Department. The Project improvements would provide recreational and educational opportunities at no charge to the public. In addition, during the dry season the City would provide security personnel for monitoring of the parkway for public safety.

The City routinely works with volunteer groups and the California Conservation Corps (CCC) to maintain the pedestrian and cycling trails and vegetative habitat within the public access areas. During periods when the CCC is unavailable for maintenance activities, the City would be responsible for ensuring the recreational facilities are maintained appropriately.

For management of operations at the Project site, the City's Parks and Recreation Department would impose the following user restrictions:

- Dawn until dusk public access only.
- Hiking and cycling restricted to designated areas.
- Motorized vehicles not allowed off roads (excluding service and maintenance vehicles).
- Alcohol use would be prohibited.
- Tobacco use would be prohibited.
- Certain trails would be closed seasonally to protect nesting habitat for the bank swallow (*Riparia riparia*). Signs would be posted informing the public of the necessity to close the trail.
- Additional vegetation removal would be limited to maintaining access to trails and ancillary facilities or to removing newly introduced non-native invasive weeds.

The City may recruit volunteer groups to help support the City in its efforts to keep the Project site safe and clean. Organized cleanup and trail maintenance days and park watch programs would create vested, public interest in the community, while enhancing the recreational and educational function of the Project site.

## 7.0 ENVIRONMENTAL REVIEW AND POTENTIAL PERMITTING REQUIREMENTS

CEQA review would be completed and applicable permits would be obtained before the City begins proposed Project activities. Standards to be used during the proposed Project construction activities include: the ADA Standards, City Parks and Recreation Department Standards, California Vehicle Code, American Association of State Highway and Transportation Officials (AASHTO) Federal Highway Standards, and Uniform Federal Accessibility Standards. Table 1, below, lists the anticipated agency reviews and permits that would be necessary for the City to implement the Project.

Table 1 Agency Review and Potential Permit Requirements

Agency	Applicable Laws/Regulations
City of Yuba City (CEQA Lead Agency)	Section 21000 et seq. of Public Resources Code, Section 15000 et seq. of California Code of Regulations,

	CEQA
U.S. Army Corps of Engineers (USACE)	Clean Water Act, Section 404 Permit
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act, Section 7 Consultation, Fish and Wildlife Coordination Act
California Department of Fish and Wildlife (CDFW), North Central Region	Fish and Game Code, Section 1600 et seq., Streambed Alteration Agreement, California Endangered Species Act consultation
California Water Quality Control Board (CWQCB), Central Valley Region	Clean Water Act, Section 401, Water Quality Certification and Section 402, National Pollutant Discharge Elimination System (NPDES) Permit
<del>California Reclamation Board</del> Central Valley Flood Protection Board Levee District 1	Encroachment Permit

## 8.0 PROPOSED PROJECT SCHEDULE

The proposed Project construction activities would commence in January 2015. Construction of the proposed Project would be completed within approximately 10 months, with the grading and graveling activities completed prior to the 2016 rainy season. Permitting of the proposed Project would occur after the City's completion of CEQA review.

## 9.0 ENVIRONMENTAL CHECKLIST

### 9.1. Background

Project title: Feather River Parkway, Phase II

Lead agency name and address: City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 94993

Contact person and phone number: Brad McIntire (530) 822-4652

Project location: Sutter County, CA

Project sponsor's name and address: City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 94993

General plan description: City of Yuba City General Plan

Zoning: Flood by the City of Yuba City Zoning Code

### 9.2. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this proposed Project, involving at least one impact that is "Less than Significant" or "Less Than Significant with Mitigation" as indicated by the accompanying environmental checklist.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry                   | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources              | <input checked="" type="checkbox"/> Geology/Soils                      |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                   | <input type="checkbox"/> Mineral Resources                          | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                            | <input checked="" type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities/Service Systems                  | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### 9.3. Determination

(To be completed by the Lead Agency)

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 (ND) 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. An MND will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) 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 attached sheets. An EIR 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 ND pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or ND, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brad McIntire  
Signature

2-3-14  
Date

Brad McIntire  
Printed

2-3-14  
Date

#### 9.4. Evaluation of Environmental Impacts

The degree of change from existing conditions caused by the Project is compared to the impact evaluation criteria to determine if the change is significant. Where it is determined that one or more significant impacts could result from implementation of the Project, mitigation measures are developed to reduce or eliminate the significant impacts. Existing conditions serve as a baseline for evaluating the impacts of the Project.

The following terminology is used in this document to describe the various levels of environmental impacts associated with the Project:

- A finding of *no impact* is identified if the analysis concludes that the proposed Project would not, or only negligibly, affect a particular environmental topical area in any way.
- An impact is considered *less than significant* if the analysis concludes that the proposed Project would not cause a substantial adverse change in the environment, or would result in a positive change to the environment.
- An impact is considered *less than significant with mitigation* if the analysis concludes that the proposed Project has the potential to cause a substantial adverse change in the environment, but the proposed Project includes measures to mitigate the potential impact to a less than significant level.
- An impact would be considered a *potentially significant impact* if the analysis concludes that the proposed Project could cause a significant environmental effect. Proposed Projects that potentially produce a significant impact(s) warrant the greater level of analysis and consideration provided by an EIR.

9.4.1 Aesthetics

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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Aesthetics*

The proposed Project would create a riverfront park in an area of abandoned sewage lagoons. Non-native vegetation would be removed and replaced with native plants, which would return the area to a more natural state. The trails proposed for the Project will be on existing berms in the Project area and would be surfaced with natural crushed rock. A river overlook would replace an unused concrete standpipe. A portion of the riverbank would be stabilized with aggregate rock overlanted with wild rye grass. The proposed Project would make minor yet positive changes on the existing landscape, including retrofitting the abandoned standpipe into an overlook and replanting with plants native to the riparian area and removing noxious invasive weeds from the area.

*Explanation of Impacts on Aesthetics*

- a) Less than Significant Impact. There is no direct line of site to the Project area from any major roadway or vantage point used by the public. The Project area can be seen from an agricultural area across the Feather River and from the maintenance road used by City work crews. Construction activities would have short term impacts on the scenic view from limited vantage points.
- b) No Impact. The proposed Project would not require that trees larger than 6 inches Diameter at Breast Height (DBH) be removed and there are no rock outcroppings or historic buildings on site to be affected by Project activities.
- c) Less than Significant Impact. Project improvements would include park benches, picnic tables and interpretive signs.

One element of the proposed Project is to build a river overlook. The overlook would replace a concrete standpipe that was part of the workings of the now-abandoned sewage lagoons and is visible from the river. The Project would therefore improve the visual quality of the area.

A second element is a requirement by the granting agency to stabilize approximately 100 linear feet of eroded riverbank. The proposed bank stabilization would include overplanting the area with creeping wild rye grass. This area can be seen from the Feather River and would be adjacent to an existing area of riverbank that was stabilized with rip-rap. Therefore, some degradation of the natural riverbank would result from the increased length of rip-rap placed for riverbank stabilization.

- d) No Impact. The proposed Project would be a riverfront park for day use only. No street lamps or other sources of nighttime lighting would be installed. The proposed Project does not include building structures with reflective surfaces that would cause glare during the daytime.

*Mitigation Measures for Aesthetics*

No mitigation is required or warranted.

### 9.4.2 Agriculture and Forest 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 (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB).

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### *Discussion of Impacts of Agriculture and Forest Resources*

- a) No Impact. The proposed Project area is located on lands designated as "Grazing Land" by the California Department of Conservation's Farmland Mapping and Monitoring Program (SCIF 2010). There are no agricultural operations occurring at the Project site, and the Project does not include construction that might convert land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. See Figure 3.
- b) No Impact. There is no land subject to a Williamson Act contract within the Project area. The proposed Project area is zoned for flood (Yuba City Zoning Map) (CYC 2004) located on lands designated as "Grazing Land" by the Farmland Mapping and Monitoring Program. There are no agricultural operations occurring at the Project site, and the Project would not conflict with existing agricultural zoning or area subject to Williamson Act.
- c) No Impact. The area is not zoned for timberland and there is only a small amount of forest or woodland resources on-site. None of these resources would be impacted by the proposed Project.

No native trees larger than 6 inches DBH would be removed by project activities. Trails would be placed over existing road and trails and would be routed as to not impact forest resources. There are no timberland resources on-site within the proposed Project area. The Project area is not

zoned timberland production and there are no areas used for growing and harvesting timber. Project activities (specifically the control of invasive plant species) would help support native tree cover.

- d) No Impact. There are no forest or woodland resources on-site that would be impacted by the proposed Project. Project activities would not remove or negatively impact any trees or other forest resources.
- e) No Impact. The proposed Project would not involve other changes in the existing environment that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There are no agricultural operations occurring at the Project site.

*Mitigation Measures for Agriculture and Forest Resources*

No mitigation is required or warranted.

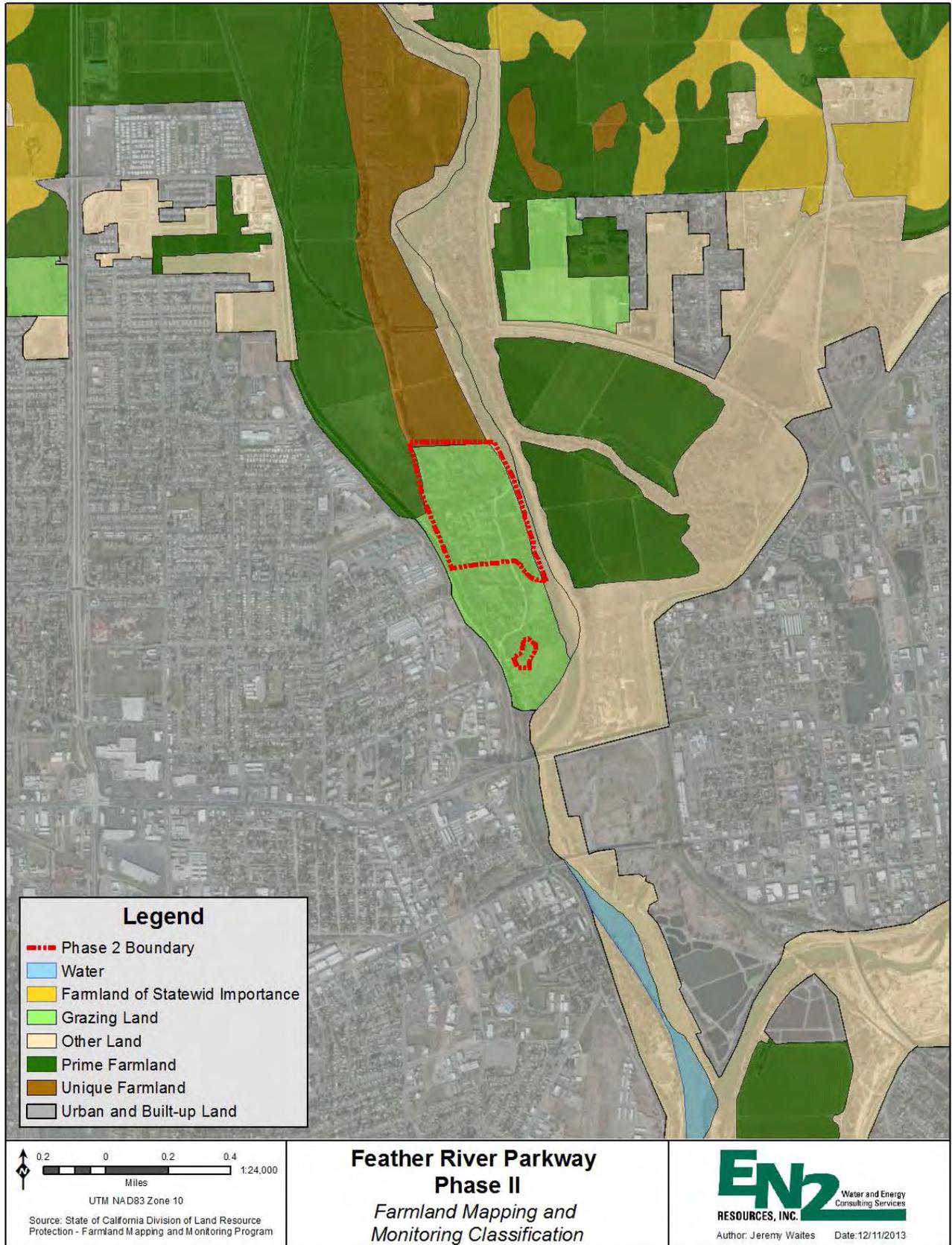


Figure 3 Farmland Mapping and Monitoring Classification

9.4.3 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.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Environmental Setting for Air Quality*

Air quality in the Project area is regulated by the U.S. Environmental Protection Agency (EPA), CARB, and the Feather River Air Quality Management District (FRAQMD). The City is located in the Northern Sacramento Valley Air Basin (NSVAB). Air quality monitoring in the NSVAB has been conducted for the last 18 years. The monitoring results have shown that the principal pollutants are ozone and particulate matter (CYC 2004).

In December 2012, the EPA determined that the Yuba City-Marysville non-attainment area has attained and continues to attain the 2006 24-hour Particulate Matter 2.5 National Ambient Air Quality Standard (US EPA 2012). The FRAQMD has adopted a maintenance plan to ensure continued attainment of the National Standard (FRAQMD 2013). The FRAQMD is either designated as attainment or unclassified for the remaining federal and state standards for nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), sulfates, hydrogen sulfide (H<sub>2</sub>S), lead, and visibility reducing particles (FRAQMD 2010).

*Discussion of Impact on Air Quality*

- a) No Impact. The Project activities would not conflict with or obstruct implementation of the FRAQMD Air Quality Plan.
- b) Less than Significant with Mitigation incorporated. Short-term, air quality impacts could result from the construction equipment at the Project site. A portable generator would be utilized during proposed construction activities, and would be required to be registered by the City through CARB prior to use. As outlined in the Yuba City General Plan (CYC 2004) implementing policies (8.6-I-7) for air quality and the FRAQMD *Indirect Source Review Guidelines* (FRAQMD 2010), the City would require the contractor to implement mitigation measure MM-AQ-1 during proposed

construction activities to help ensure less-than-significant impacts from construction vehicle emissions.

Short-term air quality impacts could result from fugitive dust emissions generated during earthmoving activities. As outlined in the Yuba City General Plan (CYC 2004) implementing policies for air quality (8.6-I-6) and the FRAQMD *Indirect Source Review Guidelines* (FRAQMD 2010), the City would require the contractor to implement mitigation measure MM-AQ-2 during proposed construction activities to help ensure less-than-significant impacts for fugitive dust emissions.

As described in Section 5.0, approximately six (6) pieces of equipment would be utilized during the Project construction activity. However, during peak construction periods all 6 pieces of equipment would not be operating simultaneously. Worker vehicles would also be limited to no more than twelve (12) vehicles, resulting in a less-than-significant impact to air quality standards in the region. The area of land to be graded and the amount of heavy equipment operating is far below that which would approach the daily and annual limits for oxides of nitrogen (NOx), reactive organic gases (ROG), and particulate matter-10 (PM).

Operations of the Project site would include recreationists' vehicles that would be traveling to and from the Project site creating minimal impacts to criteria pollutants. Motorized vehicles, i.e. all-terrain vehicles, would not be permitted to access Project trails.

- c) Less than Significant Impact. The proposed Project would not contribute a cumulatively considerable net increase of any criteria pollutant to the air basin that would affect the ambient air quality status for the federal and state ozone standards.
- d) No Impact. There are no known sensitive receptors near the Project area.
- e) Less than Significant Impact. The vehicles for proposed Project construction activity include off-road and on-road diesel powered vehicles. This equipment could create odors for recreationists at the existing Parkway. These odors would be temporary, and would only occur during particular phases of work.

### *Mitigation Measures for Air Quality*

#### MM-AQ-1:

To reduce construction equipment emissions, the City would comply with the following Best Management Practices (BMP) measures during Project implementation:

- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions Limitations (40% opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation from the FRAQMD.
- The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained prior to and for the duration of the on-site operation.

- The primary contractor shall install diesel particulate filters or implement other CARB-verified diesel emission control strategies on all construction equipment.
- The primary contractor shall establish staging areas for the construction equipment that are as distant as possible from off-site receptors.
- The primary contractor shall use haul trucks with on-road engines instead of off-road engines for on-site hauling when feasible.
- Idling time shall be limited to 10 minutes to save fuel and reduce emissions.

Implementation of the above BMP measures would ensure less-than-significant impacts to air quality standards for construction equipment emissions during implementation of the Project.

#### MM-AQ-2:

To reduce fugitive dust emissions and minimize PM 2.5 impacts on air quality, the City shall comply with the FRAQMD Fugitive Dust Rule 3.1. The City would require the contractor to submit for approval a Fugitive Dust Plan (Plan) to the FRAQMD, and implement the required BMP measures outlined in the Plan. The required BMP measures to be applied during the grading and earthmoving phases of work should include, but are not limited to, the following:

- During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by regular watering, paving of construction roads, or other dust-preventive measures as directed by the Department of Public Works or Air Quality Management District (AQMD).
- An operational water truck should be available at all times during construction activity.
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- All clearing, grading, earth-moving, or excavation activities shall be suspended when winds exceed 20 miles per hour (mph) averaged over 1 hour.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized at all times.
- Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access.
- Reestablish ground cover on the construction site as soon as possible and prior to final occupancy through seeding and watering.

Implementation of the above BMP measures would ensure less-than-significant impacts to air quality standards for fugitive dust during implementation of the Project.

9.4.4 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Environmental Setting of Biological Resources*

The Project area is located in the City along the west bank of the Feather River, just north of the Highway 20 Bridge. The Project is within the floodplain of the Feather River and is subject to frequent flooding. This frequent natural disturbance has created a mixture of riparian habitats in the Project area. A large portion of the site was formerly used as sewage treatment plant and remnants of the abandoned “lagoons” still exist and are visible in aerial photographs and on the ground (Figure 2. Project Site Map).

There are patches of Great Valley Cottonwood Riparian Forest identified in the California Natural Diversity Database (CNDDDB) (CDFW 2013) north of the Project area along the river (Holland 1986). This area is characterized by a mature overstory of cottonwood (*Populus fremontii*) and very dense undergrowth consisting of wild grape (*Vitis californica*), willows (*Salix exigua*, *S. goodingii*), and other species. Large mature sycamore (*Platanus racemosa*) trees are found on the higher ground around this area.

The majority of the Project area is classified as Great Valley Willow Scrub, with some areas having dense willow thickets and others being relatively open with a mix of forbes, grasses, and shrubs, including mule fat (*Baccharis salicifolia*) (Holland 1986). There are patches of Mixed Riparian Vegetation as well in and around the old lagoons. These areas are composed primarily of cottonwood, willow, and valley oak

(*Quercus lobata*). Small valley oak saplings are found throughout the open areas of willow scrubland. There are scattered mature valley oaks along the margins of the Project area, nearer the levee. Dense Himalayan blackberry (*Rubus armeniacus*) and other weedy species have invaded this area.

Throughout the Project area there are pockets of native trees beginning to reclaim the site of the abandoned sewage lagoon. There is a considerable amount of old concrete, asphalt, and other debris in and around the old lagoons. There are numerous mature, multi-stemmed elderberry shrubs (*Sambucus mexicana*) throughout the Project site, primarily on the higher ground and near the river's edge.

As mitigation for impacts from the Feather River Raw Water Intake Project completed by the City in 2014, a restoration area approximately 0.2 acre in size was planted with riparian vegetation in 2013 along the eastern edge of the Phase II Project area.

The Project area has been used informally by the public for a number of years for recreation such as access for swimming and fishing, and by homeless people who established long-term campsites in the area. This informal and unauthorized access has led to degradation of the riparian habitat in the area. Trash has accumulated in several sites; vegetation was removed by the homeless to establish campsites; and an informal network of trails was formed as people accessed the area.

At one point during construction of Phase I of the Feather River Parkway, a campfire raged out of control in what is now the Phase II Project area. The contractor on-site was requested by the fire department to establish firebreaks to help contain the fire and to prevent additional property damage. Other unexpected and uncontrolled fires occurred in the area, which put the City in an untenable position. The City decided to clean-up the campsites in the area and several additional road cuts were made to create access routes to trash piles in the area.

The trail system of the proposed Project would be built on a combination of the existing berms from the abandoned sewage lagoons and the fire breaks and access routes that were created in 2012.

The riparian habitat in Project area has been degraded by infestations of non-native invasive weeds which are species introduced to California after European contact and invasive plants are those that can displace native species and alter ecosystem processes (Cal IPC 2006).

#### *Discussion of Impacts on Biological Resources*

- a) Less Than Significant with Mitigation Incorporated. Table 1, below, summarizes the results of queries (all occurrences within 5 miles of the proposed Project) of the CNDDDB and the USFWS Database (USFWS 2013) for the area covered by the USGS, Yuba City and Sutter topographic quadrangle. A review of the CNDDDB indicates the presence of several Federally Threatened and Endangered plants and animals (CDFW 2013). Based on a field reconnaissance survey of the habitat on-site and data from the above searches it was determined that several special-status species may have habitat near the proposed Project. The species habitat descriptions, descriptions of on-site conditions, and explanations of potential effects on each species are presented below.

Table 2 Special Status Species

Common Name	Scientific Name	Federal Listing	California Listing	CNPS Listing	Potential Habitat
<b>Birds</b>					
Swainson's hawk	<i>Buteo swainsoni</i>	None	Threatened	-	Yes
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	Candidate	Endangered	-	Yes
Tricolored blackbird	<i>Agelaius tricolor</i>	None	None	-	Yes
Bank swallow	<i>Riparia riparia</i>	None	Threatened	-	Yes
Great Egret (rookery)	<i>Ardea alba</i>	None	None	-	Yes
Great blue heron (rookery)	<i>Ardea herodias</i>	None	None	-	Yes
<b>Invertebrates</b>					
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Threatened	None	-	Yes
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	Endangered	None	-	No
California linderiella	<i>Linderiella occidentalis</i>	None	None	-	No
<b>Fish</b>					
Green sturgeon	<i>Acipenser medirostris</i>	Threatened	None	-	Yes
Central valley steelhead	<i>Oncorhynchus mykiss</i>	Threatened	None	-	Yes
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened	Threatened	-	Yes
Delta smelt	<i>Hypomesus transpacificus</i>	Threatened	Endangered	-	No
<b>Amphibians, Reptiles</b>					
Western pond turtle	<i>Actinemys marmorata marmorata</i>	None	None	-	Yes
Giant garter snake	<i>Thamnophis gigas</i>	Threatened	Threatened	-	Yes
California tiger salamander	<i>Ambystoma californiense</i>	Threatened	Threatened	-	No
California red-legged frog	<i>Rana draytonii</i>	Threatened	None	-	No
<b>Plants</b>					
Ferris' milk-vetch	<i>Astragalus tener var. ferrisiae</i>	None	None	1B.1	Yes
Recurved larkspur	<i>Delphinium recurvatum</i>	None	None	1B.2	No
Veiny monardella	<i>Monardella venosa</i>	None	None	1B.1	No
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	Endangered	Endangered	1B.1	No
California Native Plant Society: 1B.1 Rare, Threatened or Endangered in California and Elsewhere, Seriously threatened in California 1B.2 Rare, Threatened or Endangered in California and Elsewhere, Moderately threatened in California					

**Swainson's hawk (*Buteo swainsoni*):** Swainson's hawk is a state-listed Threatened species and protected under the Federal Migratory Bird Treaty Act. Swainson's hawk prefers wide open grassland, cropland, or pasture for foraging habitat. It often nests in solitary trees or within trees in small groves near its foraging habitat. It can also be found nesting in riparian woodlands. This is a migratory species that winters as far south as the southern tip of South America (Peeters 2005).

Nesting sites have been observed along the Feather River to the north and south of the proposed Project over a mile away. There are numerous potential nesting trees near the proposed Project area within the riparian habitat. No large, mature trees would be removed for any Project-related

construction activity. Swainson's hawk foraging habitat exists in the more open areas of willow scrubland and adjacent walnut plantation. Construction activities could lead to a temporary disturbance to foraging hawks but the construction of the bike and pedestrian trails would lead to a very small amount of foraging habitat loss. CDFW guidelines state that no disturbances, such as the operation of heavy construction equipment, should be initiated within 0.5 mile of any active nests during the critical nesting season of March 1 through September 15 (CDFW 1994). If there are potential nesting trees within 0.5 miles of the Project, therefore, Project activities could lead to significant adverse impacts to Swainson's hawk if construction occurs during the nesting season. Mitigation (MM-BIO-2) would reduce potential impacts to less-than-significant.

**Cooper's hawk (*Accipiter cooperii*):** The Cooper's hawk is protected under the Federal Migratory Bird Treaty Act. Cooper's hawks are woodland species that inhabit a variety of habitat types. Nesting habitat is often in riparian and oak woodlands; within the outer branches of mature trees. Prey includes small mammals and birds (Peeters 2005).

No CNDDDB occurrences are within 5 miles of the Project but suitable nesting and foraging habitat is located throughout the Project area. Construction activity at the site could lead to potential adverse impacts to this species. Mitigation is presented below (MM-BIO-2), which would reduce impacts to less-than-significant.

**White-tailed kite (*Elanus leucurus*):** The white-tailed kite is not officially listed and is not a species of special concern in California; however, like all raptors, it is protected by the Federal Migratory Bird Treaty Act and is a CDFW Fully Protected Species.

The white-tailed kite prefers grassland and savannah habitats in the Central Valley and foothills. It will use marginal habitat near suburban populations. It prefers to nest near the top of trees with a dense canopy (Peeters 2005). There are numerous suitable nesting locations within the Project boundary. White-tailed kites' nests were not identified in the CNDDDB within 5 miles of the Project. Impacts to potential nesting white-tailed kites as a result of vegetation clearing and other construction activity could occur.

To mitigate potential impacts to white-tailed kites and other nesting raptors, mitigation (MM-BIO-2) would be implemented if construction is scheduled to occur during the nesting season. With the implementation of MM-BIO-2, the potential impact to this species and other raptors would be less-than-significant.

**Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*):** The western yellow-billed cuckoo is a state-listed Endangered species and a federally candidate listed species. The cuckoo prefers large stands of mature, dense riparian woodland dominated by cottonwood and willows with a dense understory of shrubs and vines. It typically nests in dense willows. The breeding season is May to September (Fix 2000; Zeiner 1990). The CNDDDB indicates the presence of past occurrences to the south and to the north of the Project area.

There is some potential habitat for this species within the patch of mature cottonwood-willow riparian woodland to the south of the Project area. The small size of this patch makes it an unlikely location for a nest but since few large tracts of habitat exist at this site, it could be used by nesting cuckoos. Construction activity and riparian vegetation removal could lead to significant impacts to

this species. Mitigation is presented below (MM-BIO-3) that would reduce potential impacts to a less-than-significant level when implemented.

**Tricolored blackbird (*Agelaius tricolor*):** The tricolored blackbird is a state species of concern during its breeding season. This colonial nesting species requires sites with open accessible water, protected nesting substrate (flooded or thorny vegetation), and suitable foraging habitat that provides adequate insect prey for the colony. Most occurrences of tricolored blackbirds are in freshwater marshes (Hamilton 2004) although an increasing number of colonies are nesting in Himalayan blackberry (Cook 2005). Project activities are not expected to adversely impact this species. Implementation of MM-BIO-11 would reduce impacts to a less than significant level.

**Bank swallow (*Riparia riparia*):** The bank swallow is a state-listed Threatened species. This colonial species nests along steep vertical banks, cliffs, or bluffs along perennial waters. The bank soil must be soft enough for burrowing (Zeiner 1990).

The CNDDDB indicates the presence of bank swallows approximately 1.5 miles to the north of the Project. There are areas within the Project that could provide suitable habitat for this species. There are incised, eroded banks along portions of the Feather River north of the sandy beach area. Much of this area appears to have fairly dense vegetation, which is not ideal for bank swallows.

Adverse impacts to this species are not likely since construction is not likely to encroach on the steep bank area of the river. ~~Suggested implementing~~ mitigation measures for protecting riparian habitat (MM-BIO-6) and protecting bank swallows (MM-BIO-12) would reduce potential impacts to a less-than-significant level.

**Great egret and Great blue heron (*Ardea alba* and *Ardea herodias*) rookery sites:** These species are state species of concern because rookery sites are sensitive to disturbance and a large number of birds can be located at one site. Rookery sites are very similar and are typically located in the tops of large snags or live trees. These sites are often near aquatic foraging areas.

The shallow water along the margins of the Feather River and the freshwater pond on site could provide suitable foraging habitat. The mature woodland areas could provide rookery sites for either of these species. There are no records of these species within 5 miles of the project in the CNDDDB. No rookery sites were observed in the vicinity of the Project. Project activities are likely to have a less-than-significant impact on these species.

**Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*):** Valley elderberry longhorn beetle (VELB) habitat consists solely of blue elderberry (*Sambucus mexicana*) in the Central Valley and Sierra Nevada foothills from approximately 0 to 3,000 feet elevation. Blue elderberry shrubs are often located in riparian corridors in the Sacramento Valley (USFWS 1999).

Numerous elderberry shrubs were observed within the Project area. Maintaining a 20-foot buffer from the dripline of the shrubs ~~will~~ would help avoid impacts. Construction of the Project may require trimming or pruning or removal of shrubs to create trails and place other amenities. Dust from construction traffic could be deposited on the foliage, resulting in temporary stress to the plants. Mitigation is presented below (MM-BIO-4) that would bring impacts to a less than significant

level. In addition to MM-BIO-4, the contractor would be required to prepare and implement a fugitive dust control plan (MM-AQ-2) to further protect elderberry shrubs in the Project area.

**Vernal pool fairy shrimp (*Branchinecta lynchi*):** This species of tadpole are found in a variety of natural, and artificial, seasonally ponded habitat types including: vernal pools, swales, ephemeral drainages, stock ponds, reservoirs, and ditches. Project activities would be mainly on the berms around the sewage ponds and therefore would not negatively impact potential habitat for this species.

**Green Sturgeon (*Acipenser medirostris*):** The green sturgeon is a federally-listed Threatened species. The green sturgeon is an anadromous and long lived fish that enters rivers primarily to spawn, spending most of its life in marine environments. Spawning typically occurs between March and July in deep, fast moving, relatively cold water (8°-14° C). Typical spawning habitat is thought to be large cobble. It is known to occur and spawn in the Sacramento River. Critical habitat has not been designated for this species. Green sturgeons have been seen in the Feather River and are presumed to utilize it for spawning (Moyle et. al. 1995).

**Central Valley steelhead (*Oncorhynchus mykiss*):** The Central Valley population of steelhead is a federal-listed Threatened species. The steelhead is an anadromous fish, which spawns in freshwater rivers from December to March. Preferred spawning habitat consists of gravel beds in cool (10-15 deg. C), fast flowing, well oxygenated perennial streams (Moyle et.al. 1995). The Feather River is listed as Critical Habitat for the Central Valley population of steelhead. The river is considered consistent and fair habitat for migration of adults and juveniles; and natal habitat is periodic and fair (NOAA 2005a).

**Central Valley Spring-run and Winter-run Chinook (*Oncorhynchus tshawytscha*):** The spring run of Chinook salmon is listed as Threatened under federal and state regulations; the winter run of Chinook in the Sacramento River is listed as Endangered under federal and state regulations (NOAA 2005b, NOAA 1999). The Chinook salmon is an anadromous fish, which spends 2-5 years in the ocean before moving into freshwater rivers to spawn. They do not feed while in freshwater but rely on stored body fat. The spring-run spawns in freshwater rivers from September to October in gravel beds of fast flowing cool water (not more than 14 deg. C) (Moyle 1995).

