



AGENDA
OCTOBER 6, 2015
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible



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

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

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

Public Comment:

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

Closed Session—Butte Room

- A. Confer with labor negotiators Steve Kroeger and Natalie Walter regarding negotiations with the following associations: Yuba City Firefighters Local 3793 and Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code.
- B. Confer with real property negotiators Steve Kroeger and Darin Gale pursuant to Government Code Section 54956.8 regarding negotiations regarding possible purchase of the following properties or portions thereof: APN 52-077-012 905 Bridge Street.
- C. Annual performance evaluation of City Manager pursuant to Government Code Section 54957.

Regular Meeting—Council Chambers

Call to Order

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

Invocation

Pledge of Allegiance to the Flag

Presentations & Proclamations

- 1. **Domestic Violence Awareness Month Proclamation**

2. **Children's Disabilities Awareness Month Proclamation**
3. **Public Safety Presentation by Fire Chief Pete Daley**
4. **Overview of proposed Tierra Buena Park by Community Services Director Brad McIntire**

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.

5. Written Requests

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

6. Appearance of Interested Citizens

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

Bid Award

7. Purchase of Polymer for Rotary Drum Thickener (RDT) and Belt Press at the Wastewater Treatment Facility

Recommendation: Authorize the purchase of RDT polymer and continue the purchase of belt press polymer from SNF Polydyne Inc. at the price established by the Bay Area Chemical Consortium Bid (No. 11-2015) with the finding that it is in the best interest of the City

8. Bridge Street Reconstruction – Cooper Ave. to Plumas St. (Award)

Recommendation:

- A) Award Contract No. 15-05, Bridge Street Reconstruction – Cooper to Plumas, to Baldwin Contracting Company, DBA Knife River Construction, of Chico, CA in the amount of their total base bid of \$3,245,749.00, along with a contingency
- B) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney
- C) Negotiate changes to the construction plans to reduce the cost of construction with approval by the Public Works Director
- D) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$165,000 from CIP account 921051 (Road Rehabilitation) to 911206 (Bridge Street Reconstruction)
- E) Authorize the City Finance Director to make a supplemental appropriation of \$240,000 from unallocated Water Fund to

911206 (Bridge Street Reconstruction)

- F) Authorize the City Finance Director to make the necessary budget adjustments to transfer the remaining funds from CIP account 961171 (2013 ADA Sidewalk Improvement) approximately \$9,000 to 911206 (Bridge Street Reconstruction)
- G) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$351,000 from CIP account 961202 (ADA Public Facilities Sidewalk Improvements) to 911206 (Bridge Street Reconstruction)
- H) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$60,000 from CIP account 921027 (Traffic Signals) to 911206 (Bridge Street Reconstruction)
- I) Authorize the City Finance Director to make a supplemental appropriation of \$550,000 from unallocated Road Developer Impact Fees to 911206 (Bridge Street Reconstruction)

9. Teegarden Avenue Class II & III Bicycle Lanes Project (Award)

- Recommendation:
- A) Award Contract No. 14-12, Teegarden Avenue Class II & III Bicycle Lanes Project, to Sierra Nevada Construction, Inc., of Sparks, NV in the amount of their total bid of \$45,007
 - B) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney

10. Enterprise Network Switch (FB16-01)

- Recommendation: Award the purchase of an Enterprise Network Switch to ePlus Technology, Inc., of Los Angeles, CA in the amount of \$65,575

Ordinance

11. Permit Process for Small Residential Rooftop Solar Systems

- Recommendation: Adopt an Ordinance adding Title 7, Chapter 15 to the Municipal Code relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems and waive the second reading

12. Amend Tobacco-Free Ordinance to Include the Prohibition of Electronic-Cigarettes.

- Recommendation: Introduce an Ordinance Amending Tobacco-Free Ordinance 9-2.23 of the Yuba City Municipal Code to Include the Prohibition of Electronic-Cigarettes and waive the first reading

Consent Calendar

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

13. Minutes of September 15, 2015

Recommendation: Approve the City Council Meeting Minutes of September 15, 2015

General Items

14. Amendment to the 2011 Recology Yuba-Sutter Collection Service Agreement for the Green Waste Diversion Program

Recommendation: Adopt a Resolution Amending the 2011 Collection Service Agreement with Recology Yuba-Sutter relating to the Green Waste Diversion Program

15. Approve matters related to the refinancing of City of Yuba City's 2006 Gauche Aquatic Park Certificates of Participation

Recommendation: Acting as both the City Council and the Public Financing Authority Board adopt Resolutions to change the structure and add additional flexibility in the method of sale of the potential refunding to optimize the City's savings

16. Groundwater and Aquifer Storage & Recovery (ASR) Monitoring Well Installations

Recommendation: Award a Professional Services Agreement to West Yost for the installation of monitoring wells in the amount of \$240,000 with the finding that it is in the best interest of the City

17. Proposed Yuba City Rotary Sister City Park/Garden

Recommendation: Direct staff to work with the Rotary Club of Yuba City to install a Japanese Garden in the Redwood Grove at City Hall and include the name of the Rotary Club of Yuba City in the name of the Garden

Business from the City Council

18. City Manager Employment Agreement

Recommendation: Adopt a Resolution authorizing the Mayor to sign the City Manager Employment Agreement between the City of Yuba City and Steven C. Kroeger from October 6, 2015 through December 31, 2018

19. City Council Reports

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

Adjournment



Children's Disabilities Awareness Month



FIRE DEPARTMENT PRESENTATION



Tierra Buena Park Overview

CITY OF YUBA CITY

Written Requests

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

Procedure

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

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

Or email to:

Terrel Locke, City Clerk tlocke@yubacity.net

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

CITY OF YUBA CITY

Appearance of Interested Citizens

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

Procedure

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

- For Items on the Agenda

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

- Items not listed on the Agenda

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

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presented by: Mandeep S. Chohan, Senior Engineer

Summary

Subject: Purchase of polymer for Rotary Drum Thickener (RDT) and Belt Press at the Wastewater Treatment Facility.

Recommendation: Authorize the purchase of RDT polymer and continue the purchase of belt press polymer from SNF Polydyne Inc. at the price established by the Bay Area Chemical Consortium Bid (No. 11-2015) with the finding that it is in the best interest of the City.

Fiscal Impact: \$110,000 for FY 2015-16; Polymer RDT Account 8120-63740.
\$225,000 for FY 2015-16; Polymer Belt Press Account 8120-63733.

The actual cost may vary based on usage. Funds are available in FY 2015-16 budget.

Purpose:

Purchase of polymer by taking advantage of price established by Bay Area Chemical Consortium's Bid to purchase bulk quantity of polymer.

Background:

Polymer is a coagulant used to separate solids from water in the thickening process. This polymer is for use on the Rotary Drum Thickener and Belt Press equipment at the Wastewater Treatment Facility. For the Rotary Drum Thickener, thickening is necessary to prevent hydraulic overloading of the next treatment process (digesters). For the Belt Press, thickening is necessary to meet the 'Recology' acceptance criteria in order to haul the wastewater sludge (thickened solids) from the Wastewater Treatment Facility to landfill for disposal. In addition, thickened solids provide cost saving benefits to process and dispose the solids.

On June 1, 2010, City Council authorized the purchase of 'US Polymer' for Rotary Drum Thickeners based on the competitive bid.

On October 2, 2012, City Council authorized to 'piggyback' on the 'Bay Area Chemical Consortium' Bid for polymer purchase from 'SNF Polydyne'.

Analysis:

As part of performance optimization process, Wastewater Treatment Facility staff tested 'SNF Polydyne' Polymer on the Rotary Drum Thickeners and found the main benefits, listed below, over the previously approved polymer.

- Approximately 25% less cost of polymer per dry ton
- Fast and reliable supply of polymers (polymer distribution center in Southern California)
- Competitive cost benefit through Bay Area Chemical Consortium because this polymer is also being used by the Bay Area Chemical Consortium agencies.

As approved by the City Council previously, the City is currently buying polymer from SNF Polydyne at the bid price available through the Bay Area Chemical Consortium. SNF Polydyne has offered polymer for Rotary Drum Thickener at the same price.

Based on the performance of the SNF Polydyne Polymer for RDT and Belt Press, and the competitive pricing offered on this polymer through the Bay Area Chemical Consortium bid, staff finds that it is in the best interest of the City to purchase the Rotary Drum Thickener polymer and continue the purchase of Belt Press polymer from SNF Polydyne.

Fiscal Impact:

\$110,000 for FY 2015-16; Polymer RDT Account 8120-63740.

\$225,000 for FY 2015-16; Polymer Belt Press Account 8120-63733.

The actual cost may vary based on usage. Funds are available in FY 2015-16 budget.

Alternatives:

Do not approve the purchase of polymer from 'SNF Polydyne' and direct staff to conduct Formal Bid to select polymer.

Recommendation:

Authorize the purchase of RDT polymer and continue the purchase of belt press polymer from SNF Polydyne Inc. at the price established by the Bay Area Chemical Consortium Bid (No. 11-2015) with the finding that it is in the best interest of the City.

Prepared By:

Mandeep S. Chohan

Mandeep S. Chohan
Senior Engineer

Submitted By:

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Department Head

DL

Finance

RB

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Public Works
Presentation by: Benjamin Moody, Deputy Public Works Director – Engineering

Summary

Subject: **Bridge Street Reconstruction – Cooper Ave. to Plumas St. (Award)**

Recommendation:

- A) Award Contract No. 15-05, Bridge Street Reconstruction – Cooper to Plumas, to Baldwin Contracting Company, DBA Knife River Construction, of Chico, CA in the amount of their total base bid of \$3,245,749.00, along with a contingency.
- B) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.
- C) Negotiate changes to the construction plans to reduce the cost of construction with approval by the Public Works Director.
- D) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$165,000 from CIP account 921051 (Road Rehabilitation) to 911206 (Bridge Street Reconstruction).
- E) Authorize the City Finance Director to make a supplemental appropriation of \$240,000 from unallocated Water Fund to 911206 (Bridge Street Reconstruction).
- F) Authorize the City Finance Director to make the necessary budget adjustments to transfer the remaining funds from CIP account 961171 (2013 ADA Sidewalk Improvement) approximately \$9,000 to 911206 (Bridge Street Reconstruction).
- G) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$351,000 from CIP account 961202 (ADA Public Facilities Sidewalk Improvements) to 911206 (Bridge Street Reconstruction).
- H) Authorize the City Finance Director to make the necessary budget adjustments to transfer \$60,000 from CIP account 921027 (Traffic Signals) to 911206 (Bridge Street Reconstruction).
- I) Authorize the City Finance Director to make a supplemental appropriation of \$550,000 from unallocated Road Developer Impact Fees to 911206 (Bridge Street Reconstruction).

Fiscal Impact: \$3,894,899 – Account No. 1206 (Bridge Street Reconstruction):
 \$3,245,749.00 – contract award amount
 \$324,575 – (10%) construction contingency
 \$324,575 – (10%) design, project management, inspection

Purpose:

To award the Bridge Street Reconstruction project to the lowest, responsible, responsive bidder.

Background:

On June 16, 2015, City Council approved the plans and specifications for the Bridge Street Reconstruction Project, and authorized the Public Works Department to advertise for bids.

The project includes reconstructing the roadway from back of sidewalk to back of sidewalk beginning at Cooper Avenue to Plumas Street, please see attached exhibits. Additionally, the project work includes the installation of landscaped medians, and new water and storm drain utility improvements.

Staff has conducted a public workshop and coordinated with area businesses to implement construction requirements to help minimize the impacts to area homes and businesses.

Analysis:

The Bridge Street Reconstruction Project was advertised for bid, with plans and specifications being provided to local builder/contractor exchanges in August 2015. On September 23, 2015, five (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>Base Bid Amount</u>
Knife River Construction, Chico	\$ 3,245,749.00
R & R Horn, Chico	\$ 3,459,436.00
McGuire and Hester, Oakland	\$ 3,670,670.00
Teichert Construction, Davis	\$ 4,065,000.00
North Star Construction, Yuba City	\$ 4,573,400.00
Engineer's Estimate	\$ 2,650,000.00

Baldwin Contracting Company, DBA Knife River Construction of Chico, CA is the low, responsible, responsive bidder.

Fiscal Impact:

Bids for the project came in over estimates by a significant amount. From reviewing the bid information and discussions with contractors, the price was affected by a few main components.

- The project is not an easy project to build with the existing concrete roadway and high traffic use adjacent to businesses.

- The underground work was more involved than anticipated due to conflicts with gas mains and depths required to go under AT&T structures.
- Prices used for the Engineer's Estimate were based from projects over the past few years during the recession period. Bid prices are beginning to rise with more work.

The roadway improvements have been identified as a high priority by the City Council to repair and coordinate with future, adjacent work with the 5th Street Bridge, and Bridge St. widening project.

Staff has analyzed the project bids. Due to the factors associated with the bid, staff feels that rejecting the bid and delaying the project may not yield a price reduction without drastically modifying the project scope. Additionally, due to the poor state of the roadway and utilities, the work is very much intertwined, making it difficult to reduce the project scope without eliminating desired design enhancements.

To move the project forward with the current design, staff recommends that upon award the City negotiate with the Contractor to value engineer the project to recover any potential costs that will not negatively impact the theme of the project.

To facilitate the funding of the project, staff recommends utilizing the following available funding sources to fund the project appropriately:

• Transportation Development Act	\$2,175,000
• Streets and Road	\$225,000
• Development Impact Fees	\$550,000
• Water	\$590,000
• Community Development Block Grant (CDBG)	\$360,000

The City Finance Department will need to make the necessary budget updates to fund CIP account 1206 (Bridge Street Reconstruction) to the total estimated project cost of \$3.9 million.