The winter-run spawns in similar conditions from late April to early August. Ideal water temperatures for upstream migration of the winter run are 14°-19° C (Moyle 1995). The Feather River is designated critical habitat for both of these runs. The river is considered consistent, good habitat for migrating adults and juveniles; and consistent, fair rearing habitat for juveniles. This portion of the river does not contain suitable spawning habitat (NOAA 2005b).

Potential impacts to all special-status fish species as a result of Project activities would be temporary and minimal. Only a small portion of the riverbank where the bank stabilization is to occur could potentially be affected by construction activities. The bank stabilization element, the final design of which has not yet been determined, would be covered under either Nationwide Permit 13 or other permit issued through the US Army Corps of Engineers. The City would adhere to any additional mitigation measures required by the permit. (See MM-HYD-3 and -4).

Construction related ground disturbance near the Feather River could lead to increased suspended sediment and turbidity of river water from stormwater runoff. Sediment can affect spawning habitat by clogging gravels and reducing oxygen levels around eggs. In addition, there are a variety of adverse physiological and behavioral effects to fish resulting from increases in suspended solids (Bash 2001). Mitigation for these impacts is addressed in MM-HYD-1, preparation of an application for storm water discharges includes a provision for preparing a SWPPP. The BMPs in the SWPPP will help reduce impacts associated with soil disturbance and potential sedimentation of local waterways.

Mitigation is presented below (MM-BIO-1, ~~-67~~, and ~~-813~~) that would also reduce potential impacts to a less-than-significant level for all fish species.

**Western pond turtle (*Actinemys marmorata*):** The western pond turtle is a state species of special concern. It is generally found near permanent or semi-permanent water with abundant vegetation in a wide variety of habitats, below 6,000 feet (Zeiner et.al. 1990). It requires partially submerged logs, rocks, cattail mats or exposed banks for basking. There are no recorded CNDDDB occurrences within 5 miles of the Project.

Potential habitat for this species exists along the Feather River and possibly within the pond on site. Temporary adverse impacts to western pond turtle would be possible during construction of the trails, overlook, and bank stabilization. Riverine and adjacent upland habitat may be disturbed during the construction of these facilities. Mitigation is presented below (MM-BIO-7), which would reduce impacts to less-than-significant.

**Giant garter snake (*Thamnophis gigas*):** The giant garter snake (GGS) is a federally-listed Threatened species. It is found primarily within the Sacramento Valley. Habitat requirements consist of (1) adequate water during the snake's active season (early-spring through mid-fall) to provide food and cover; (2) emergent, herbaceous wetland vegetation, such as cattails and bulrushes, (3) grassy banks and openings in waterside vegetation for basking; and (4) higher elevation uplands for cover and refuge from flood waters during the snake's dormant season in the winter (USFWS 2009a, Zeiner et.al 1990).

The GGS inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Riparian woodlands typically do not provide suitable habitat because of excessive shade, lack of basking sites, and absence of prey populations (USFWS 2009a). There is an occurrence of GGS almost two miles to the southwest of the Project area. The occurrence is only accurate to 80 meters and is presumed extant.

The Project site contains a variety of habitats from dense riparian woodland to open willow scrub. Conditions at the site during a reconnaissance survey did not appear suitable for GGS. GGS typically are not found in large rivers like the Feather River (USFWS 2009a). Away from the river, there is very little backwater, or aquatic habitat with emergent aquatic vegetation. The small pond appears to be isolated, and not likely to support a large quantity of suitable prey for GGS. However, following floods, this site could be transformed into habitat temporarily. With numerous flooded lagoons and a maze of upland berms as potential refuge and basking sites, this site would

meet the habitat requirements of GGS. Given the overall habitat conditions existing at the site, Project related activities would not likely impact GGS.

**California tiger salamander (*Ambystoma californiense*):** This species is restricted to grasslands and low (typically below 2000 feet/610 meters) foothill regions where lowland aquatic sites are available for breeding. They prefer natural ephemeral pools or ponds that mimic natural conditions in which wetlands retain water until May or June and then go dry. (Loredo and Van Vuren 1996) The potential for habitat for this threatened species is low within the project area due to early drying in the absence of flooding. Any suitable habitat (standing water and wetlands found after May) if found on site would be flagged and avoided.

**California red-legged frog (*Rana draytonii*):** This amphibian is found primarily near ponds in forests, grasslands, and vegetated streamsides in lowlands or foothills. No occurrence has been recorded in or near the Project area. Project activities would not fill or disturb potential habitat for this species, therefore, the potential for negative impact on habitat is low. Mitigation measures MM BIO-1, -6, and -8 would reduce impacts to less-than-significant level.

**Ferris' milk-vetch (*Astragalus tener var. ferrisiae*):** This species of vetch is an annual herb that flowers from spring to late summer. It is found in the Central Valley on subalkaline flats in vernal mesic meadows, valley grassland, claypan vernal pools, fallow rice fields, and vernal marshes. The CNDDDB database reports one occurrence near the Project area. The occurrence location is not accurately known but habitat for this species exists. Mitigation measure stated below (MM-BIO-09) would limit potential negative impact to suitable habitat.

**Hartweg's golden sunburst (*Pseudobahia bahiifolia*):** Hartweg's golden sunburst grows in valley grasslands and woodland foothills below 1000 feet in clay soils and on mima mounds. An occurrence is reported in the CNDDDB database, but the species is extirpated from the area and no suitable habitat remains.

- b) Less than Significant with Mitigation. The Project footprint is within the floodplain of the Feather River and a majority of the site contains riparian vegetation. There are multiple riparian vegetation communities within the Project area. These communities include Great Valley Cottonwood Riparian Forest, Mixed Riparian Forest, and Mixed Willow Scrub.

The trails would be built on existing trails, firebreaks, access routes, roadways, or berms that have been used for access in the area for a number of years. Trail construction would make these existing paths suitable for bike traffic and/or walking and would require that some vegetation be removed or pruned. Access improvement to the pond would require the removal of some riparian vegetation.

In prior years, the public and homeless people have used the area on an informal basis. This has led to degradation of the habitat evidenced by an accumulation of trash and debris, removal or pruning of small trees and shrubs, and trampling vegetation. Establishing a formal network of trails, providing defined picnic areas and regular trash removal would direct use by the public to designated areas and would allow for some control over how the area is used. Interpretive signs would be placed throughout the Project area to educate the public about this unique biological resource. There would be certain restrictions imposed on use of the area, such as access only

from dawn to dusk, signage to direct hiking and cycling to designated areas, no motorized vehicle use except for service and maintenance vehicles, no alcohol or tobacco use, and seasonal trail closures to protect habitat for special status species during breeding season.

The Project would not result in the removal of any trees greater than 6-inch DBH. All elderberry shrubs in riparian areas would be avoided or USFWS-approved mitigation would be implemented (MM-BIO-4) to replace any shrubs removed. All oak trees would be avoided and prevented from negative impact from Project activities (MM-BIO-95).

When construction is complete, native trees and other native herbaceous vegetation would be planted in areas where riparian vegetation has been disturbed as described in the Restoration Plan that would be prepared for the Project (MM-BIO-14). The Restoration Plan would describe appropriate native species to be planted. This would include replacement planting for the loss of nesting habitat for the tri-colored blackbird by removal of Himalayan blackberry, as well as planting other suitable riparian vegetation in the two acres to be restored. The plan would also describe methods to control non-native, invasive weeds that exist in the area or which could be introduced inadvertently.

The Project would be operated in a manner that minimizes human impacts. There would be regular trash removal, access would be limited to daylight hours and public vehicle access would be restricted by locked gates and bollards, tobacco use and alcohol use would be prohibited, and interpretive signage would be placed throughout the Project area to educate the public about this unique resource. Seasonal trail closures would occur to protect special status species such as bank swallows. Implementing the proposed mitigation measures would reduce impacts to a less than significant level.

Mitigation is presented below (MM-BIO-7) that would reduce this impact to a less than significant level

- c) Less than Significant with Mitigation. The Project area contains several abandoned sewage lagoons built in the 1960's by the City. These lagoons have 8-foot retention berms on which the trail system would be built. No trails are planned in the area of the abandoned lagoons. The improved access to the small pond in the Phase 1 area would not impact wetlands or other jurisdictional waters. The bank stabilization element of the proposed Project would be built above the OHWM of the Feather River. This element was a recommended by CDFW and is a requirement of the grant funding for the Project. The bank stabilization would alleviate degradation of the Maintenance Road and would serve to protect the Feather River from road base materials sloughing off into the waterway. The bank stabilization would occur during the period July 1-August 31 and additional protection measures would be enforced to reduce the potential to impact migrating fish species in the Feather River (MM-BIO-13).

A wetland delineation in accordance with Section 404 of the Clean Water Act would be required for the bank stabilization component of the project in order to determine the OHWM (MM-BIO-10). If any wetlands identified in the Project area could be impacted by the Project, the trail system would be modified to avoid these impacts and the City would adhere to any additional mitigation measures identified by the USACE or Central Valley Regional Water Quality Control Board (CVRWQC).

- d) Less than Significant. Trails would be located on existing 6- to 8-foot tall retention berms in or on existing roads or trails and the majority of the Project area would remain undisturbed. Construction activities have the potential to impact wildlife movement, but these impacts would be temporary. The proposed restoration of the site would remove non-native vegetation and use native riparian vegetation which would improve habitat value of the Project site (MM-BIO-7).

The City plans to restrict access to the site to the hours between dawn and dusk and to restrict public access to walking and cycling trails in designated areas. Motorized vehicles would not be allowed off roads. These restrictions would reduce disturbance and improve wildlife movement through the Project area.

A large number of fish and other aquatic species migrate through and inhabit the Feather River. Neither construction nor operation of this Project would be expected to affect the movement of fish and aquatic species in the river. Improvements such as the low-dip crossing and lowering the height of several of the existing berms would help drainage across the site and enable fish inadvertently trapped by flooding to migrate back to the river stream.

- e) Less than Significant with Mitigation. Section 8.4 of the City's General Plan contains policies related to the protection of biological resources (CYC 2004). Native oaks and other native trees would be preserved during construction and incorporated into the potential replanting plan in accordance with implementing policy 8.4-I-2 of the General Plan (2004). A tree survey would be completed prior to Project construction (MM-BIO-9). Any native oaks in an area of ground disturbance would be tagged and orange construction fencing erected around the dripline of each tree to protect the tree and the roots zone to minimize impact. Mitigation is presented below (MM-BIO-9) that would help the project comply with the Yuba City General Plan regarding the preservation of native trees.

Policy 8.4-I-5 requires establishment of wildlife corridors in accordance with the Feather River Strategic Plan. Section (d) above deals with wildlife movement and discusses how the Project could enhance wildlife movement through the area. The Project would not conflict with General Plan Policy 8.4-I-5.

- f) No impact. There are currently no approved Natural Community Conservation Plans (NCCPs) or Habitat Conservation Plan (HCPs) in Sutter County.

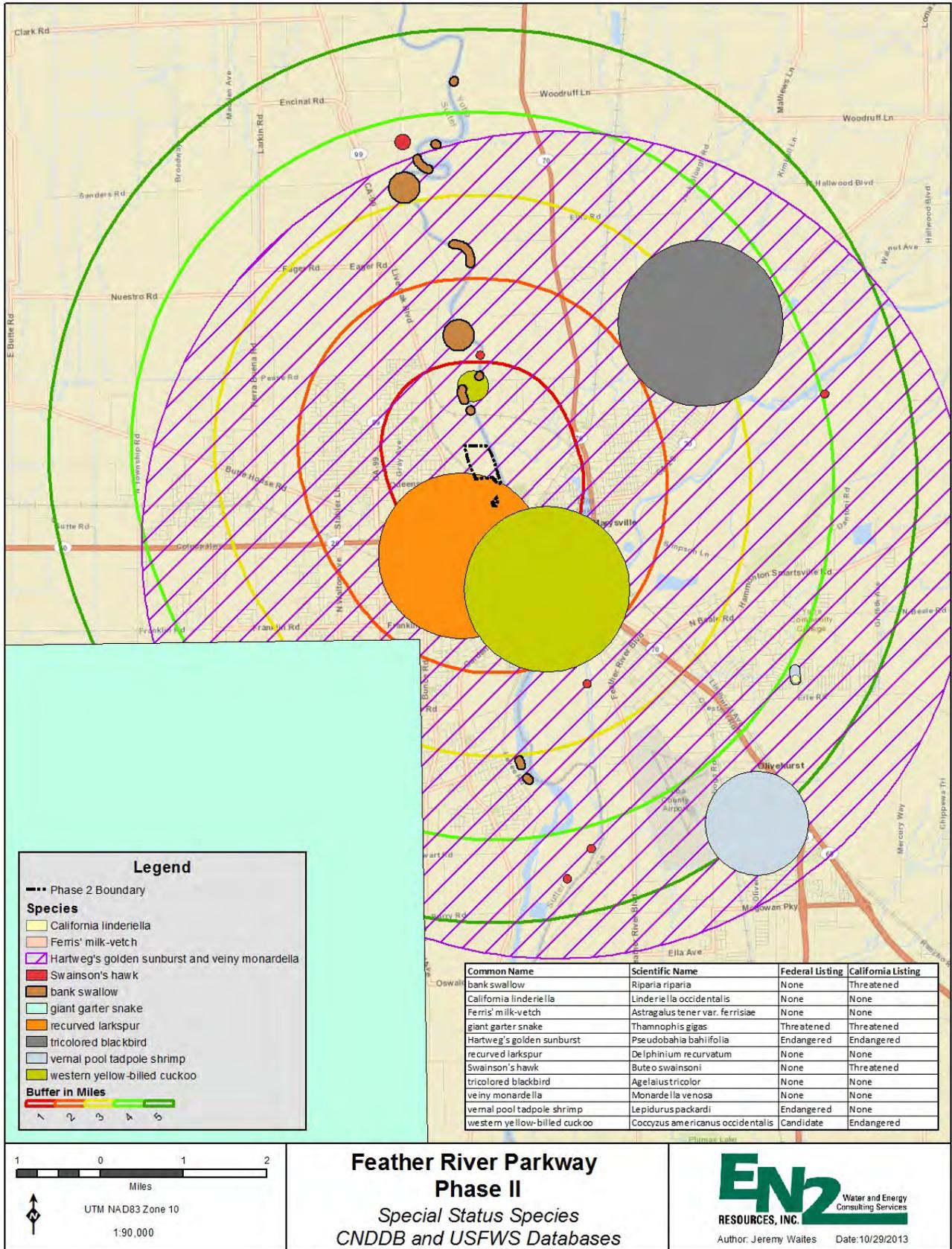


Figure 4 Special Status Species CNDDDB and USFWS Databases

## Mitigation Measures for Biological Resources

To mitigate the above discussed potentially significant impacts to special-status species, sensitive habitats, and other biological resources, the City would implement the mitigation measures presented below to reduce the potential impacts to biological resources to a less-than-significant level.

### MM-BIO-1: Avoid disturbance to sensitive habitats and special-status species

The City ~~will~~would provide a qualified biologist to regularly monitor construction activities to ensure compliance with these mitigation measures and implementation of other mitigation associated with state and federal permits. The biologist ~~will~~would provide environmental training to construction personnel prior to the start of construction activities. This training ~~will~~would include information about the special-status species that may occupy the site and sensitive habitats on-site and regulations associated with these species and habitats.

### MM-BIO-2: Raptor Surveys

A preconstruction survey for Swainson's hawk and other raptors ~~will~~would be completed to mitigate for potential impacts to these species. The survey ~~will~~would be completed by a qualified biologist and according to CDFW protocols. The nesting period for Swainson's hawk is from March 1 - September 15 (CDFW 1994). The survey includes surveying all potential Swainson's hawk nesting sites within 0.5 mile of the proposed area of disturbance for active nests and surveying potential nesting areas within ¼ mile of the Project for other raptors. If no active nests are located, survey results ~~will~~would be submitted to the City and no further mitigation will be required. If an active nest exists, the location ~~will~~would be recorded and reported to the CDFW to determine appropriate buffers and any additional mitigation requirements. Should construction activities cause a nesting raptor to vocalize, make defensive flights at intruders, get up from a brooding position-, or fly off the nest, then the exclusionary buffer would be increased such that activities are far enough from the nest to stop the raptor's agitated behavior. The buffer should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with CDFW-.

### MM-BIO-3: Western yellow-billed cuckoo protection

To mitigate potential impacts to nesting cuckoos, a qualified biologist ~~will~~would complete a survey for nesting cuckoos prior to beginning any construction on-site. The survey ~~will~~would include all suitable habitats within 200-feet of the Project boundary. The biologist ~~will~~would consult with CDFW biologists to determine appropriate survey protocols. It may be necessary to perform the survey using recorded calls of the cuckoo to illicit a response. Should cuckoos or an active cuckoo nest be located, the biologist ~~will~~would map the occurrence and notify the CDFW to determine appropriate buffers and any additional mitigation requirements. Should construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer would be increased such that activities are far enough from the nest to stop the bird's agitated behavior. The buffer should remain in place until the chicks have fledged or as otherwise determined- by a qualified biologist in consultation with CDFW.

### MM-BIO-4: Valley Elderberry Longhorn Beetle protection

A survey for elderberry shrubs within the Project boundary ~~will~~would be completed according to USFWS guidelines. Shrubs to be avoided ~~would~~will be clearly marked by a qualified biologist and exclusion fencing placed around shrubs and/or shrub clusters. The USFWS ~~would~~will be consulted to determine minimum buffers. If shrubs cannot be avoided then the USFWS ~~would~~will be consulted to determine necessary VELB mitigation requirements (USFWS 1999). Construction near shrubs will be monitored by a qualified biologist. Environmental training (MM-BIO-1) ~~would~~will include VELB guidelines and requirements.

#### MM-BIO-5: Arborist survey

The City's General Plan Policy 8.4-I-2 requires the protection of oak trees and other large native trees. To mitigate for potential impacts to oaks or other native trees, an arborist survey will be completed. The survey will document the size and location of native trees over 6 inches DBH in the vicinity of ground disturbing activities. The survey will be performed by a qualified biologist or certified arborist. The tree survey would be completed prior to Project construction. Any native oaks in which ground disturbance would occur will be tagged and the DBH and location data collected. Orange construction fencing would be erected around the dripline of each tree to protect the tree and the root zone to minimize impact.

#### MM-BIO-6: Avoid impacts to and protect Riparian habitat

Impacts to riparian habitat ~~would~~will be avoided whenever feasible. A qualified biologist ~~would~~will map and locate sensitive areas using an aerial photograph and identify areas for avoidance fencing. The biologist will monitor construction activities to ensure avoidance of sensitive habitat.

Approximately 2.0 acres of riparian habitat in the area of the abandoned sewage lagoons will be enhanced by the removal of non-native, invasive vegetation and replanted with native vegetation suitable for riparian areas.

The City ~~would~~will apply for a Streambed Alteration Agreement from CDFW and will implement any additional specific mitigation measures associated with the Agreement.

#### MM-BIO-7: Avoid impacts to and protect Riverine habitat

Avoid Riverine and other aquatic habitat with a minimum 25-foot buffer. Riverine habitat ~~would~~will be avoided with a buffer of 25 feet (as measured from the OHWM) to minimize disturbances to aquatic habitat as a result of construction-related activity. This boundary will be clearly marked prior to the start of construction and plastic orange construction avoidance fencing would be used where work is to occur in proximity to aquatic habitat. An exception to installing the boundary fencing would be made for the riverbank stabilization element of the proposed Project.

#### MM-BIO-8: Preconstruction surveys for western pond turtles

Western pond turtles may occupy habitat along the Feather River and any ponded water located onsite. A qualified biologist will survey for western pond turtles and nests prior to beginning ground disturbing activities. If turtles are located then a qualified biologist will relocate turtles to suitable habitat outside of the project area under a relocation plan approved by CDFW. The relocation plan for pond turtles would also describe what measures would be taken to prevent Western pond turtles from re-entering the Project area,

including the installation of silt fencing or other exclusionary measures. A qualified biologist will be onsite regularly during ground-disturbing construction activities near the river and pond habitat to remove turtles if necessary.

#### MM-BIO-9: Rare Plant Survey

The Project area may contain habitat suitable for occurrences of Ferris' milk-vetch. Floristic surveys would take place during the evident and identifiable time period for this plant. In addition, habitat which favors this plant, such as vernal moist pools, would be avoided during construction activities. If an occurrence is found, exclusion zones would be erected at a distance in which all disturbance from Project activities are avoided. Trails may be modified or eliminated to avoid significant impacts to the milk-vetch.

#### MM-BIO-10: Wetland Delineation

A wetland delineation would be completed to ensure that there would be no net loss of wetland function or area resulting from the Project activities. The wetland delineation would be done in accordance with Section 404 of the Clean Water Act and the OHWM would be determined. If any wetlands identified in the Project area could be impacted by the Project, the trail system would be modified to avoid these impacts and the City would adhere to any additional mitigation measures identified by the USACE or Central Valley Regional Water Quality Control Board (CVRWQC).

#### MM-BIO-11: Avoid impacts to tricolored blackbird habitat

To mitigate potential impacts to nesting tricolored blackbird, a qualified biologist would complete multiple surveys for nesting birds prior to beginning any Project construction and during the breeding season. The survey will include all suitable habitats within 200-feet of the Project boundary. The biologist would consult with CDFW biologists to determine appropriate survey protocols. Should any nesting colonies be located, the biologist will map the occurrence and notify the CDFW to determine appropriate buffers and any additional mitigation requirements. An interpretive sign would be installed which states the nesting period of the species and which requests users of the area to minimize disturbances during this time period.

#### MM-BIO-12: Avoid impacts to and provide protection for bank swallows

The typical nesting and fledging period for bank swallows occurs between May 1- June 30. Construction of trails near bank swallow nesting sites would be scheduled outside of this time period. Trails near nesting areas would be closed annually to the public during this time period and signage would be installed explaining the reason for the trail closure.

#### MM-BIO-13: Avoid impacts to migrating fish species

To mitigate potential impacts to Chinook salmon and green sturgeon, the river bank stabilization would occur during the period of July 1- August 31. Vegetation removal in the area of the bank stabilization would be minimized to extent possible, buffers would be delineated to prohibit construction and grading within these areas, construction materials would be placed to prevent them from washing downstream, measures would be taken to prevent downstream sedimentation, and erosion control materials using plastic monofilament would be prohibited from use. Additional mitigation measures may be required through permits obtained from the USACE, SWRCB, or CDFW and would be strictly enforced.

#### MM-BIO-14: Develop a Restoration Plan

The Restoration Plan for two acres in the Project area would be developed in consultation with CDFW and with the CVFPB. The plan would recommend and list native plants that support tricolored blackbirds as well as other native species that would be planted to mitigate for loss of Himalayan blackberry shrubs. The plan would recommend that vegetation removal be limited to the extent required by CVFPB to prevent hydraulic impacts caused by the accumulation of vegetation.

9.4.5 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 as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Environmental Setting of Cultural Resources*

The proposed Project site is in an area previously used by the City's waste water treatment plant for detention ponds. The detention ponds have not been used by the City since the 1970's, when new treatment facilities were built in southern Yuba City.

The majority of the pedestrian and cycling trails would be built on the existing 6- to 8-foot tall retention embankments, or berms, bordering the abandoned sewage lagoons located at the Project site. These existing berms are interconnected such that no trails would be constructed in the low lying areas within the old sewage lagoons.

*Discussion of Impact on Cultural Resources*

- a) Less than Significant with Mitigation. Potential impacts to cultural resources were analyzed during the environmental review for the Phase I of the Parkway, which was built in 2012. At that time, the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) conducted a thorough search of their records pertaining to the Project Area of Potential Effect (APE), which included the area containing the proposed Project site. The record search indicated that cultural resource surveys had not been completed within the Project area, nor had any cultural resources been recorded (NEIC 2009). The NEIC recommended that a professional archaeologist be contacted to conduct a cultural resources survey of the Project area. To comply with that recommendation, the City contracted with Past Forward, Inc. (PFI) to conduct a pedestrian survey which included the Phase I Project area (Baxter 2010a). PFI identified one historical resource in the general area: the abandoned "sewer farm" in what is now the Phase II Project area. The "sewer farm", or the abandoned lagoons, was operated as part of the City Department of Public Works water treatment plant. The date of construction is unknown; however, the earliest plans of the site are dated February 1949 (Baxter 2010a).

To further satisfy the recommendations from the NEIC, a Cultural Resources Inventory and Evaluation report was prepared in May 2010 for both the Phase I and Phase II areas. This report

concluded that the sewer ponds did not appear eligible for National Register of Historic Places listing (Baxter 2010b).

- b) Less than Significant with Mitigation. A Sacred Lands File Search was completed by the Native American Heritage Commission (NAHC) on February 22, 2010 for evaluation of potential environmental impacts during construction of Phase I of the Parkway. The NAHC stated that its search failed to indicate the presence of Native American cultural resources in the Phase I Project area (NAHC 2010). An updated Sacred Lands File Search Request was submitted to the NAHC on October 10, 2013, and results of that search are pending. However, the Cultural Resource Inventory completed by PFI reported that there were no identified Native American sites at the Project site, including the Phase II Project area (Baxter 2010a). It is possible that no Native American sites were identified within the Project area because of: the inability to visually inspect most of the ground surface due to the dense vegetation that now exists; and the earth moving activities that took place while the area was an active sewage treatment area which would have obliterated surface features indicating Native American habitation (Baxter 2010a).

The ground disturbance activities for construction of Phase II would be limited to the raised berms surrounding the abandoned sewage lagoons. The berms will be lowered in three areas and the earthen material from the berms graded to match elevation of the adjacent area. It is unlikely that any archaeological resources in the Project area would be disturbed by Project activities. The City would require the contractor to implement mitigation measures MM-CR-1 and MM-CR-2 during proposed construction activities to minimize potential impacts to archaeological resources.

- c) No Impact. No geologic strata that would contain paleontological resources exist at the Project site.
- d) Less than Significant with Mitigation. During ground disturbing activities, there is a potential to unearth previously unidentified human remains. To reduce the potential of significantly disturbing or damaging human remains, mitigation measure MM-CR-3 would be incorporated.

### *Mitigation Measures for Cultural Resources*

#### MM-CR-1

The contractor will have a qualified professional on-call who will be contacted if, during excavation activities, any of the following or other potential pre-historic/historic materials are unearthed:

1. Potential human remains;
2. Former refuse sites or other artifacts; or,
3. Changes in soil color or composition that could indicate a former occupation site.

#### MM-CR-2

As a standard precaution, and as part of the construction contract specifications, if any previously unknown cultural resources are encountered during construction, necessary discovery measures will include:

1. Shutting down construction activities in the immediate area of a find;
2. Notifying the City Project Manager;
3. Continuing work cessation in the project vicinity for a reasonable period of time to allow professional evaluation of finds (Public Resources Code Sections 21083.2, 21084.1, and 21083.1);

4. If the resources are found to be significant and avoidance is not possible, providing time and funding for professional recovery and analysis of significant archaeological and historical finds (Part V of Appendix K and Public Resources Code Section 21083.2); and,
5. A pre-construction worker briefing will occur to discuss required mitigation measures if cultural resources are unearthed during implementation of Project activities.

#### MM-CR-3

In compliance with the California Health and Safety Code, Section 7050.5(b), if human remains are discovered, excavation will halt in the immediate area and the Sutter County Coroner will be notified. Within 48 hours of notification, the Coroner will determine whether the remains are of Native American descent. If so, the NAHC will be notified within 24 hours, and as required under Public Resources Code, Section 5097.98, the most likely descendants will be notified. Based on the above notifications, measures will be implemented that address the removal and relocation of the remains.

9.4.6 Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Geology and Soils*

- a) No Impact. The proposed Project would not expose people or structures to potential substantial or adverse effects.
  - i. The Alquist-Priolo Earthquake Fault Zoning Act's primary purpose is to prevent the construction and occupancy of buildings by humans on active faults. California Geological Survey does not list Sutter County, where the proposed Project site is located, as a county affected by the Act (CDC 2012).
  - ii. The proposed Project would not expose people or structures to seismic ground shaking. Project activities would not occur in an area of active seismicity and the Project is not in an area inhabited by people. The Probabilistic Seismic Hazard Map for the Project indicates that the area has 10% chance of peak ground acceleration of gravity over the course of 50 years. (CDC 2008).
  - iii. The Project would not create ground failure or liquefaction. The soil types and depth to bedrock make the ground at the proposed Project site not prone to liquefaction.
  - iv. The Project area has minimal topography that would make the area prone to landslides. The minor slopes under construction would be heavily stabilized with riprap, soil, and vegetation. There are no habitable structures that would be negatively impacted by landslides.

- b) Less than Significant with Mitigation. The Project area is heavily vegetated with no extended slopes that would cause substantial erosion. The area has the potential to be flooded but lower velocity flows in the interior of the Project area and restricted flows within the abandoned sewage ponds would reduce erosion and increase soil deposition.

The improved trails would have a surface of permeable aggregate base material which would minimize the potential for channelized runoff that would erode drainage features.

Trail improvements, bank stabilization, and berm removals have the potential to cause erosion and topsoil loss. Mitigation measure MM-HYD-1 (Hydrology and Water Quality Section) requires development of a SWPPP. The SWPPP would include BMPs to reduce erosion and reduce siltation into nearby surface waters. Implementation of MM-HYD-1 would reduce impacts from erosion to a less than significant level.

- c) No Impact. The Project site is not located in an area prone to: on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse; nor would construction or activities after construction increase the likelihood of these events.
- d) No Impact. The proposed Project site predominantly consists of two soil types: Columbia fine sandy loam, frequently flooded, 0 to 2 percent slopes and Shanghai silt loam, frequently flooded, 0 to 2 percent slopes (Figure 5). These soil types are a loam soil which is moderately well-drained and not considered expansive. These soils do not have expansive characteristics as defined by Table 18-1-B of the Uniform Building Code.
- e) No Impact. No additional wastewater systems are necessary to support the proposed Project; therefore, no impacts would be expected.

#### *Mitigation Measures for Geology and Soils*

The mitigation measure for section b) is located in the Hydrology and Water Quality section.