Contract administration and inspection of the project will be performed by Public Works Department staff. Pending weather construction is anticipated to begin late October, early November and continue through spring of next year.

Alternatives:

Do not award the contract and reject all bids.

Modify the work scope to delete the median work.

Recommendation:

- A) Award Contract No. 15-05, Bridge Street Reconstruction – Cooper to Plumas, to Baldwin Contracting Company, DBA Knife River Construction, of Chico, CA in the amount of their total base bid of \$3,245,749.00, along with a contingency.
- B) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

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Prepared by:

Submitted by:

Benjamin K. Moody

Benjamin K. Moody
Deputy P.W. Director - Engineering

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed by:

Department Head

Finance

DL

RB

Exhibit A



SCALE: 1" = 400'

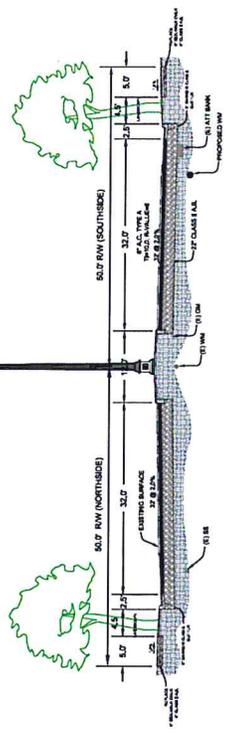
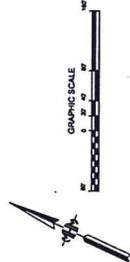
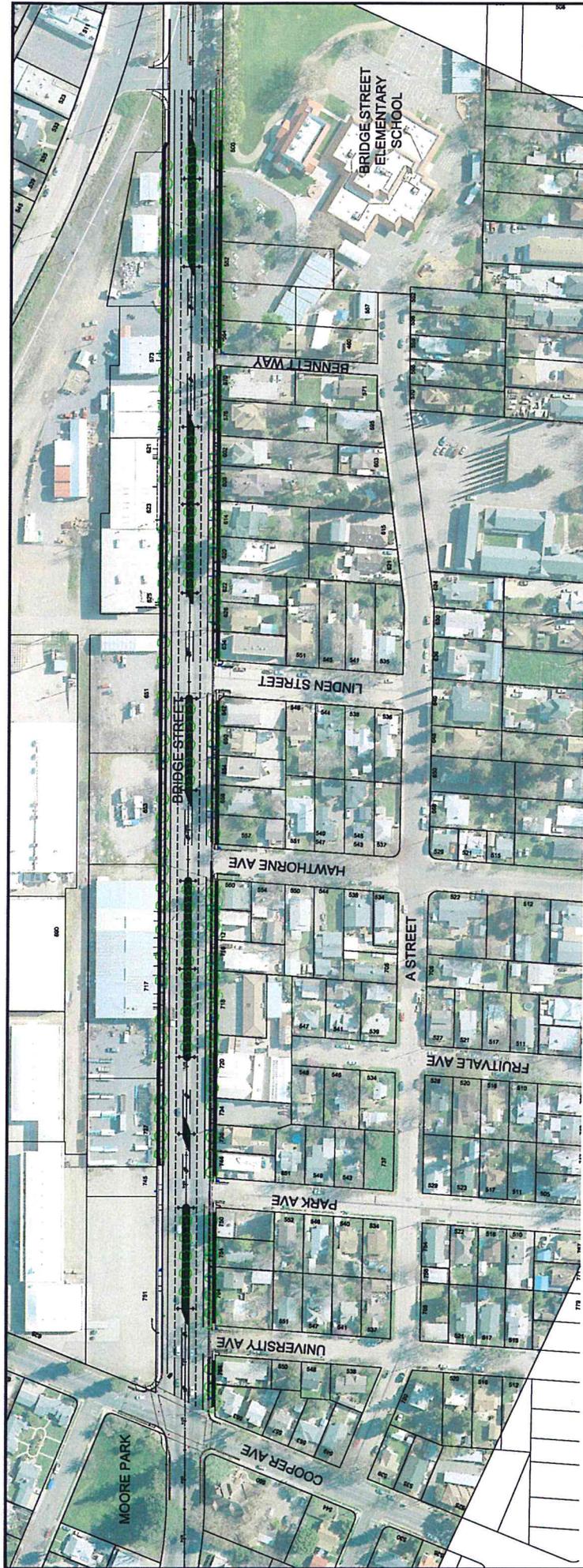


BRIDGE STREET RECONSTRUCTION PROJECT

SUBJECT AREA



YUBA CITY
HIGH SCHOOL



BRIDGE STREET
TYPICAL SECTION - 100' RW
NOT TO SCALE

Exhibit B

CITY OF YUBA CITY		APPROVED: [Signature]	DESIGNED BY: [Signature]	DRAWING NO. 5363-D
BRIDGE STREET RECONSTRUCTION PROJECT		DATE: 12-1-18	CHECKED BY: [Signature]	DATE OF PAPER: 12-1-18
LAYOUT AND TYPICAL SECTIONS		DATE OF PAPER: 12-1-18	DATE OF PAPER: 12-1-18	DATE OF PAPER: 12-1-18
L-1	M-H-M	DATE OF PAPER: 12-1-18	DATE OF PAPER: 12-1-18	DATE OF PAPER: 12-1-18



CITY OF YUBA CITY
STAFF REPORT

Date: October 06, 2015

To: Honorable Mayor & Members of the City Council

From: Public Works

Presentation by: Benjamin Moody, Deputy Public Works Director – Engineering

Summary

Subject: Teegarden Avenue Class II & III Bicycle Lanes Project (Award)

Recommendation:

- a. Award Contract No. 14-12, Teegarden Avenue Class II & III Bicycle Lanes Project, to Sierra Nevada Construction, Inc., of Sparks, NV in the amount of their total bid of \$45,007.
- b. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

Fiscal Impact: \$69,008 – Account No. 921024-65501 (Striping and Markings) with \$48,785 coming from FRAQMD Blue Sky Grant Funds, specified as follows:

\$45,007 – contract award amount
 \$4,500 – (10%) construction contingency
 \$4,500 – (10%) engineering and construction management
 \$15,000 – plans, specifications, and estimates

Purpose:

The installation of Class II & III Bicycle Lanes in order to help create a continuous and comprehensive bicycle transportation network, as detailed in the city's Bicycle Master Plan.

Background:

The City obtained \$48,785 in funds through the Feather River Air Quality Management District's (FRAQMD) Blue Sky Grant to be spent on the installation of Class II & III Bicycle lanes on Teegarden Avenue (See Exhibit A). A Class II bicycle lane provides a striped lane for one-way bicycle travel on a street or highway and is used to delineate the right of way assigned to bicyclists and motorists, whereas a Class III bicycle route provides for a shared use with motor vehicle traffic.

On September 15, 2015, Council approved the plans and specifications for the Teegarden Avenue Class II & III Bicycle Lanes Project and authorized the Public Works Department to advertise for bids.

Analysis:

The Teegarden Avenue Bicycle Lanes Project was advertised for bid and plans/specifications were provided to local builder/contractor exchanges in September 2015. On September 28,

2015, two (2) bids were received and opened in the Public Works office. A list of the bids received and the engineer's estimate are shown below.

<u>Company</u>	<u>Bid Amount</u>
Sierra Nevada Construction, Inc.	\$45,007.00
VSS International, Inc.	\$49,203.00
Engineer's Estimate	\$67,997.51

Sierra Nevada Construction, Inc., of Sparks, NV is the low, responsive bidder.

The reason for discrepancy in the bid amount of Sierra Nevada Construction, Inc. and the engineer's estimate is due to the slurry seal unit price. In the engineer's estimate, because of the late-season start of construction, the slurry seal unit price was quoted as \$3.60/SY. The quote given by the low bidder was \$2.05/SY, representing a \$17,192 difference from the engineer's estimate.

Contract administration and inspection of the project will be performed by Public Works Department staff. Project construction is expected to begin in late October and continue through November.

Fiscal Impact:

The financing of the estimated \$69,000 project will be primarily funded with FRAQMD grant funds, (\$48,785), with the remainder, (\$20,215), being funded by the City. City funds, (\$20,215), are planned to be provided through CIP Account: Striping and Markings (Account No. 921024-65501).

Alternatives:

Do not award the contract and reject all bids. Rejecting bids will lead to project delays and could jeopardize the FRAQMD funding received for the project.

Recommendation:

- a) Award Contract No. 14-12, Teegarden Avenue Class II & III Bicycle Lanes Project, to Sierra Nevada Construction, Inc., of Sparks, NV in the amount of their total bid of \$45,007.00.
- b) Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

Prepared by:

Submitted by:

Gurtej Bhattal

Gurtej Bhattal
Assistant Engineer

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed by:

Department Head

DL

Finance

RB

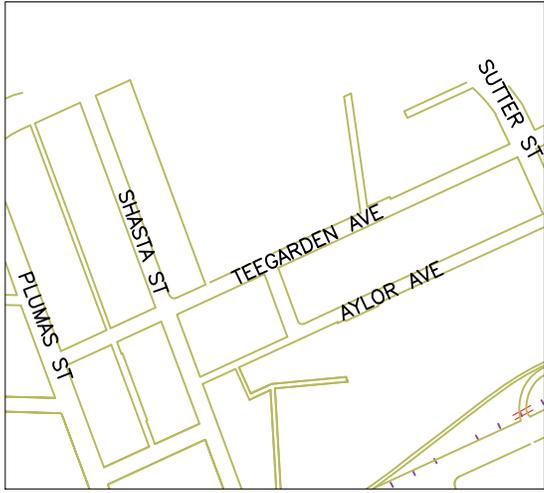
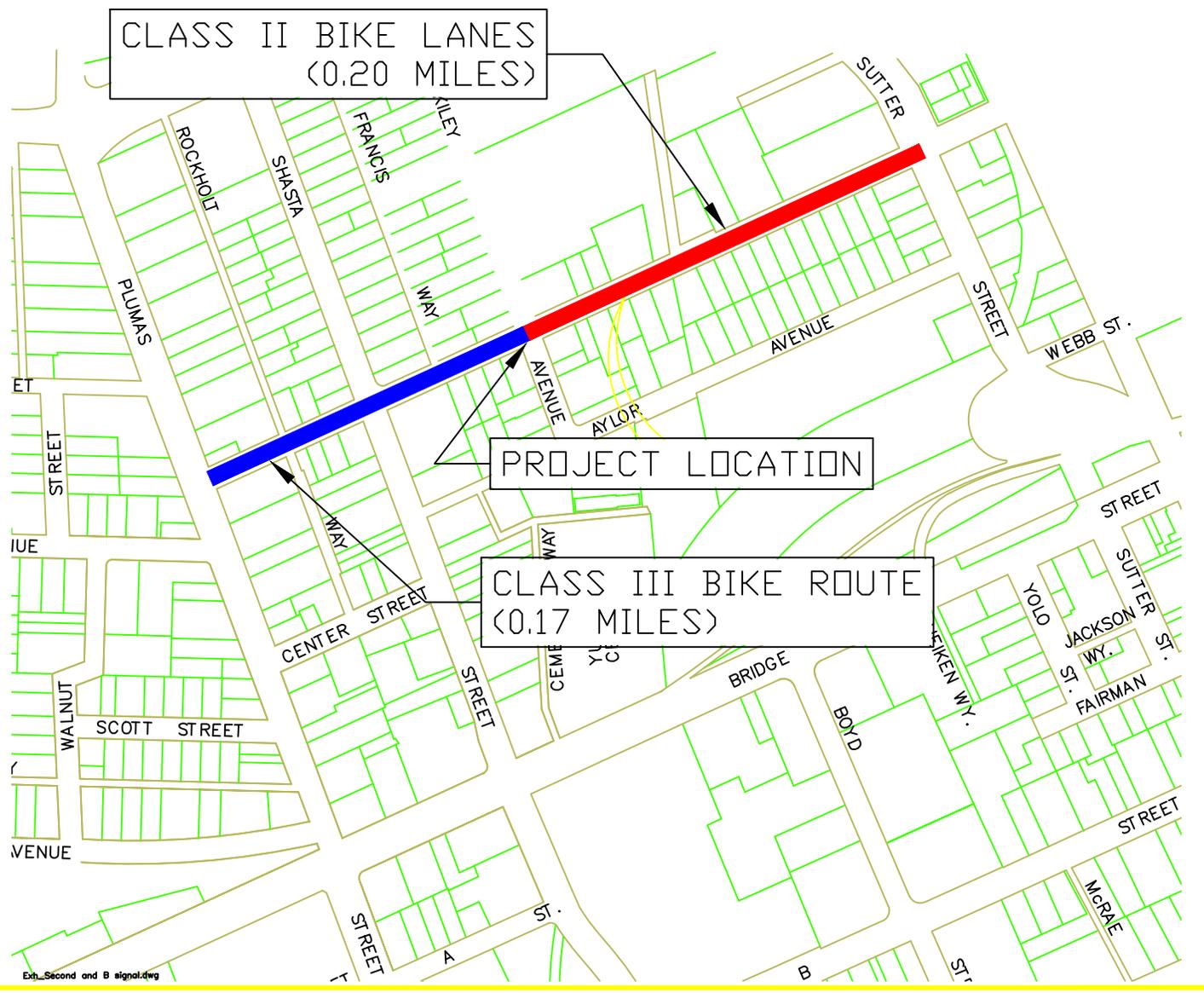


EXHIBIT A



SCALE: 1" = 400'

YUBA CITY BIKE LANE PROJECT 2015



CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Finance Department
Presentation By: Spencer Morrison, Accounting Manager

Summary

Subject: Enterprise Network Switch (FB16-01)
Recommendation: Award the purchase of an Enterprise Network Switch to ePlus Technology, Inc., of Los Angeles, CA in the amount of \$65,575
Fiscal Impact: \$65,575 Technology Replacement Fund Account 6630-69201

Purpose:

Purchase a new Enterprise Network Switch that supplies network connectivity throughout City Hall.