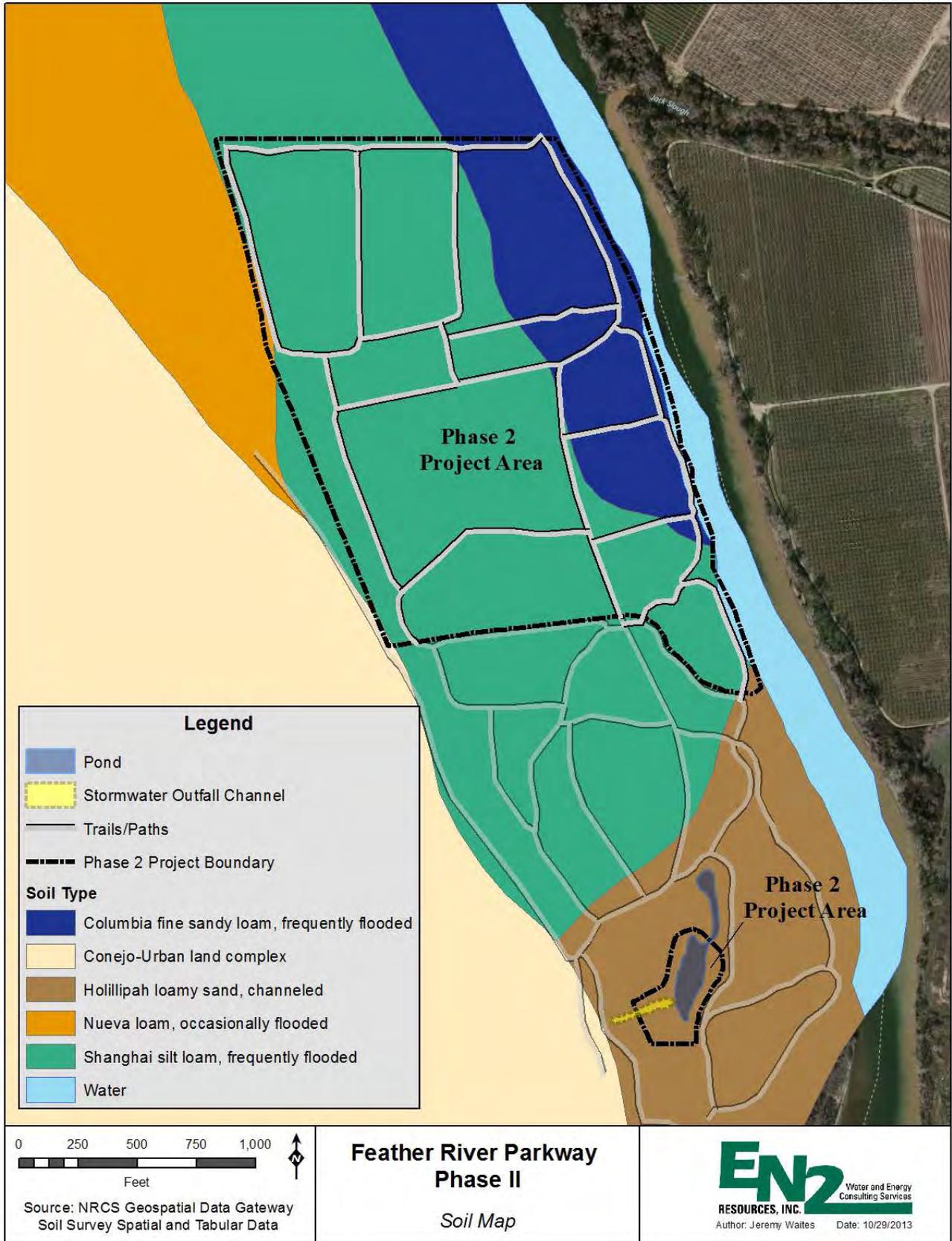


Figure 5 Soil Map

9.4.7 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Discussion of Impact on Greenhouse Gas Emissions*

- a) Less than Significant Impact. Short-term, negligible greenhouse gas (GHG) emissions would result from the construction equipment and worker vehicles. As described in Section 5.0, approximately six (6) pieces of equipment would be utilized at the Project site during each of the construction activity phases. However, during peak construction periods, all 6 pieces of equipment would not be operating simultaneously. Worker vehicles would also be limited to no more than twelve (12) vehicles, resulting in a less than significant impact to generation of GHG emissions in the region.
- b) Less than Significant Impact. Assembly Bill 32 (AB 32) established legislation in September 2006 for the State of California to combat GHG and promote the development and use of energy-efficient technologies. In addition, AB 32 established a comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of GHG emissions. The law requires a reduction of carbon emissions in California to 1990 levels by 2020. CARB is the primary state agency designated to implement the requirements outlined in AB 32.

Project impacts to GHG emissions fall below the FRAQMD threshold for additional analysis. Project construction and operation activities would be minor and temporary, and therefore would have minimal effects on AB 32 GHG emission reduction goals. For Project operations, long-term maintenance activities would require minimal vehicle miles traveled, since the proposed Project maintenance would be incorporated into the existing City Public Works Department's maintenance schedule. In addition, the recreationists' vehicles that would be arriving to and from the Project site would create minor GHG emissions to the air basin. Motorized vehicles, i.e. all-terrain vehicles, would not be permitted access to the trails developed by the Project which were designed to encourage local residents to access the site by bicycle instead of by driving. The Project would result in less than significant impacts to GHG.

*Mitigation Measures for Greenhouse Gas Emissions*

No mitigation is required or warranted.

9.4.8 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Discussion of Impact on Hazards and Hazardous Materials*

- a) Less than Significant with Mitigation. Himalayan blackberry would be cleared away from paths and the road, and non-native and invasive weeds would be cleared from the abandoned sewage ponds. The removal process may require the need for herbicidal treatment. The transport, use, or disposal of the herbicides could be hazardous; therefore, if herbicidal applications were determined to be necessary, they would be completed on an as necessary and infrequent basis, and would follow all regulations for use of herbicides in a riparian area. Compliance with mitigation measure MM-HHM-1 would reduce any impacts to people or the environment from the transport, use, or disposal of herbicides to less-than-significant levels.
- b) Less than Significant with Mitigation. As noted above, Himalayan blackberry would be cleared from paths and the road, and non-native and invasive weeds would be cleared from the abandoned sewage ponds. The removal process may require the need for herbicidal treatment, which may be hazardous. To reduce any hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of herbicides into the environment, mitigation

measure MM-HHM-1 would be incorporated. Compliance with MM-HHM-2 would reduce any impacts to people or the environment from the use of herbicides to less-than-significant levels.

- c) No Impact. There are no schools within one mile of the proposed Project site; therefore, no impacts would occur to the surrounding schools from hazardous materials or hazardous emissions.
- d) No Impact. The proposed Project site is not listed on the Hazardous Waste and Substances Sites (Cortese) List developed by the California Department of Toxic Substances Control (CDTSC) in accordance with Government Code Section 65962.5 (a) (DTSC 2013).
- e) No Impact. The nearest airport is the Sutter County Airport, which is located approximately two and a half miles to the south of the proposed Project site. The proposed Project site is not located within the airport's land use plan (ALUC 1994). As a result, no impacts would occur.
- f) No Impact. There are no private airstrips within the vicinity of the proposed Project; therefore, there would be no impacts to people working or recreating in the proposed Project area from private airstrip safety related hazards.
- g) No Impact. The proposed Project would not interfere with an emergency response or evacuation plan; therefore, no impacts would occur.
- h) Less than Significant. The proposed Project is adjacent to the Feather River in an open space area consisting of riparian shrub/tree species and both native and non-native grasses. The proposed Project would not include storing of hazardous/flammable materials on site. Additionally, the site would not contain any structures that would result in a significant risk of loss from wildland fires, and given the intended use of the site for short-term interim recreational purposes, people would not be significantly exposed to the risk of wild land fires resulting in injury or death. Furthermore, the City's Fire Station 2 is approximately one mile from the site and would have access to all areas of the proposed Project site via the levee, road, and recreational trails. There would be less-than-significant impacts from the exposure of people or structures to wildland fires within the proposed Project area.

#### *Mitigation Measures for Hazards and Hazardous Materials*

##### MM-HHM-1

If herbicidal treatment is necessary for vegetation removal, a PCA will be consulted prior to herbicide use to determine safe handling and treatment practices. All regulations for use of herbicides in riparian areas will be followed.

##### MM-HHM-2

Personnel transporting and handling hazardous materials will follow CDTSC (CCR Title 22, Division 4.5, Chapter 13) and Occupational Safety and Health Administration (OSHA) (CFR Title 29) standards for safe handling and delivery.

## 9.4.9 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### *Environmental Setting for Hydrology and Water Quality*

#### **Surface Water**

The proposed Project site is located within the Sacramento River watershed, the Feather River sub-watershed, within the floodplains along the west bank of the lower Feather River. Flows through this section of River are moderated by the Oroville Dam. During high river flows the proposed Project site can become inundated with water.

The National Wetland Inventory (NWI) database (USFWS 2013) classifies the now-abandoned sewage lagoons as Fresh Water Ponds. The proposed Project has been designed to limit disturbance in these areas to the areas where the berms will be lowered and to where weed abatement and removal of non-native plants will take place.

The lower Feather River has been placed on the 303(d) list as a water quality limited segment by the State Water Resources Control Board (SWRCB), which means that the river does not meet water quality standards even after the deployment of pollution control technologies on point-sources. The lower Feather River has been 303(d) listed for the following pollutants: Group A pesticides, mercury, chloropyrifos, PCB, and unknown toxicity (SWRCB 2010).

### **Groundwater**

The proposed Project is located within the Sacramento Valley groundwater basin, specifically in the Sutter subbasin. The Sutter subbasin is bounded on the north by the confluence of the Butte Creek and the Sacramento River and Sutter Buttes, on the west by the Sacramento River, on the south by the confluence of the Sacramento River and the Sutter Bypass, and on the east by the Feather River. Department of Water Resources (DWR), Bulletin 118-6, indicates stream percolation, deep percolation of rainwater, and percolation of irrigation water are the principal sources of groundwater recharge in the Sacramento Valley (CDWR 2006).

Groundwater quality within Sutter County (where the Project is located) ranges from high to low and includes contaminants in some areas resulting from both natural conditions and human influence. Data collected in the 1990s indicated that some wells that are drilled to various depths contain chemicals in amounts that exceed drinking water quality safety and aesthetic standards (CDWR 2006).

### *Discussion of Impacts on Hydrology and Water Quality*

- a) Less than Significant with mitigation. The proposed Project would disturb more than one acre of land for grading trails, stabilizing the river bank, and removing portions of the existing berms. Equipment and material use could release chemicals, including fuels, oils, solvents, and concrete by-products that could be transported into the nearby surface waters, or infiltrate into the groundwater.

To reduce any potential impacts from erosion and runoff and to help ensure that surface water quality standards and waste discharge requirements are not violated, mitigation measure MM-HYD-1 would be implemented which would include a set of BMPs to reduce erosion, prevent chemical spills, and reduce siltation into nearby surface waters.

- b) No Impact. A majority of the proposed Project components would utilize permeable aggregate base material being placed on soil berms that are already compacted. The proposed Project would not deplete groundwater supplies or interfere with groundwater recharge. No impacts would be expected from Project activities.
- c) Less than significant with mitigation. Portions of berms of some of the former sewage lagoons would be removed. A low-dip crossing would be installed in the berm closest to the river to drain accumulated storm water and floodwaters. This would improve circulation and drainage on the floodplain, increasing habitat value.

The majority of trails would have surfaces of permeable aggregate base material, minimizing the potential for channelized runoff that would erode drainage features. The Project design would reduce potential Project impacts to the existing drainage patterns of the area to less than significant level.

The bank stabilization design would not alter, impede, or modify the flow of the Feather River. Mitigation measures MM-HYD-2 and MM-HYD-3 would be implemented to ensure that the Project meets the conditions required by CVRWQB and USACE.

- d) See c) above.
- e) Less than significant impact. The majority of the trails in the proposed Project would utilize permeable aggregate base material. This material would allow for the infiltration of storm water and allow for the movement and passage of water in a manner that would not significantly increase the rate of runoff or inundate the storm water drainage system.

The removal of portions of the existing berms will reduce channelization of flooding waters and improve hydrologic circulation. This will reduce the risks of erosion and enhance the ability of the floodplain to handle storm water discharge.

- f) Less than significant with mitigation. Equipment used in construction could release chemicals, including fuels, oils, solvents, and concrete by-products that could be transported into the nearby surface waters. The implementation of mitigation measures MM-HYD-1 and MM-HYD-3 would ensure that water quality is not substantially degraded, reducing impacts to a level considered to be less than significant.
- g) No impact. The proposed Project is located within the floodplains of the lower Feather River but would not involve the construction of housing or other structures for human habitation.
- h) Less than significant. The proposed Project is located within the floodplains of the lower Feather River. However, the Project would not involve the construction of major surface structures that would substantially impede or redirect flood flows. Removing sections of the existing berms would improve flood flows across the Project area and improve natural drainage channels on the floodplain. The bank stabilization proposed for a short section of the Feather River would not impede or redirect flows.
- i) No impact. In the event of a failure of the Oroville Dam or other flooding event, emergency notifications would be issued and the facility would immediately be evacuated and closed to the public.
- j) No Impact. No conditions exist in the area that would expose the Project to a seiche, tsunami, or mudflow.

### *Mitigation Measures for Hydrology and Water Quality*

#### MM-HYD-1

A Notice of Intent to implement the Project under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) and Federal Energy Regulatory Commission (FERC) requirements for operation of the Oroville Dam Hydroelectric Project will be submitted for approval by the CVRWQCB. A SWPPP will be prepared to minimize the mobilization of sediment and other project related pollutants into nearby water bodies, and will include the following BMPs:

- Enclose and cover exposed soils and other loose construction material that could erode into the waterways.
- Ensure that no construction material, including soil stockpiles, are directly deposited or placed where it may be transported into a drainage, pond, or the river.
- Control and contain soil, and filter runoff from disturbed areas with the use of berms, silt fencing, straw bales or wattles, geofabric, catch basins or other erosion control devices to prevent the escape of sediment from disturbed areas.

#### MM-HYD-2

If jurisdictional waters cannot be avoided, a Clean Water Act Section 404 permit application for discharges of dredge or fill material into waters of the U.S. will be submitted and approved by the USACE prior to construction activities. The USACE review will ensure that the effect of the bank stabilization on the flows of the Feather River will be less than significant. Any additional mitigation measures required by the permit will be implemented.

#### MM-HYD-3

If jurisdictional waters cannot be avoided, a Clean Water Act Section 401 Water Quality Certification application will be submitted and approved by the CVRWQCB prior to construction activities. This permit will provide the necessary conditions for the Project activities to protect water quality. Any additional mitigation measures required by the permit will be implemented.

#### MM-HYD-4

An application for an Encroachment Permit will be submitted to the Central Valley Flood Protection Board (CVFPB) for approval prior to construction work within the levee area. Any additional mitigation measures required by the permit will be implemented. The Restoration Plan for the Project (MM-BIO-14) will be developed in compliance with Title 23 of the California Code of Regulations, Section 23 and will be submitted for approval by the CVFPB.

9.4.10 Land Use and Planning

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Land Use and Planning*

The Project area is located in an unincorporated area of Sutter County, California on property owned by the City. The Project area is located on the west bank of the Feather River within an area known as the Parkway which extends along the bank of the Feather River for nearly six miles.

The Project area is zoned Parks, Recreation and Open Space and Flood District (CYC 2004). To the south of the Project area is the first phase of the Parkway, which is used by the public for recreational activities such as walking, bicycling, and river access.

- a) No Impact. The Project was designed in accordance with the Feather River Parkway Strategic Plan (CYC 2002), and the City of Yuba City General Plan (CYC 2004), and would not divide an established community.
- b) No Impact. The Feather River Parkway Strategic Plan established a framework for improvements to lands within the boundary of the City on the western bank of the Feather River. The Project is designed to implement goals and objectives described in the Strategic Plan including promoting passive recreational opportunities such as walking and bicycling.

The proposed Project is consistent with the Parks, Schools and Community Facilities and the Environmental Conservation chapters of the City's General Plan. Chapter 6, Parks, Schools and Community Facilities, serves as the guiding document of the City Parks and Recreation Department. Implementing Policy 6.1-I-10 directs the Department to implement the Feather River Parkway Strategic Plan, to improve pedestrian access to the riverfront, and to provide a mix of active and non-active recreational opportunities. The Project as designed promotes this Policy.

Chapter 8 of the General Plan, Environmental Conservation, gives direction on development and use of open spaces and natural resources. The Project is in agreement with Policy 8.1-I-1, to enhance the open space features of the Feather River and Policy 8.1-I-4, to restore degraded open

space areas in the Parkway planning area to an environmentally valuable and sustainable condition.

The Project is consistent with Article 26-Flood district of the City's zoning regulations which allow for the development of recreational facilities within the flood plain (CYC 2004).

c) No Impact. No HCPs have been adopted for the Project area.

*Mitigation Measures for Land Use and Planning*

No mitigation is required or warranted.

9.4.11 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Mineral Resources*

- a) No Impact. Because mineral resources of value are not known to exist on or immediately adjacent to the Project site, the Project would not affect known mineral resources that could be of value to the region and the residents of the state.
- b) No Impact. No mineral resources are identified on local land use plans for areas on or immediately adjacent to the Project site. The Project would not result in the loss of availability of a locally important mineral resource recovery site.

*Mitigation Measures for Mineral Resources*

No mitigation is required or recommended.

9.4.12 Noise

Would the project result in:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Noise*

According to the City's General Plan (CYC 2004), the major noise sources in the City are related to vehicular traffic on SR 20 and SR 99. Other noise sources include overflights from the Sutter County Airport, railroad activities, and agricultural operations around the edges of the City. As outlined in the City's General Plan, a change in noise levels would be considered significant if the Project activities were to expose persons to or generate noise levels in excess of the normally acceptable standards of:

- 60 Day-Night Average Level (Symbol:  $L_{dn}$ ) for residential, hotel, motels, schools, libraries, churches, hospitals, and nursing homes;
- 65  $L_{dn}$  for office buildings, business, commercial, libraries, churches, and hospitals;
- 70  $L_{dn}$  for playgrounds and neighborhood parks, golf courses, riding stables, water recreation, and cemeteries and industrial, manufacturing, utilities, and agricultural resources.

- No Impact. The Project area and adjacent urban area are divided by an existing levee which would significantly reduce construction noise. Construction noise would be temporary, would occur during the day, and would not expose people to noise levels in excess of standards discussed above as set by the City's General Plan.
- Less than Significant. Power tools and equipment would be utilized during Project construction activities. However, these construction activities would occur during daylight hours and would be temporary. Therefore, it is anticipated that the Project would have less-than-significant impacts to potential groundborne vibration or groundborne noise levels.

- c) No Impact. The Project activities would not cause permanent increases in ambient noise levels in the Project vicinity.
- d) Less than Significant. An increase in ambient noise may occur as a result of the Project construction. However, construction noise would be temporary, would occur during the day, and would not expose people to noise levels in excess of the standards set in the City's General Plan.
- e) Less than Significant. The Sutter County Airport is located over two miles south of the Project area. The primary use of the airport is for agricultural crop dusting operations, and does not provide commercial airline service. Due to the infrequent use of the airport, there would be less-than-significant impacts to recreationists.
- f) No Impact. The project area is not located near a private airstrip.

*Mitigation Measures for Noise*

No mitigation is required or warranted.

9.4.13 Population and Housing

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion of Impact on Population and Housing*

No residential homes or developed structures are located within the Project area. During the previous phase of the Parkway construction, homeless people who had occupied the area were assisted with relocation through programs offered by Yuba-Sutter Mental Health Services. There are no longer encampments for the homeless in the Project area and Project activities would not be expected to displace people, necessitating construction of replacement housing.

- a) No Impact. The Project would not directly or indirectly induce substantial population growth.
- b) No Impact. The Project would not displace existing housing.
- c) No Impact. The Project would not displace people necessitating construction of replacement housing.

*Mitigation Measures for Population and Housing*

No mitigation measures are required or recommended.

9.4.14 Public Services

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 governmental 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Discussion of Impact on Public Services*

The proposed Project would expand and improve the Parkway. The Project would increase recreational opportunities in the City's park system.

- a) Less Than Significant Impact. The proposed Project would not itself impact fire protection services to the area. With increased recreational use, occasional fire services could be needed as a result of user negligence, even with prohibitions on alcohol and tobacco use at the Parkway. Construction of additional fire protection facilities would not be necessary.
- b) Less Than Significant Impact. The City currently provides patrol services for the Parkway to ensure the safety of visitors. It cannot be ruled out that incidents requiring police intervention would not occur, but these incidents would likely be infrequent. The proposed operations for the Parkway include limiting public access to daylight hours, restricting hiking and cycling to designated areas, restricting motorized vehicles to roadways, and prohibiting alcohol and tobacco use at the site, which would help ensure that minimal police protection would be required by the proposed Project and would not require new or expansion of existing facilities.
- c) No Impact. The proposed Project would not impact existing school facilities, nor would it contribute a change in population or land use modifications that would impact the local school district.
- d) Less Than Significant Impact. The proposed Project would expand recreational opportunities in the general area and would have a positive impact on the community.
- e) Less Than Significant Impact. The proposed Project would require some additional staff time from the City's Public Works Department for maintenance. The City works with volunteer groups and the CCC to maintain trails, which helps reduce the burden on City staff.

*Mitigation Measures for Public Services*

No mitigation is required or warranted.

9.4.15 Recreation

	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Discussion of Impact on Recreation*

The Project area is to the north of the Parkway, Phase I and will provide additional passive recreational opportunities. The Project area is the location of former sewage lagoons, which have been abandoned since the late 1970s. The eastern edge of the area is bounded by the Feather River. A system of native rock-surfaced trails is proposed for the Project area.

- a) Less than Significant Impact. The proposed Project would be consistent with the City's General Plan (CYC 2004) and the Feather River Parkway Strategic Plan (CYC 2002) to help meet recreational demands by providing walking and cycling trails. The Project could attract more day use visitors to the Parkway and facilities such as the parking lot or the existing picnic pavilion could see increased use, but this increase would be expected to have a minimal impact on the existing facilities in the Phase I area.
- b) Less than Significant with Mitigation incorporated. The Project would expand existing recreational facilities for the City. As the Project is being constructed, there could be short-term, temporary impacts to the environment. These impacts would be reduced to less than significant level with implementation of the proposed mitigation measures described in the Biological Resources section of this document.

*Mitigation Measures for Recreation*

Mitigation measures for (b) are located in the Biological Resources section.

9.4.16 Transportation and Traffic

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Discussion of Impact on Transportation and Traffic*

- a) Less than Significant. The proposed Project would expand the Parkway but would not significantly increase the amount of traffic on the roadways of the area. The Parkway is typically used during off-peak hours of the weekdays and on weekends and would not overtax the existing circulation system in the surrounding area.

The proposed Project is west of an area that is zoned for Manufacturing, Processing and Warehousing. The main road through this area is Von Geldern Way, which has adequate design capacity to carry the traffic volumes typically present in the area and can accommodate the small increase in the number of trips to the proposed Project.

Project construction would generate some temporary traffic impacts, including vehicles transporting construction and inspection workers, and heavy trucks hauling materials to the site. Construction crew would be approximately 12 persons. Construction activities would be completed in 10 months between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, excluding holidays.

- b) Less than Significant Impact. The use pattern for this type of facility typically results in few additional vehicle trips to the area during off-peak time, particularly weekends. This increased use

would not generally affect the surrounding peak-hour traffic volumes and would not lower the existing Level of Service of these roadways.

- c) No Impact. The proposed Project would have no impact on air traffic levels or patterns.
- d) Less than Significant Impact. No Project design features would result in the creation of dangerous intersections or sharp curves. The proposed Project components would include installing signs alerting both drivers on the maintenance road as well as bicyclists and pedestrians to upcoming intersections. This signage will improve safety at the Project site.
- e) No Impact. The existing maintenance road through the proposed Project area was improved during the prior Phase I construction of the Parkway. Emergency vehicle access would not be impacted by the Project.
- f) Less than Significant Impact. The Project would create walking and bicycling trails for the public. The proposed Project is consistent with the City's General Plan (CYC 2004) policies 5.4-I-1 and 5.4-I-2, to encourage use of bicycle routes for recreation and other trips, and to develop bicycle routes that provide access to the Parkway.

*Mitigation Measures for Transportation and Traffic*

No mitigation is required or warranted.

9.4.17 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Environmental Setting for Utilities and Service Systems*

The Project would be a passive recreational park. The Project would not require connection to water or waste water facilities in the City. The Project is located on the river bank of the Feather River and will not connect to the storm water drainage system of the City. Picnic and other areas would have waste disposal that will be serviced by the City, however the amount of waste generated at the site by users would be minimal.

*Discussion of Impact on Utilities and Service Systems*

- a) No Impact. The Project would not discharge wastewater.
- b) No Impact. The Project would not require connections to water or wastewater treatment facilities and would not result in the expansion of existing facilities or construction of new facilities.
- c) No Impact. The Project would not require storm water conveyance facilities.
- d) No Impact. The Project would not require a water supply.
- e) No Impact. The Project would not require access to wastewater treatment.

- f) Less than Significant Impact. During Project construction, some debris may accumulate which would be removed by the City or the contractor for the Project. Disposal would be at an approved landfill.

Garbage cans placed around the Project area would allow for the proper disposal of waste generated by the users of the facility. The City's Parks and Recreation Department would dispose of the waste at an appropriate landfill.

The amount of waste generated by facility users would be minimal and would have less than significant impact on local landfills.

- g) No Impact. The proposed Project would comply with all federal, state and local regulations pertaining to disposal of solid waste.

*Mitigation Measures for Utilities and Service Systems*

No mitigation is required or warranted.

9.4.18 Mandatory Findings of Significance

	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 examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The City is proposing to expand and further improve the recreational facilities of the Parkway, created in 2012. The City received funding for the Project from the CNRA, through the Proposition 84 California River Parkways Grant Program, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

The Project area encompasses approximately 84 acres and would create approximately 2.5 miles of new public trails. The Project improvements would include pedestrian and cycling trails, picnic areas, improving access to a pond, and an ADA-compliant river overlook. The proposed pedestrian and cycling trails would connect with the existing levee top bike trail, which would provide a direct link to downtown Yuba City and the remaining Parkway. Other amenities would be public educational displays and interpretive signage to describe the setting of the viewable habitat, the restoration process, regional and state history, and the river's historical significance.

*Discussion of Impact*

- a) Less than Significant with Mitigation. The proposed Project would have a potentially significant impact on air quality, biological resources, cultural resources, hydrology and water quality, geology and soils, hazards and hazardous materials, and recreation. These impacts are discussed in detail in the corresponding checklist sections above. In addition to Project design elements, mitigation measures have been incorporated that reduce the significance of potential impacts to a less-than-significant level.

The potentially significant impacts and proposed mitigation measures are summarized below. The mitigation measures can be reviewed in the attached Mitigation, Monitoring, and Reporting Program (MMRP) (see Appendix A).

**Air Quality:** Short-term, air quality impacts could result from the construction equipment and fugitive dust emissions from proposed Project activities. A portable generator would be utilized during proposed construction activities, and would be required to be registered by the City through CARB prior to use. The City would require the contractor to implement MM-AQ-1 and MM-AQ-2 to reduce potential air quality impacts to less-than-significant.

**Biological Resources:** Based on a field reconnaissance survey of the habitat on-site and data from the searches of the CNDDDB (all occurrences within five miles of the proposed project) and the USFWS database, it was determined that several special-status species may have habitat near the proposed Project. In addition, the Project is within the floodplain of the Feather River, and the Project would result in the clearing of riparian vegetation within the Project footprint area. To mitigate the potentially significant impacts to special-status species, sensitive habitats, and other biological resources, the City would implement mitigation measures MM-BIO-1 through MM-BIO-8 to reduce the potential impacts to biological resources to a less-than-significant level.

**Cultural Resources:** The Cultural Resources Inventory and Evaluation Report determined that there were no artifacts in the area eligible for registering as historic and the Sacred Lands File Search did not indicate the presence of Native American cultural resources in the Project area. However, by implementing mitigation measures MM-CR-1,2 and 3, should any remains or artifacts be discovered during construction, appropriate action will be taken to notify the appropriate agencies.

**Geology and Soils:** During project construction, specifically grading, there is the potential for substantial erosion due to exposed soils. To mitigate for these impacts and because the proposed Project disturbance would occur to more than one acre of land, the City would apply for a NPDES General Permit. The NPDES General Permit would require the development of a SWPPP with BMPs to address erosion and siltation and overall pollutant loads. Mitigation measure MM-HYD-1 in the Hydrology and Water Quality Section is proposed to reduce soil erosion impacts to less-than-significant levels.

**Hazards and Hazardous Materials:** Invasive weeds, including Himalayan blackberry, would be removed within the Project footprint area. The removal process may require the need for herbicidal treatment. Compliance with mitigation measure MM-HHM-1 would reduce any impacts to people or the environment from the use of herbicides to less-than-significant levels.

**Hydrology and Water Quality:** The proposed Project would disturb more than one acre of land, including grading for the trails, roads and parking lots. Equipment and material use could release chemicals, including fuels, oils, solvents, and concrete by-products that could be transported into the nearby surface waters, or infiltrate into the groundwater. Mitigation measures MM-HYD-1 through MM-HYD-4 would help ensure that water quality is not substantially degraded, therefore resulting in less-than-significant impacts.

**Recreation:** The Project would include pedestrian and cycling trails, an improved roadway, picnic areas, and a river overlook. There may be short-term impacts to recreationists displaced during construction; however, these potential impacts are considered minor compared to the long term benefits due to recreational improvements resulting from the Project

- b) Less than Significant. Past projects in the immediate area include construction of the first Phase of the Parkway, adjacent to and south of the proposed project site, and building a screened raw water intake structure for the City approximately ½ mile to the north of the proposed Project. Both of these projects implemented mitigation measures that brought environmental impacts to the less than significant level. The proposed Project impacts would primarily be to terrestrial biological resources. With implementation of the proposed Project design, operation, and mitigation measures described here, these impacts would be less than significant to the geographic area and would not be cumulatively considerable.
  
- c) Positive Impact. The proposed Project would expand recreational opportunities that would improve the quality of life for the residents of the City and recreationists. Interpretive displays would offer an educational opportunity for recreationists to learn about the ecological and historical significance of the surrounding area.