Background:

The existing Enterprise Network Switch is located at City Hall. The switch has been in service for eight (8) years and has reached its end-of-life cycle and is no longer covered for maintenance and repairs. The Enterprise Network Switch supplies network connectivity for all computers, printers, and phones throughout City Hall. This piece of equipment is highly critical to the ongoing operations of the City.

Analysis:

The Finance staff and Information Technology staff worked together to develop specifications, including options, that would meet the City's requirements. A formal bid was developed and advertised according to the City's ordinances. Eight (8) vendors received bid notifications. The following bids were received:

<u>Vendor</u>	<u>Price</u>
ePlus Technology, Inc Los Angeles, CA	\$65,575(including options)*
Provantage LLC North Canton, OH	non-responsive

*awardee

Provantage is considered non-responsive because they were not able to provide pricing for all the required items. After reviewing the bids and excluding the item Provantage was not able to provide pricing for, ePlus is the only responsive bidder.

Finance recognizes that we did not receive many bids, so staff did their due diligence and checked the spot market to make sure that the price we are receiving is the best value, and it is.

Fiscal Impact:

Funding for this purchase has been appropriated in the FY15/16 Capital Acquisitions budget and is available in the Technology Replacement Fund account # 6630-69201.

Alternatives:

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

Recommendation:

Award the purchase of an Enterprise Network Switch to ePlus Technology, Inc., of Los Angeles, CA in the amount of \$65,575.

Prepared By:

/s/ Vicky Anderson

Vicky Anderson
Administrative Analyst I

Submitted By:

/s/ Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

/RB/

City Attorney

/TH/

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation By: Arnoldo Rodriguez, Development Services Director

Summary

Subject: Permit Process for Small Residential Rooftop Solar Systems

Recommendation: Adopt an Ordinance adding Title 7, Chapter 15 to the Municipal Code relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems and waive the second reading

Fiscal Impact: None

Purpose:

To promote and encourage installation of small residential rooftop solar systems. This item was initially discussed by the Council at the September 15, 2015 meeting.

Background:

In 2014, the State of California enacted AB 2188, adding Section 65850.5 to the California Government Code. AB 2188 provides that it is the policy of the State to promote and encourage the installation of small¹ residential rooftop solar systems by limiting obstacles to their use and by minimizing the permitting process of these systems. Thus, the purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of solar systems.

Previous to the adoption of AB 2188, the City had adopted various measures to simplify and streamline solar permitting. However, in order to comply with the strict requirements of AB 2188, the City is required to adopt a local ordinance.

The proposed ordinance brings the City into compliance with the requirements of Government Code Section 65850.5(g)(1) by:

- ✓ Defining several terms including Small Residential Rooftop Solar Energy Systems.
- ✓ Directing the City to develop a checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.
- ✓ Requiring the new checklist to be published on the City's website.
- ✓ Requiring the City to accept permit applications at the Permit Center front counter, by mail and electronically.
- ✓ Creating an expedited review process for qualified systems.
- ✓ Limiting the City to one consolidated Building and Fire Code inspection for installed

¹ Small as defined by Government Code Section 65850.5(j)(3).

systems unless the system fails the first inspection.

Analysis:

The City currently expedites the review of such applications by reviewing and issuing applications, however this ordinance will require that the City process applications in a timelier manner in comparison to existing protocols. The City also currently can accept and approve such applications (at the building counter and/or electronically through the City's website). The City, then by current process, already expedites the review of such applications.

The City, however, needs to adopt the ordinance mandated by Section 65850.5(g)(1). The attached ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the City to administratively approve such applications.

Fiscal Impact:

The requirement to provide an expedited turnaround on small rooftop residential solar projects may have a fiscal impact if it leads to the need for additional staffing, however additional staffing is not anticipated at this time. Staff will monitor these potential impacts and propose staffing modifications as necessary.

Alternatives:

Delay or modify proposed ordinance for adoption.

Recommendation:

Approve an Ordinance adding Title 7, Chapter 15 to the Municipal Code relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.

Prepared By:

Arnoldo Rodriguez

Arnoldo Rodriguez
Development Services Director

Submitted By:

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

City Attorney

TH via Email

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF YUBA CITY
ADDING CHAPTER 15 TO TITLE 7 OF THE YUBA CITY MUNICIPAL CODE
RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL
RESIDENTIAL ROOFTOP SOLAR SYSTEMS.**

WHEREAS, on September 21, 2014, Governor Brown signed Assembly Bill 2188, an act to amend Section 714 of the California Civil Code and Section 65850.5 of the California Government Code, relating to solar energy, (“AB 2188”), in furtherance of the State’s policy to promote and encourage the use of solar energy systems and to limit obstacles to their use; and

WHEREAS, the City Council of the City of Yuba City seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council of the City of Yuba City wishes to advance the use of solar energy by its citizens; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council of the City of Yuba City recognizes that rooftop solar energy provides reliable energy and pricing for its residents; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Yuba City to provide an expedited permitting process to assure the effective deployment of solar technology.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15 is hereby added to Title 7 of the City of Yuba City Municipal Code to read as follows:

Chapter 15

Expedited Permit Process for Small Residential Rooftop Solar Systems

Sections:

7-15.01	Purpose and Intent
7-15.02	Definitions
7-15.03	Applicability
7-15.04	Solar Energy System Requirements
7-15.05	Applications and Documents
7-15.06	Permit Review and Inspection Requirements

Section 7-15.01. Purpose and Intent

The purpose of the chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California

Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City and expanding the ability of property owners to install solar energy systems. This chapter allows the City to achieve these goals while protecting public health and safety.

Section 7-15.02. Definitions

As used in this chapter:

A. "Solar Energy System" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. "Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards.

3. A solar energy system that is installed on a single or two family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

C. "Electronic submittal" means the utilization of electronic e-mail or submittal via the internet.

Section 7-15.03. Applicability

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the City.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Section 7-15.04. Solar Energy System Requirements

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Section 7-15.05. Applications and Documents

A. All documents required for the submission of an expedited solar energy system application will be made available on the City website.

B. Electronic submittal of the required permit application and documents by email, or the Internet will be made available to all small residential rooftop solar energy system permit applicants.

C. The City's Development Services Department will adopt a standard plan and checklist for all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

Section 7-15.06. Permit Review and Inspection Requirements

A. The Development Services Director or his or her designee shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Department shall issue a building permit, the issuance of which is nondiscretionary, within a timely manner, upon receipt of a complete application that meets the requirements of the approved checklist and standard plan.

B. Review of the application shall be limited to the City's review of whether the application meets local, State, and Federal health and safety requirements.

C. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

D. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

E. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.

F. The inspection shall be done in a timely manner and should include consolidated inspections.

G. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

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

Introduced and read at a regular meeting of the City Council of the City of Yuba City the 15th day of September, and adopted at a regular meeting thereof held on the 6th day of October.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Terrel Locke, City Clerk

Approved as to Form:

City Attorney

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Parks and Recreation Commission
Presentation By: Brad McIntire, Community Services Director

Subject: Amend Tobacco-Free Ordinance to Include the Prohibition of Electronic-Cigarettes.

Recommendation: Introduce an Ordinance Amending Tobacco-Free Ordinance 9-2.23 of the Yuba City Municipal Code to Include the Prohibition of Electronic-Cigarettes and waive the first reading.

Fiscal Impact: \$1,500.00 to update signage at all City parks and facilities.

Purpose:

Amend the current Tobacco-Free Ordinance to include the prohibition of Electronic-Cigarettes.

Background:

In March 2008, City Council enacted an ordinance designating Gauche Aquatic Park as a tobacco free park. In the first year of implementation, staff did not experience negative issues or situations with the public as it relates to enforcing the Ordinance.

In May 2009, the Yuba City Parks and Recreation Commission was approached by the Substance Abuse Steering Coalition (a group of local citizens and professionals in the Tri-County area who promote a healthy substance abuse free environment for all) who requested the Parks and Recreation Commission to consider prohibiting the use of tobacco at all City Parks and within 50 feet of any public entrance into a City owned or leased facility.

In October 2009, City Council adopted an Ordinance prohibiting tobacco use in all City Parks and within 50 feet of any public entrance into a City owned or leased facility.

On June 17, 2015, the Substance Abuse Steering Coalition requested the Parks and Recreation Commission to consider a proposal to amend the current tobacco-free ordinance to include the prohibition of all Electronic Nicotine Delivery Devices.

On July 29, 2015, the Parks and Recreation Commission held a special meeting and voted to accept the proposal. A local physician spoke in favor of the proposed ordinance and there was no opposition from members of the public.

Analysis:

“E-Cigarette” or “Electronic-Cigarette” is defined as any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of

nicotine or any other substances, and the use or inhalation of which simulates smoking. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, hookah pen or under any other product name or description.

According to World Health Organization (WHO), “evidence shows that e-cigarette aerosol is not merely ‘water vapor’ as is often claimed in the marketing of these products. While they are likely to be less toxic than conventional cigarettes, e-cigarette use poses threats to adolescents and fetuses of pregnant mothers using these devices. E-cigarettes also increase the exposure of non-smokers and bystanders to nicotine and a number of toxicants.”

The use of e-cigarettes is a relatively recent trend that has gained significant popularity. “Most e-cigarettes are manufactured to look like conventional cigarettes, cigars, or pipes. Some resemble everyday items such as pens and USB memory sticks [see attachment]. It is not known whether e-cigarettes may lead young people to try other tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death.” (U.S. Food and Drug Administration) The recent rise of e-cigarette use among youth, the availability of e-cigarettes in kid-friendly flavors, and the entry of major tobacco companies into the e-cigarette market have raised additional concerns about these products and their appeal to young people.

Additional findings are as follows:

- As of January 2002, California Health and Safety Code section 104495 prohibits the smoking of any cigarette, cigar or other tobacco-related products within 25 feet of a tot lot sandbox area at a park or recreational area specifically designated to be used by children, that has play equipment installed; is located on public or private school grounds; or on city, county or state park grounds.
- Outdoor smoking ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage, residents will become aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask the individual to stop and inform them of the restrictions.
- There are over 74 municipalities within the state of California who have amended laws related to entryways and/or city owned/operated facilities to also include electronic nicotine devices. Local agencies that have amended previous tobacco free laws to include the prohibition of e-cigarettes include the City of Davis, City of Woodland, City of Orland and Town of Paradise.

In promoting health and wellness and facilitating community problem solving, Staff believes it is in the best interest of the City to amend the Tobacco-Free Ordinance to include Electronic-Cigarettes.

Fiscal Impact:

\$1,500.00 to update signage at all City parks and facilities.

Alternatives:

- Do not introduce the Ordinance.

- Modify the restrictions to the Ordinance.

Recommendation:

Introduce an Ordinance Amending Tobacco-Free Ordinance 9-2.23 of the Yuba City Municipal Code to Include the Prohibition of Electronic-Cigarettes and waive the first reading.

Attachments:

- Proposed Ordinance 9-2.23
- Existing Ordinance 9-2.23
- Example of an Electronic-Cigarette
- Parks and Recreation Commission Minutes

Prepared By:

Brad McIntire
Brad McIntire
Community Services Director

Submitted By:

Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

Police Department

RL

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING SECTION 9-2.23 OF THE YUBA CITY MUNICIPAL CODE PROHIBITING
TOBACCO OR E-CIGARETTE USE IN ALL CITY PARKS AND WITHIN 50 FEET OF
ANY PUBLIC ENTRANCE INTO ANY CITY OWNED OR LEASED FACILITY**

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

Section 1. Section 9-2.23 of the Yuba City Municipal Code is hereby amended to read as follows:

Section 9-2.23 Tobacco and e-cigarette use prohibition at all City parks and within 50 feet of any public entrance into any City owned or leased facility.

It shall be unlawful for any person to use any tobacco product or an e-cigarette in all City parks and within fifty (50') of any public entrance into any City owned or leased facility.

As used in this section, "tobacco product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

As used in this section, "e-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, hookah pen or under any other product name or description.

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

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

AYES:

NOES:

ABSENT:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

ORDINANCE NO. 011-09

AN ORDINANCE OF THE CITY OF YUBA CITY AMENDING TITLE 9,
CHAPTER 2, OF THE YUBA CITY MUNICIPAL CODE
PROHIBITING SMOKING IN ALL CITY PARKS AND WITHIN
50 FEET OF ANY PUBLIC ENTRANCE INTO ANY CITY OWNED
OR LEASED FACILITY

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

Section 1: Section 9-2.02(a) of the Yuba City Municipal Code entitled, "Hours of use," is hereby amended to read as follows:

Sec. 9-2.02. Hours of use.

(a) For purposes of this chapter, the word "neighborhood parks" shall mean any City park except for Blackburn-Talley Sports Complex, Gauche Aquatic Park, and Sam Brannan Park. Blackburn-Talley Sports Complex, Gauche Aquatic Park and Sam Brannan Park are defined as "community parks" for purposes of this chapter.

Section 2: Section 9-2.15 of the Yuba City Municipal Code entitled, "Alcohol restrictions in neighborhood and community parks," is hereby amended to read as follows:

Sec. 9-2.15. Alcohol restrictions in neighborhood and community parks.

It shall be unlawful for any person to bring, possess, or consume any alcoholic beverage within the confines of Yuba City's parks and recreation areas, with the exception of Sam Brannan Park, and Gauche Aquatic Park. In Sam Brannan and Gauche Aquatic Parks, possession and/or consumption of alcoholic beverages shall be permitted only by permit obtained from Yuba City Leisure Services. The person responsible for the conduct of an activity must sign the permit and the permit holder is tally responsible for the supervision and safety of all participants at the event. City may revoke the approval or this permit at any time in the interest of public safety. Such revocation shall be at the sole discretion of any City emergency service work (police or fire). Any permit pursuant to this section allowing the consumption of alcohol at Sam Brannan Park or Gauche Aquatic Park shall be limited to only the consumption of beer and wine. The fenced-in softball facility at the Blackburn-Talley Sports Complex is subject to separate regulations per Section 9-2.16 of this chapter.

Section 3: Section 9.2.23 of the Yuba City Municipal Code is hereby repealed.

Section 4: Section 9-2.23 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.23. Smoking prohibition at all City parks and within 50 feet of any public entrance into any City owned or leased facility.

It shall be unlawful for any person to use any tobacco product in all City parks and within 50 feet of any public entrance into any City owned or leased facility. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

Section 5: Section 9-2.30 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.30 Enforcement.

The Director of Public Works, or his designee, shall be responsible for enforcing the provisions of this chapter insofar as they relate to the functions and duties of the department. The Police Chief shall be responsible for enforcing the penal provisions of this chapter.

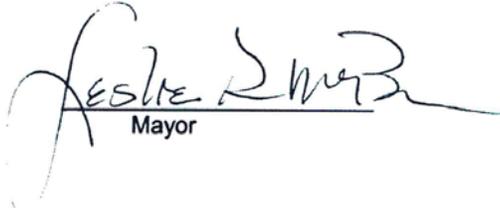
Section 6: This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20th day of October, 2009, and adopted at a regular meeting thereof held on the 3rd day of November, 2009.

AYES: Councilmember Gill, Maan, Miller and Mayor McBride

NOES: Councilmember Dukes

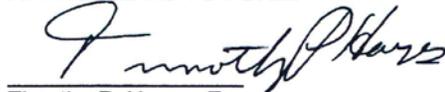
ABSENT: None


Mayor

Attest:


Terrel Lock, City Clerk

APPROVED AS TO FORM:


Timothy P. Hayes, Esq.
City Attorney



**CITY OF YUBA CITY
PARKS & RECREATION COMMISSION
MINUTES**

Regular Meeting
Wednesday, June 17, 2015 – 5:30 p.m.
Council Chambers
1201 Civic Center Blvd., Yuba City

I. CALL TO ORDER

The City of Yuba City Parks & Recreation Commission Regular Meeting was called to order by Chairperson Anderson at 5:30pm in the Council Chambers.

II. ROLL CALL

Commissioners Present: Commissioner Charles Anderson, Commissioner Gary Hurlbut, Commissioner Sharon Foote, Commissioner Cyndi Shatswell

Commissioners Absent: Commissioner Donna Hannaford

Staff Present: Brad McIntire, Community Services Director; Scott Oakes, Parks & Recreation Manager; Jessica Laney, Recreation Supervisor II; J. Long, Recreation Supervisor; JP LaCroix, Recreation Supervisor; Ashley Thomas, Administrative Assistant

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Anderson.

IV. APPROVAL OF MINUTES

Commissioner Hurlbut motioned to approve minutes from the March 18, 2015 regular meeting as submitted. The motion was seconded by Commissioner Foote, which passed unanimously by the Commissioners present.

V. APPEARANCE OF INTERESTED CITIZENS

Members of the public may address the Parks & Recreation Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting.

VI. BUSINESS FOR THE COMMISSION

A. Substance Abuse Steering Coalition Presentation

- i. Proposed tobacco free ordinance to include electronic nicotine products
- ii. The Commission requested Staff to arrange a public meeting so the Substance Abuse Steering Coalition can return to request to amend the tobacco free ordinance to include electronic nicotine products. At that time the Commission will determine whether or not to recommend taking the request before council.

B. Jessica Laney, Recreation Supervisor II, Senior Center Facility and Programs Presentation

C. 2015 Work Plan

- i. Advancement of a new park in an underserved area
- ii. Adopt-A-Park
- iii. Future planting considerations for parks
- iv. Promote programs and parks through social media and emails

VII. ITEMS FOR INFORMATION AND DISCUSSION

- A. Parks and Recreation Update from the Director
 - i. Introduction of JP LaCroix, Recreation Supervisor - update on Adult Sports and Youth Special Camps
 - ii. Introduction of J. Long, Recreation Supervisor - update on Youth Sports and Contract Classes
 - iii. Introduction of Scott Oakes, Parks & Recreation Manager -update on parks including current and upcoming projects and irrigation

VIII. TREE ADVISORY BOARD

Some City trees are “stressed”. Irrigation is being reviewed with the intent to prevent these trees from dying.

IX. NEXT COMMISSION DATE

- A. Special Meeting to be held prior to the next regular meeting. Staff will contact Commissioners with a potential date.
- B. Next Regular Meeting: Wednesday, September 9, 2015 at 5:30pm – City Hall, Sutter Room.

X. ADJOURNMENT

There being no further business Commissioner Anderson adjourned the meeting at 6:50pm.

Respectfully submitted,

Brad McIntire
Community Services

Department

BM/at

**CITY OF YUBA CITY
PARKS & RECREATION COMMISSION SPECIAL MEETING
MINUTES**

Wednesday, July 29, 2015 – 5:30 p.m.
Council Chambers
1201 Civic Center Blvd., Yuba City

I. CALL TO ORDER

The City of Yuba City Parks & Recreation Commission Special Meeting was called to order by Vice-Chairperson Gary Hurlbut at 5:30pm in the Council Chambers.

II. ROLL CALL

Commissioners Present: Commissioner Gary Hurlbut, Commissioner Sharon Foote, Commissioner Cyndi Shatswell, Commissioner Donna Hannaford

Commissioners Absent: Commissioner Charles Anderson

Staff Present: Brad McIntire, Community Services Director; Ashley Thomas, Administrative Assistant

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Hurlbut.

IV. SUBSTANCE ABUSE STEERING COALITION

A. Substance Abuse Steering Coalition Presentation (led by Ericka Summers, Health Program Specialist for Sutter County Public Health)

i. Request to amend tobacco free ordinance to include electronic nicotine delivery devices

i. Public Comments

1. Dr. Larry Ozeran spoke in favor of amending the park ordinance.

ii. Commissioner Foote made a motion to forward an amended park ordinance to Council. The motion was seconded by Commissioner Shatswell. The item passed with the following vote:

Ayes: Commissioner Hurlbut, Commissioner Foote, Commissioner Shatswell, Commissioner Hannaford

Noes: None

V. ADJOURNMENT

There being no further business Commissioner Hurlbut adjourned the meeting at 5:45pm.

Respectfully submitted,

Brad McIntire
Community Services Department

**MINUTES (DRAFT)
SPECIAL MEETING OF THE CITY COUNCIL
& PUBLIC FINANCING AUTHORITY OF
CITY OF YUBA CITY
RIVER VALLEY HIGH SCHOOL-LARGE GYM
SEPTEMBER 15, 2015
11:30 A.M. – SPECIAL MEETING
1:30 P.M. – CLOSED SESSION: CITY HALL-SUTTER ROOM**

Special Meeting—River Valley High School

The City of Yuba City City Council meeting was called to order by Mayor Dukes at 11:32 a.m.

Roll Call

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

Absent: None

Invocation

Councilmember Buckland gave the invocation.

Pledge of Allegiance to the Flag

Student Body President Aana Amin led the Pledge of Allegiance.

Mayor Dukes asked the Councilmembers to introduce themselves to the high school students and recognized the student body members, youth commission members and school officials that were present for the meeting.

Presentations & Proclamations

1. Police Department Life Saving Awards:

Police Chief Rob Landon read the Citation and Mayor Dukes presented the medals to the following police officers in honor of their outstanding services in saving a person from jumping off of the bridge:

- Sergeant Michele Brazil
- Officer Brandon Oakley
- Officer David Santana
- Officer Chad Cornwell

Public Hearing

2. Proposed 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG)

Mayor Dukes opened the public hearing. Hearing no comment he closed the public hearing.

Councilmember Gill moved to approve the CAPER and authorize staff to submit it to the U.S. Department of Housing and Urban Development (HUD). Councilmember Buckland seconded the motion that passed with a unanimous vote.

Ordinances

3. Permit Process for Small Residential Rooftop Solar Systems

Councilmember Buckland moved to introduce an Ordinance adding Title 7, Chapter 15 to the Municipal Code relating to Expedited Permitting Procedures for Small Residential Rooftop Solar System, and waive the first reading. Councilmember Didbal seconded the motion that passed with a unanimous vote.

Public Communication

4. Written Requests – None

5. Appearance of Interested Citizens - None

Consent Calendar

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

6. Minutes of September 1, 2015

Approved the City Council Meeting Minutes of September 1, 2015.

General Items

7. Acceptance of Staffing for Adequate Fire and Emergency Response (SAFER) Grant

Councilmember Cleveland moved to accept award of 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$1,578,600, which will fund the salary and benefits for the hiring of nine new limited-term (two years) full-time firefighters, and authorize the Finance Director to make supplemental appropriations to appropriate revenue and expenditure accounts. Councilmember Gill seconded the motion that passed with a unanimous vote.

8. Office of Traffic Drive Safe, Travel Safe Program Grant - \$154,775

Councilmember Buckland moved to: A) Adopt **Resolution No. 15-059** authorizing the Chief of Police to accept the 2015/2016 California Office of Traffic Safety Grant titled Drive Safe, Travel Safe Program; and B) Authorize the Chief of Police to enter into a Professional Services Agreement with The Health and Social Policy Institute (HASPI) finding it is in the best interest in the City to do so, and approve expenditure recommendations. Further, authorize the Finance Director to make budget adjustments as necessary. Councilmember Didbal seconded the motion that passed with a unanimous vote

9. Office of Traffic Safety Grant, Selective Traffic Enforcement Program - \$61,413

Councilmember Buckland moved to adopt **Resolution No. 15-060** authorizing the Chief of Police to accept the 2014/2015 Office of Traffic Safety Grant titled Selective Traffic

Enforcement Program in the amount of \$61,413 and approve expenditure recommendations. Further, authorize the Finance Director to make budget adjustments as necessary. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

10. Bicycle Detection at Traffic Signals – Queens Ave 2016 Project (FRAQMD Grant)

Councilmember Didbal moved to authorize the Public Works Director to submit the Bicycle Detection at Traffic Signals – Queens Ave 2016 Project for Grant Funding through the Feather River Air Quality Management District. Councilmember Buckland seconded the motion that passed with a unanimous vote.

11. Teegarden Avenue Class II & III Bicycle Lanes Project (Plans and Specifications)

Councilmember Gill moved to adopt **Resolution No. 15-061** approving the plans and specifications for the Teegarden Avenue Class II & III Bicycle Lanes Project and authorizing advertisement for bids on the project. [Estimated Construction Cost \$92,700]. Councilmember Didbal seconded the motion that passed with a unanimous vote.

12. Refinancing Yuba City 2006 Gauche Aquatic Park Certificates of Participation

Acting as both the City Council and the Public Financing Authority Board, Councilmember/Director Gill moved to Adopt City **Resolution No. 15-062** and Financing Authority **Resolution No. PA15-001** authorizing the issuance and sale of refunding certificates of participation and approving related documents and matters. Councilmember/Director Cleveland seconded the motion that passed with a unanimous vote.

13. League of California Cities Transportation Funding Resolution and Joining the “Fix our Road Coalition”

The following person spoke:

Pat Miller, Sutter County Tax Payer’s Association

Councilmember Gill moved to join the “Fix Our Road Coalition” and adopt a Resolution supporting the League of California Cities’ Legislative effort to create a New Sustainable Funding for State and Local Transportation Infrastructure. No second motion was received and the motion died.

Business from the City Council

14. River Valley High School Students - Questions and Answers

Mayor Dukes opened up the meeting for questions from River Valley Students. The questions that were asked included the following:

- What is there for youth to do here, without going to Roseville
- Why and how do people get involved in City government
 - Youth Commissioner Isabelle Toche asked the students to follow the commission on Instagram
- What are the views of the Council on the State of Jefferson

Mayor Dukes excused the Students to lunch – 12:53 p.m.

15. City Council Reports

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

Adjourn To Closed Session: City Hall Butte Room

Mayor Dukes adjourned the Special Meeting of the City Council of the City of Yuba City at 12:58 p.m. to meet for Closed Session at City Hall Butte Room to begin at 1:30 p.m.

Closed Session—Butte Room

- A. Conferred with labor negotiators Steve Kroeger and Natalie Springer regarding negotiations with the following associations: Yuba City Firefighters Local 3793, and Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code.
- B. Annual performance evaluation of City Manager pursuant to Government Code Section 54957.

Adjournment

The Closed Session was adjourned by 2:15 p.m.