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**Appendix A**  
**Mitigation Monitoring and Reporting Program**

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**Mitigation Monitoring and Reporting Program**

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-AQ-1: To reduce construction equipment emissions, the City would comply with the following Best Management Practices (BMP) measures during Project implementation:</p> <ul style="list-style-type: none"> <li>• Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions Limitations (40% opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation from the FRAQMD.</li> <li>• The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained prior to and for the duration of the on-site operation.</li> <li>• The primary contractor shall install diesel particulate filters or implement other CARB-verified diesel emission control strategies on all construction equipment.</li> <li>• The primary contractor shall establish staging areas for the construction equipment that are as distant as possible from off-site receptors.</li> <li>• The primary contractor shall use haul trucks with on-road engines instead of off-road engines for on-site hauling when feasible.</li> <li>• Idling time shall be limited to 10 minutes to save fuel and reduce emissions.</li> </ul> <p>Implementation of the above BMP measures would ensure less-than-significant impacts to air quality standards for construction equipment emissions during implementation of the Project.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	<p align="center">Contractor</p>	<p align="center">During Construction Activities</p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-AQ-2: To reduce fugitive dust emissions and minimize PM 2.5 impacts on air quality, the City shall comply with the FRAQMD Fugitive Dust Rule 3.1. The City would require the contractor to submit for approval a Fugitive Dust Plan (Plan) to the FRAQMD, and implement the required BMP measures outlined in the Plan. The required BMP measures to be applied during the grading and earthmoving phases of work should include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by regular watering, paving of construction roads, or other dust-preventive measures as directed by the Department of Public Works or Air Quality Management District (AQMD).</li> <li>• An operational water truck should be available at all times during construction activity.</li> <li>• All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.</li> <li>• All clearing, grading, earth-moving, or excavation activities shall be suspended when winds exceed 20 miles per hour (mph) averaged over 1 hour.</li> <li>• All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li> <li>• The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized at all times.</li> <li>• Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access.</li> <li>• Reestablish ground cover on the construction site as soon as possible and prior to final occupancy through seeding and watering.</li> </ul> <p>Implementation of the above BMP measures would ensure less-than-significant impacts to air quality standards for fugitive dust during implementation of the Project.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	<p>City/Contractor</p>	<p>Prior to and During Construction Activities</p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-BIO-1: To avoid disturbance to sensitive habitats and special-status species, the City would provide a qualified biologist to regularly monitor construction activities to ensure compliance with these mitigation measures and implementation of other mitigation associated with state and federal permits. The biologist would provide environmental training to construction personnel prior to the start of construction activities. This training would include information about the special-status species that may occupy the site and sensitive habitats on-site and regulations associated with these species and habitats.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	<p>City</p>	<p>Prior to and During Construction Activities</p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-BIO-2: A preconstruction survey for Swainson's hawk and other raptors would be completed to mitigate for potential impacts to these species. The survey would be completed by a qualified biologist and according to CDFW protocols. The nesting period for Swainson's hawk is from March 1 - September 15 (CDFW 1994). The survey includes surveying all potential Swainson's hawk nesting sites within 0.5 mile of the proposed area of disturbance for active nests and surveying potential nesting areas within ¼ mile of the Project for other raptors. If no active nests are located, survey results would be submitted to the City and no further mitigation would be required. If an active nest exists, the location would be recorded and reported to the CDFW to determine appropriate buffers and any additional mitigation requirements. <u>Should construction activities cause a nesting raptor to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer would be increased such that activities are far enough from the nest to stop the raptor's agitated behavior. The buffer should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with CDFW</u></p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	<p>City</p>	<p>Prior to Construction Activities</p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-BIO-3: To mitigate potential impacts to nesting cuckoos, a qualified biologist would complete a survey for nesting cuckoos prior to beginning any construction on-site. The survey would include all suitable habitats within 200-feet of the Project boundary. The biologist would consult with CDFW biologists to determine appropriate survey protocols. It may be necessary to perform the survey using recorded calls of the cuckoo to illicit a response. Should cuckoos or an active cuckoo nest be located, the biologist would map the occurrence and notify the CDFW to determine appropriate buffers and any additional mitigation requirements. <u>Should construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer would be increased such that activities are far enough from the nest to stop the bird's agitated behavior. The buffer should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with CDFW.</u></p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities
<p>MM-BIO-4: A survey for elderberry shrubs within the Project boundary would be completed according to USFWS guidelines. Shrubs to be avoided would be clearly marked by a qualified biologist and exclusion fencing placed around shrubs and/or shrub clusters. The USFWS would be consulted to determine minimum buffers. If shrubs cannot be avoided then the USFWS would be consulted to determine necessary VELB mitigation requirements (USFWS 1999). Construction near shrubs would be monitored by a qualified biologist. Environmental training (MM-BIO-1) would include VELB guidelines and requirements.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to and During Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-BIO-5: The City's General Plan Policy 8.4-I-2 requires the protection of oak trees and other large native trees. To mitigate for potential impacts to oaks or other native trees, an arborist survey would be completed. The survey would document the size and location of native trees over 6 inches DBH in the vicinity of ground disturbing activities. The survey would be performed by a qualified biologist or certified arborist. <u>The tree survey would be completed prior to Project construction. Any native oaks in which ground disturbance would occur will be tagged and the DBH and location data collected. Orange construction fencing would be erected around the dripline of each tree to protect the tree and the root zone to minimize impact.</u></p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities
<p>MM-BIO-6: Impacts to riparian habitat would be avoided whenever feasible. A qualified biologist would map and locate sensitive areas using an aerial photograph and identify areas for avoidance fencing. The biologist would monitor construction activities to ensure avoidance of sensitive habitat.</p> <p>Approximately 2 acres of riparian habitat in the area of the abandoned sewage lagoons would be enhanced by the removal of non-native, invasive vegetation and replanted with native vegetation suitable for riparian areas.</p> <p>The City would apply for a Streambed Alteration Agreement from CDFW and would implement any additional specific mitigation measures associated with the Agreement.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to and During Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-BIO-7: Avoid Riverine and other aquatic habitat with a minimum 25-foot buffer. Riverine habitat would be avoided with a buffer of 25 feet (as measured from the OHWM) to minimize disturbances to aquatic habitat as a result of construction-related activity. This boundary would be clearly marked prior to the start of construction and plastic orange construction avoidance fencing would be used where work is to occur in proximity to aquatic habitat. <u>An exception to installing the boundary fencing would be made for the riverbank stabilization element of the proposed Project.</u></p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities
<p>MM-BIO-8: Western pond turtles may occupy habitat along the Feather River and any ponded water located onsite. A qualified biologist would survey for western pond turtles and nests prior to beginning ground disturbing activities. If turtles are located then a qualified biologist would relocate turtles to suitable habitat outside of the project area <u>under a relocation plan approved by CDFW. The relocation plan for pond turtles would also describe what measures would be taken to prevent Western pond turtles from re-entering the Project area, including the installation of silt fencing or other exclusionary measures.</u> A qualified biologist would be onsite regularly during ground-disturbing construction activities near the river and pond habitat to remove turtles if necessary.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to and During Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p><u>MM-BIO-9: The Project area may contain habitat suitable for occurrences of Ferris' milk-vetch. Floristic surveys would take place during the evident and identifiable time period for this plant. In addition, habitat which favors this plant, such as vernal moist pools, would be avoided during construction activities. If an occurrence is found, exclusion zones would be erected at a distance in which all disturbance from Project activities are avoided. Trails may be modified or eliminated to avoid significant impacts to the milk-vetch.</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to Construction Activities</u></p>
<p><u>MM-BIO-10: A wetland delineation would be completed to ensure that there would be no net loss of wetland function or area resulting from the Project activities. The wetland delineation would be done in accordance with Section 404 of the Clean Water Act and the OHWM would be determined. If any wetlands identified in the Project area could be impacted by the Project, the trail system would be modified to avoid these impacts and the City would adhere to any additional mitigation measures identified by the USACE or Central Valley Regional Water Quality Control Board (CVRWQC).</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to and During Construction Activities</u></p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p><u>MM-BIO-11: To mitigate potential impacts to nesting tricolored blackbird, a qualified biologist would complete multiple surveys for nesting birds prior to beginning any Project construction and during the breeding season. The survey will include all suitable habitats within 200-feet of the Project boundary. The biologist would consult with CDFW biologists to determine appropriate survey protocols. Should any nesting colonies be located, the biologist will map the occurrence and notify the CDFW to determine appropriate buffers and any additional mitigation requirements. An interpretive sign would be installed which states the nesting period of the species and which requests users of the area to minimize disturbances during this time period.</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to and During Construction Activities; Signage Posted after Project Completion</u></p>
<p><u>MM-BIO-12: The typical nesting and fledging period for bank swallows occurs between May 1 and June 30. Construction of trails near bank swallow nesting sites would be scheduled outside of this time period. Trails near nesting areas would be closed annually to the public during this time period and signage would be installed explaining the reason for the trail closure.</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to and During Construction Activities; Signage Posted Seasonally</u></p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p><u>MM-BIO-13: To mitigate potential impacts to Chinook salmon and green sturgeon, the river bank stabilization would occur during the period of July 1- August 31. Vegetation removal in the area of the bank stabilization would be minimized to extent possible, buffers would be delineated to prohibit construction and grading within these areas, construction materials would be placed to prevent them from washing downstream, measures would be taken to prevent downstream sedimentation, and erosion control materials using plastic monofilament would be prohibited from use. Additional mitigation measures may be required through permits obtained from the USACE, SWRCB, or CDFW and would be strictly enforced.</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to and During Construction Activities</u></p>
<p><u>MM-BIO-14: The Restoration Plan for two acres in the Project area would be developed in consultation with CDFW and with the CVFPB. The plan would recommend and list native plants that support tricolored blackbirds as well as other native species that would be planted to mitigate for loss of Himalayan blackberry shrubs. The plan would recommend that vegetation removal be limited to the extent required by CVFPB to prevent hydraulic impacts caused by the accumulation of vegetation.</u></p> <p><u>Compliance Verification</u></p> <p><u>Initials: _____ Date: _____ Comments: _____</u></p>	<p><u>City</u></p>	<p><u>Prior to Construction Activities; Restoration Plan would be Implemented after Project Completion</u></p>

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-CR-1: The contractor would have a qualified professional on-call who would be contacted if, during excavation activities, any of the following or other potential pre-historic/historic materials are unearthed:</p> <ol style="list-style-type: none"> <li>1. Potential human remains;</li> <li>2. Former refuse sites or other artifacts; or,</li> <li>3. Changes in soil color or composition that could indicate a former occupation site.</li> </ol> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	Contractor	During Project Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-CR-2: As a standard precaution, and as part of the construction contract specifications, if any previously unknown cultural resources are encountered during construction, necessary discovery measures would include:</p> <ol style="list-style-type: none"> <li>1. Shutting down construction activities in the immediate area of a find;</li> <li>2. Notifying the City Project Manager;</li> <li>3. Continuing work cessation in the project vicinity for a reasonable period of time to allow professional evaluation of finds (Public Resources Code Sections 21083.2, 21084.1, and 21083.1);</li> <li>4. If the resources are found to be significant and avoidance is not possible, providing time and funding for professional recovery and analysis of significant archaeological and historical finds (Part V of Appendix K and Public Resources Code Section 21083.2); and,</li> <li>5. A pre-construction worker briefing would occur to discuss required mitigation measures if cultural resources are unearthed during implementation of Project activities.</li> </ol> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	Contractor	Prior to and During Project Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-CR-3: In compliance with the California Health and Safety Code, Section 7050.5(b), if human remains are discovered, excavation would halt in the immediate area and the Sutter County Coroner would be notified. Within 48 hours of notification, the Coroner would determine whether the remains are of Native American descent. If so, the NAHC would be notified within 24 hours, and as required under Public Resources Code, Section 5097.98, the most likely descendants would be notified. Based on the above notifications, measures would be implemented that address the removal and relocation of the remains.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	Contractor	During Project Construction Activities
<p>MM-HHM-1: If herbicidal treatment is necessary for vegetation removal, a PCA would be consulted prior to herbicide use to determine safe handling and treatment practices. All regulations for use of herbicides in riparian areas would be followed.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	During Construction Activities
<p>MM-HHM-2: Personnel transporting and handling hazardous materials would follow CDTSC (CCR Title 22, Division 4.5, Chapter 13) and Occupational Safety and Health Administration (OSHA) (CFR Title 29) standards for safe handling and delivery.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	Contractor	During Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-HYD-1: A Notice of Intent to implement the Project under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) and Federal Energy Regulatory Commission (FERC) requirements for operation of the Oroville Dam Hydroelectric Project would be submitted for approval by the CVRWOCB. A SWPPP would be prepared to minimize the mobilization of sediment and other project related pollutants into nearby water bodies, and would include the following BMPs:</p> <ul style="list-style-type: none"> <li>• Enclose and cover exposed soils and other loose construction material that could erode into the waterways.</li> <li>• Ensure that no construction material, including soil stockpiles, are directly deposited or placed where it may be transported into a drainage, pond, or the river.</li> <li>• Control and contain soil, and filter runoff from disturbed areas with the use of berms, silt fencing, straw bales or wattles, geofabric, catch basins or other erosion control devices to prevent the escape of sediment from disturbed areas.</li> </ul> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City/ Contractor	Prior to and During Soil Excavation Activities
<p>MM-HYD-2: If jurisdictional waters cannot be avoided, a Clean Water Act Section 404 permit application for discharges of dredge or fill material into waters of the U.S. would be submitted and approved by the USACE prior to construction activities. The USACE review would ensure that the effect of the bank stabilization on the flows of the Feather River would be less than significant. Any additional mitigation measures required by the permit would be implemented.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities

Mitigation Measure and Description of Compliance	Responsible Party	Implementation Phase
<p>MM-HYD-3: If jurisdictional waters cannot be avoided, a Clean Water Act Section 401 Water Quality Certification application would be submitted and approved by the CVRWQCB prior to construction activities. This permit would provide the necessary conditions for the Project activities to protect water quality. Any additional mitigation measures required by the permit would be implemented.</p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities
<p>MM-HYD-4: An application for an Encroachment Permit would be submitted to the Central Valley Flood Protection Board for approval prior to construction work within the levee area. <u>Any additional mitigation measures required by the permit will be implemented. The Restoration Plan for the Project (MM-BIO-14) will be developed in compliance with Title 23 of the California Code of Regulations, Section 23 and will be submitted for approval by the CVFPB.</u></p> <p><i>Compliance Verification</i></p> <p><i>Initials: _____ Date: _____ Comments:</i></p>	City	Prior to Construction Activities

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Finance Department  
**Presentation By:** Spencer Morrison, Accounting Manager

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**Summary**

**Subject:** **Chemical Bid (FB14-06)**

**Recommendation:** Award formal bid contracts for the period May 1, 2014 through April 30, 2015, based on the lowest responsive bid in all categories as listed in the staff report.

**Fiscal Impact:** \$717,224: Funds to be drawn from various accounts in both the Wastewater and Water Treatment funds. The actual cost may vary based on usage.

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**Purpose:**

To provide chemicals to the Water and Wastewater Treatment plants.

**Background:**

The contracts are necessary to provide chemicals to be used in the purification of water for human consumption and in the treatment of wastewater.

**Analysis:**

Finance staff worked with the Utilities Department to develop specifications for the chemicals. A formal bid was developed and advertised according to the City's ordinances. Sixty (60) vendors received bid notification and fifteen (15) responded. Recommended awardees by category are as follows:

**Category A-Liquid Chlorine One Ton**

Sierra Chemical Co. Sparks, NV	\$618.56/ton
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**Category B-Fluorosillicic Acid**

Solvay Fluorides, LLC Houston, TX	\$2.52/gallon
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**Category C-Sodium Hydroxide**

Sierra Chemical Co  
Sparks, NV

\$733.15/dry ton

**Category D- Sodium Bisulfite**

Univar USA Inc  
Kent, WA

40%-\$1.73/gallon  
25%-%1.058/gallon

**Category E-Lime Slurry**

Envirokem  
Acampo, CA

\$543.00/dry ton

**Category F- Aluminum Sulfate**

Thatcher Company of CA, Inc  
Salt Lake City, UT

\$312.00/dry ton

**Category G-Liquid Oxygen**

Praxair, Inc  
Burr Ridge, IL

\$.4075/gallon

**Category H-Powder Activated Carbon**

Thatcher Company of CA, Inc  
Salt Lake City, UT

\$.8061/pounds

**Category I-Citric Acid**

Brenntag Pacific Inc  
Santa Fe Springs, CA

\$6.70/gallon

The lowest bidder for Category A, Liquid Chlorine, was not able to hold their bid price for the quantity that was needed for delivery. Due to this, we are awarding to the next lowest responsive bidder. The lowest bidder for Category D, Sodium Bisulfite, inadvertently transposed their numbers and was not able to hold their price. Due to this, we are awarding to the next lowest responsive bidder.

**Fiscal Impact:**

Funding for these purchases are budgeted in the Water and Wastewater fund portions of the budget. Account numbers to be used for these purchases are as follows:

Origin	Account	Account Title	Origin	Account	Account Title
7120	63701	CHEMICALS	7120	63702	CHLORINE
7120	63703	ALUMINUM SULFATE	7120	63708	FLUORIDE
7120	63707	LIME	7120	63714	CITRIC ACID
7120	63704	CARBON	8120	63702	CHLORINE
8120	63731	SODIUM BISULFITE	8120	63735	SODIUM HYDROXIDE
8120	63732	LIQUID OXYGEN			

This bid covers chemical purchases to be made from May 1, 2014 through April 30, 2015; therefore spanning two fiscal year budgets. Approximately 90% of these purchases will be made utilizing the yet to be adopted FY 14/15 Budget. Staff has not included projected ending balances for each of the above accounts as we expect that they will be made from the FY 14/15 budget.

**Alternatives:**

- 1) Instruct staff to prepare new bid
- 2) Award to alternative firm(s)
- 3) Instruct staff to purchase on open market as required

**Recommendation:**

Award formal bid contracts for the period May 1, 2014 through April 30, 2015, based on the low bid in all categories as listed in the staff report.

**Prepared By:**

*[/s/ Vicky Anderson](#)*

Vicky Anderson  
Administrative Analyst

**Submitted By:**

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

Steven C. Kroeger  
City Manager

**Reviewed By:**

Finance

[RB](#)

Utilities

[DL](#)

City Attorney

[TH via email](#)

FB14-06 Chemical									
Vendor	Category A Liquid Chlorine One Ton	Category B Fluorosilicic Acid	Category C Sodium Hydroxide	Category D Sodium Bisulfite	Category E Calcium Hydroxide Slurry/Lime Slurry	Category F Aluminum Sulfate	Category G Liquid Oxygen	Category H Powder Activated Carbon	Category I Citric Acid
Carbon Activated	No bid	No bid	No bid	No bid	No bid	no bid	No bid	1.035 w/ tax	No bid
BHS Specialty	No bid	3.2320	No bid	No bid	No bid	No bid	No bid	No bid	No bid
Sierra Chemical	618.56 w/ tax	No bid	733.15 w/tax	No bid	No bid	397.1000	No bid	No bid	7.9000
Air Products	No bid	No bid	No bid	No bid	No bid	no bid	0.4193 w /tax	No bid	No bid
Brenntag	No bid	No bid	779.37 w/ tax	40%- 1.123 25%-1.82 w /tax	No bid	no bid	No bid	No bid	6.7000
Envirokem	No bid	No bid	No bid	No bid	543.0000	no bid	No bid	No bid	No bid
Thatcher	590.68 w/ tax-- not able to provide the delivery qty	2.9300	No bid	No bid	No bid	312.0000	No bid	.8061 w/ tax	7.2297
Solvay Fluorides	No bid	2.5200	No bid	No bid	No bid	no bid	No bid	No bid	No bid
Solvay USA (Rhodia)	No bid	No bid	No bid	No bid	No bid	498.0000	No bid	No bid	No bid
Matheson Tri-Gas	No bid	No bid	No bid	No bid	No bid	no bid	.473 w/ tax	No bid	No bid
Penccco	No bid	2.8917	No bid	No bid	No bid	no bid	No bid	No bid	No bid
Univar	No bid	No bid	No bid	40%- \$1.73 25% - 1.058 w/tax	664.3500	no bid	No bid	No bid	7.8600
Chem Trade	No bid	No bid	No bid	No bid	No bid	342.0000	No bid	No bid	No bid
Praxair	No bid	No bid	No bid	No bid	No bid	no bid	.4075 w/ tax	No bid	No bid
Polydyne	No bid	No bid	No bid	No bid	No bid	no bid	No bid	No bid	No bid

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Department of Public Works  
**Presentation by:** Diana Langley, Public Works Director

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**Summary**

**Subject:** ADA Improvements 2014 Project (Award of Contract – Total Cost \$252,330)

**Recommendation:** a. Award Contract No. 14-01, ADA Improvements 2014, to Dunton Construction Company, Inc. of Anderson, CA in the amount of their bid of \$229,389.40.

b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

**Fiscal Impact:** \$252,330 – Account Nos. 921171 & 961171 (ADA Public Facilities Sidewalk Improvements), specified as follows:

\$229,389.40 – contract award amount (961171-65501)  
\$22,940.60 – construction contingency (921171-65504)

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**Purpose:**

To continue implementation of the City's Title II ADA Self Evaluation and Transition Plan by awarding a contract to upgrade 39 pedestrian access ramps and 2 sidewalks.

**Background:**

On July 17, 2012, the City adopted the *ADA Self-Evaluation & Transition Plan for the Public Right of Way* (Transition Plan). This identifies physical obstacles in Yuba City's public right-of-way facilities which limit accessibility to individuals with disabilities. In addition, the Transition Plan describes methods to achieve ADA compliance. Through several projects over the past year, the first year improvements identified in the Transition Plan have been completed or are scheduled to be completed through current projects.

The City Council approved the plans and specifications for the ADA Improvements 2014 Project to upgrade 39 pedestrian access ramps and 2 sidewalks at locations shown on Exhibits A and B.

**Analysis:**

The ADA Improvements 2014 Project was advertised for bid on March 20, 2014. Plans and Specifications were provided to local builder/contractor exchanges and 11 contractors. On April 8, 2014, 6 bids were received and opened in the City Clerk's Office. A list of the bids received and the engineer's estimate are shown on the following page.

<b><u>Company</u></b>	<b><u>Bid Amount</u></b>
Dunton Construction Co, Inc.	\$229,389.40
Big Valley Group, Inc.	\$249,308.00
Delta Enterprises	\$256,688.25
FBD Vanguard Const., Inc.	\$261,414.00
Trent Construction	\$309,711.44
ABSL Construction	\$326,143.50
<b><i>Engineer's Estimate</i></b>	<b><i>\$220,000.00</i></b>

Dunton Construction Company, Inc. of Anderson, CA is the low bidder.

Contract administration and inspection of the project will be performed by Public Works Department staff. Project construction is expected to begin in May with completion in late June.

**Fiscal Impact:**

Funding for the ADA Improvements 2014 Project is budgeted in Account Nos. 921171 & 961171 (ADA Public Facilities Sidewalk Improvements), funded through the Road Funds and Community Development Block Grant (CDBG) funds respectively. Currently, there is approximately \$90,000 in Road funds and \$238,000 in CDBG funds available in these accounts to construct this project.

**Alternatives:**

Do not award the contract and reject all bids.

**Recommendation:**

- a. Award Contract No. 14-01, ADA Improvements 2014, to Dunton Construction Company, Inc. of Anderson, CA in the amount of their bid of \$229,389.40.
- b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

Prepared by:

Submitted by:

*/s/ Omar Valle*

*/s/ Steven C. Kroeger*

Omar Valle  
Assistant Engineer

Steven C. Kroeger  
City Manager

Reviewed by:

Department Head

DL

Finance

RB

City Attorney

TH

# EXHIBIT A - PROJECT AREAS

## ADA IMPROVEMENTS 2014



SCALE: 1" = 400'

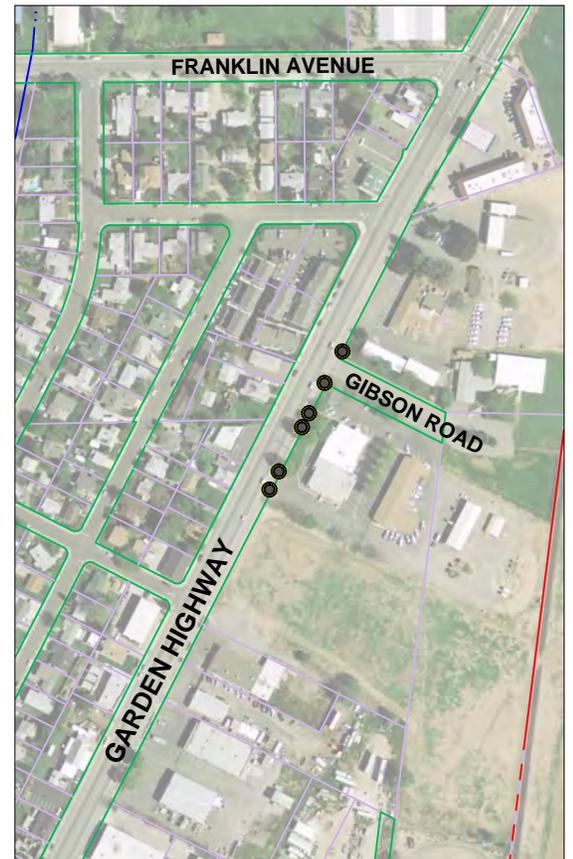
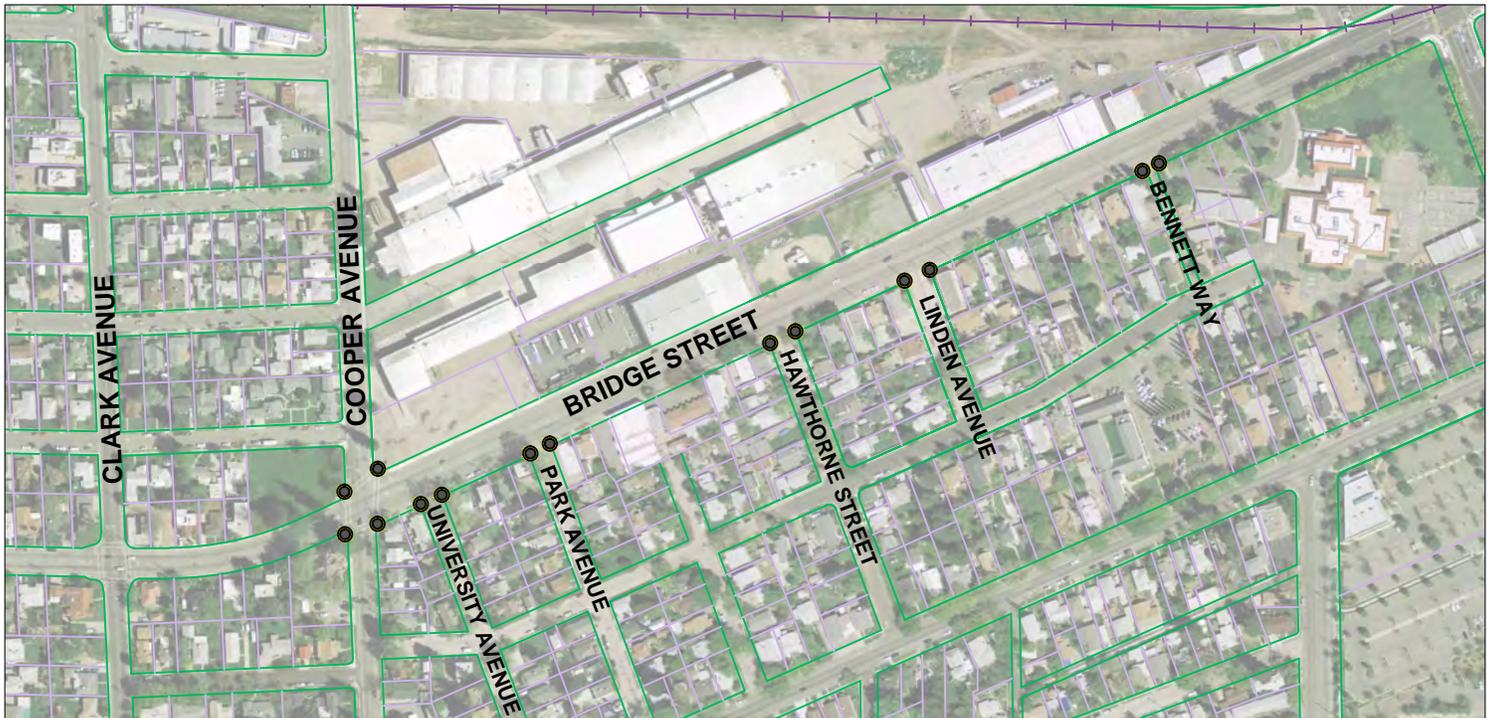
**LEGEND:**



PROPOSED RAMP  
IMPROVEMENT



PROPOSED SIDEWALK  
IMPROVEMENT



# EXHIBIT B - PROJECT AREAS (CONTINUED)

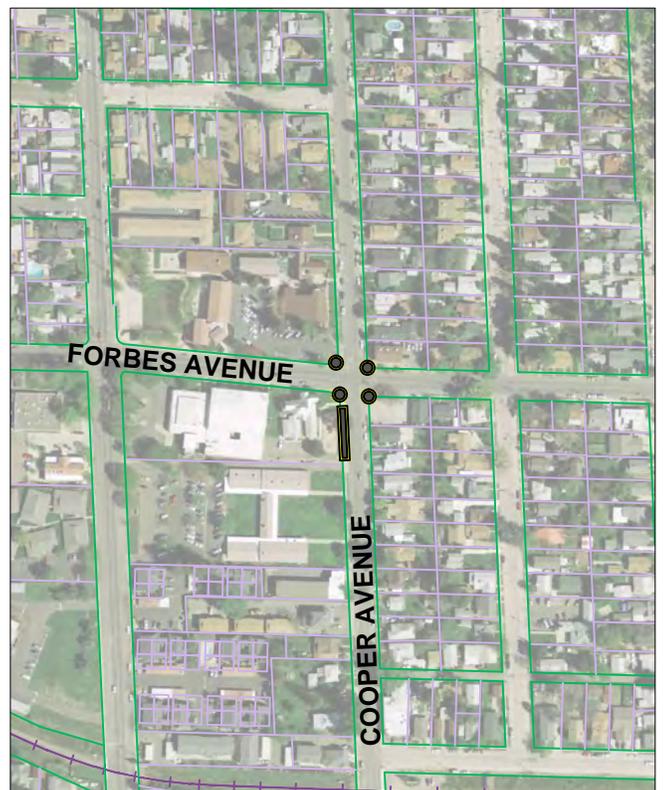
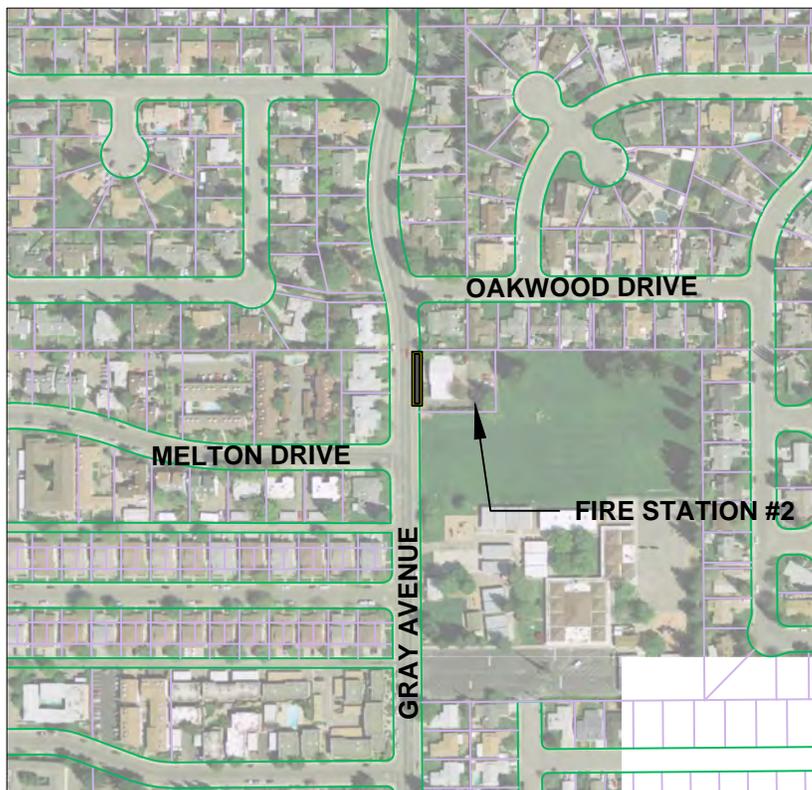
## ADA IMPROVEMENTS 2014



SCALE: 1" = 400'

### LEGEND:

-  PROPOSED RAMP IMPROVEMENT
-  PROPOSED SIDEWALK IMPROVEMENT



CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Public Works Department  
**Presentation by:** Diana Langley, Public Works Director

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**Summary**

**Subject:** Low Lift Pump Station (Water Intake Facility) Security Improvement Project (Award of Contract – Total Cost \$4,910,000)

**Recommendation:**

- a. Declare the bid received from Hal Hays Construction of Riverside, CA non-responsive and reject the bid.
- b. Reject the bid protest of Hal Hays Construction of Riverside, CA protesting the bid of Auburn Constructors of Sacramento, CA.
- c. Award Contract No. 12-29, Low Lift Pump Station Security Improvement Project, to Auburn Constructors of Sacramento, CA in the amount of their bid of \$3,899,300.
- d. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- e. Authorize the Finance Director to make a supplemental appropriation of \$945,000 from Unallocated Water Fund Reserve to Account No. 1161 (Low Lift Pump Station Security Improvements).
- f. Award a professional services agreement to Carollo Engineers of Sacramento, CA for construction management support and engineering services during construction in the amount of \$197,600 with the finding that it is in the City's best interest.

**Fiscal Impact:** \$4,910,000 – Account No. 1161 (Low Lift Pump Station Security Improvements), specified as follows:

\$3,899,300 – Construction  
 \$ 390,000 – Contingency  
 \$ 250,000 – Equipment  
 \$ 370,700 – Construction Management

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**Purpose:**

To improve security at the City's water intake structure known as the Low Lift Pump Station (LLPS).

**Background:**

The Low Lift Pump Station (LLPS) is located on the west bank of the Feather River northeast of the Water Treatment Plant (WTP) (Exhibit 1). The pump station in conjunction with the intake structure is used to draw water from the Feather River to the WTP. Due to its location, the LLPS is subject to vandalism and is isolated during high water events. There is a backup generator at the LLPS, but during high water events, it can be difficult to get to the generator for refueling.

Over the past few years, staff has been working with the California Department of Public Health (CDPH) to obtain Proposition 50 Funds through the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 to make improvements to the LLPS. The scope of the improvements includes:

- Architectural Improvements
  - Replace the existing wood siding with fiber cement siding
  - Replace roofing
- Structural Improvements
  - Ballistic protection
  - Replace wood framing with metal framing
- Mechanical Improvements
  - Replace existing vents and louvers with ballistic rated vents and louvers
- Electrical Improvements
  - Install an underground electric service from the WTP to the LLPS
- Security Improvements
  - Install cameras around the perimeter of the LLPS with a fiber optic feed to the WTP

On August 20, 2013, Council authorized the execution of a Funding Agreement with CDPH in the amount of \$3,965,000 for the improvements. At that time, the estimated total cost for the project was \$4,240,000. The City is required to pay for the installation of new 12 kV switchgear at the Water Treatment Plant and PG&E fees. At the same time, Council approved the plans and specifications and authorized the Public Works Department to bid the project.

**Analysis:**

The Low Lift Pump Station Security Improvements Project was advertised for bid on December 19, 2013. Plans and specifications were provided to local builder/contractor exchanges and 9 contractors. On February 13, 2014, 5 bids were received and opened in the City Clerk’s office. A list of the bids received and the engineer’s estimate are shown below.

<u>Company</u>	<u>Bid Amount</u>
Hal Hays Construction of Riverside, CA	\$3,739,000.00
Auburn Constructors of Sacramento, CA	\$3,899,300.00
Cal Electro, Inc. of Redding, CA	\$4,097,000.00
Syblon Reid of Folsom, CA	\$4,208,800.00
RE Smith Contractor of Newcastle, CA	\$4,315,000.00
<b><i>Engineer’s Estimate</i></b>	<b><i>\$3,991,000.00</i></b>

After bid opening, the City received a bid protest from Auburn Constructors protesting Hal Hays Construction’s bid. A few days later, the City then received a bid protest from Hal Hays Construction

protesting Auburn Constructor's bid. The City's Attorney, Linda Beck of Best Best & Krieger, evaluated both protests and concluded: 1) the bid submitted by Hal Hays Construction is not responsive and the City cannot accept it; and 2) Hal Hays Construction's protest of the bid by Auburn Constructors is without merit. Therefore, Auburn Constructors of Sacramento, CA is the low bidder. The bid submitted by Hal Hays Construction is not responsive because they do not meet the requirements outlined in the bid solicitation related to the Experience Modification Rate for workers' compensation, minimum experience for performing electrical and instrumentation work on treatment plants, and the percentage of work to be performed by subcontractors.

Staff is requesting award of a professional services agreement to Carollo Engineers (Carollo) of Sacramento, CA, for construction management support and engineering services during construction. The City contracted with Carollo for the design of the project so they have the most familiarity with the project. Carollo will review submittals and Requests for Information, conduct periodic site visits, and prepare design clarifications, contract change orders, and record drawings for a cost not to exceed \$197,600.

Contract administration and inspection of the project will be performed by Public Works Department staff. Project construction is expected to begin this summer and will take approximately one year to complete.

**Fiscal Impact:**

Below is a breakdown of the project costs:

Construction	\$3,899,300
Contingency	\$ 390,000
Equipment	\$ 250,000
CM & Inspection	<u>\$ 370,700</u>
Total:	\$4,910,000

There is \$3,965,000 available through Prop. 50 grant funds. Originally, it was anticipated that the City's out-of-pocket costs would be approximately \$275,000. Grant funded projects through CDPH are typically allowed one adjustment to account for changes in cost as the funding agreement is developed during design, and often the bid amount will vary from the estimate prepared during design. However, when staff contacted CDPH about a grant adjustment to cover the difference between the amount allocated through the funding agreement and the actual amount required, CDPH staff said that there are no more funds available through the Prop. 50 program so an adjustment cannot be made. Therefore, the City's projected share of the project is now \$945,000.

The Water Fund has approximately \$5.2 Million available in unallocated reserves for projects. Staff is requesting a supplemental appropriation of \$945,000 from unallocated Water Fund Reserves to Account No. 1161 (Low Lift Pump Station Security Improvements).

The project is very beneficial to the City as it provides security upgrades to the Low Lift Pump Station, which is currently the only means for the City to draw water from the Feather River.

**Alternatives:**

- a. Do not award the project and reject the bids.
- b. Delay or modify recommended action.

**Recommendation:**

- a. Declare the bid received from Hal Hays Construction of Riverside, CA non-responsive and reject the bid.
- b. Reject the bid protest of Hal Hayes Construction of Riverside, CA protesting the bid of Auburn Constructors of Sacramento, CA.
- c. Award Contract No. 12-29, Low Lift Pump Station Security Improvement Project, to Auburn Constructors of Sacramento, CA in the amount of their bid of \$3,899,300.
- d. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- e. Authorize the Finance Director to make a supplemental appropriation of \$945,000 from Unallocated Water Fund Reserve to Account No. 1161 (Low Lift Pump Station Security Improvements).
- f. Award a professional services agreement to Carollo Engineers of Sacramento, CA for construction management support and engineering services during construction in the amount of \$197,600 with the finding that it is in the City's best interest.

Prepared by:

Submitted by:

*/s/ Diana Langley*

*/s/ Steven C. Kroeger*

Diana Langley  
Public Works Director

Steven C. Kroeger  
City Manager

Reviewed by:

Department Head

DL

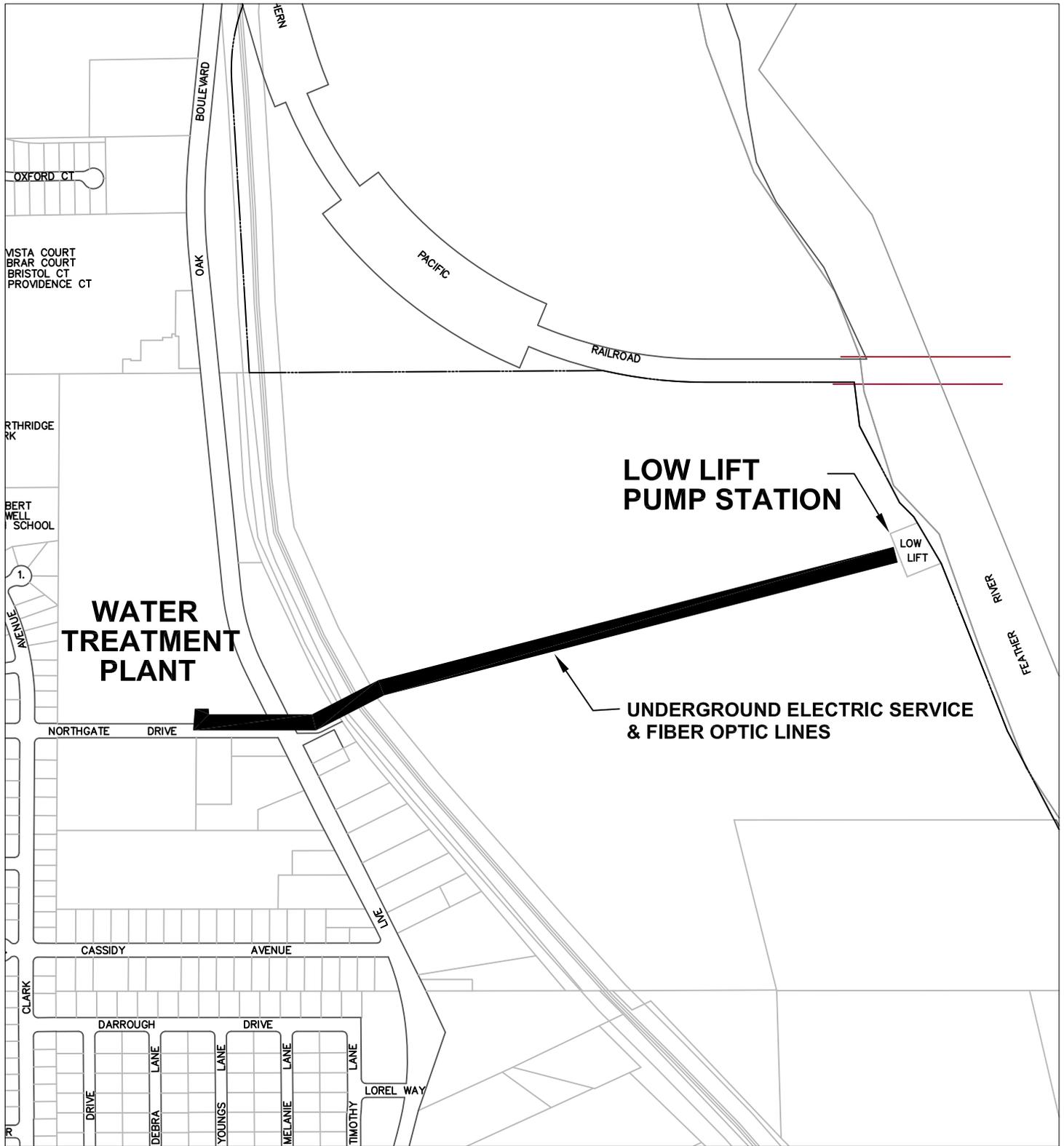
Finance

RB

City Attorney

TH

EXHIBIT 1  
LOW LIFT PUMP STATION SECURITY  
IMPROVEMENTS



CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Department of Public Works  
**Presentation by:** Diana Langley, Public Works Director

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**Summary**

**Subject:** King Avenue Safe Routes to School Project (Award of Contract – Total Cost \$831,301.00)

**Recommendation:**

- a. Award Contract No. 12-24, King Avenue Safe Routes to School Project, to JD Pasquetti Engineering, Inc. of Lincoln, CA in the amount of their bid of \$755,801.00.
- b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- c. Authorize the Finance Director to make necessary budget transfers between CIP accounts, as outlined in the fiscal impact.

**Fiscal Impact:** \$831,301.00 – Account No. 921162 (King Avenue Safe Routes to School), specified as follows:  
\$755,801.00 – contract award amount (921162-65501)  
\$75,500.00 – construction contingency (921162-65504)

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**Purpose:**

Establish sidewalks and Class II bicycle lanes on both sides of King Avenue between Clark Avenue and Live Oak Boulevard.

**Background:**

In March 2012, the Public Works Department submitted a State-legislated Safe Routes to School (SR2S) application to Caltrans for the purpose of adding sidewalks and Class II Bicycle Lanes to King Avenue between Clark Avenue and Live Oak Boulevard (Exhibit A). The project also includes pedestrian access ramps, curbs and gutters, miscellaneous drainage improvements, and bicycle/pedestrian safety education programs for students at King Avenue Elementary School.

This project is needed because during rain events large puddles form on the road shoulder forcing pedestrians, including primarily young school children and parents with strollers, to walk in the roadway to get to/from school. In July 2012, Caltrans recognized this need and approved funding in the amount of \$450,000 through the SR2S Program towards the project.

Council approved the plans and specifications on February 18<sup>th</sup>.

**Analysis:**

The King Avenue Safe Routes to School Project was advertised for bid on March 17, 2014. Plans and specifications were provided to local builder/contractor exchanges and 13 contractors. On April 3<sup>rd</sup>, 8 bids were received and opened in the City Clerk's office. A list of the bids received and the engineer's estimate are shown below.

<u>Company</u>	<u>Bid Amount</u>
JD Pasquetti Engineering, Inc.	\$755,801.00
DeWitt Bros. Co., Inc.	\$810,575.00
Knife River Construction	\$827,263.55
McGuire and Hester	\$844,571.35
TCB Industrial, Inc.	\$860,234.31
Newland Entities	\$896,840.64
George Reed, Inc.	\$946,628.00
Martin Brothers Construction	\$1,054,521.00
<b><i>Engineer's Estimate</i></b>	<b><i>\$895,000.00</i></b>

JD Pasquetti Engineering, Inc. of Lincoln, CA is the low bidder.

Contract administration and inspection of the project will be performed by Public Works Department staff. Project construction is expected to begin June 9 when King Avenue Elementary School begins summer break with completion prior to King Avenue Elementary School beginning the 2014-15 school year in August.

**Fiscal Impact:**

In the FY2013-18 CIP Budget, \$732,000 was budgeted through Account No. 921162 (King Avenue Safe Routes to School) for construction of this project. Funding for this budgeted amount includes \$450,000 in grant funds from the State SR2S Program and \$282,000 from Road Funds. The total construction cost is now estimated to be \$831,301, so staff is requesting a budget transfer of \$99,301 from the Road Rehabilitation CIP account (921051) to the King Avenue Safe Routes to School CIP account (921162). Below is a comparison of the budgeted amounts and amounts required for award of this project.

<b>Task</b>	<b>FY2013-18 Budget</b>	<b>Required Award Amount</b>	<b>Budget Transfer Requested</b>
Construction	\$665,000.00	\$755,801.00	\$90,801.00
Contingency	\$67,000.00	\$75,500.00	\$8,500.00
Totals	\$732,000.00	\$831,301.00	\$99,301.00

The total construction cost has increased for the following reasons:

1. The existing subgrade below the paved roadway was found to be unsuitable and must be replaced with aggregate base.
2. 25 existing sewer laterals are believed to be too shallow and will likely need to be replaced.

**Alternatives:**

- a. Do not award the contract and reject the bids.
- b. Delay or modify recommended action.

**Recommendation:**

- a. Award Contract No. 12-24, King Avenue Safe Routes to School Project, to JD Pasquetti Engineering, Inc. of Lincoln, CA in the amount of their bid of \$755,801.00.
- b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- c. Authorize the Finance Director to make necessary budget transfers between CIP accounts, as outlined in the fiscal impact.

Prepared by:

*/s/ Kevin Bradford*

Kevin Bradford  
Senior Engineer

Submitted by:

*/s/ Steven C. Kroeger*

Steven C. Kroeger  
City Manager

Reviewed by:

Department Head

DL

Finance

RB

Other

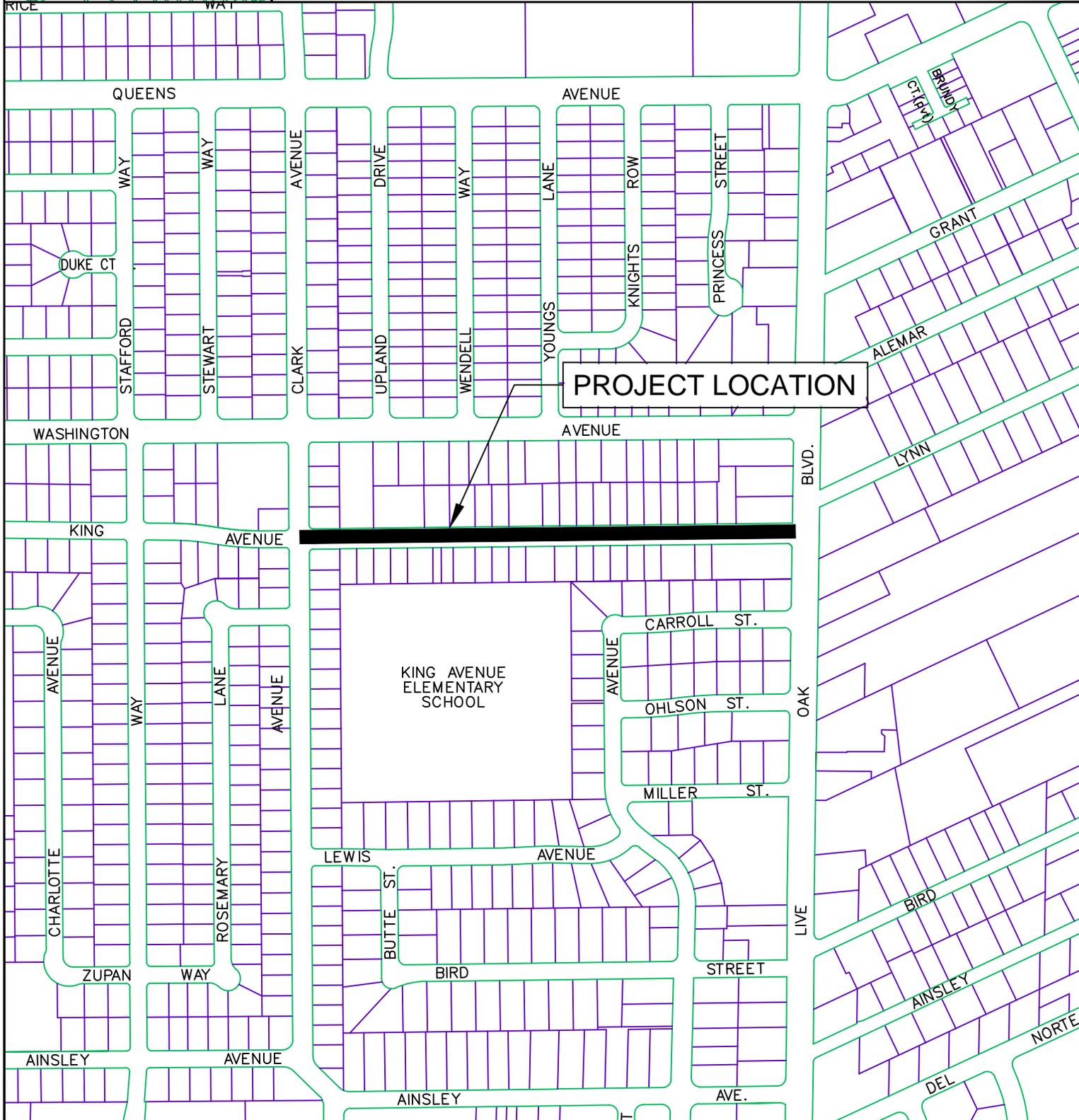
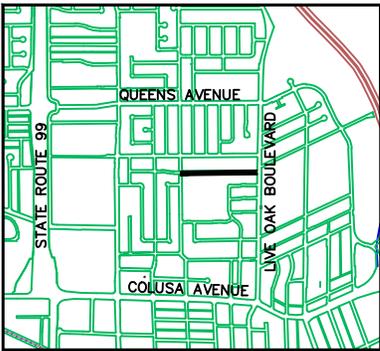
TH

# EXHIBIT A - PROJECT AREA

## KING AVENUE SAFE ROUTES TO SCHOOL PROJECT



SCALE: 1" = 400'



CITY OF YUBA CITY

**Written Requests**

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

Procedure

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

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

Or email to:

Terrel Locke, City Clerk      [tlocke@yubacity.net](mailto:tlocke@yubacity.net)

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

CITY OF YUBA CITY

**Appearance of Interested Citizens**

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called.

Members of the public may address the City Council concerning any item that has been described in the notice of this meeting. Individuals are encouraged to limit their statements to 3 minutes

Procedure

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

**MINUTES (DRAFT)  
REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF YUBA CITY  
SUTTER ROOM  
APRIL 1, 2014  
5:00 P.M. – CLOSED SESSION  
6:00 P.M. – REGULAR MEETING CANCELED**

**Closed Session—Sutter Room**

The City of Yuba City City Council meeting was called to order by Mayor Gill at 5:05 p.m.

**Roll Call**

Present: Councilmembers Buckland, Dukes, Maan, Starkey and Mayor Gill

Absent: None

- A. Conferred with real property negotiators Steve Kroeger and Brad McIntire regarding negotiations with Twin Rivers Charter Academy regarding possible sale of the following City owned properties or portions thereof: APN 51-580-014 Live Oak Blvd; APN 51-580-013 2510 Live Oak Blvd; APN 51-580-012 2520 Live Oak Blvd pursuant to Government Code Section 54956.8
- B. Conferred with labor negotiators Steve Kroeger and Natalie Walter regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code.
- C. Conferred with real property negotiator Steve Kroeger and Darin Gale regarding possible sale and use of the following property or portion thereof: APN 57-150-050 & 57-150-004 211 S Walton Ave (Old Fire Station No. 4) pursuant to Government Code Section 54956.8.

**Adjournment**

Mayor Gill adjourned the Closed Session of the City Council of the City of Yuba City at 8:25 p.m.

Attest:

\_\_\_\_\_  
Kash Gill, Mayor

\_\_\_\_\_  
Terrel Locke  
City Clerk

**MINUTES (DRAFT)  
SPECIAL MEETING OF THE  
CITY COUNCIL  
CITY OF YUBA CITY  
YUBA CITY HIGH SCHOOL, NORTH GYM  
APRIL 9, 2014  
10:00 A.M. – SPECIAL MEETING**

**Special Meeting—Yuba City High School, 850 B Street**

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

**Roll Call**

Present: Councilmembers Buckland, Dukes, Maan, and Mayor Gill

Absent: Councilmember Starkey

**Invocation**

Pastor Robert Fromm gave the invocation.

**Pledge of Allegiance to the Flag**

Councilmember Buckland led the Pledge of Allegiance.

Mayor Gill and the City Council introduced themselves to the Yuba City High School Students and Staff.

**Presentations and Proclamations**

**1. Proclamation for Parkinson's Awareness Month**

Mayor Gill presented Pastor Robert Fromm with a proclamation in honor of Parkinson's Awareness Month, on behalf of the Tri-County Parkinson's Support Group in Yuba City

**2. Proclamation for Child Abuse Prevention Month**

Mayor Gill presented Janine Warner of Casa de Esperanza a proclamation in honor of Child Abuse Prevention Month

**Consent Calendar**

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

**3. Minutes of March 18, 2014**

Approved the City Council Meeting Minutes of March 18, 2014.

**4. Water Service Agreement – 2290 Forrest Lane**

- a) Determined that the water well easement located at 2290 Forrest Lane, [APN 20-030-027], is no longer needed thus terminating the 1989 Easement Agreement initiated by Hillcrest Water Company and property owner Galen Fillmore;

- b) Adopted **Resolution No. 14-024** authorizing the execution of a Water Service Agreement with Galen M. Fillmore in regards to converting water service to City surface water, located at 2290 Forrest Lane, [APN 20-030-027].
  - c) Adopted **Resolution No. 14-025** authorizing the City Manager to execute a quit claim deed relinquishing a water well easement to Galen M. Fillmore at 2290 Forrest Lane, [APN 20-030-027].
5. **Agreement Granting Sutter Butte Flood Control Agency a Right to Enter and Construct Improvements on City Owned Property [APN: 23-040-050, 23-040-077]**
- Authorized the City Manager to execute the Right to Enter Agreement on behalf of the City, following approval by the City Attorney.
6. **Raw Water Intake and Low Lift Pump Station Modification Project – Increase in Funding for Special Inspection & Testing Services**
- Authorized a contract increase in the amount of \$9,500.00 for Special Inspections & Testing Services associated with Contract No. 11-10, Raw Water Intake and Low Lift Pump Station, with the finding that it is in the best interest of the City

#### **General Items**

7. **Purchase of 611 Clark Avenue for the future widening of Bridge Street**
- Councilmember Maan moved to approve the purchase of 611 Clark Avenue (APN 52-413-010) for \$98,890 and authorize a supplemental appropriation in the amount of \$150,000 for acquisition, mitigation, and demolition from unallocated Road Development Impact Fees to Account No. 931187-65517 (Bridge Street Widening). Councilman Buckland seconded the motion that passed with a unanimous vote.
8. **Refunding the City’s 2007 Wastewater Enterprise Installment Sale Agreement**
- Councilmember Buckland moved to adopt **Resolution No. 14-026** authorizing the Issuance and sale of 2014 Wastewater Revenue Refunding Bonds in the Principal amount of not to exceed \$7,500,000 to provide funds to refinance outstanding 2007 Wastewater Installment Sale Agreement and Approve Related Documents and Actions. Councilmember Maan seconded the motion that passed with a unanimous vote.
9. **Priorities and Goals for Fiscal Year 2014-2015**
- Noted & Filed the Summary of Discussion of the Priority and Goals for FY 2014-15 Workshop
10. **School Resource Officer Report**
- Present by Yuba City Police School Resource Officer Charles Ernst.

#### **Public Communication**

11. **Appearance of Interested Citizens - None**
12. **Question and Answers with Yuba City High School Students**

The following questions were asked by Yuba City High School students:

- How do Bonds work?
- Is there money for the City to provide things for activities for teens?
- From the presentation on Council Goals, what does providing Police Services to the Walton Area mean?
- How many Police Officers are there per shift?
- What are the regulations for the City Budget? How is the budget determined?
- From the presentation on Council Goals, what does maintaining infrastructure mean?
- The Council meeting was started with an invocation – what about separation of Church and State?
- What businesses are coming to Yuba City in the next 5-10 years?
- Why not invest money to improve the mall?
- Why can't residents say what they want to do with the money? How do you have a voice?

Youth Commission Chairman Katie Etl provided information on the Yuba City Youth Commission

- Can we have a reservoir for when there is a drought?
- Why are we spending money on the 5<sup>th</sup> Street Bridge when there isn't any water?

### **Business from the City Council**

#### **13. City Council Reports**

- Councilmember Buckland
- Councilmember Maan
- Vice Mayor Dukes
- Mayor Gill

### **Adjournment**

Mayor Gill thanked teacher Steve Jennings, Principal Martin Ramirez, Superintendent Nancy Aaberg and their staff for their all their efforts in coordinating the Council Meeting to be held at the High School.

Mayor Gill adjourned the Special Meeting of the City Council of the City of Yuba City at 11:10 a.m.

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Kash Gill, Mayor

ATTEST:

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Terrel Locke, City Clerk

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** City Clerk  
**Presentation By:** Terrel Locke, City Clerk

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**Summary**

**Subject:** General Municipal Election November 4, 2014

**Recommendation:** a) Adopt a Resolution calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2014 for the election of three members of the City Council

b) Authorize the Mayor to enter into an agreement for Election Services with Sutter County

**Fiscal Impact:** \$25,000 estimated cost from Account 1710-62722 City Clerk Elections. This amount is included in the Proposed FY 2014/15 Annual Budget.

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**Purpose:**

Setting November 4, 2014 as the General Municipal Election and authorize consolidation with Sutter County for election services.

**Background:**

In accordance with the California Election Code and the City Municipal Code, the City of Yuba City is required to hold an election in conjunction with the Statewide General Election being held on Tuesday, November 4, 2014 for three members of the City Council.

Traditionally, the City has contracted with Sutter County to provide consolidated election services. An agreement is needed with Sutter County to reimburse for costs associated with the Municipal Election. As in the past, it is the intent of the City Clerk's office to perform as many election functions as possible to reduce the total cost to the City.

**Analysis:**

The first day for signing nomination papers will be Monday, July 14, 2014. The close of the nomination period shall be 5:00 p.m. on Thursday, August 8, 2014, as Friday may be a City furlough day. Should any incumbent not file nomination papers by the close of the nomination period, the voters of the City will have until 5:00 p.m. on Wednesday, August 13, 2014 to nominate candidates other than the incumbent to that office.

Candidates may file a "Statement of Qualifications" to be included within the sample ballot packet that is mailed to registered voters. All costs of printing and handling of the Statement of Qualifications, except mailing costs, shall be paid by the candidate. A deposit will be required at

to be made at the time of filing to cover anticipated costs, the amount of deposit will be determined by the Sutter County Elections Office. The Statement of Qualifications is limited to 200 words.

**Fiscal Impact:**

The City's share of cost for the consolidated election is estimated to be \$25,000 based upon previous elections. Costs could go up or down based on the number of voters registered by the registration deadline. This amount will be included in the proposed FY 2014-2015 proposed budget in the City Clerk Elections Account 1710-62722.

**Alternatives:**

The City can conduct a stand-alone election.

**Recommendation:**

- A) Adopt a Resolution calling and giving notice of the holding of a General Municipal Election to be held on Tuesday November 4, 2014 for the election three members of the City Council.
- B) Authorize the Mayor to enter into an Agreement for Election Services with Sutter County.

*Attachments:*

- *Agreement for Election Services*
- *Municipal General Election Calendar*

Submitted By:

*/s/ Terrel Locke*

Terrel Locke  
City Clerk

Reviewed By:

City Manager

SK

## AGREEMENT FOR ELECTION SERVICES

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by an between the COUNTY OF SUTTER, a Political Subdivision of the State of California, hereinafter called "County" and the CITY OF YUBA CITY, a Municipal Corporation, hereinafter called "City."

### WITNESSETH:

WHEREAS, Government Code Section 36503.5, as amended, calls for a Municipal Election to be held on the 4<sup>th</sup> day of November, 2014 in the City, and the City desires to make use of certain services, facilities, and equipment of the office of the County Clerk and to pay the County for its costs thereof, pursuant to the provision of the Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. County agrees to make no changes in precinct boundaries within sixty (60) days of the Statewide General Election on November 4, 2014.
2. County agrees that the County Clerk's office shall do the following:
  - a. Furnish the governing body of the City, upon request of the City Clerk, with as many copies as may be needed of the index of registration for each precinct contained within the City boundaries, up to and including thirty (30) days prior to the election.
  - b. Furnish upon request one map showing all precincts embraced in City.
  - c. Address and mail self-mailer sample ballots and any other election matter required to be mailed to the voters.
  - d. Prepare a list of the number of registered voters in each precinct.
  - e. Prepare an index to precinct consolidations as to polling places.
  - f. Order such supplies as are necessary to conduct the election.
  - g. Prepare the sample ballots, and any additional information to be supplied to voters.
  - h. Package election supplies for delivery to Precinct Inspectors, it being understood the County will arrange for delivery of same.
  - i. Provide for programming, and delivery and return of, voting machines, chairs, tables, etc., to polling places, it being understood that the County Clerk will arrange for delivery and return.
  - j. Select the polling places and election officers, mail the Notice of Appointment to, and conduct the instruction of, the election officers.
  - k. Provide a copy of the official canvass of the results of the election to the City Council as required by law.

- l. Perform such other reasonable election related services as may be required by the City.
  - m. The County and City agree that they will conduct said election and perform services as set forth in the California Election Code.
3. City agrees to pay County its reasonable costs for all services, facilities and equipment furnished by county to City in connection with said Municipal Election immediately upon receipt by City of a statement from the County Clerk setting forth the cost to County for services, facilities, supplies, and equipment so furnished. County shall charge only those expenses necessary to carry out the terms of this agreement.