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation By: Steven C. Kroeger, City Manager

Summary

Subject: Amendment to the 2011 Recology Yuba-Sutter Collection Service Agreement for the Green Waste Diversion Program

Recommendation: Adopt a Resolution Amending the 2011 Collection Service Agreement with Recology Yuba-Sutter relating to the Green Waste Diversion Program

Fiscal Impact: Maximum cost of \$2,227,500 (2,750,000 x 81%) to be shared by the Yuba-Sutter Regional Agencies. Funding will be considered through the Rate Stabilization and Capitalization Fund and/or Refuse Collection Rates over a three year period, beginning in the 2016-2017 Rate Year (October 2016)

Purpose:

To provide for changes to the Collection Service Agreement to continue composting operations and to remain in compliance with State regulatory requirements.

Background:

The Recology Green Waste Diversion Program facility is located on top of the closed Yuba-Sutter Landfill. The site has been producing compost since 2000. The Program currently processes approximately 30,000 tons of municipal and commercial organics per year. This material includes yard trimmings and food scraps collected from Yuba, Sutter, and surrounding counties.

In 2012, the Central Valley Water Board staff requested an amended Report of Waste Discharge (ROWD) that included more information on the composting facility and the closed landfill and also conducted an inspection of the facility. The Central Valley Water Board issued a Clean-up and Abatement Order in 2013 to address landfill post closure deficiencies leading to storm water benchmark exceedances, landfill gas generation and impacts on groundwater and ultimately fined Recology \$440,440 for failing to comply (see attached RWMA staff report dated September 24, 2015).

Analysis:

Because of the on-going challenges and expenses related to new permit requirements, and maintaining and improving the current facility, Recology Yuba-Sutter has determined that it will be more cost efficient to relocate the green waste program from the current site. A new facility will take up to four years to permit and develop. A range of interim options have been

considered by Recology Yuba-Sutter and the RWMA Administrators for the most feasible management of green waste collected in the curbside program and what is received in the public dumping area of the Marysville Transfer Station. The options and associated cost estimates that were considered for the interim period (October 2015-september 2019) until a new facility can be built are outlined below. The costs presented are the total four-year estimated costs developed for comparison purposes and include costs already accounted for in the service rates:

1. Continue composting operations at the Marysville site with installation of an above ground stormwater collection tank - This option is estimated to cost \$6,108,000 over the four year interim period and presents a moderate risk that the cost estimate will be exceeded if there are further permitting delays and/or other compliance requirements.
2. Grind green waste at the Ostrom Road Landfill for use as alternate daily cover - This option is estimated to cost \$6,310,000 over the four year interim period.
3. Temporary disposal of green waste pending permitting and development of new compost facility - This option presents no permitting or unknown costs risks and is estimated to cost \$6,591,000 over the four year interim period.
4. Continuing to compost at another permitted facility – Transferring and processing the material to a facility in Vacaville is estimated to cost \$7,646,000 over the four year interim period.

Recology Yuba-Sutter and the RWMA Administrators are recommending Option 1 above - to continue the existing green waste program.

The proposal is for a four-year term, including:

- Total maximum additional cost for all member agencies will be \$2,227,500 (2,750,000 x 81%) (which is the estimated amount over the costs already accounted for in the service rates that is required to address the State regulatory requirements).
- Reimbursement of maximum additional costs will be based upon actual costs incurred
- Recology takes all financial responsibility for any and all additional regulatory requirements pertaining to the compost/green waste operation
- The effectiveness of this Agreement Amendment is expressly conditioned on the mutual written commitment of all the Member Agencies to adopt the same terms regarding this Project

Fiscal Impact:

\$2,227,500 (2,750,000 x 81%) maximum in additional costs is to be shared by the Yuba-Sutter Regional Agencies. Funding will be considered through the Rate Stabilization and Capitalization Fund and/or refuse service rates over a three year period, beginning in the 2016-2017 Rate Year.

The City's share of proportionate additional costs not funded through the Rate Stabilization and Capitalization Fund will be included in the Recology Yuba-Sutter rate application for Rate Year 2016-2017 that goes into effect in October 2016.

Recology Yuba-Sutter has also agreed to fund 50% of the cost of any consulting services that the Regional Waste Management Authority may incur to review the technical and financial documentation associated with the Additional Costs for Rate Years 2016-2019.

Alternatives:

Do not amend the Collection Service Agreement and direct staff to continue to look at other options, including Options 2 through 4 above.

Recommendation:

Adopt a Resolution Amending the 2011 Collection Service Agreement with Recology Yuba-Sutter relating to the Green Waste Diversion Program.

Attachments:

- A. Resolution Amending Collection Service Agreement
- B. Proposed Amendment to Collection Service Agreement
- C. September 10, 2015 Proposal Letter from Recology-Yuba Sutter
- D. RWMA Staff Report: Proposed Changes to the Funding Provisions for the Green Waste Diversion Program

Prepared By:

Submitted By:

Terrel Locke

Terrel Locke
Assistant to the City Manager

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

City Attorney

TH via Email

ATTACHMENT A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING AN AMENDMENT TO THE 2011 COLLECTION SERVICE
AGREEMENT WITH RECOLOGY YUBA-SUTTER REGARDING FUNDING
PROVISIONS FOR THE GREEN WASTE DIVERSION PROGRAM**

WHEREAS, on December 20, 2011, the City Council approved a Collection Service Agreement with Recology Yuba-Sutter; and,

WHEREAS, the Green Waste Diversion Program has been operating on the closed Recology Yuba-Sutter Landfill since 1998; and,

WHEREAS, in 2012 the Central Valley Water Board inspected the facility and in 2013 issued a Clean-up and Abatement Order for numerous deficiencies relating to post closure maintenance and impacts of stormwater drainage; and,

WHEREAS, Recology Yuba-Sutter has determined that it is in the best interest to relocate the Green Waste Diversion Program which will take four years to build and permit; and,

WHEREAS, the Regional Waste Management Authority (RWMA), of which the City of Yuba City is a member, received a proposal letter dated September 10, 2015 regarding funding options to continue to operate the Green Waste Diversion Program on an interim basis; and

WHEREAS, the RWMA Board of Directors recommend accepting the proposed actions included in the Recology Yuba-Sutter Proposal Letter dated September 10, 2015; and,

WHEREAS, the effectiveness of this Amendment to the Agreement is expressly conditioned on the mutual written commitment of all the Member Agencies to adopt the same terms regarding this Project.

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

That the Amendment to 2011 Collection Service Agreement with Recology Yuba-Sutter regarding Funding Options for Green Waste Diversion Program, attached hereto, is hereby approved by the City of Yuba City effective October 6, 2015.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, PASSED AND ADOPTED at a special meeting thereof held on the 6th day of October, 2015 by the following vote:

Ayes:

Noes:

Absent:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

AMENDMENT TO COLLECTION SERVICE AGREEMENT

October 6, 2015

This Amendment to the Collection Service Agreement for solid waste collection, disposal, and recycling services is made this 6th day of October 2015, by and between the City Yuba City, California (CITY) and Recology Yuba-Sutter.

RECITALS

A. On December 20, 2011, CITY entered into a Collection Service Agreement (“Agreement”) with Recology Yuba-Sutter for solid waste collection, disposal, and recycling services within the corporate limits of CITY. The Agreement expires on September 30, 2019.

B. Due to new State regulatory requirements pertaining to the Green Waste diversion programs at Recology Yuba-Sutter’s facility in Marysville, specifically to the Feather River Organics Processing Facility (the “Feather River Facility”), significant additional infrastructure and operating costs have been and will continue to be incurred to continue the existing Green Waste diversion programs under the Agreement. These additional costs are to upgrade the facility’s storm water management system to comply with the new State Water Board requirements, and include installation of new storm water tanks and related equipment (pumps, grinder), related infrastructure improvements (pad upgrade, pad grading, plumbing, vaults), associated engineering and permitting costs, temporary rental of tanks and pumps until the new tanks are operational, and increased fuel, electricity and storm water disposal costs associated with operation of the storm water management system (such activities collectively, the “Project,” and the costs thereof, the “Project Costs”). The Contract Administrators of the member agencies (the “Member Agencies”) of the Regional Waste Management Authority (the “Authority”) met and conferred with Recology Yuba-Sutter representatives regarding the estimated costs and other Green Waste processing options, including temporarily suspending the Green Waste diversion programs as an alternative to upgrading the facility’s storm water management system.

C. CITY and Recology Yuba-Sutter mutually desire to amend the Agreement by executing this amendment (Amendment) to reflect a proposal by Recology Yuba-Sutter to implement the Project, thereby allowing the existing Green Waste diversion programs at the Feather River Facility to continue composting operations and to remain in compliance with the new State regulatory requirements, while also minimizing the additional financial risk to the Member Agencies of the Authority arising from the Project and the continued operation of the Feather River Facility for Rate Years 2016-2019 (the years ending September 30 of 2016, 2017, 2018 and 2019). For this purpose only, CITY and Recology Yuba-Sutter mutually desire to establish certain exceptions to the Agreement and Exhibit 2 Maximum Service Rate Adjustment Guidelines as documented below.

NOW, THEREFORE THE PARTIES TO THE COLLECTION SERVICE AGREEMENT AND THIS AMENDMENT AGREE AS FOLLOWS

1. IMPLEMENTATION OF PROJECT AND FINANCIAL RISK LIMITATION PROVISIONS

CITY and Recology Yuba-Sutter agree that, in exchange for the funding obligations undertaken by CITY herein, and pursuant to a proposal made by Recology Yuba-Sutter, Recology Yuba-Sutter will implement the Project, thereby enabling the existing Green Waste diversion programs

at the Feather River Organics Processing Facility located at the Marysville Transfer Station to continue composting operations and to remain in compliance with the new State regulatory requirements. The following outlines the provisions of the financial risk limitations to the Member Agencies:

- a. As used herein, "Additional Costs" means (i) all costs of the Project regardless of when incurred, including without limitation those referred to in recital B above and those incurred in Rate Year 2015, plus (ii) all additional costs of operating the Feather River Facility for Rate Years 2016-2019 over and above the Base Costs, and then reducing the sum of (i) and (ii) by the nineteen percent (19%) non-RWMA Activity portion. "Base Costs" means the total costs of operating the Feather River Facility for Rate Year 2016 (\$1,086,015) multiplied by four (4) for Rate Years 2016-2019, for a total of \$4,344,060. Additional information regarding Project Costs and Base Costs is provided on Exhibits 1 and 2 to this Amendment.
- b. The maximum total Additional Costs, including capital, lease and operating costs, to the Member Agencies over the period from Rate Year 2016 through Rate Year 2019 will be \$2,227,500. This amount equals \$2,500,000, plus a ten percent (10%) contingency, for a subtotal of \$2,750,000, which is then reduced by the nineteen percent (19%) non-RWMA Activity portion.
- c. The non-RWMA Activity portion referred to above is the current percentage of the total Green Waste tonnage handled by the Feather River Facility that is not attributable to the Member Agencies. Notwithstanding Section 17.03 of the Agreement, the parties agree that no more than eighty-one percent (81%) of the costs of operating the Feather River Facility and implementing the Project will be allocated to the Member Agencies for Rate Years 2016-2019 even if there is a material change in the volume of Green Waste materials from Beale Air Force Base or the City of Oroville processed through the Feather River Facility at the Marysville Transfer Station.
- d. The Additional Costs shall not include an Operating Margin on any Project Costs.
- e. Recology Yuba-Sutter accepts the financial responsibility for any and all additional costs of continuing to operate the Feather River Facility (above the Base Costs and the maximum Additional Costs set forth in Section 1(b)) that may be incurred in Rate Years 2016-2019 (but, if the Agreement is extended, not any later Rate Years) as a result of any change after the date hereof in any state or federal regulatory requirements including, but not limited to, those regulatory requirements that may originate from the Central Valley Flood Control Board, U.S. Army Corps of Engineers, State Water Board, CalRecycle or other agencies and including any change in landfill closure or post closure maintenance requirements related to the continuing operation of the Feather River Facility on top of a portion of the closed landfill.

For the avoidance of doubt, if after the date hereof there is a change in landfill closure or post-closure requirements, the costs of complying with such change that Recology Yuba-Sutter is assuming under this Section 1(e) are only those attributable to the operation of the Feather River Facility (and not any other aspect of the Marysville Transfer Station or any other Recology Yuba-Sutter operation) and only those attributable to the period from the effective date of the change to the end of Rate Year 2019 (and not any earlier or later periods).

- f. Notwithstanding any other provision of this Amendment, "Additional Costs" do not include, and the maximum total Additional Costs set forth in Section 1(b) above and the

undertaking made by Recology Yuba-Sutter in Section 1(e) above do not apply to, (i) any interest on Additional Costs, (ii) any costs associated with CITY-Directed Changes (if any) after the date hereof, (iii) any costs arising from any new or increased Member Agency or Authority fees, charges, surcharges or assessments after the date hereof (such as, but not limited to, a new fee imposed on Green Waste tons accepted at the Feather River Facility), or (iv) any costs of complying with Order R5-2015-0106 dated July 31, 2015 issued by the California Regional Water Quality Control Board – Central Valley Region (except for compliance with Sections C.2 - C.22 (pp. 40-42) and C.24 - C.26 (pp. 45-48) of such order, which is addressed by the Project). Maximum Rate Adjustments in connection with any such CITY-Directed Changes, any such new or increased fees, charges, surcharges or assessments, or compliance with the remaining provisions of such order, shall be handled under the applicable provisions of the Agreement.

2. FUNDING

- a. Recology Yuba-Sutter will include in its rate application due May 1, 2016 its best estimate of total Additional Costs, including but not limited to all Project Costs incurred to date.
- b. CITY agrees to be responsible for its proportionate share of the Additional Costs (plus any interest, as provided below). Funding of such amounts will be made through adjustments to CITY's Maximum Service Rates for Rate Year 2017 and (if necessary) Rate Years 2018 and 2019, and/or through one or more payments on CITY's behalf from the Rate Stabilization and Capitalization Funds before the end of Rate Year 2019. The portion to be funded through Maximum Service Rates and the portion to be funded through the Rate Stabilization and Capitalization Funds shall be as determined by the Member Agencies and the Regional Waste Management Authority Board of Directors and Yuba City City Council. Interest at a rate of 4.25% per annum shall accrue and be paid on any amounts received by Recology Yuba-Sutter after October 1, 2017.
- c. CITY agrees to increase its Maximum Service Rates at such times and in such amounts as is necessary to timely compensate Recology Yuba-Sutter for CITY'S share of the portion of the Additional Costs (plus any interest on Additional Costs) to be funded through the Maximum Service Rates. Such Maximum Service Rate increase(s) shall be over and above any other Maximum Service Rate adjustments to which Recology Yuba-Sutter may be entitled. CITY also agrees to continue to include its share of the Base Costs as part of Recology Yuba-Sutter's Revenue Requirements for Rate Years 2017-2019.
- d. Interest on any leased and capital items included within the Additional Costs will be amortized over a three year period extending from Rate Year 2017 through Rate Year 2019 using an interest rate of 4.25%, which is the Wall Street Journal Prime Rate of 3.25% on September 10, 2015, plus one (1) percentage point. CITY and Recology Yuba-Sutter agree that this particular application of interest rates is a singular exception to the Agreement for the purposes of this Amendment and shall not apply to other leased and capital items.
- e. Recology Yuba-Sutter shall update its best estimate of Additional Costs and include such update in its rate applications due May 1, 2017 and May 1, 2018 for Rate Years 2018 and 2019. If such revision results in a net increase in Additional Costs (subject to the maximum in Section 1(b)), then all parties shall cooperate in good faith to effect further Maximum Service Rate adjustments and/or payments from the Rate Stabilization and Capitalization Funds to compensate Recology Yuba-Sutter for the increase before

the end of the 2019 Rate Year. Interest on any such increased Additional Costs shall not begin to accrue until October 1 of the year after Recology Yuba-Sutter has provided the aforementioned update.

- f. It is understood and agreed that such updates may include revisions (upward or downward) in previously estimated Additional Costs, as well as new Additional Costs that have arisen after the previous estimate was submitted. If actual costs turn out to be greater than or less than estimated costs for any item included within Additional Costs, the updates will reflect the actual amount (but in all events subject to the maximum in Section 1(b)). The amounts included in Additional Costs will not be subject to any automatic or minimum increases (i.e. no floor) but rather will be based on best estimates and actual costs.
- g. One hundred and fifty (150) days after the end of Rate Year 2019, if the total funding actually received by Recology Yuba-Sutter as compensation for Additional Costs plus interest exceeds actual Additional Costs (subject to the maximum in Section 1(b)) plus interest, then Recology Yuba-Sutter will pay the excess to the Authority. One hundred and fifty (150) days after the end of Rate Year 2019, if the total funding actually received by Recology Yuba-Sutter as compensation for Additional Costs plus interest is less than actual Additional Costs (subject to the maximum in Section 1(b)) plus interest, then Recology Yuba-Sutter will receive the remainder of its compensation from the Member Agencies or the Authority.

3. GREEN WASTE DIVERSION PROGRAM CHANGES

Notwithstanding any provision of the Agreement or this Amendment to the contrary, if after the date hereof there is a significant change in circumstances, including but not limited to a Change in Law or an inability to obtain permits for the Project, and as a result thereof Recology Yuba-Sutter determines in its reasonable business judgment that it is no longer feasible or economical to continue to operate the Feather River Facility, then Recology Yuba-Sutter may modify the Green Waste program in its sole discretion. Such modifications may include, but are not limited to, closure of the Feather River Facility, landfill disposal (rather than diversion) of collected Green Waste, use of Green Waste as alternative daily cover, and/or cessation of collection of Food Waste from customers. Such modifications shall be at Recology Yuba-Sutter's sole cost and expense, provided that Maximum Service Rates, and the amounts to which Recology Yuba-Sutter is entitled under this Amendment, shall not be reduced as a result of any such modification unless such modification results in a net reduction in cost in which case Maximum Service Rates would be reduced accordingly. Such modifications shall be deemed amendments to the Agreement, which means, among other things, that liquidated damages may not be assessed under Sections 20.04 N, O or P with respect to such modifications. Recology Yuba-Sutter will provide the Authority and the Member Agencies with prior written notice of any such modification and will make itself available to meet and confer with them. If the Authority and the Member Agencies collectively wish Recology Yuba-Sutter to implement an alternative approach (such as maintaining the Green Waste diversion program in its then-current form, or modifying it in a different manner from that specified by Recology Yuba-Sutter), then Recology Yuba-Sutter shall be entitled to a Maximum Service Rate adjustment in an amount to be mutually agreed, so that it is fully compensated for the costs of implementing that approach.

4. SHARED REVIEW COST

CITY/COUNTY and Recology Yuba-Sutter agree that Recology Yuba-Sutter will fund 50% of the cost of any consulting services that the Regional Waste Management Authority may procure

to review the technical and financial documentation associated with the Additional Costs for Rate Years 2016-2019.

5. MISCELLANEOUS

Except as expressly set forth herein, the Agreement shall remain in full force and effect. In the event of a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern. Capitalized terms used but not defined herein shall have the meanings given to them in the Agreement. Exhibits 1 and 2 are integral parts of this Amendment and are incorporated herein by this reference.

6. CONDITIONS FOR EFFECTIVENESS OF THIS AGREEMENT AMENDMENT

The effectiveness of this Agreement Amendment is expressly conditioned on the mutual written commitment of all the Member Agencies to adopt the same terms regarding this Project.

The parties have caused this Agreement to be executed on the date first written above.

CITY OF YUBA CITY

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

RECOLOGY YUBA-SUTTER DISPOSAL, INC.

By: _____

Exhibit 1

Estimate of Additional Cost for the Project

Above Ground Tank		\$696,425
Pumps		219,500
Grinder		100,000
Vaults		92,230
Plumbing		319,183
Pad Grading (south area)		83,925
Pad Upgrade		140,000
Tank Rental (10 months)		435,000
Disposal of Compost Storm Water		35,000
Pumping Fuel/Electricity		8,000
Engineering/Permitting		250,000
Total Additional Cost FY 2016		<u>\$2,379,263</u>
Disposal of Compost Storm Water		\$35,000
Pumping Fuel/Electricity		8,000
Total Additional Cost FY 2017		<u>\$43,000</u>
Disposal of Compost Storm Water		\$35,000
Pumping Fuel/Electricity		8,000
Total Additional Cost FY 2018		<u>\$43,000</u>
Disposal of Compost Storm Water		\$35,000
Pumping Fuel/Electricity		8,000
Total Additional Cost FY 2019		<u>\$43,000</u>
Total Additional Cost for the Project		\$2,508,263
Additional Cost Rounded		\$2,500,000
Contingency	10%	250,000
Maximum Total Additional Cost for the Project		<u><u>\$2,750,000</u></u>

Exhibit 2

Base Costs from 2015 Rate Application

Operating Expense (RWMA Share)	
Labor and Related Expense	\$488,047
Truck and Container Expense	9,706
Truck and Container Dept. Allocation	109,950
Depreciation	2,586
Recycling Material Purchases	60,508
Other Operating Expense	38,771
General & Administrative	63,284
Total Operating Expense	<u>\$772,852</u>
Operating Margin @ 90%	85,872
Pass-through Expense (RWMA Share)	
Green Waste Processing - Ostrom Road LF	<u>20,948</u>
Total Pass-through Expense	<u>\$20,948</u>
RWMA Share of Base Cost	\$879,672
Gross up RWMA Share of Base Cost	<u>81.0%</u>
Total of Base Cost	<u><u>\$1,086,015</u></u>



Keith E. Martin
Regional Waste Management Authority
2100 B Street
Marysville, CA 95901

September 10, 2015

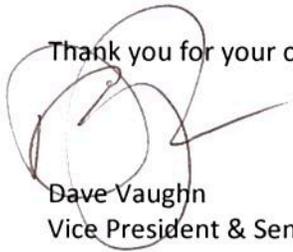
Re: Green Waste Diversion Program

Dear Keith,

Thank you for meeting with the Recology team on such short notice. Based on the discussion, Recology would like to purpose the option to continue the current compost/ green waste diversion program, as well as minimize the financial risk to the RWMA and its member agencies. Our proposal includes the following:

- Limit risk to the member agencies to the current estimate \$2.5M, plus a 10% contingency (\$2.75M).
- Funding will be made through the rates over a three year period beginning in the 2016-17 rate year. Interest will accrue at 4.25%.
- The RWMA will have the option to use the Rate Stabilization and Capitalization Fund to reduce the amount funded.
- Reimbursement will be based on the actual costs incurred by Recology (no cost floor).
- Recology reserves the right to change direction if there is a significant change in circumstance, e.g., should permits become unattainable or regulation significantly affects our ability to perform composting as planned.

Thank you for your consideration.



Dave Vaughn
Vice President & Senior Director of Operations

CC: Steve Kroeger
Robert Bendorf
Alyson Burleigh

Tom Norris
Ed Farewell
Mike Leggins

**RWMA BOARD OF DIRECTORS
SEPTEMBER 24, 2015 SPECIAL MEETING**

AGENDA ITEM IV – A
STAFF REPORT

**PROPOSED CHANGES TO THE FUNDING PROVISIONS FOR THE
GREEN WASTE DIVERSION PROGRAM**

Background

Since opening in 2000, the Feather River Organics composting facility located on top of the closed landfill at Recology Yuba-Sutter's Marysville facility had been operating under a waiver from the State Water Board until the Central Valley Water Board staff requested an amended Report of Waste Discharge (ROWD) that included information regarding the composting facility and the closed landfill in 2012. Recology submitted the amended ROWD in June 2012. In September 2012, the Yuba County LEA submitted a request to CalRecycle to revise the existing composting facility Solid Waste Facility Permit to include food material as a permitted feedstock which CalRecycle approved in October 2012. In a letter dated September 26, 2012, Central Valley Water Board staff requested additional information regarding the composting operation and the use of Best Practicable Treatment or Control requirements per State regulations.

In preparation for revising the Waste Discharge Requirements (WDRs), Central Valley Water Board staff conducted an inspection of the facility on November 30, 2012 and identified multiple water quality issues as a result of ongoing operation on top of the final cover of landfill unit LF-1, including the composting operation. The Central Valley Water Board issued a Cleanup and Abatement Order on August 29, 2013 to address the post closure maintenance deficiencies that led to storm water benchmark exceedances, landfill gas generation, migration of landfill gas into the groundwater and groundwater impacts and required a series of reports associated with the composting facility, including a Compost Area Work Plan, Compost Area Leachate Collection Work Plan (leachate containment system to contain all leachate generated during rainfall events up to and including the 25-year, 24-hour design storm event) and a Compost Area Improvement Report.

Recology submitted the Compost Area Work Plan detailing improvements to the compost pad on October 30, 2013, the Central Valley Water Board staff approved it on May 17, 2014 and construction was to be completed by October 1, 2014. Recology also submitted a Compost Area Leachate Collection Work Plan on January 31, 2014 and the Central Valley Water Board staff provided comments on May 7, 2014 and a Notice of Violation on May 14, 2014 listing deficiencies of the Plan. Recology submitted an amended Plan on July 30, 2014 to address the comments and Notice of Violation, although Central Valley Water Board staff continued to express concerns about the water balance and never formally approved the Plan. Recology submitted the Compost Area Improvement Report describing improvements to the compost pad and leachate collection system on December 1, 2014.

Central Valley Water Board staff issued a Notice of Violation on December 18, 2014 and again on January 5, 2015 for the discharge of contact storm water outside the compost area containment system that occurred during the December 3, 2014 and December 11, 2014 storm events, respectively. Central Valley Water Board staff also issued a California Water Code 13267 Order to submit technical reports on December 9, 2014 requiring Recology to provide an explanation for the December 3, 2014 discharge, an updated water balance model for the leachate collection system, a discharge plan that accounts for a 25-year, 24-hour precipitation event and additional site historical data related to the leachate collection system. Recology submitted technical reports on December 16, 2014 and December 18, 2014 and the Central Valley Water Board staff issued a Notice of Violation on December 22, 2014 for incomplete technical reports. Recology updated the compost area water balance model on January 15, 2015 to include leachate containment for a 25-year, 24-hour precipitation event. On April 16, 2015, the Central Valley Water Board adopted an Administrative Civil Liability Order in the amount of \$440,440 for failing to comply with the 2013 Cleanup and Abatement Order which required a compost leachate collection system designed to collect compost wastewater from all storms up to and including a 25-year, 24-hour storm event and required submittal of a Compost Wastewater Management Plan. Recology Yuba-Sutter paid the fine, but this expense cannot be passed through to the Yuba-Sutter collection service rates.

On July 31, 2015, the Central Valley Water Board issued revised Waste Discharge Requirements that incorporates corrective action measures completed by Recology to address deficiencies in operation and maintenance of the composting facility over the closed landfill and requires Recology to continue correction action measures specified in the 2013 Cleanup and Abatement Order that have not been completed or have not been effective in mitigating deficiencies. In addition to addressing concerns regarding the composting facility, the Waste Discharge Requirements also require the installation of 13 additional landfill gas wells by October 1, 2015, although additional wells could be required, and upgrading 7 existing groundwater monitoring wells and installation of 2 new upgradient groundwater monitoring wells by August 1, 2016. Both of these sets of new wells will require ongoing monitoring. The Waste Discharge Requirements also include additional, quarterly instead of biannual monitoring; cover leak testing; compost pad monitoring and maintenance; landfill leachate collection and recovery system testing; flood control levee inspections and maintenance; and, other miscellaneous items.