IN WITNESS WHEREOF, the party hereto has hereunto set their hands and seals the day and year first above written.

\_\_\_\_\_  
Stan Cleveland  
Chairman, Board of Supervisors  
County of Sutter

ATTEST:

\_\_\_\_\_  
County Clerk & Ex-Officio Clerk  
of the Board of Supervisors

\_\_\_\_\_  
Kash Gill, Mayor  
City of Yuba City

ATTEST:

\_\_\_\_\_  
Terrel Locke, City Clerk  
City of Yuba City

**City Elections**  
**General Municipal Elections Consolidated**  
**November 4, 2014**

*Laws in effect in 2014*

*(Calendar laws updated 10/2013)*

*(check with your county for their deadlines for arguments and rebuttal filings)*

Date(s)	E minus	to E minus	Action
May 16	-172		Suggested Last Day to File Petitions Regarding Measure
June 16	-141		Suggested Last Day for Council to Adopt Resolutions
June 17	-140		Suggested Last Day to Post Notice of Deadline for Filing Arguments and Impartial Analyses
No deadline except ONCE before Election Day 7 - 14 days after date Council puts measure(s) on the ballot			Election Official to Publish Notice of Election – Measure(s) Only, No Candidates Suggested Last Day to File Arguments & Impartial Analyses / Recommended to be 7-14 days after Council calls Election
June 30 to July 14	-127	-113	Election Official to Publish Notice of Election - Candidates
July 7	-120		Last Day to Adopt Regulations for Candidates Statements
10 days after Arguments are due			Last Day to File Rebuttal Arguments / 10 Days after Arguments
July 14 to August 8	-113	-88	Filing Period for Nomination Papers and Candidate's Statements
July 31			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement
August 8	-88		Last Day to Call Election For Ballot Measures
August 8 by 5:00 pm	-88		Last Day for County to Receive Resolutions Requesting Services or Consolidation
August 8	-88		Last Day to File Nomination Papers (Consolidated Cities)
August 13	-83		Last Day to File Nomination Papers – Extended Filing Period if incumbent fails to file
August 13	-83		Last Day to Withdraw Measure(s) from Ballot
August 14	-82		Secretary of State to Determine Order of Names on Ballot
August 21	-75		Time to Cancel Election – Insufficient Candidates
September 8 to October 21	-57	-14	Filing Period for Write-in Candidate
October 6	-29		Last Day to File Campaign Expenditure Statements - 1st Pre-election Statement
October 6	-29		First Day for Mailing Permanent Vote-by-Mail Voter Ballots
October 6 to October 28	-29	-7	Voters May Request Vote-by-Mail Ballots with Regular Applications
October 14	-21		Last Day to Mail Sample Ballots and Polling Place Notices
October 20	-15		Last Day to Register to Vote
October 21	-14		Last Day to File for Write-in Candidate
October 23	-12		Last Day to File Campaign Expenditure Statements - 2nd Pre-election Statement
October 28	-7		Last Day for Election Official to Publish Notice of Nominees
October 29 to November 4	-6		Emergency/Late Vote-by-Mail Voting Period
November 3	-1		Last Day for Council to Adopt Procedures to Resolve Tie Vote
<b>November 4</b>	<b>0</b>		<b>ELECTION DAY</b>
November 4	0		Last Day to Receive Vote-by-Mail Voter Ballots
No Later Than December 19	45		Last Day to Declare Results & Install Newly Elected Mayor, Councilmember(s), Etc.
December 2 December 19	E+28+17+?		Reorganize Council and Choose Mayor Pro Tem (and Mayor if applicable)
December 10 December 28	36	54	Filing of Statement of Economic Interests
January 31, 2015			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement
April 1, 2015			Last Day to Submit Report on Measures to Secretary of State

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY CALLING  
AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY NOVEMBER 4, 2014 FOR THE  
ELECTION OF CERTAIN OFFICERS AND AUTHORIZING THE CITY TO ENTER  
INTO AN AGREEMENT FOR ELECTION SERVICES WITH SUTTER COUNTY**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 4, 2014; and

**WHEREAS**, it is the desire of the City Council of the City of Yuba City to consolidate the Municipal Election with the Statewide General Election to be held on November 4, 2014 for the purpose of electing three members of the City Council for the full term of four years.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

Section 1. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County of Sutter to consolidate the City General Municipal Election with the Statewide General Election being held on Tuesday, November 4, 2014.

Section 2. That the Sutter County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and one form of ballot shall be used.

Section 3. That the Mayor is authorized to enter into an Agreement with Sutter County for the purpose of said election.

Section 4. The City Clerk is directed to forward a certified copy of this Resolution to the Board of Supervisors of Sutter County.

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 22<sup>nd</sup> day April 2014.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Kash Gill, Mayor

ATTEST:

\_\_\_\_\_  
Terrel Locke, City Clerk

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014  
**To:** Honorable Mayor & Members of the City Council  
**From:** Human Resources Department  
**Presentation By:** Natalie Walter, Human Resources Director

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**Summary**

**Subject:** Confidential Bargaining Unit Modification

**Recommendation:** a) Adopt a Resolution approving the side letters with Police Officers' Association and Public Employees Union, Local 1 on the Confidential bargaining unit modification.

b) Adopt a Resolution identifying Confidential employees with the City and aligning their benefits with the Mid-Managers' bargaining unit

**Fiscal Impact:** \$13,015, primarily from health insurance and increased City contribution towards CalPERS member contribution

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**Purpose:**

To properly designate classifications as "confidential" in accordance with the principles of state labor law.

**Background:**

Over the years, the use of "confidential" designations for classifications has expanded significantly in many City departments. Culturally, the City embraced the use of the "confidential" designation when employees worked directly with confidential or sensitive information, duties or issues that must be kept confidential under privacy statues, regulations, or City or departmental policies. Some of this information may include personnel records, investigations, worker's compensation claims, discrimination complaints, access to social security numbers, or details on adverse actions such as *Skelly* hearings. Without a doubt, the City's Executive Team appreciates and depends on the use of discretion and sensitivity when working with such information. However, the principles of state labor law specifically define "confidential" employees as those who are involved in employer-employee relations including negotiations or investigating and responding to union grievances. These "confidential" duties may include participating on the City's team in negotiations, preparing sensitive information to be used in negotiations, drafting or costing out proposals, drafting contract language for negotiations, and participating in

impasse resolution or the fact-finding process. Confidential positions are designated as such so they do not undermine or create a conflict of interest within the employer-union relationship. To expand on this point further, Confidential employees are deemed as such because they could reveal the City's negotiations strategy or bargaining position if they were part of a non-confidential unit.

Currently, eight employees hold positions designated as part of the Confidential Bargaining Unit, but only four of such positions are truly and properly designated as "confidential". To address this issue, the following re-structuring is being advanced by the City:

- The four employees in the following positions will move to the Public Employees' Union, Local #1 (Local 1): two Intermediate Account Clerks in the Finance Department, one Administrative Assistant in the Parks and Recreation Department, and one Administrative Assistant in the Fire Department.
- The one employee in the following position moves to the Police Officers' Association (POA): Administrative Assistant in the Police Department.
- The four remaining positions/classifications remain in the Confidential Unit: Human Resources Technician series in the Human Resources Department, Accountant I in the Finance Department, Administrative Analyst in the Human Resources Department, and Executive Assistant to the City Manager (a currently vacant position).

The salary steps for the Confidential Account Clerk, Account Clerk-Intermediate, and Account Clerk-Senior, replace the salary steps of the corresponding Local 1 classification series. The Administrative Assistant classification merges with the Local 1 and POA's salary schedule. There are no changes to the Administrative Assistant salary steps. Each unit's respective salary schedules are depicted on Exhibit A.

The classifications that are currently not filled by an employee but do not exist in other bargaining unit will join the Local 1 bargaining unit. These classifications include Accounting Technician, Administrative Technician, and Housing Program Analyst. No change will occur to the salary steps of these classifications.

The Confidential Unit restructuring will not negatively affect salary or benefits of the current incumbents. Therefore, all current incumbents transferring to other bargaining units maintain their life insurance amounts at \$15,000 for employee only and Administrative Leave at 40 hours per year. These "holdover" benefits terminate upon the current employees leaving their current position with the City.

All other benefits for those incumbents changing bargaining units will be provided in accordance with their new bargaining unit's negotiated benefits which results in an increased cost to the City. There are two primary reasons why the benefits have increased for these employees: 1. increased City contribution towards CalPERS member contribution and 2. increased health benefit cost sharing to the City. The Confidential unit was the only bargaining unit paying towards their CalPERS member contribution (2% of the 8% member contribution). On the flip side to this, no other bargaining unit is contributing towards their member contribution. Therefore there is a cost to the City for increasing the benefit to the affected employees. As to the health care cost sharing, the Confidential unit was paying 20% of the total health care premium versus paying 20% of the health care increase. The majority of City employees are paying a portion of the health care increase cost. Again, this is another additional cost for the City.

Through this unit modification, many of the Confidential members participated in meetings with myself, the City Manager, or Patrick Clark, the City's negotiator. These employees provided excellent suggestions that shaped the unit modification process. When the City Manager met with the Confidential unit members, a letter was provided that detailed the unit modification and met the employees' concerns for the unit modification. A majority (six out of the eight) of the current confidential bargaining unit members signed their approval of the City Manager's letter detailing the Confidential bargaining unit modification. Both Local 1 and POA bargaining unit representatives also signed the side letters agreeing to the unit modification and accepting the new classifications into their respective units.

**Fiscal Impact:**

\$13,015, primarily from health insurance and increased City contribution towards CalPERS member contribution

**Alternatives:**

Maintain status quo.

**Recommendation:**

- a) Adopt a Resolution approving the side letters with Police Officers' Association and Public Employees Union, Local 1 on the Confidential bargaining unit modification.
- b) Adopt a Resolution identifying Confidential employees with the City and aligning their benefits with the Mid-Managers' bargaining unit.

**Attachments:**

- Exhibit A – Salary Schedule
- Resolution Approving Confidential Unit Designations
- Resolution Approving Side Letters

Prepared By:

*/s/ Natalie Walter*

Natalie Walter  
Human Resources Director

Submitted By:

*/s/ Steven C. Kroeger*

Steven C. Kroeger  
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

**Exhibit A****SALARY STEPS****POLICE OFFICER'S ASSOCIATION**

	1	2	3	4	5	
ADMINISTRATIVE ASSISTANT	3,464	3,637	3,819	4,010	4,211	Monthly
	19.98	20.98	22.03	23.13	24.29	Hourly

**LOCAL 1**

ACCOUNT CLERK	2,703	2,838	2,980	3,129	3,286	Monthly
	15.59	16.37	17.19	18.05	18.96	Hourly

ACCOUNT CLERK-INTERMEDIATE	3,117	3,273	3,437	3,609	3,789	Monthly
	17.98	18.88	19.83	20.82	21.86	Hourly

ACCOUNT CLERK-SENIOR	3,588	3,767	3,955	4,153	4,361	Monthly
	20.70	21.73	22.82	23.96	25.16	Hourly

ACCOUNTING TECHNICIAN	3,634	3,816	4,007	4,207	4,418	Monthly
	20.97	22.02	23.12	24.27	25.49	Hourly

ADMINISTRATIVE ASSISTANT	3,464	3,637	3,819	4,010	4,211	Monthly
	19.98	20.98	22.03	23.13	24.29	Hourly

ADMINISTRATIVE TECHNICIAN	3,186	3,345	3,512	3,688	3,872	Monthly
	18.38	19.30	20.26	21.28	22.34	Hourly

HOUSING PROGRAMS ANALYST I	4,043	4,245	4,457	4,680	4,914	Monthly
	23.33	24.49	25.71	27.00	28.35	Hourly

**CONFIDENTIALS**

ACCOUNTANT I	4,177	4,386	4,605	4,835	5,077	Monthly
	24.10	25.30	26.57	27.89	29.29	Hourly

ADMINISTRATIVE ANALYST I	4,249	4,461	4,684	4,918	5,164	Monthly
	24.51	25.74	27.02	28.37	29.79	Hourly

EXECUTIVE ASSISTANT TO THE CITY MANAGER	3,810	4,001	4,201	4,411	4,632	Monthly
	21.98	23.08	24.24	25.45	26.72	Hourly

HUMAN RESOURCES TECHNICIAN I	3,277	3,441	3,613	3,794	3,984	Monthly
	18.91	19.85	20.84	21.89	22.98	Hourly

HUMAN RESOURCES TECHNICIAN II	3,606	3,786	3,975	4,174	4,383	Monthly
	20.80	21.84	22.93	24.08	25.28	Hourly

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
APPROVING THE DESIGNATION AND COMPENSATION FOR CONFIDENTIAL EMPLOYEES**

WHEREAS, the City is updating its “confidential employee” designation in accordance with the principles of state labor law;

WHEREAS, the City is modifying the Confidential bargaining unit to only include truly “confidential employees” so designated by the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

**Section 1: DESIGNATION OF CONFIDENTIAL CLASSIFICATIONS**

The provisions of this resolution shall apply to designated Confidential Employees, which are hereby designated as follows:

- Human Resources Technician I/II
- Accountant I in Finance Department
- Administrative Analyst I in Human Resources Department
- Executive Assistant to the City Manager

**Section 2: TERM-EFFECTIVE DATES**

The effective date of each Section shall be April 22, 2014.

**Section 3: BENEFITS AND TERMS OF EMPLOYMENT**

The Confidential Employees shall remain in the Confidential Unit, and their benefits shall be in alignment with the Mid-Manager’s contract.

**Section 4: BUDGET ADJUSTMENTS**

The Finance Director is hereby authorized to make necessary budget adjustments to implement the provisions of this Resolution.

The forgoing 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 22nd day of April 2014.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Kash Gill, Mayor

ATTEST:

\_\_\_\_\_  
Terrel Locke, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
APPROVING THE SIDE LETTERS TO PUBLIC EMPLOYEES UNION, LOCAL 1 AND  
POLICE OFFICERS' ASSOCIATION MEMORANDA OF UNDERSTANDING**

WHEREAS, the City is updating its "confidential employee" designation in accordance with the principles of state labor law;

WHEREAS, the City is modifying the Confidential bargaining unit to only include truly "confidential" employees;

WHEREAS, classifications not working in a "confidential" capacity shall join another bargaining unit (Public Employees Union, Local 1 or the Police Officers' Association);

WHEREAS, Public Employees Union, Local 1 and Police Officers' Association have agreed to include additional classifications in their bargaining unit with the terms set forth in the side letters;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

**Section 1. SIDE LETTERS**

Approve the attached side letters which set forth the Confidential unit modification with each bargaining unit, Public Employees Union, Local 1 and Police Officers' Association.

**Section 2. BUDGET ADJUSTMENTS**

The Finance Director is hereby authorized to make necessary budget adjustments to implement the provisions of this Resolution.

The forgoing 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 22nd day of April 2014.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Kash Gill, Mayor

ATTEST:

\_\_\_\_\_  
Terrel Locke, City Clerk

**UNIT MODIFICATION SIDE LETTER**

**TO THE MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**CITY OF YUBA CITY**

**AND**

**PUBLIC EMPLOYEES' UNION, LOCAL #1**

The City of Yuba City ("City") and the miscellaneous employee bargaining unit represented by Public Employees' Union, Local #1 (the "Union") have agreed to terms and conditions of employment that are collectively governed by a current contract, amendments, and side letters, including:

- The 2006-2011 memorandum of understanding;
- The June 2011 amendment;
- The April 2008 amendment relating to Water Treatment Plant Operators' shift schedules;
- The September 2008 amendment relating to Wastewater Treatment Facility Plant Operators' shift schedules;
- The September 1, 2011 side letter regarding carryover of furlough time;
- The City Hall closure side letter; and
- The Successor Agreement executed in September 2012.

Collectively these items constitute the parties' agreement (collectively referred to hereafter as "MOU") which has a term running to June 13, 2014 and shall continue until either a successor agreement is reached or the conclusion of the impasse procedure.

Subject to the City of Yuba City's City Council approval, the City and Union hereby agree to modification of the terms and conditions set forth in the MOU as follows:

1. Effective April 22, 2014, the bargaining unit represented by the Union and covered by the MOU shall be modified to add four occupied classifications including the following positions: (a) two Account Clerk - Intermediate (Finance), (b) one Administrative Assistant (Parks and Recreation), and (c) one administrative Assistant (Fire). There are unoccupied Account Clerk, Account Clerk-Senior, Accounting Technician, Administrative Technician, and Housing Program Analyst classifications/positions to be added to the Union's bargaining unit. Collectively these are referred to in this Side Letter as "the Transferred Positions".
2. The entire salary step schedule for the Account Clerk, Account Clerk - Intermediate, and Account Clerk - Senior, from the Confidential salary schedule replaces the corresponding Local #1 classification series, Exhibit A.
3. Except as noted in this Side Letter, the terms and conditions of employment applicable to incumbents holding the Transferred Positions will be as set forth in the MOU. Incumbents are identified by name and current title as of the date of this side letter in Exhibit B. However, in order to keep the incumbents in the Transferred Positions

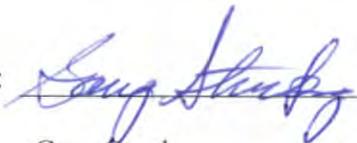
whole, the following two current benefits will be maintained for these incumbents for as long as they hold their current positions or advance in their classification series:

- Life Insurance (at the \$15,000, employee-only benefit level); and
- 40 hours of Administrative Leave per calendar year.

These additional benefits shall not apply to any future employees who hold the Transferred Positions being allocated to the bargaining unit represented by the Union.

4. Except as modified above, the terms and conditions of the MOU (including the Amendment(s) and previous Side Letter(s)), shall remain in effect as provided therein, notwithstanding this Side Letter.

For the City:   
Name: Steven Kroeger  
Title: City Manager  
Date: 4/8/14

For the Union:   
Name: Gary Stucky  
Title: Executive Director  
Date: 4/8/14

# Exhibit A

## SALARY STEPS

	LOCAL 1					
	1	2	3	4	5	
ACCOUNT CLERK	2,703	2,836	2,980	3,129	3,286	Monthly
	15.59	16.37	17.19	18.05	18.96	Hourly
ACCOUNT CLERK-INTERMEDIATE	3,117	3,273	3,437	3,609	3,789	Monthly
	17.98	18.88	19.83	20.82	21.86	Hourly
ACCOUNT CLERK-SENIOR	3,588	3,767	3,955	4,153	4,361	Monthly
	20.70	21.73	22.82	23.96	25.16	Hourly
ACCOUNTING TECHNICIAN	3,634	3,816	4,007	4,207	4,418	Monthly
	20.97	22.02	23.12	24.27	25.49	Hourly
ADMINISTRATIVE ASSISTANT	3,464	3,637	3,819	4,010	4,211	Monthly
	19.98	20.98	22.03	23.13	24.29	Hourly
ADMINISTRATIVE TECHNICIAN	3,186	3,345	3,512	3,688	3,872	Monthly
	18.38	19.30	20.26	21.28	22.34	Hourly
HOUSING PROGRAMS ANALYST I	4,043	4,245	4,457	4,680	4,914	Monthly
	23.33	24.49	25.71	27.00	28.35	Hourly

Exhibit B

Incumbents subject to side letter terms and conditions:

<u>Title</u>	<u>Department</u>	<u>Name</u>
Intermediate Account Clerk	Finance	Kathy Magenheimer
Intermediate Account Clerk	Finance	Nicole Leonard
Administrative Assistant	Parks and Recreation	Kristin Hamilton
Administrative Assistant	Fire	Janelle Saigeon

**SIDE LETTER NO. 2**

**TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF YUBA CITY  
AND  
YUBA CITY POLICE OFFICERS' ASSOCIATION**

bj

Subject to the City of Yuba City's City Council approval, the City of Yuba City ("City") and the Yuba City Police Officers' Association ("Association"), hereby agree to modification of the terms and conditions set forth in that Memorandum of Understanding ("MOU") with original term from 2008 to 2011, as extended to June 13, 2014 by written Amendment [latest date of execution August 18, 2011]). This Side Letter augments the current MOU as follows:

1. The unit represented by the Association and covered by the MOU shall be modified to add the none-sworn, miscellaneous position of Administrative Assistant in the Police Department effective on April 22, 2014.
2. The Administrative Assistant in the Police Department position salary steps will not change. The current salary is:

SALARY STEPS

1	2	3	4	5
3,464	3,637	3,819	4,010	4,211
19.98	20.98	22.03	23.13	24.29

3. Except as noted in this Side Letter, the terms and conditions of employment applicable to the Administrative Assistant in the Police Department position will be as set forth for non-sworn (i.e. miscellaneous) employees governed by the MOU. In order to keep the incumbent in the Administrative Assistant in the Police Department whole in this transition to another unit, the parties agree that the following benefits shall be maintained for the incumbent for as long as she holds the Administrative Assistant in the Police Department:
  - Life Insurance (at the \$15,000, employee-only benefit level); and
  - 40 hours of Administrative Leave per calendar year.

These benefits shall not apply to any future employees who hold the position of Administrative Assistant in the Police Department.

4. Except as modified above, the terms and conditions of the MOU (including the Amendment and previous Side Letter), shall remain in effect as provided therein.

**\*\*SIGNATURES ARE ON FOLLOWING PAGE\*\***

FOR THE CITY:

CITY OF YUBA CITY

By: 

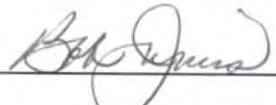
Name: Steven Kroeger

Title: City Manager

Date: 4-3-14

FOR THE ASSOCIATION:

YUBA CITY POLICE OFFICERS'  
ASSOCIATION

By: 

Name: Bob Jarvis

Title: Chief Negotiator

Date: 4-3-14

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014

**To:** Honorable Mayor and Members of the City Council;  
Honorable Chairman and Directors to the Successor Agency to the  
Yuba City Redevelopment Agency

**From:** Community Development Department

**Presentation By:** Aaron M. Busch, Community Development Director

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**Summary**

**Subject:** Status update concerning the dissolution of the City's Former Redevelopment Agency

**Recommendation:** This item is for informational purposes only concerning other City and Successor Agency matters on this agenda

**Fiscal Impact:** The Dissolution Act resulted in the loss of over \$2 million from the former Redevelopment Agency's Housing Set Aside Fund and an additional \$131,000 from the Redevelopment Fund. Through the Safe Harbor provisions associated with AB 1484, the City has the opportunity to receive repayment from the Former Redevelopment Agency in the amount of \$8,819,120 for bonds issued for the Gauche Aquatic Park project and \$11,042,000 for the inter agency loan from the City to the Agency. The availability of such funding is projected to be many years in the future

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**Purpose:**

Provide the City Council and the Successor Agency with an update concerning the dissolution of the City's Former Redevelopment Agency in compliance with recent State legislation. This comprehensive background is being provided for three other items included on this agenda relating to City and Successor Agency business matters.

**Background:**

On June 29, 2011, the Governor approved the State Budget for FY 2011/12 and signed Assembly Bill 1X26 which had the effect of abolishing every redevelopment agency in the state. In accordance with the provisions of AB 1X26, the Agency Board was required to approve the adoption of an *Enforceable Obligation Payment Schedule* (EOPS) that identified those obligated payments that would be made by the Agency between July 1, 2011 and December 31, 2011.

In accordance with the new legislation "Enforceable Obligations" included: bonds; loans legally required to be repaid pursuant to a payment schedule with mandatory repayment

terms; payments required by the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; and contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies. For the City, key “enforceable obligations” included: the interagency loan between the City and the Agency for the establishment of the former Agency; the Reimbursement Agreement between the City and the Agency for the repayment of bond obligations used to construct the Gauche Aquatic Park; and, the environmental cleanup of several sites within the redevelopment project area.

The Agency was required to submit the proposed EOPS to the Department of Finance, and the County Auditor-Controller by August 27, 2011 in order to comply with the requirements of AB 1X26. The Agency approved the EOPS at their August 16, 2011 meeting.

On December 29, 2011 the California Supreme Court issued its ruling in the case of *California Redevelopment Association et al. v. Ana Matosantos et al.* which challenged the legality of Assembly Bills 1X26 (AB 26) and 1X27 (AB 27) that related to the future of redevelopment in California. In its ruling, the Supreme Court upheld AB 26, the bill that dissolved all redevelopment agencies, but found that AB 27 which would have allowed redevelopment agencies to avoid elimination by making specific payments was unconstitutional. Based on the Supreme Court’s decision, all redevelopment agencies were dissolved as of February 1, 2012. As a result, all redevelopment agencies were required to dissolve and transfer their assets and liabilities to “Successor Agencies” that will bring to a close the redevelopment agencies’ business matters.

As part of that decision, Redevelopment Agencies were required to take several immediate actions to close out all existing redevelopment operations. The first of those was the decision regarding the “Successor Agency” that is required to work with an appointed “Oversight Board” on the final disposition of all redevelopment funds and activities.

On January 17, 2012, the City elected to serve as the Successor Agency and the Housing Successor Agency to the Former Yuba City Redevelopment Agency. Although serving in this capacity has been challenging at times working with the requirements of AB 1X26 and the Department of Finance (DOF), it has afforded the city greater control over the assets of the former Agency.

The next action was the preparation of the *Recognized Obligation Payment Schedule* (ROPS) which was also required by AB 1X26. The ROPS closely mirrored the information provided on the EOPS except that ROPS included the identification of the applicable funding source for each enforceable obligation. According to AB 1X26, the ROPS superseded the EOPS once the mandated Oversight Board was established to oversee the activities of the Successor Agency who is responsible for the “winding down” of all former RDA obligations. In accordance with AB 1X26, the Oversight Board was to be formed by May 1, 2012. On February 21, 2012 the Council established the “Oversight Board for the Successor Agency of the Yuba City Redevelopment Agency”.

Since the formation of the Oversight Board in February of 2012, the Successor Agency has continued to submit the required ROPS on a semi-annual basis, identifying all of its enforceable obligations including the interagency loan and the Reimbursement Agreement

for the GAP. Initially these two important agreements between the City and the Agency were approved by DOF on the first two ROPS which meant that even though the Agency was being dissolved, the City (as the Successor Agency) could continue to seek reimbursement through the winding-down process. On the third ROPS however, DOF denied the Successor Agency's request to include these items as they no longer viewed them as enforceable obligations that complied with the letter of the law.

DOF determined that since the Redevelopment Agency was established in 1958, the loan agreement between the Agency and the City of Yuba City (which occurred in 1988) does not comply with the two year timeline required for being considered an enforceable obligation. It was staff's opinion however, that since the formal Redevelopment "Project Area" was not established until 1989, the loan agreement did meet the two year timeline and should have therefore been accepted as an enforceable obligation. Formal redevelopment activity (including the establishment of the base tax year) could not have begun until the Project Area was established and therefore, staff believed that the interagency loan agreement complied with the definition of an enforceable obligation. A similar determination was made on the Reimbursement Agreement for the GAP whereby DOF determined that since the reimbursement agreement between the City and the Agency was not entered into "simultaneously" with the sale of the bonds, the Agreement was invalid. It was staff's position that even though there was a lag in timing between the issuance of bonds and the entering of the Agreement; the Agency began to repay the City as soon as the first payment was due thereby demonstrating an immediate commitment to repay on the Agreement.

These are important actions by DOF as they initially took away the City's ability to receive reimbursement from the Agency even though there are approved agreements between agencies. Fortunately for the City and the Successor Agency, the State passed AB 1484 which made some important refinements to the original Dissolution Act.

On June 27, 2012 as part of the FY 2012-2013 state budget package, the Governor passed AB 1484 which was intended to make technical and substantive amendments to the Dissolution Act (aka AB 1X26). As a budget "trailer bill", AB 1484 took effect immediately. AB 1484 contained many new processes, performance milestones and penalties for Successor Agencies who were involved in the redevelopment winding down process. Some of the more critical components associated with AB 1484 are identified below:

- Required a second audit be prepared to determine all available cash assets in the former Redevelopment Agency (including housing assets);
- A "Finding Of Completion" is required prior to receiving "Safe Harbor" provisions which includes the ability to dispose of former agency assets;
- Prior to the sale of any former agency property, a "Long Range Property Management Plan" must be prepared and approved by the Department of Finance; and
- Previously established ROPS processes, forms, and timelines were significantly modified.

In compliance with the requirements of AB 1484, the Successor Agency successfully completed the necessary audits and remitted all required funds to DOF in order to receive

its Finding of Completion on September 16, 2013. As a result of receiving the Finding Of Completion, the City and the Successor Agency are now eligible to proceed with two important "Safe Harbor" provisions. These include the preparation of the Long Range Property Management Plan, and the ability to identify the interagency loan and Reimbursement Agreement between the City and the Agency as "enforceable obligations" once again. By doing so, these items can be included on future ROPS so repayment can begin (once there are funds available).

The above actions: approval of the Long Range Property Management Plan; and the inclusion of the two agreements as enforceable obligations on Future ROPS require approval by the Oversight Board before the items can be submitted to DOF for approval. However, before these items go before the Oversight Board, they should be presented to the City Council and the Successor Agency for consideration. All three of these items are included on this agenda for consideration and action by the City Council and the Successor Agency.

**Fiscal Impact:**

The Dissolution Act resulted in the loss of over \$2 million from the former Redevelopment Agency's Housing Set Aside Fund and an additional \$200,000 (need to verify the number) from the Redevelopment Fund. Through the Safe Harbor provisions associated with AB 1484, the City has the opportunity to receive repayment from the Former Redevelopment Agency in the amount of \$8,855,343 for bonds issued for the Gauche Aquatic Park project and \$11,042,000 for the inter agency loan from the City to the Agency. The availability of such funding is projected to be many years in the future.

**Recommendation:**

This item is for informational purposes only concerning other City and Successor Agency matters on this agenda.

Prepared By:

Submitted By:

*/s/ Aaron M. Busch*

*/s/ Steven C. Kroeger*

Aaron M. Busch  
Community Development Director

Steven C. Kroeger  
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014

**To:** Honorable Mayor and Members of the City Council;  
Honorable Chairman and Directors to the Successor Agency to the  
Yuba City Redevelopment Agency

**From:** Community Development Department

**Presentation By:** Aaron M. Busch, Community Development Director

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**Summary**

**Subject:** Approval of the mandated Long Range Property Management Plan for the Yuba City Successor Agency.

**Recommendation:**

- a) As the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets.
- b) As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets.

**Fiscal Impact:** Approval of the Long Range Property Management Plan will allow the Successor Agency to sell former Redevelopment Agency assets. Proceeds from the sale of these assets will be remitted to the State Department of Finance for disbursement to the applicable agencies.

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**Purpose:**

Approve the mandated Long Range Property Management Plan so that the Successor agency can sell former Redevelopment Assets in compliance with the provisions of the Redevelopment Dissolution Act.

**Background:**

A complete summary of the events and actions associated with the State's "Dissolution Act" for the elimination of redevelopment is provided in a separate report on this agenda. Please refer to that report for more background details. For this specific item, a very brief background is provided below.

On June 27, 2012 as part of the FY 2012-2013 state budget package, the Governor passed AB 1484 which was intended to make technical and substantive amendments to the Dissolution Act (aka AB 1X26). AB 1484 contained many new processes, performance milestones and penalties for Successor Agencies who were involved in the redevelopment winding down process. One of the more critical components associated with AB 1484 was the preparation of a Long Range Property Management Plan ("Plan").