Concurrently, the new State Industrial General Stormwater Permit (IGP) went into effect July 1, 2015 and compliance with the provisions of this permit resulted in additional projects at the transfer station/material recovery facility including constructing an awning over the construction and demolition (C&D) sort line; extending the awning over the maintenance area; improving drainage in the wash rack area; improving MRF drainage; additional crack sealing; and, correction of ponding/resurfacing issues.

Current Action and Recommendation

It is important to note that it was previously determined by Recology Yuba-Sutter that the compost facility would have to be relocated from the current site. Recology has been working on developing another composting facility to replace the Marysville facility, but the new facility will take up to four years to permit and develop. Recology and the RWMA Administrators have

been considering a range of interim green waste management options and recently met to review the estimated costs and risks related to interim options developed by Recology Yuba-Sutter. The following four interim options are the most feasible for managing green waste collected in the curbside program and received in the public dumping area of the transfer station:

1. Continue Composting Operations at the Marysville Site With Installation of an Above Ground Stormwater Collection Tank – Recology has been working on the design and permitting of this option, although what was indicated to be an administrative process with the Central Valley Flood Control Board for a minor alteration was recently modified by the flood control agency to require a more extensive review process over six to nine months. While the flood control agency indicated that they expect the encroachment to be approved and Recology does not anticipate additional costs, this delay will require the extensive use of portable Baker Tanks at the site, significantly increasing the costs of this option. This option is estimated to cost \$6,108,000 over the four year interim period and presents a moderate risk that the cost estimate will be exceeded if there are further permitting delays and/or other compliance requirements.
2. Grind Green Waste at the Ostrom Road Landfill for use as ADC (Alternative Daily Cover) – This option would include direct haul of green waste from the collection routes. However there is a concern that some material may have to be stockpiled at the Ostrom Road Landfill which would trigger permitting issues with the State Water Board. As noted, this option may not be immediately implementable if there are additional permitting requirements by the State Water Board. This option is currently estimated to cost \$6,310,000 over the four year interim period.
3. Temporary Disposal of Green Waste Pending Permitting and Development of a New Composting Facility – This option presents no permitting or unknown cost risks and is estimated to cost \$6,591,000 over the four year interim period.
4. Continuing to Compost at Another Permitted Facility – Transferring and processing the material at the Jepson Prairie Organics Composting Facility in Vacaville is estimated to cost \$7,646,000 over the four year interim period, assuming that the material is trans-loaded from the transfer station floor. This figure is shown only as an example of the potential cost of this option as Recology has not yet determined whether there is sufficient capacity at this specific facility to accept the Yuba-Sutter material.

Considering the costs and risks associated with each of the interim green waste management options and the concurrent and extensive costs required to maintain regulatory compliance for the vehicle yard, transfer station, material recovery facility and closed landfill; the RWMA Administrators reluctantly concluded and communicated to Recology Yuba-Sutter representatives in a September 3rd meeting that the compost operation at the Marysville site should be closed and the green waste landfilled until a new processing facility is operational. Closing the composting facility was considered to be an option whereas the other vehicle yard, transfer station and material recovery facility operations and addressing existing closed landfill issues are not considered to be optional at this time. The temporary suspension of the green waste program was not considered to be a risk relative to the region's compliance with the

California Integrated Waste Management Act of 1989 (AB 939) as the suspension is temporary and the region's overall waste diversion rate will remain above 50 percent.

Following the September 3rd meeting, Recology Yuba-Sutter submitted a proposal for the continuation of the existing green waste program and minimization of the financial risk to the rate payers. A copy of a Recology letter regarding this proposal is attached. RWMA staff met with some of the RWMA Administrators and Recology to discuss the proposal and details of the risk reduction provisions. RWMA staff also had subsequent discussions with other RWMA Administrators and it was the general consensus of the RWMA Administrators polled to proceed with the next steps relative to Recology's proposal.

A model Collection Service Agreement Amendment is being drafted and circulated for review and comment by Recology and the RWMA Administrators. The purpose of this model amendment is to provide the member jurisdictions with standard language to incorporate the provisions of Recology's proposal into their existing Collection Service Agreements. The model Collection Service Agreement Amendment will reflect the proposal outlined in the Recology letter with more details such as the four-year term; specific funding provisions; that the costs will not include an operating margin; the specific risks that Recology is accepting; and, agreement that Recology will share the costs of consulting services to review the technical and financial documentation. The specific risks that Recology is accepting, by agreeing to establish certain exceptions to the Collection Service Agreements and Exhibit 2 Maximum Service Rate Adjustment guidelines, include the following:

- The maximum total additional cost of \$2,500,000, plus a ten percent (10%) contingency, bringing the total maximum additional cost to \$2,750,000. This cost includes installation of new storm water tanks and related equipment (pumps and grinder), related infrastructure improvements (pad upgrade, pad grading, plumbing, modification of vaults, associated engineering and permitting costs, temporary tank rental, and increased fuel, electricity and storm water disposal costs associated with operation of the new system) over the four-year term, Rate Year 2016 through Rate Year 2019 and then reduced by the nineteen percent (19%) non-RWMA Activity
- That no more than eighty-one percent (81%) of the expenses will be allocated to the Member Agencies even if there is a material change in the volume of Green Waste materials from Beale Air Force Base or the City of Oroville processed through the Marysville Transfer Station
- Reimbursements for the maximum additional costs, including capital, lease and operation costs net of revenue from the sale of materials, will be based on actual costs incurred by Recology Yuba-Sutter, except for interest on any leased and capital items added to the service rates as noted, with no cost floor
- Recology Yuba-Sutter accepts the financial responsibility for any and all additional regulatory requirements pertaining to the compost/green waste operation including, but not limited to, those that may originate from the Central Valley Flood Control Board, U.S. Army Corps of Engineers, State Water Board, CalRecycle or other agencies and

including closure and post closure requirements or related costs attributable to the continued operation of the Feather River Facility

Concurrently, the RWMA Administrators will be working with Recology to review and confirm the estimated costs included in the draft model amendment and to determine funding options (i.e., Rate Stabilization and Capitalization Funds and/or collection service rates).

RWMA and Recology Yuba-Sutter staff will be prepared at the meeting to discuss this issue and the Administrators' recommendation in detail.

RECOMMENDATION: Concur with the recommendation of the RWMA Administrators and forward that recommendation to the member jurisdictions for action consideration as proposed.

Attachment: Recology Yuba-Sutter Proposal Dated September 10, 2015

9-24-15

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015
To: Honorable Mayor & Members of the City Council
From: Finance/IT Department
Presentation by: Robin Bertagna, CPA, Finance Director

Summary

Subject: Approve matters related to the refinancing of City of Yuba City's 2006 Gauche Aquatic Park Certificates of Participation

Recommendation: Acting as both the City Council and the Public Financing Authority Board adopt Resolutions to change the structure and add additional flexibility in the method of sale of the potential refunding to optimize the City's savings

Fiscal Impact: The City placed a requirement on the refinancing that it generate a minimum of a 5% net present value savings. The changes in the matters related to the financing cause the City's anticipated savings to meet this threshold trigger.

Purpose:

To maximize savings from refunding by making one change to the structure of the potential refunding and adding flexibility in the method of sale for the refunding.

Background:

At the City Council's meeting of September 15 Council approved legal documents for the refunding of the 2006 Gauche Park Certificates of Participation (COP) issue. City Council authorized the refunding, subject to a requirement that present value savings, net of all expenses, must equal at least 5% of the amount of the COP's refunded.

Since that meeting the City's finance team has determined that one change in the structure of the potential refunding, and adding an additional option in the method of sale for the refunding, would benefit the City. The Resolution authorizes these changes.

Analysis:

All lease-based transactions for public agencies in California require a physical asset as the subject of the lease. Both municipal bond investors and credit rating agencies determine the credit quality of a COP or lease revenue bond for a California public agency in part on the "essentiality" of the asset pledged through the lease. Assets such as city halls, corporation yards, police stations and fire stations are considered "essential" assets. Parks and recreational facilities are considered less than essential assets. The 2006 COP's are secured solely by the Gauche Park aquatic center as an asset. While this asset is of great importance to the Yuba City community, municipal bond investors and credit rating agencies will not see it as truly

"essential" to the operations of the City.

The City's finance team has determined that with municipal bond insurance, the proposed refunding can meet the minimum 5% net present value savings threshold set by the Resolution adopted by Council on September 15th. Municipal bond insurance is a form of financial guarantee to bond investors that is currently offered by three firms in the United States. However, the municipal bond insurers have indicated to the finance team that including a more "essential" asset than Gauche Aquatic Park would provide better bond pricing.

Consequently, in reviewing the potential assets available for this purpose, City staff and its finance team have determined that the City's corporation yard is the best asset to add to the Gauche Aquatic Park. The value of the assets needs to at least equal the outstanding par value of the 2006 COP's, or the refunding thereof, and since the corporation yard has an insured value of \$5.8 million, less than the outstanding 2006 COP's, both the corporation yard and Gauche Aquatic Park would need to be pledged as assets for the refunding.

If this pledge is done, the likely annual cash flow savings on the refunding are about \$65,000 per year, with net present value savings equal to about 5.75% of the amount of 2006 COP's refunded. Without adding the City's corporation yard as a pledged asset to securitize the transaction, the net savings may not meet the 5% requirement.

In addition, with bond insurance, the City's financial advisor, NHA Advisors, recommends that City Council authorize that the 2015 refunding lease revenues bonds be sold either at a competitive bid or a negotiated sale. The September 15th staff report contemplated sale on a negotiated basis. NHA Advisors recommends that City Council authorize either manner of sale depending so that the City has maximum flexibility when the transaction goes to market in order to maximize savings to the City. The competitive bid process is a legal process that enables public agencies in California to bid out the sale of municipal debt based on the lowest interest rate bid. The process is somewhat similar to what the City currently uses for public works contracts bidding. The 2008 financial meltdown made competitive bids on municipal bond impractical for several years. However, the market has recovered sufficiently from that meltdown such that with bond insurance, cities like Yuba City may be best served now by selling debt with a competitive bid again.

The proposed Resolution authorizes the City Manager to pledge the corporation yard or other assets to the refunding if it is in best financial interests of the City. In addition, the City Manager, acting on the advice of the financial advisor, is also authorized to hold the sale of the 2015 lease revenue bonds through a competitive bid process or on a negotiated sale basis.

Recommended Action:

The City Council, acting as both the City Council and the board for the Authority, is being asked to adopt a Resolution for both the City and the Authority which authorizes the City Manager to pledge an essential asset as part of the refunding transaction in order to maximize the City's savings. In addition, staff is requesting authorization to proceed with selling the refunding on either a competitive bid or a negotiated sale basis.

Alternatives:

Proceed with the refinancing with only the Gauche Aquatic Park as a pledged asset and the sale on a negotiated basis. If this option is chosen, the City may not meet the 5% net present value savings requirement given current market conditions and will continue to pay debt service on the 2006 COPs and forego interest savings.

Recommendation:

Staff recommends approval of the authorizing Resolutions for both the City and the Authority.

Attachments:

- Resolution of the City Council of Yuba City approving matters relating to the refinancing of 2006 Certificates of Participation
- Resolution of the Board of Directors of the Yuba City Public Financing Authority authorizing approving matters relating to the refinancing of 2006 Certificates of Participation

Prepared By:

Submitted By:

Robin Bertagna

Robin Bertagna, CPA
Finance Director

Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

City Attorney

TH via Email

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING MATTERS RELATING TO THE REFINANCING OF 2006
CERTIFICATES OF PARTICIPATION**

WHEREAS, the City of Yuba City (the "City") and the Yuba City Public Financing Authority (the "Authority") have previously financed the acquisition and construction of improvements to Gauche Park from the proceeds of the 2006 Certificates of Participation (Gauche Park/Aquatic Complex Project), which have been executed and delivered in the aggregate principal amount of \$12,500,000 (the "2006 Certificates"); and

WHEREAS, in order to take advantage of prevailing bond market conditions and realize debt service savings, the City Council has previously adopted its Resolution No. 15-062 on September 15, 2015 (the "Prior Resolution") approving the issuance and sale of 2015 Refunding Lease Revenue Bonds of the Authority (the "Refunding Bonds") for the purpose of providing funds to refinance the 2006 Certificates and the related lease payment obligations of the City; and

WHEREAS, it has come to the City's and the Authority's attention that it may be in the best interests of the City to utilize leased properties which serve a more essential governmental purpose than the Gauche Park property which was originally approved as the leased property for the Refunding Bonds, and it may further be in the best interests of the City to authorize the sale of the Refunding Bonds through either a competitive public bidding or a negotiated sale; and

WHEREAS, the City Council wishes at this time to revise the Prior Resolution in certain respect to enhance the sale of the Refunding Bonds and thereby maximize the potential debt service savings from the refunding of the 2006 Certificates;

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

Section 1. Designation of Leased Property. The City Council authorizes and directs the City Manager to determine whether it is in the best financial interests of the City to utilize the corporation yard or any other property of the City as the leased property which secures the Refunding Bonds, for the purpose of enhancing the sale of the Refunding Bonds and thereby maximizing the savings from the refunding of the 2006 Certificates. In the event the City Manager determines that it is financially advantageous to the City to utilize the corporation yard or any other property of the City as the leased property which secures the Refunding Bonds, the City Council hereby authorizes the lease and leaseback by the City of the land and improvements which constitute the corporation yard or such other property in connection with the issuance of the Refunding Bonds.