The purpose of this Plan was to identify all land assets of the former Redevelopment Agency and proposed methods for liquidating those assets. Funds received from the sale of these assets will be remitted to the State Department of Finance (DOF) who will then forward them on to the applicable agencies. In accordance with the provisions of AB 1484, the Plan is supposed to liquidate all assets in the most immediate and lucrative manner possible.

**Discussion:**

The proposed Plan is included as Exhibit A and includes all properties previously owned by the former Redevelopment Agency. In three cases, the proposed method for liquidating the former Agency assets is to sell the subject properties for fair market value to any interested party. Exceptions to this methodology are the properties that the City had entered into Exclusive Negotiation Agreements (ENA's) with potential developers. These four properties are: the Feather River Mills property (identified as Properties 2 and 3 in the Plan) which the City has an ENA with the Mehmet Noyan Company for the development of a mixed use project; and, Properties 4 and 5 in the Plan which the City has an ENA with Dave Newquist for the development of a new conference and dining hall facility.

The plan for the disposition of those properties is to continue to negotiate exclusively with those respective developers as they have invested significant amounts of time and funding into their future development. Although the ENA's with each prospective developer are not considered enforceable obligations by DOF, staff believes that there is sufficient investment and history with these two developers that the proposal to continue to work with them exclusively should be approved by DOF. Both developers are aware that DOF has the final approval of this approach.

The other exception is the property identified as Property 1 which is located at Colusa Avenue and Plumas Street. This small parcel is located directly adjacent to a frontage road along Colusa Avenue and is not suitable for private development. Therefore, staff is recommending that this property be transferred to the City and used for future right of way or construction of a public entry or plaza feature in compliance with the concepts provided in the *Central City Specific Plan*.

In accordance with the "Safe Harbor" provisions of AB 1484, the Oversight Board must approve the Plan before it can be submitted to DOF for review and approval. Given that the Plan directly deals with assets of the former Redevelopment Agency however, staff wanted to present the Plan to the City and the Successor Agency before taking it to the Oversight Board.

Once the City and Successor Agency have reviewed and approved the Plan, the item will be forwarded to the Oversight Board for final consideration.

**Fiscal Impact:**

Approval of the Long Range Property Management Plan will allow the Successor Agency to sell former Redevelopment Agency assets. Proceeds from the sale of these assets will be remitted to the State Department of Finance for disbursement to the applicable agencies.

**Recommendation:**

As the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets.

As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Long Range Property Management Plan for the liquidation of former Redevelopment Agency assets.

Attachments:

- A. Map of former Redevelopment Agency Properties
- B. Long Range Property Management Plan
- C. Resolution by the City Council approving the Long Range Property Management Plan
- D. Resolution by the Successor Agency approving the Long Range Property Management Plan

Prepared By:

*/s/ Aaron M. Busch*

Aaron M. Busch  
Community Development Director

Submitted By:

*/s/ Steven C. Kroeger*

Steven C. Kroeger  
City Manager

Reviewed By:

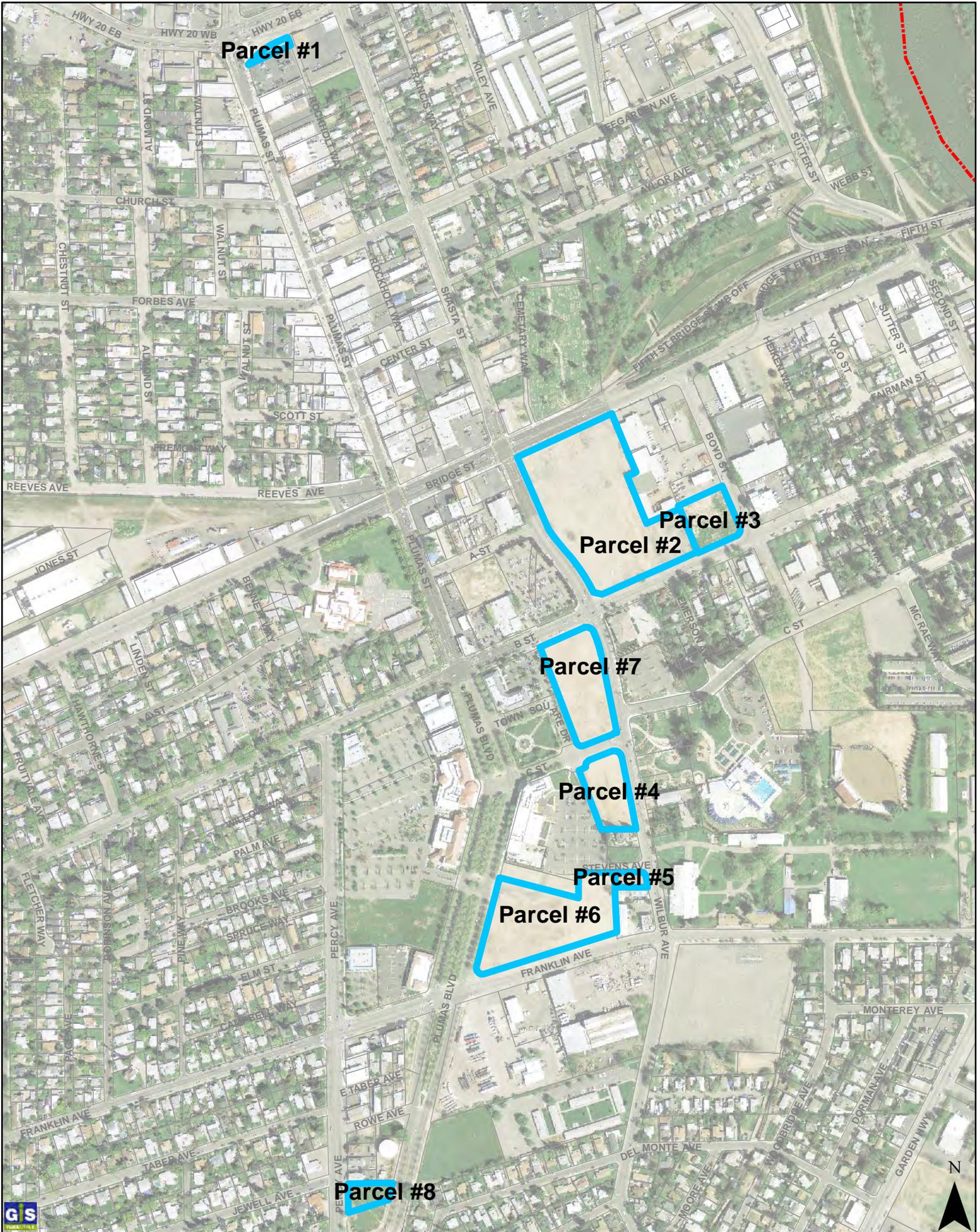
Finance

RB

City Attorney

TH

# Exhibit A





**Redevelopment and Financial Consulting**

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225 Holmfirth Court  
Roseville CA 95661

Phone: (916) 791-8958  
FAX: (916) 791-9234

# **Long Range Property Management Plan**

*Successor Agency to the Yuba City Redevelopment Agency*

Yuba City Redevelopment Project Area

February 2014

## **I. BACKGROUND**

Pursuant to Health and Safety Code sections 34177(e) and 34181(a) a Successor Agency is required to dispose of all assets and properties of a former redevelopment agency that were funded by tax increment revenues of the subject dissolved redevelopment Agency. This document is intended to address Section 34191.4(a) and 34191.5 (a) of Assembly Bill 1484 (AB 1484) and related requirements for preparation of a Long Range Property Management Plan (“Plan”) related to the real property assets of the former Redevelopment Agency of the City of Yuba City (“Former Agency”), which have been transferred to the Yuba City Successor Agency (“Agency or Successor Agency”). The Plan identifies existing Agency real property assets (e.g. land, buildings, etc.) and sets forth a strategy for the appropriate retention and disposition of such assets in accordance with the provisions of AB 1484, including recommended actions to be undertaken by the Yuba City Oversight Board to position the subject assets for disposition in a logical and systematic manner so as to enhance the disposition value of the subject assets.

## **II. PROPOSED REAL PROPERTY ASSET RETENTION AND DISPOSITION ACTIONS**

This Plan sets forth a proposed strategy and plan for retention and disposition of certain identified Agency-owned real property assets within the City of Yuba City, California. Health & Safety Code sections 34177(e) and 34181(a) require that the Successor Agency designate each of the former Agency-owned real property assets by one of the following categories:

1. Retention for government use
2. Sale of the property
3. Retention for future use
4. Use of Property to fulfill an enforceable obligation.

Included as Attachment A is a property data table describing the real property assets of the Successor Agency. For each of these subject properties the table includes, but is not limited to the following information:

1. Date of purchase, value of property (estimated) at time of purchase;
2. Purpose of the property acquisition;
3. Parcel data including address, size, zoning, General Plan designation;
4. Estimate of the current value or appraised value;
5. Estimate of revenue generated from use of property and contractual requirements (e.g. lease, etc.);
6. Any history of environmental contamination and / or remediation;
7. Development potential / planning objectives; and
8. Any previous development proposals, rental or lease agreements, other contracts

The above information is further described in this Plan. Attachment B includes a set of aerial maps for the properties owned by the Agency.

**A. Retention of Real Property for Government Use**

The property listed in Table 1 below is proposed to be transferred to the City of Yuba City (“City”).

<b>Table 1 – Properties to be Retained for Government Use</b>			
Property No.	APN	Address	Existing Use
1	52-262-001	444 Colusa Street	Vacant Lot

Property No. 1 sits at the intersection of Plumas Street and Colusa Avenue. The parcel is directly adjacent to a frontage road from Colusa Avenue. It was originally acquired on May 16, 2001 in order to assist in the implementation of the Central City Specific Plan in

regards to improved traffic circulation. The property is zoned C-2. Given the size of the parcel (less than 5,000 square feet), and the location, the parcel is not suitable for private development. Given this, the Agency is proposing that the parcel be transferred to the City and be used for right of way or construction of a public plaza. There has been no prior interest in developing the parcel by the private sector.

**B. Properties to be Retained for Future Development / Disposition**

The Plan proposes that the properties listed in Table 2 be positioned for future disposition by the Successor Agency and Oversight Board. The proposed disposition plan objective is to retain the property for future disposition (sale) for private development to those developers which the Agency has previously entered into agreements with. The sale proceeds net of sales costs from the disposition of these properties will be sent to the Sutter County Auditor-Controller for distribution to the taxing entities.

<b>Table 2 – Properties Proposed for Retention and Future Disposition</b>			
<b>Property No.</b>	<b>APN</b>	<b>Address</b>	<b>Existing Use / Proposed Use</b>
2	52-324-023	400 Bridge Street	Former Feather River Mill Site; proposed to be sold to a private developer for mixed use development
3	52-502-008	510 Boyd Street	Site is adjacent to Property No. 2; Agency wants to pursue option of selling jointly with Property No. 2
4	52-380-017	Wilbur and C Street	Part of Town Center Development; Agency intends to sell to developer
5	52-401-014	454 Stevens Ave.	Part of Town Center; Agency wants to pursue option of selling jointly with Property No. 4

**Property No. 2 – 400 Bridge Street**

From the 1890’s through 2003, this property had been occupied at one time or another by the River Mill store (a mill and feed store), a train station with railroad lines and spurs, the Diamond Match company, Sierra Lumber, a recycling center and various other uses. The Former Agency acquired the property for \$1,981, on October 27, 2003 in order to redevelop the site. At the time, the Former Agency anticipated that the site would be

redeveloped into a downtown movie theatre complex. The site is 285,753 square feet that sits at the intersection of Bridge Street and Shasta Street. In 2003, all of the structures on the property were demolished by the former Agency after it acquired the property. In August 2010, a Phase I Environment Site Assessment was prepared for the property. The Phase I Assessment indicted that there were nineteen recognized environmental conditions, including the presence of arsenic and lead in the surface soil. Before the property can be redeveloped, the site will need to be cleaned up. *The cost for environmental cleanup will affect the potential sales price of the property and may require that the property be sold for a nominal amount.*

The City entered into an agreement to negotiate exclusively with Noyan Properties (Developer) in September 2011. The result of the negotiation process was the preparation of a Memorandum of Understanding (MOU) between the City and the Developer that was approved in November 2013. The MOU calls for the City and the Developer to prepare a Disposition and Development Agreement (DDA) under which the terms and conditions of the sale of the site will be determined. Until this Plan is completed and approved, the Agency and City will not be able to complete the DDA and dispose of the property. The intent of the City and the Developer is to see a mixed use development completed on the site. Currently the site is zoned for industrial uses.

### **Property No. 3 – 510 Boyd Street**

This property adjoins Property No. 2 to the east. The Former Agency acquired the site for \$145,000 on October 27, 2003 for purposes of redeveloping the site in conjunction with Property No. 2. The site contains 42,688 square feet that is currently zoned for commercial / office use. The Agency is proposing that the property be sold as part of the DDA process to the Developer for Property No. 2. The two properties can then be redeveloped together into a mixed use development site. Current zoning on the site is industrial. The property would be sold at fair market value.

**Property No. 4- Wilbur & C Street**

This property was acquired in the October 1991 as part of the Former Agency’s purchase of the abandoned Yuba City steel site, which consisted of 22 total acres. The Former Agency acquired the entire site for \$2.1 million. This property contains 47,680 square feet, and the pro-rated purchase value is estimated at \$97,334. The site was subsequently cleared and infrastructure installed. The entire area is referred to as the Town Center site. Over the past twenty- three years, portions of the site have been sold for private development. Property No. 4 represents one of three remaining Town Center parcels that are left to be sold.

In September 2011, the former Agency entered into an agreement to exclusively negotiate with Mr. Dave Newquist. Mr. Newquist intends to build a convention and event center on the site. The property would be sold at fair market value.

**Property No. 5 – 454 Stevens Ave**

This property was acquired by the Former Agency on November 18, 2008 for \$121,173. The property, which is 8,712 square feet, is zoned residential. Given its location on the edge of the Town Center area, the Agency intends to rezone the property for commercial uses, and then sell the property to the developer of Property No. 4, who intends to use the site for part of the event center development. The property would be sold at fair market value.

**C. Disposition (Sale) of Real Property**

The Plan proposes that the properties listed below be positioned for disposition by the Successor Agency and Oversight Board. The proposed disposition plan objective is to sell the subject property for private development consistent with the City General Plan and zoning ordinance land use designations. The sale proceeds net of sales costs from the

disposition of these properties will be sent to the Sutter County Auditor-Controller for distribution to the taxing entities.

<b>Table 3 – Properties Proposed for Disposition</b>			
<b>Property No.</b>	<b>APN</b>	<b>Address</b>	<b>Existing Use</b>
6	52-380-016	425 Franklin Street	Vacant Parcel that is part of Town Center
7	52-380-019	442 B Street	Vacant Parcel that is part of Town Center
8	53-194-013	Percy Ave	Vacant Parcel

**Property No. 6 – 425 Franklin Street**

This property was also acquired as part of the Town Center acquisition in 1990, with its pro-rated acquisition cost estimated at \$334,868. The property has undergone extensive environmental clean-up, and was deemed by the Central Valley Regional Water Quality Control Board to require no further action. The property includes a total of 163,350 square feet that is zoned for commercial / office development. The property would be sold at fair market value.

**Property No. 7 – 442 B Street**

This property was acquired as part of the Town Center acquisition in 1990. Its pro-rated acquisition cost is estimated at \$343,797. In August 2010, a Phase I Environment Site Assessment was prepared for the property. The Phase I Assessment indicted that there were sixteen recognized environmental conditions, including pesticide spillage and the presence of arsenic and lead in the surface soil. Before the property can be redeveloped, the site will need to be cleaned up. *The cost for environmental cleanup will affect the potential sales price of the property and may require that the property be sold for a nominal amount.* The property contains 167,706 square feet and is zoned commercial / office.

**Property No. 8 – Percy Avenue**

This property was acquired on June 12, 2000 for \$267,532. The parcel contains 14,810 square feet and is zoned Commercial / Office. The Agency intends to sell this parcel for fair market value.

**III. ESTIMATED VALUE OF REAL PROPERTY ASSETS**

Table 4 below presents an estimate of potential market value of the real property assets based on an appraisal that was prepared in 2010 for Property No. 3. The Agency has increased that value, which equaled \$5.50 per square foot, by an additional 10 percent to take into account potentially changing market conditions since 2010. The information presented below is only intended to provide an “order-of-magnitude” estimate of potential value and is not intended to present actual appraised market value. The value estimate assumes no development impediments, which is clearly not the case for Properties 1 (due site size and location), 2 and 7 (due to toxic remediation). For Properties 2 and 7, the Agency will negotiate the best price that is obtainable and consistent with its approved Plans. Actual appraisals will also need to be prepared for each of the Properties that are to be sold. The proceeds generated from the disposition will be distributed to Sutter County for allocation to the applicable taxing entities in accordance with the provisions of AB 1484.

<b>Table 4 – Estimated Current Market Value of Parcels</b>			
<b>Property No.</b>	<b>APN</b>	<b>Square Feet</b>	<b>Estimated Value</b>
1	52-262-001	4,791	\$28,989
2	52-324-023	285,753	\$1,728,809
3	52-502-008	42,688	\$258,262
4	52-380-017	47,480	\$287,256
5	52-401-014	8,712	\$52,708
6	52-380-016	163,350	\$988,268
7	52-380-019	167,706	\$1,014,621
8	53-194-013	14,810	\$89,603

#### **IV. APPROACH AND PROCESS FOR DISPOSITION OF PROPERTIES**

The real property assets shown on Table 3 above are planned to be offered for sale through a Request for Proposals and Offer (RFPO) process which is described below. The proposed predevelopment activities outlined below are intended to better position the properties for successful acquisition / development and enhance the potential value (proceeds) generated from the sale of such properties.

##### **1. Predevelopment Activities**

There are a number of predevelopment activities that the Oversight Board may or may not decide to undertake in order to appropriately position the subject real property assets for disposition and private development. These potential activities could include:

- Preparing preliminary title reports to determine existing title conditions in relation to potential development of the properties;
- Commissioning appraisal reports or broker price opinion to determine at potential market value of the properties;
- Developing information regarding the public infrastructure capacity (water, sewer, drainage, etc.).

The decision of the Oversight Board to undertake such activities would be dependent in part on the availability of funding and whether these related disposition costs would be allowed by the State Department of Finance as enforceable obligations under the ROPS.

##### **2. Request for Proposals and Offers (RFPO) Proposal**

The Oversight Board will prepare and implement a Request for Proposals and Offer (RFPO) process for selection of a private development team(s) to acquire and develop the properties shown on Table 3. All properties will be constructed consistent with City General Plan and related zoning ordinance designations. The intent of the RFPO process would be to select the most qualified business and development partner(s) related to disposition and development of the subject properties and respective business offers that provide the highest and most certain economic value and return from the disposition of the subject properties. The RFPO process would allow the prospective respondents to the RFPO to submit a master proposal for all of the properties or offer for individual parcels.

Subsequent to selection of a private developer(s) the Agency should work mutually with the selected private developer(s) to negotiate the terms and conditions for disposition of the subject properties. These provisions should be negotiated during an exclusive negotiation period, and would be embodied in a purchase and sale agreement between the Successor Agency and selected private developer(s) with the review and approval of the Oversight Board.

### 3. Marketing and Outreach

The goal of a proposed marketing effort is to attract high-quality development on the subject remaining real property assets consistent with the adopted City General Plan and City Zoning Ordinance. Written marketing information for the preliminary outreach effort should include a basic brochure that describes the characteristics of the site(s) and the City, general land use provisions, and any related information resulting from the predevelopment activities described above.

The primary focus of the Successor Agency's marketing efforts should be local and regional real estate development companies that have qualifications, experience and successful track records in development and operation of high-quality commercial and / or residential development. A preliminary outreach effort related to marketing of these sites should include: 1) meeting with various real estate trade and business organizations;

**FA Fraser & Associates**

2) distributing the subject Request for Proposals and Offers (RFPO) to identified real estate development; companies, architects, engineers, other consultants; 2) posting the subject Request for Proposals and Offers (RFPO) information on the City web page; and 3) placing advertisements related to the subject Request for Proposal and Offers (RFPO) in the appropriate local and / or regional newspapers.

**Attachment A – Property Inventory Data**

**Attachment A:  
Yuba City Long Range Property Management Plan  
Property Inventory Data**

					HSC 34191.5 (c)(2)		HSC 34191.5 (c)(1)		
No.	APN	Existing Use	Address	Property Type	Permissible Use	Permissible Use Detail	Acquisition Date	Value at Time of Purchase Price	Estimated Current Value
<b>Properties to be Retained for Government Use</b>									
1	52-262-001	Abandoned site	444 Colusa Avenue	Retail sales	Commercial	Commercial	5/16/2001	\$ 101,615	\$28,989.00
<b>Properties to be Retained for Future Development</b>									
2	52-324-023	Vacant Parcel	400 Bridge Street	Vacant Land	Industrial	Industrial	10/27/2003	\$ 1,981,000	\$ 1,728,809
3	52-502-008	Vacant Parcel	510 Boyd	Vacant Land	Commercial Office	Commercial / Office	10/27/2003	\$ 145,000	\$ 258,262
4	52-380-017	Vacant Parcel	Wilbur and C Street	Vacant Land	Commercial Office	Commercial Office	10/1991	\$ 97,334	\$ 287,256
5	52-401-014	Residential	454 Stevens Ave	Residential	Residential	Residential	11/18/2008	\$ 121,773	\$ 52,708
<b>Properties Proposed for Disposition</b>									
6	52-380-016	Vacant Parcel	425 Franklin Ave	Vacant Lot/Land	Sale of Property	Commercial Office	10/1991	\$ 334,868	\$ 988,268
7	52-380-019	Vacant Parcel	442 B Street	Vacant Lot/Land	Sale of Property	Commercial Office	10/1991	\$ 343,797	\$ 1,014,621
8	53-194-013	Vacant Parcel	Percy Ave	Vacant Lot/Land	Sale of Property	Commercial Office	6/12/2000	\$ 267,532	\$ 89,603

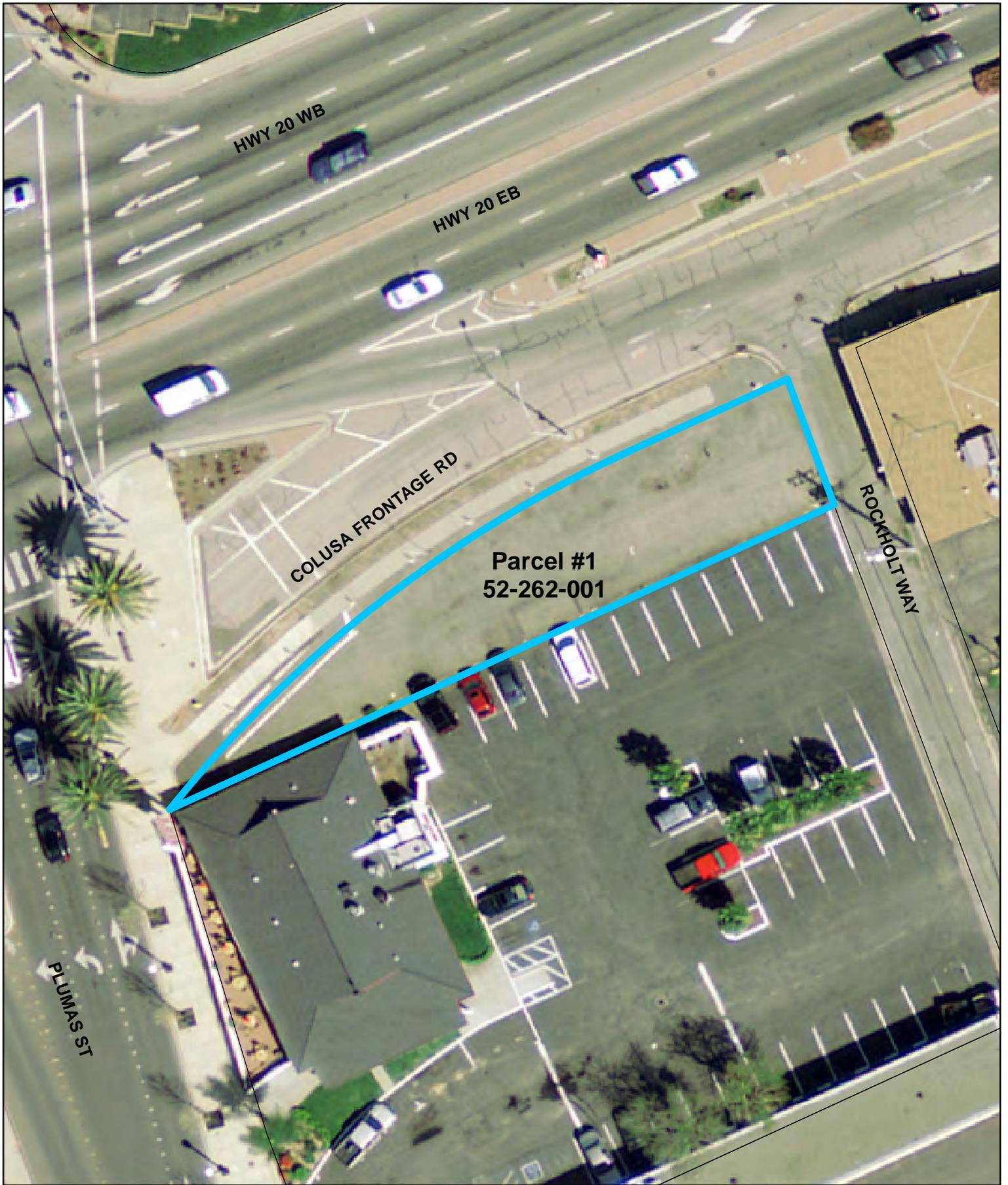
**Attachment A:  
Yuba City Long Range  
Property Inventory Da**

		1)(A)		SALE OF PROPERTY		HSC 34191.5 (c)(1)(B)			HSC 34191.5 (c)(1)(D)	HSC 341
No.	APN	Value Basis	Date of Estimated Current Value	Proposed Sale Value	Proposed Sale Date	Purpose for which property was acquired	Lot Size (SF)	Current Zoning	Estimate of Current Parcel Value	Estimate of Income/Revenue
<b>Properties to be Retained for</b>										
1	52-262-001	See PMP	2013	NA	NA	Implement Specific Plan	4,791	C-2	\$28,989	None
<b>Properties to be Retained for</b>										
2	52-324-023	See PMP	See PMP	0	NA	Redevelopment of site	285,753	Industrial	\$ 1,728,809	NA
3	52-502-008	See PMP	See PMP	TBD	TBD	Redevelopment of site	42,688	Commercial Office	\$ 258,262	NA
4	52-380-017	See PMP	See PMP	TBD	TBD	Redevelopment of site	47,480	Commercial Office	\$ 287,256	NA
5	52-401-014	See PMP	See PMP	TBD	TBD	Redevelopment of site	8,712	Residential	\$ 52,708	NA
<b>Properties Proposed for Dis</b>										
6	52-380-016	See PMP	See PMP	TBD	TBD	Redevelopment of site	163,350	Commercial Office	\$ 988,268	NA
7	52-380-019	See PMP	See PMP	TBD	TBD	Redevelopment of site	167,706	Commercial Office	\$ 1,014,621	NA
8	53-194-013	See PMP	See PMP	TBD	TBD	Redevelopment of site	14,810	Commercial Office	\$ 89,603	NA

**Attachment A:  
Yuba City Long Range  
Property Inventory Da**

		91.5 (c)(1)(E)	HSC 34191.5 (c)(1)(F)	HSC 34191.5 (c)(1)(G)		HSC 34191.5 (c)(1)(H)
No.	APN	Contractual requirements for use of income/revenue	History of environmental contamination, studies, and/or remediation, and designation as a brownfield site	Description of property's potential for transit oriented development	Advancement of planning objectives of the successor agency	History of previous development proposals and activity
<b>Properties to be Retained for</b>						
1	52-262-001	NA	NA	None	See PMP	See PMP
<b>Properties to be Retained for</b>						
2	52-324-023	NA	See PMP	None	See PMP	NA
3	52-502-008	NA	None	None	See PMP	NA
4	52-380-017	NA	See PMP	None	See PMP	NA
5	52-401-014	NA	None	None	See PMP	NA
<b>Properties Proposed for Dis</b>						
6	52-380-016	NA	See PMP	None	See PMP	NA
7	52-380-019	NA	See PMP	None	See PMP	NA
8	53-194-013	NA	None	None	See PMP	NA

**Attachment B – Aerial Maps**



HWY 20 WB

HWY 20 EB

COLUSA FRONTAGE RD

ROCKHOLT WAY

PLUMAS ST

Parcel #1  
52-262-001

Site Address: 444 Colusa Ave  
APN: 52-262-001  
Parcel Size: 0.11 Acres

Date of Purchase: 5/16/2001  
**Parcel # 1**



**Site Address:** 400 Bridge St  
**APN:** 52-324-023  
**Parcel Size:** 6.56 Acres

**Date of Purchase:** 10/27/2003  
**Parcel #** 2



**Site Address:** 510 Boyd St  
**APN:** 52-502-008  
**Parcel Size:** 0.99 Acres

**Date of Purchase:** 10/27/2003  
**Parcel #** 3



Site Address:  
APN:  
Parcel Size:

Wilbur and C Street  
52-380-017  
1.09 Acres

Date of Purchase:  
**Parcel #**

10/1/1991  
**4**



STEVENS AVE

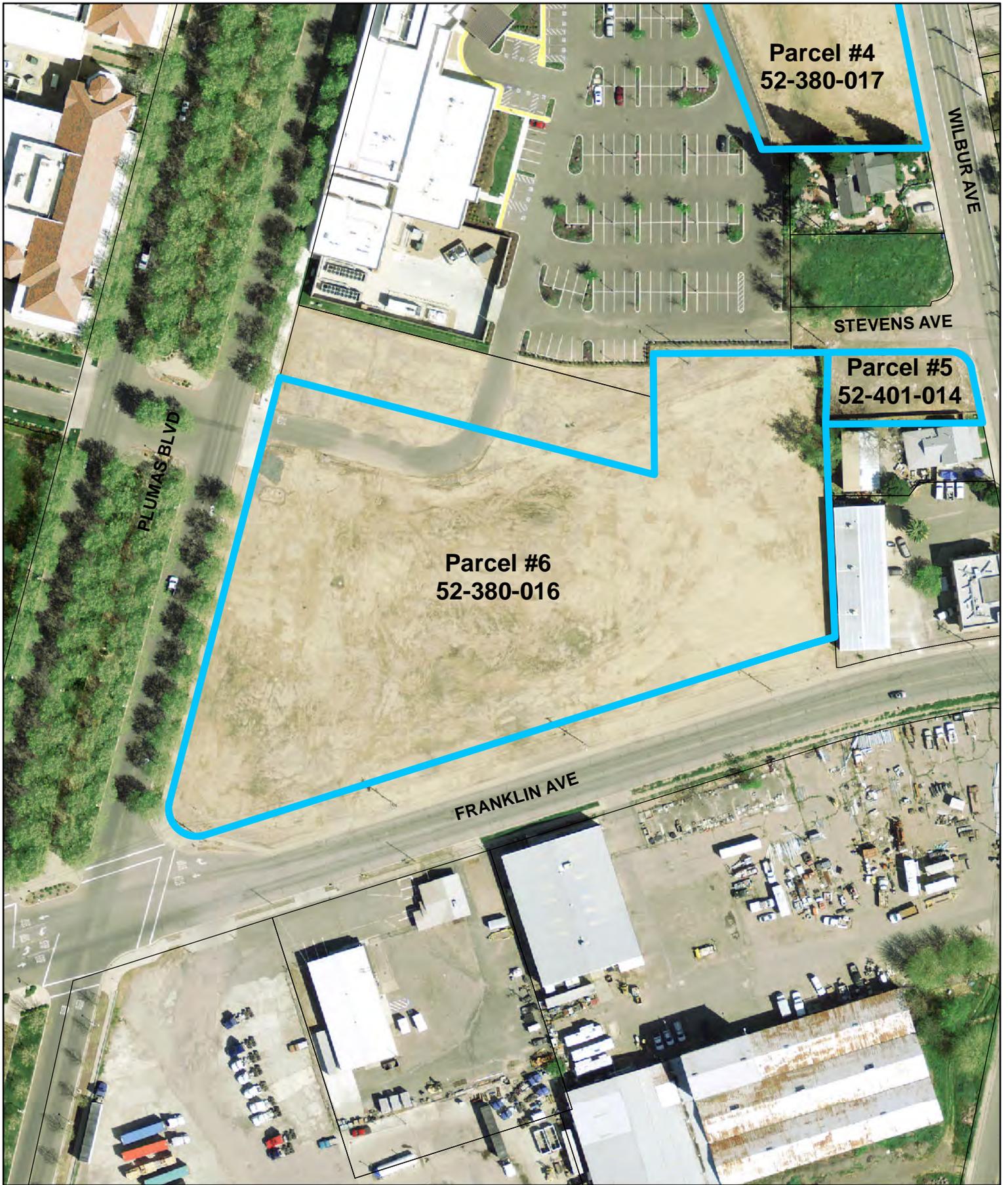
Parcel #5  
52-401-014

Parcel #6  
52-380-016

WILBUR AVE

Site Address: 454 Stevens Ave  
APN: 52-401-014  
Parcel Size: 0.2 Acres

Date of Purchase: 11/18/2008  
**Parcel # 5**



**Parcel #4**  
**52-380-017**

**Parcel #5**  
**52-401-014**

**Parcel #6**  
**52-380-016**

**Site Address:** 425 Franklin Ave  
**APN:** 52-380-016  
**Parcel Size:** 3.75 Acres

**Date of Purchase:** 10/1/1991  
**Parcel #** 6



**Site Address:** 442 B Street  
**APN:** 52-380-019  
**Parcel Size:** 3.85 Acres

**Date of Purchase:** 10/1/1991  
**Parcel #** 7



Site Address:  
APN:  
Parcel Size:

265 Percy Ave  
53-194-013  
0.34 Acres

Date of Purchase:

6/12/2000

**Parcel #**

**8**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY,  
APPROVING A LONG RANGE PROPERTY MANAGEMENT PLAN FOR  
THE LIQUIDATION OF FORMER REDEVELOPMENT PROPERTIES.**

**WHEREAS**, pursuant to the provisions of Health and Safety Code Section 34175(b) and the California Supreme Court's decision in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012 required all assets, properties, contracts, leases, books and records, buildings and equipment of the Redevelopment Agency of the City of Yuba City ("RDA") be transferred to the control of the Successor Agency to the RDA ("Successor Agency") by operation of law; and

**WHEREAS**, in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare a Long Range Property Management Plan which addresses the disposition and use of the real properties of the RDA, and which must be submitted to the Oversight Board of the Successor Agency ("Oversight Board") and the California Department Of Finance ("DOF") for approval following the issuance by the DOF to the Successor Agency of a Finding Of Completion pursuant to Health and Safety Code Section 34179.7; and, 4, also added by AB 1484, provides in part that, following issuance of a finding of completion

**WHEREAS**, pursuant to Health and Safety Code Section 34179.7, DOF issued their Finding Of Completion to the Successor Agency on September 16, 2013; and,

**WHEREAS**, the Successor Agency has prepared a Long Range Property Management Plan which addresses the disposition and use of the real properties of the RDA and includes information pursuant to Health and Safety Code Section 34191.5(c).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY,  
DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized

and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Long Range Property Management Plan.** The City Council hereby approves the Long Range Property Management Plan for the disposition of the real properties of the RDA.

**Section 4. Transmittal of Long Range Property Management Plan to the Oversight Board.** The City Manager is hereby authorized and directed to present the Long Range Property Management Plan to the Oversight Board as necessary to obtain from the Oversight Board approval of the Long Range Property Management Plan so the item can be forwarded to the DOF for their review and approval.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

---

Kash Gill, Mayor

ATTEST:

---

Terrel Locke, City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, APPROVING  
A LONG RANGE PROPERTY MANAGEMENT PLAN FOR THE  
LIQUIDATION OF FORMER REDEVELOPMENT PROPERTIES**

**WHEREAS**, pursuant to the provisions of Health and Safety Code Section 34175(b) and the California Supreme Court's decision in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012 required all assets, properties, contracts, leases, books and records, buildings and equipment of the Redevelopment Agency of the City of Yuba City ("RDA") be transferred to the control of the Successor Agency to the RDA ("Successor Agency") by operation of law; and

**WHEREAS**, in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare a Long Range Property Management Plan which addresses the disposition and use of the real properties of the RDA, and which must be submitted to the Oversight Board of the Successor Agency ("Oversight Board") and the California Department Of Finance ("DOF") for approval following the issuance by the DOF to the Successor Agency of a Finding Of Completion pursuant to Health and Safety Code Section 34179.7; and, 4, also added by AB 1484, provides in part that, following issuance of a finding of completion

**WHEREAS**, pursuant to Health and Safety Code Section 34179.7, DOF issued their Finding Of Completion to the Successor Agency on September 16, 2013; and,

**WHEREAS**, the Successor Agency has prepared a Long Range Property Management Plan which addresses the disposition and use of the real properties of the RDA and includes information pursuant to Health and Safety Code Section 34191.5(c).

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, DOES HEREBY  
RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Long Range Property Management Plan.** The Successor Agency hereby approves the Long Range Property Management Plan for the disposition of the real properties of the RDA.

**Section 4. Transmittal of Long Range Property Management Plan to the Oversight Board.** The City Manager is hereby authorized and directed to present the Long Range Property Management Plan to the Oversight Board as necessary to obtain from the Oversight Board approval of the Long Range Property Management Plan so the item can be forwarded to the DOF for their review and approval.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Successor Agency to the former Redevelopment Agency of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

---

Kash Gill, Chairman

ATTEST:

---

Terrel Locke, Secretary

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014

**To:** Honorable Mayor and Members of the City Council;  
Honorable Chairman and Directors to the Successor Agency to the  
Yuba City Redevelopment Agency

**From:** Community Development Department

**Presentation By:** Aaron M. Busch, Community Development Director

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**Summary**

**Subject:** Ratification and Amendment to the Loan Agreement for Originating Agency debt between the City of Yuba City and the Former Redevelopment Agency of the City of Yuba City.

**Recommendation:**

- a) As the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency.
- b) As the Successor Agency to the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency

**Fiscal Impact:** Ratification of the Amendment will provide the City (as the Successor Agency) an opportunity to seek reimbursement from the Former Redevelopment Agency in the amount of \$10,967,000 for the funds loaned to start up the former Redevelopment Agency. The availability of such funding is projected to be many years in the future.

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**Purpose:**

Ratify an Amendment to the Loan Agreement between the City and the former Redevelopment Agency so that the City (as the Successor Agency) can seek reimbursement for loan funds that were eliminated as part of the Redevelopment Dissolution Act.

**Background:**

On January 1, 2003 the City and the former Redevelopment Agency entered into a Loan Agreement, pursuant to which the City and Redevelopment Agency agreed upon terms and conditions for the repayment of certain funds provided by the City to the Redevelopment Agency. These "start-up" funds were used to pay for staff assistance, supplies, technical services and other services and facilities pursuant to that certain Cooperation Agreement dated April 18, 1988, in order to assist the Redevelopment Agency to carry out its functions under the Community Redevelopment Law and to assist with implementation of the Redevelopment Plan.

In accordance with the terms of the Loan Agreement, the Agency began making the required payments to the City until new legislation was enacted by the state that eliminated redevelopment agencies throughout California.

A complete summary of the events and actions associated with the State's "Dissolution Act" for the elimination is provided in a separate report on this agenda. Please refer to that report for additional background details.

**Discussion:**

In accordance with the "Safe Harbor" provisions of AB 1484, the Successor Agency has the right to reenter into any prior agreements (such as reimbursement agreements or loans) between the City and its former Redevelopment Agency for repayment of those obligations. To achieve this, both the City and the Successor Agency must ratify and amend the prior Agreement to acknowledge

Specifically, following the issuance of a Finding Of Completion by DOF, and upon application by the Successor Agency and approval by the Oversight Board, loan agreements entered into between the former Redevelopment Agency and the city, county or city and county that created the Redevelopment Agency shall be deemed to be enforceable obligations provided that the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes.

As it relates to the Loan Agreement between agencies, staff recommends that the City and the Successor Agency acknowledge and agree that the Loan Agreement was completed for legitimate Redevelopment purposes based on the following:

The amounts due and owing to the City to reimburse the City are for costs incurred by the City to provide staff assistance, supplies, technical services and other services and facilities to the Redevelopment Agency during the redevelopment plan adoption process, and in implementing the Redevelopment Plan following its adoption. Health and Safety Code Section 33127 provides a redevelopment agency with the power to obtain, hire, purchase or rent office space, equipment, supplies, insurance or services in order to carry out its redevelopment activities. Health and Safety Code Section 33133 authorizes a redevelopment agency to accept assistance from any public or private source for the agency's activities, powers and duties. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the blighted areas constituting the Redevelopment Project Area pursuant to the adopted Redevelopment Plan, and the Redevelopment Agency entered into the Cooperation Agreement and the Loan Agreement with the City in order to obtain the staffing services, equipment and facilities required to carry out its duties under the Community Redevelopment Law and the Redevelopment Plan.

Repayment to the City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

Based on this acknowledgement, staff is recommending that the City and the Successor Agency enter into this Amendment in order to ratify the existence and validity of the Loan Agreement between agencies. This Amendment will also establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan

Agreement pursuant to the Dissolution Act. The proposed Amendment is included as an attachment to both Resolutions for the City and the Successor Agency.

**Fiscal Impact:**

Ratification of the Amendment will provide the City (as the Successor Agency) an opportunity to seek reimbursement from the Former Redevelopment Agency in the amount of \$11,042,000 for funds loaned to start up the former Redevelopment Agency. The availability of such funding is projected to be many years in the future.

**Recommendation:**

- a) As the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency.
- b) As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Loan Agreement between the City of Yuba City and the Former Redevelopment Agency.

**Attachments**

- A. Ratification and Amendment to the Loan Agreement
- B. Resolution by the City Council approving the Ratification and Amendment
- C. Resolution by the Successor Agency approving the Ratification and Amendment

Prepared By:

Submitted By:

*/s/ Aaron M. Busch*

*/s/ Steven C. Kroeger*

Aaron M. Busch  
Community Development Director

Steven C. Kroeger  
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

**RATIFICATION AND AMENDMENT TO LOAN AGREEMENT  
BETWEEN THE CITY OF YUBA CITY AND THE  
FORMER REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY**

**THIS RATIFICATION AND AMENDMENT TO LOAN AGREEMENT** (this “Amendment”) is entered into this 22nd day of April, 2014, by and between the CITY OF YUBA CITY, a municipal corporation (the “City”), and the SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, a public body, corporate and politic (the “Successor Agency”).

**RECITALS**

The City and the Successor Agency (individually, a “Party” and collectively, the “Parties”) enter into this Amendment with reference to the following facts and circumstances:

A. Pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the “Redevelopment Agency”) and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the “Redevelopment Plan”).

B. The City and Redevelopment Agency entered into a Loan Agreement, dated January 1, 2003 (“Loan Agreement”), pursuant to which the City and Redevelopment Agency agreed upon terms and conditions for the repayment of certain funds provided by the City to the Redevelopment Agency to pay for staff assistance, supplies, technical services and other services and facilities pursuant to that certain Cooperation Agreement dated April 18, 1988, in order to assist the Redevelopment Agency to carry out its functions under the Community Redevelopment Law and to assist with implementation of the Redevelopment Plan.

C. Assembly Bill 1X 26 (“AB 26”), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 (“AB 1484,” and collectively with AB 26, the “Dissolution Act”) further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

D. The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

E. Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency.

F. Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency. Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

G. In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

H. The parties desire to enter into this Amendment in order to ratify the existence and validity of the Loan Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act.

## **AMENDMENT**

**NOW, THEREFORE**, for good and valuable consideration, including the mutual promises and covenants contained herein, the Parties mutually agree as follows:

1. Purpose. The purpose of this Amendment is (a) to ratify the existence and validity of the Loan Agreement, and (b) to establish the understanding and agreement of the parties as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act.

2. Loan Amount. The outstanding principal amount owed to the City under the Loan Agreement, as of February 1, 2012 (the date of dissolution of the former Redevelopment Agency), is \$10,967,000.

3. Loan was for Legitimate Redevelopment Purposes. The parties acknowledge and agree that the amounts due to the City under the Loan Agreement reflect:

a. Amounts due and owing to the City to reimburse the City for costs incurred by the City to provide staff assistance, supplies, technical services and other services and facilities to the Redevelopment Agency during the redevelopment plan adoption process, and in implementing the Redevelopment Plan following its adoption. Health and Safety Code Section 33127 provides a redevelopment agency with the power to obtain, hire, purchase or rent office space, equipment, supplies, insurance or services in order to carry out its redevelopment activities. Health and Safety Code Section 33133 authorizes a redevelopment agency to accept assistance from any public or private source for the agency's activities, powers and duties. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the blighted areas constituting the Redevelopment Project Area pursuant to the adopted Redevelopment Plan, and the Redevelopment Agency entered into the Cooperation Agreement and the Loan Agreement with the City in order to obtain the staffing services, equipment and facilities required to carry out its duties under the Community Redevelopment Law and the Redevelopment Plan.

b. Repayment to the City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

4. Conditions Precedent to Repayment. The Parties understand and agree that, pursuant to the Dissolution Act, the Loan Agreement will be deemed to be an "enforceable obligation" only after completion of the following actions:

a. The Successor Agency shall have been issued a finding of completion by DOF pursuant to Health and Safety Code Section 34179.7; and

b. The Successor Agency shall have applied for and the Oversight Board shall have approved the Loan Agreement, and made a finding that the loan of funds to the Redevelopment Agency under the Loan Agreement was for legitimate redevelopment purposes.

The Parties acknowledge and agree that DOF has issued a finding of completion to the Successor Agency pursuant to Health and Safety Code Section 34179.7. The Successor Agency and City shall cooperate in providing any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Loan Agreement, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Cooperation Agreement and the Loan Agreement was for legitimate redevelopment purposes.

5. The Parties acknowledge and agree that the repayment of amounts owing to the City under the Loan Agreement shall be subject to the limitations and restrictions set forth in Health and Safety Code Section 34191.4(b).

IN WITNESS WHEREOF, the City and Successor Agency have executed this Amendment as of the date first set forth above.

**CITY OF YUBA CITY**

By: \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

**SUCCESSOR AGENCY TO THE  
FORMER REDEVELOPMENT AGENCY  
OF THE CITY OF YUBA CITY**

By: \_\_\_\_\_  
Executive Director

APPROVED AS TO FORM:

By: \_\_\_\_\_  
General Counsel

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY,  
APPROVING A RATIFICATION AND AMENDMENT TO COOPERATION  
AGREEMENT BETWEEN THE CITY OF YUBA CITY AND THE FORMER  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY**

**WHEREAS**, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the "Redevelopment Agency") and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the "Redevelopment Plan"); and

**WHEREAS**, the City and Redevelopment Agency entered into a Loan Agreement, dated January 1, 2003 ("Loan Agreement"), pursuant to which the City and Redevelopment Agency agreed upon terms and conditions for the repayment of certain funds provided by the City to the Redevelopment Agency to pay for staff assistance, supplies, technical services and other services and facilities pursuant to that certain Cooperation Agreement dated April 18, 1988, in order to assist the Redevelopment Agency to carry out its functions under the Community Redevelopment Law and to assist with implementation of the Redevelopment Plan; and

**WHEREAS**, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012, and in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, the Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

**WHEREAS**, Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

**WHEREAS**, Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts

as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

**WHEREAS**, Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

**WHEREAS**, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

**WHEREAS**, the City and Successor Agency have prepared a Ratification and Amendment to the Loan Agreement (“Amendment”) in order to ratify the existence and validity of the Loan Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Amendment.** The City Council hereby approves the Ratification and Amendment to Loan Agreement between the City of Yuba City and the former Redevelopment Agency of the City of Yuba City, in substantially the form currently on file with the City Clerk.

**Section 4. Transmittal of Loan Agreement to Oversight Board.** The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Loan Agreement, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Loan Agreement and the Cooperation Agreement was for legitimate redevelopment purposes.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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Kash Gill, Mayor

ATTEST:

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Terrel Locke, City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, APPROVING  
A RATIFICATION AND AMENDMENT TO COOPERATION AGREEMENT  
BETWEEN THE CITY OF YUBA CITY AND THE FORMER  
REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY**

**WHEREAS**, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the "Redevelopment Agency") and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the "Redevelopment Plan"); and

**WHEREAS**, the City and Redevelopment Agency entered into a Loan Agreement, dated January 1, 2003 ("Loan Agreement"), pursuant to which the City and Redevelopment Agency agreed upon terms and conditions for the repayment of certain funds provided by the City to the Redevelopment Agency to pay for staff assistance, supplies, technical services and other services and facilities pursuant to that certain Cooperation Agreement dated April 18, 1988, in order to assist the Redevelopment Agency to carry out its functions under the Community Redevelopment Law and to assist with implementation of the Redevelopment Plan; and

**WHEREAS**, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012, and in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, the Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

**WHEREAS**, Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

**WHEREAS**, Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

**WHEREAS**, Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

**WHEREAS**, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

**WHEREAS**, the City and Successor Agency have prepared a Ratification and Amendment to the Loan Agreement (“Amendment”) in order to ratify the existence and validity of the Loan Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act;

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Amendment.** The Successor Agency hereby approves the Ratification and Amendment to Loan Agreement between the City of Yuba

City and the former Redevelopment Agency of the City of Yuba City, in substantially the form currently on file with the City Clerk.

**Section 4. Transmittal of Loan Agreement to Oversight Board.** The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the City to provide any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Loan Agreement, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Loan Agreement and the Cooperation Agreement was for legitimate redevelopment purposes.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Successor Agency to the former Redevelopment Agency of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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Kash Gill, Chairman

ATTEST:

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Terrel Locke, Secretary

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 22, 2014

**To:** Honorable Mayor and Members of the City Council;  
Honorable Chairman and Directors to the Successor Agency to the  
Yuba City Redevelopment Agency

**From:** Community Development Department

**Presentation By:** Aaron M. Busch, Community Development Director

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**Summary**

**Subject:** Ratification and Amendment to the Reimbursement and Contribution Agreement for Gauche Aquatic Park between the City of Yuba City and the Former Redevelopment Agency of the City of Yuba City.

**Recommendation:**

- a) As the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution Agreement between the City of Yuba City and the Former Redevelopment Agency.
- b) As the Successor Agency to the City of Yuba City, adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution Agreement between the City of Yuba City and the Former Redevelopment Agency

**Fiscal Impact:** Ratification of the Amendment will provide the City (as the Successor Agency) an opportunity to seek reimbursement from the Former Redevelopment Agency in the amount of \$8,819,120 for bonds issued for the Gauche Aquatic Park project. The availability of such funding is projected to be many years in the future

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**Purpose:**

Ratify an Amendment to the Reimbursement Agreement for the Gauche Aquatic Park so that the City (as the Successor Agency) can seek reimbursement for former redevelopment funds that were eliminated as part of the Redevelopment Dissolution Act.

**Background:**

On September 4, 2007, the City and the Former Redevelopment Agency ("Agency") entered into a Reimbursement and Contribution Agreement ("Agreement"), where the City agreed to design, construct and install certain public improvements for the Gauche Aquatic Park (GAP) project. The total debt issued for the bonds for the GAP project was \$22,648,331 (inclusive of principal and interest). As consideration for the City making such improvements, the Agency committed to contribute certain funds to the costs of such public improvements and to make payments to the City equal to 50% of the lease payments issued to finance the GAP

Improvements. In accordance with the terms of the Agreement, the Agency began making the required payments to the City until new legislation was enacted by the state that eliminated redevelopment agencies throughout California. As of June 30, 2013, the remaining balance owing on the GAP debt was \$17,638,240. Based on the 50% reimbursement share, the amount owed to the City is \$8,819,120.

A complete summary of the events and actions associated with the State's "Dissolution Act" for the elimination is provided in a separate report on this agenda. Please refer to that report for additional background details.

**Discussion:**

In accordance with the "Safe Harbor" provisions of AB 1484, the Successor Agency has the right to reenter into any prior agreements (such as reimbursement agreements or loans) between the City and its former Redevelopment Agency for repayment of those obligations. To achieve this, both the City and the Successor Agency must ratify and amend the prior Agreement to acknowledge

Specifically, following the issuance of a Finding Of Completion by DOF, and upon application by the Successor Agency and approval by the Oversight Board, loan agreements entered into between the former Redevelopment Agency and the city, county or city and county that created the Redevelopment Agency shall be deemed to be enforceable obligations provided that the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes.

Based on this provision, staff is recommending that the City and the Successor Agency enter into this Amendment in order to ratify the existence and validity of the Reimbursement Agreement associated with the GAP. This Amendment will also establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act. The proposed Amendment is included as an attachment to both Resolutions for the City and the Successor Agency.

**Fiscal Impact:**

Ratification of the Amendment will provide the City (as the Successor Agency) an opportunity to seek reimbursement from the Former Redevelopment Agency in the amount of \$8,819,120 for bonds issued for the Gauche Aquatic Park project. The availability of such funding is projected to be many years in the future.

**Recommendation:**

- a) As the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution Agreement between the City of Yuba City and the Former Redevelopment Agency.
- b) As the Successor Agency to the City of Yuba City, Adopt a Resolution approving the attached Amendment to ratify the existence and validity of the Reimbursement and Contribution Agreement between the City of Yuba City and the Former Redevelopment Agency.

**Attachments**

- A. Ratification and Amendment to the Reimbursement and Contribution Agreement
- B. Resolution by the City Council approving the Ratification and Amendment
- C. Resolution by the Successor Agency approving the Ratification and Amendment

Prepared By:

Submitted By:

*/s/ Aaron M. Busch*

*/s/ Steven C. Kroeger*

Aaron M. Busch  
Community Development Director

Steven C. Kroeger  
City Manager

Reviewed By:

Finance

RB

City Attorney

TH

**RATIFICATION AND AMENDMENT TO THE REIMBURSEMENT AND  
CONTRIBUTION AGREEMENT BETWEEN THE CITY OF YUBA CITY  
AND THE FORMER REDEVELOPMENT AGENCY  
OF THE CITY OF YUBA CITY**

**THIS RATIFICATION AND AMENDMENT TO REIMBURSEMENT AND CONTRIBUTION AGREEMENT** (this "Amendment") is entered into this 22<sup>nd</sup> day of April, 2014, by and between the CITY OF YUBA CITY, a municipal corporation (the "City"), and the SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, a public body, corporate and politic (the "Successor Agency").

**RECITALS**

The City and the Successor Agency (individually, a "Party" and collectively, the "Parties") enter into this Amendment with reference to the following facts and circumstances:

A. Pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the "Redevelopment Agency") and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the "Redevelopment Plan").

B. The City and Redevelopment Agency entered into a Reimbursement and Contribution Agreement, dated September 4, 2007 ("Reimbursement Agreement"), whereby the City agreed to design, construct and install certain public improvements to Gauche Park, located within the Project Area and which would further the redevelopment of the Project Area with City funds. As consideration for the City making such improvements, the Agency committed to contribute certain funds to the costs of such public improvements and to make payments to the City equal to 50% of the lease payments owed from the City to the Yuba City Public Financing Authority ("YCPFA") pursuant to those certain Certificates of Participation issued to finance the Gauche Park Improvements, which would equal a total contribution of \$19,521,188.20.

C. Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

D. The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the

wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

E. Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency.

F. Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency. Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

G. In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

H. The parties desire to enter into this Amendment in order to ratify the existence and validity of the Cooperation Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Cooperation Agreement pursuant to the Dissolution Act.

## **AMENDMENT**

**NOW, THEREFORE**, for good and valuable consideration, including the mutual promises and covenants contained herein, the Parties mutually agree as follows:

1. Purpose. The purpose of this Amendment is (a) to ratify the existence and validity of the Reimbursement Agreement, and (b) to establish the understanding and agreement of the parties as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act.

2. Loan Amount. The outstanding principal amount owed to the City under the Reimbursement Agreement, is \$8,819,120.00.

3. Loan was for Legitimate Redevelopment Purposes. The parties acknowledge and agree that the amounts due to the City under the Reimbursement Agreement reflect amounts due and owing to the City to reimburse the City for costs incurred by the City to finance and construct certain public improvements located within the Redevelopment Project Area. Health and Safety Code Section 33445 authorized the Redevelopment Agency to pay all or part of the value of land for and the costs of the installation and construction of any building, facility, structure, or other improvements which are publicly owned within the Project Area upon a determination by the City Council that such building, facility, structure or other improvement are of benefit to the Project. The City Council made the required findings and financed the construction of the public improvements, in reliance on the Redevelopment Agency's commitment to reimburse the City for such costs.

4. Conditions Precedent to Repayment. The Parties understand and agree that, pursuant to the Dissolution Act, the Reimbursement Agreement will be deemed to be an "enforceable obligation" only after completion of the following actions:

a. The Successor Agency shall have been issued a finding of completion by DOF pursuant to Health and Safety Code Section 34179.7; and

b. The Successor Agency shall have applied for and the Oversight Board shall have approved the Reimbursement Agreement, and made a finding that the loan of funds to the Redevelopment Agency under the Reimbursement Agreement was for legitimate redevelopment purposes.

The Parties acknowledge and agree that DOF has issued a finding of completion to the Successor Agency pursuant to Health and Safety Code Section 34179.7. The Successor Agency and City shall cooperate in providing any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Cooperation Agreement, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Cooperation Agreement was for legitimate redevelopment purposes.

5. The Parties acknowledge and agree that the repayment of amounts owing to the City under the Reimbursement Agreement shall be subject to the limitations and restrictions set forth in Health and Safety Code Section 34191.4(b).

**[Signatures on following pages]**

IN WITNESS WHEREOF, the City and Successor Agency have executed this Amendment as of the date first set forth above.

**CITY OF YUBA CITY**

By: \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

**SUCCESSOR AGENCY TO THE  
FORMER REDEVELOPMENT AGENCY  
OF THE CITY OF YUBA CITY**

By: \_\_\_\_\_  
Executive Director

APPROVED AS TO FORM:

By: \_\_\_\_\_  
General Counsel

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY,  
APPROVING A RATIFICATION AND AMENDMENT TO  
REIMBURSEMENT AND CONTRIBUTION AGREEMENT BETWEEN THE  
CITY OF YUBA CITY AND THE FORMER REDEVELOPMENT AGENCY  
OF THE CITY OF YUBA CITY**

**WHEREAS**, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the "Redevelopment Agency") and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the "Redevelopment Plan"); and

**WHEREAS**, The City and Redevelopment Agency entered into a Reimbursement and Contribution Agreement, dated September 4, 2007 ("Reimbursement Agreement"), whereby the City agreed to design, construct and install certain public improvements to Gauche Park, located within the Project Area and which would further the redevelopment of the Project Area with City funds. As consideration for the City making such improvements, the Agency committed to contribute certain funds to the costs of such public improvements and to make payments to the City equal to 50% of the lease payments owed from the City to the Yuba City Public Financing Authority ("YCPFA") pursuant to those certain Certificates of Participation issued to finance the Gauche Park Improvements, which would equal a total contribution of \$19,521,188.20; and

**WHEREAS**, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012, and in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, the Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

**WHEREAS**, Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

**WHEREAS**, Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

**WHEREAS**, Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

**WHEREAS**, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

**WHEREAS**, the City and Successor Agency have prepared a Ratification and Amendment to the Loan Agreement (“Amendment”) in order to ratify the existence and validity of the Loan Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Amendment.** The City Council hereby approves the Ratification and Amendment to the Reimbursement Agreement between the City of Yuba City and the former Redevelopment Agency of the City of Yuba City, in substantially the form currently on file with the City Clerk.

**Section 4. Transmittal of Reimbursement Agreement to Oversight Board.**

The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Reimbursement Agreement, as amended, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Reimbursement Agreement was for legitimate redevelopment purposes.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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Kash Gill, Mayor

ATTEST:

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Terrel Locke, City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, APPROVING A RATIFICATION AND AMENDMENT TO REIMBURSEMENT AND CONTRIBUTION AGREEMENT BETWEEN THE CITY OF YUBA CITY AND THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY**

**WHEREAS**, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of City activated the Redevelopment Agency of the City of Yuba City (the "Redevelopment Agency") and subsequently adopted the Redevelopment Plan for the Yuba City Redevelopment Project (the "Redevelopment Plan"); and

**WHEREAS**, The City and Redevelopment Agency entered into a Reimbursement and Contribution Agreement, dated September 4, 2007 ("Reimbursement Agreement"), whereby the City agreed to design, construct and install certain public improvements to Gauche Park, located within the Project Area and which would further the redevelopment of the Project Area with City funds. As consideration for the City making such improvements, the Agency committed to contribute certain funds to the costs of such public improvements and to make payments to the City equal to 50% of the lease payments owed from the City to the Yuba City Public Financing Authority ("YCPFA") pursuant to those certain Certificates of Participation issued to finance the Gauche Park Improvements, which would equal a total contribution of \$19,521,188.20; and

**WHEREAS**, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012, and in June 2012, the California Legislature adopted Assembly Bill 1484 ("AB 1484," and collectively with AB 26, the "Dissolution Act") further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies; and

**WHEREAS**, the Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

**WHEREAS**, Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

**WHEREAS**, Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

**WHEREAS**, Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

**WHEREAS**, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

**WHEREAS**, the City and Successor Agency have prepared a Ratification and Amendment to the Loan Agreement (“Amendment”) in order to ratify the existence and validity of the Loan Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Loan Agreement pursuant to the Dissolution Act;

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the Amendment through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Sutter, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Amendment.** The Successor Agency hereby approves the Ratification and Amendment to the Reimbursement Agreement between

the City of Yuba City and the former Redevelopment Agency of the City of Yuba City, in substantially the form currently on file with the City Clerk.

**Section 4. Transmittal of Reimbursement Agreement to Oversight Board.**

The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the City to provide any documentation and evidence to the Oversight Board as necessary to obtain from the Oversight Board approval of the Reimbursement Agreement, as amended, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Reimbursement Agreement was for legitimate redevelopment purposes.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Successor Agency to the former Redevelopment Agency of the City of Yuba City on the 22<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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Kash Gill, Chair

ATTEST:

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Terrel Locke, Secretary

CITY OF YUBA CITY

**City Council Reports**

- Councilmember Buckland
- Councilmember Maan
- Councilmember Starkey
- Vice Mayor Dukes
- Mayor Gill

**Adjournment**