Section 2. Sale of Bonds. The City Council hereby approves the sale of the Refunding Bonds either through public competitive bidding or on a negotiated basis, as determined by the City Manager upon the advice and consultation of NHA Advisors LLC, as financial advisor to the City and the Authority (the "Financial Advisor"). In the event

the sale of the Refunding Bonds is conducted through competitive public bidding, the City Manager or the Finance Director (each, an "Authorized Officer") are hereby authorized and directed to approve an official notice of sale to be used for that purpose, in a form which is prepared by Jones Hall, A Professional Law Corporation, as bond counsel to the City and the Authority, and an Authorized Officer is hereby authorized to accept a bid for the sale of the Refunding Bonds. In the event the sale of the Refunding Bonds is conducted on a negotiated basis, such sale shall be accomplished pursuant to the Bond Purchase Agreement which is approved under Section 2 of the Prior Resolution. Notwithstanding anything herein to the contrary, the Refunding Bonds shall not be sold unless the Financial Advisor notifies the City and the Authority in writing that the net present value savings to be realized from the sale of the Refunding Bonds are at least equal to 5% of the aggregate principal amount of the outstanding 2006 Certificates which are refunded.

Section 3. Prior Resolution to Remain in Effect. Except as expressly modified by Section 1 and Section 2 of this Resolution, all of the provisions of the Prior Resolution shall remain in full force and effect.

Section 4. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

* * * * *

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Yuba City held on October 6, 2015, by the following vote:

Ayes:
Noes:
Absent:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

RESOLUTION NO. ____

**RESOLUTION OF THE BOARD OF DIRECTORS OF YUBA CITY
PUBLIC FINANCING AUTHORITY APPROVING MATTERS RELATING
TO THE REFINANCING OF 2006 CERTIFICATES OF PARTICIPATION**

WHEREAS, the City of Yuba City (the "City") and the Yuba City Public Financing Authority (the "Authority") have previously financed the acquisition and construction of improvements to Gauche Park from the proceeds of the 2006 Certificates of Participation (Gauche Park/Aquatic Complex Project), which have been executed and delivered in the aggregate principal amount of \$12,500,000 (the "2006 Certificates"); and

WHEREAS, in order to take advantage of prevailing bond market conditions and realize debt service savings, the Board of Directors of the Authority has previously adopted its Resolution No. PA15-001 on September 15, 2015 (the "Prior Resolution") approving the issuance and sale of 2015 Refunding Lease Revenue Bonds of the Authority (the "Refunding Bonds") for the purpose of providing funds to refinance the 2006 Certificates and the related lease payment obligations of the City; and

WHEREAS, it has come to the City's and the Authority's attention that it may be in the best interests of the City to utilize leased properties which serve a more essential governmental purpose than the Gauche Park property which was originally approved as the leased property for the Refunding Bonds, and it may further be in the best interests of the City to authorize the sale of the Refunding Bonds through either a competitive public bidding or a negotiated sale; and

WHEREAS, the Board of Directors of the Authority wishes at this time to revise the Prior Resolution in certain respect to enhance the sale of the Refunding Bonds and thereby maximize the potential debt service savings from the refunding of the 2006 Certificates;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Yuba City Public Financing Authority as follows:

Section 1. Designation of Leased Property. The City Council has authorized and directed the City Manager to determine whether it is in the best financial interests of the City to utilize the corporation yard or any other property of the City as the leased property which secures the Refunding Bonds, for the purpose of enhancing the sale of the Refunding Bonds and thereby maximizing the savings from the refunding of the 2006 Certificates. In the event the City Manager determines that it is financially advantageous to the City to utilize the corporation yard or any other property of the City as the leased property which secures the Refunding Bonds, the Board of Directors hereby authorizes the lease and leaseback by the Authority of the land and improvements which constitute the corporation yard or such other property in connection with the issuance of the Refunding Bonds.

Section 2. Sale of Bonds. The Board of Directors hereby approves the sale of the Refunding Bonds either through public competitive bidding or on a negotiated basis, as determined by the Executive Director upon the advice and consultation of NHA

Advisors LLC, as financial advisor to the City and the Authority (the "Financial Advisor"). In the event the sale of the Refunding Bonds is conducted through competitive public bidding, the Executive Director or the Treasurer (each, an "Authorized Officer") are hereby authorized and directed to approve an official notice of sale to be used for that purpose, in a form which is prepared by Jones Hall, A Professional Law Corporation, as bond counsel to the City and the Authority, and an Authorized Officer is hereby authorized to accept a bid for the sale of the Refunding Bonds. In the event the sale of the Refunding Bonds is conducted on a negotiated basis, such sale shall be accomplished pursuant to the Bond Purchase Agreement which is approved under Section 2 of the Prior Resolution. Notwithstanding anything herein to the contrary, the Refunding Bonds shall not be sold unless the Financial Advisor notifies the City and the Authority in writing that the net present value savings to be realized from the sale of the Refunding Bonds are at least equal to 5% of the aggregate principal amount of the outstanding 2006 Certificates which are refunded.

Section 3. Prior Resolution to Remain in Effect. Except as expressly modified by Section 1 and Section 2 of this Resolution, all of the provisions of the Prior Resolution shall remain in full force and effect.

Section 4. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

* * * * *

The foregoing resolution was adopted at a meeting of the Board of Directors of the Yuba City Public Financing Authority held on October 6, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Dukes, Chairperson

ATTEST:

Terrel Locke, Secretary

CITY OF YUBA CITY
STAFF REPORT

Date: October 6th, 2015
To: Honorable Mayor & Members of the City Council
From: Public Works
Presentation by: Michael Paulucci, Deputy Public Works Director - Utilities

Summary

Subject: Groundwater and Aquifer Storage & Recovery (ASR) Monitoring Well Installations

Recommendation: Award a Professional Services Agreement to West Yost for the installation of monitoring wells in the amount of \$240,000 with the finding that it is in the best interest of the City.

Fiscal Impact: \$240,000 to Account No. 971191-65501 (Second Groundwater Well / Aquifer Storage Recovery)

Purpose:

To provide information required to better understand the geology, hydrology and water quality conditions under the Water Treatment Plant (WTP) to aid in the decision of adding another groundwater well or Aquifer Storage & Recovery (ASR) well at the WTP.

Background:

The City's 2010 Urban Water Management Plan (UWMP) calls for a second municipal groundwater well to be constructed at the WTP. The WTP currently has one well supplying about 2 million gallons per day to the treatment plant. Also in 2010, the City explored the feasibility of developing ASR wells to provide seasonal and long-term groundwater storage of potable water (Carollo 2010). ASR is the practice of storing drinking water in aquifers during times when excess water is available and then drawing the water later when supplies are limited.

In September 2014, staff requested West Yost to evaluate the 2010 Carollo ASR report as a prudent first step in moving forward with these groundwater projects. The West Yost evaluation became limited due to the lack of information available regarding the geology, hydrology and water quality conditions below the surface at the WTP facility. The proposed monitoring wells will provide the missing information to allow for the proper determination of potential impacts of a second municipal well to the existing WTP well, whether ASR at the WTP can be successful and if so how the well(s) should be constructed. Both projects potentially will give staff additional water management tools to efficiently manage water supplies.

Analysis:

Table 1. Illustrates the City's total volume of source water (Feather River & Groundwater) used from 2010 to present.

Table 1.

Year	Source Water, AF
2010	16,536
2011	15,798
2012	16,965
2013	18,178
2014	15,393
2015	13,849 est.

Groundwater sources at the WTP – The existing WTP well provides about 2,000 AF each year towards the City's source water demands. A second well at the WTP would provide additional water to the treatment plant as described in the 2010 UWMP. It is not known at this time if the addition of a second well located at the WTP would compete with the production capacity of the existing well nor is it known what the water quality impacts of adding additional groundwater to the treatment process would be.

Aquifer Storage & Recovery (ASR) – When the 2010 Carollo ASR study was completed, the concept of ASR was relatively new to California and certainly new to the California Regional Water Quality Control Board. Since that time, regulation governing the practice of ASR has matured and today there are successful examples of ASR in service in California (Roseville, Tracy). A successful ASR project is highly dependent upon many things. Aquifer water quality, types of soils (clay, sand, etc.), direction & speed of aquifer movement all play critical roles in determining ASR capacity and performance.

It is critical that the City has the best understanding of what lies beneath the WTP facility prior to deciding on the type, location, capacity and design of either project.

The services West Yost proposes to provide are:

- Design of three ASR monitoring wells
- Preparation of geologic and geophysical logs during drilling of each pilot hole
- Observations during well construction and development
- Collection and analysis of groundwater quality samples for general chemistry and metals
- Surveys of the wellhead elevations
- Preparation of a well construction report documenting the as-built construction of the wells and the sampled groundwater quality

Instead of splitting responsibilities between West Yost and City staff, staff decided it would be the most efficient use of City resources to have West Yost provide the services noted above.

West Yost sent bid requests to several qualified well drilling companies to install 3 monitoring wells at the WTP. Three (3) Companies submitted bids and four (4) chose not to bid. The results of the submitted bids are listed in Table 2.

Table 2.

Company	Location	Bid \$
Beymer Drilling	Yuba City, CA	No Bid
Bradley & Sons	Del Ray, CA	\$184,125.00
Humboldt Hydro Services	Reno, NV	No Bid
National Exploration, Wells & Pumps	Davis, CA	\$141,190.00
NOR-CAL Pump	Yuba City, CA	\$379,721.00
Roadrunner Drilling & Pump	Woodland, CA	No Bid
Zim Industries	Fresno, CA	No Bid

National Exploration, Wells and Pumps located in Davis, California provided West Yost with the low bid of \$141,190. A breakdown of West Yost Contractor and other Direct Costs contained in the proposal are listed in Table 3.

Table 3.

Cost Item	Item \$
National Well Drilling	\$141,190
CLS (chemical analysis)	\$2,500
Land Surveyor for wellhead el.	\$3,000
Underground Utility Clearance	\$2,500
West Yost markup @ 10%	\$14,919
ODCs & data loggers	\$5,500
Construction contingency @ 15%	\$25,441
Total	\$195,050

A summary of all project costs is listed in Table 4.

Table 4.

Summary of Estimated Costs	West Yost Fee, \$	Contractor and Other Direct Costs, \$	Total Estimated Project Fee, \$
Pre-Construction Planning, Preparation, and Contracting	\$9,000	--	\$9,000
Well Construction, Development and Sampling	\$28,000	\$195,000	\$223,000
Well Construction Report Preparation	\$8,000	--	\$8,000
Total Estimated Fee	\$45,000	\$195,000	\$240,000

Fiscal Impact:

\$240,000 to Account No. 971191-65501 (Second Groundwater Well / Aquifer Storage Recovery)

Alternatives:

Do not proceed with the installation of monitoring wells at the WTP.

Recommendation:

Award a Professional Services Agreement to West Yost for the installation of ASR monitoring wells in the amount of \$240,000 with the finding that it is in the best interest of the City.

Prepared by:

Submitted by:

Michael L. Paulucci

Steven C. Kroeger

Michael L. Paulucci
Deputy Public Works Director – Utilities

Steven C. Kroeger
City Manager

Reviewed by:

Department Head

DL

Finance

RB



September 25, 2015

SENT VIA: EMAIL

Mr. Mike Paulucci
Deputy Public Works Director Utilities
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

SUBJECT: Proposal for Construction of Three ASR Monitoring Wells at the Yuba City Water Treatment Plant

Dear Mike:

West Yost Associates (West Yost) is pleased to present this proposal to construct three monitoring wells at the City of Yuba City's (City) water treatment plant. The City operates one municipal well and has one existing monitoring well at the water treatment plant, and has plans to construct a second municipal well. The City has also conducted a feasibility study of Aquifer Storage and Recovery (ASR) at the water treatment plant. ASR is the storage of treated surface water in a suitable aquifer or aquifers during times when such water is available, and recovery of that water when needed at a later time. The City is interested in additional groundwater monitoring capability to refine the understanding of groundwater conditions that may affect ASR operations, if ASR is implemented.

The purposes of the proposed monitoring wells are to:

- Define groundwater flow gradients at the site, because knowledge of groundwater flow directions and velocities is critical to further assessment of the feasibility of ASR
- Enable further assessment of aquifer stratigraphy and groundwater quality
- Provide long-term groundwater monitoring capability during operation of a standard municipal well or ASR well

The scope of the proposed monitoring well construction activities is to drill three test borings, ream the test borings, construct three monitoring wells in the reamed borings, develop the monitoring wells, and survey the monitoring well horizontal and vertical coordinates to facilitate groundwater monitoring. The wells are proposed to be constructed by National Exploration, Wells, and Pumps (National or contractor) under contract to West Yost.

West Yost proposes to provide hydrogeologic consulting services during planning and construction of the three monitoring wells, collect and analyze samples for general chemistry and metals from each of the three wells, and prepare a report on the as-built construction of the wells.

Our proposed scope of work is defined in more detail below.

PROPOSED SCOPE OF WORK

The proposed scope of work will consist of the following:

1. Pre-Construction Planning, Preparation, and Contracting
2. Well Construction, Development and Sampling
3. Well Construction Report Preparation

Task 1. Pre-Construction Planning, Preparation, and Contracting

This task will consist of:

- Attending a project kickoff meeting with City staff at the City's water treatment plant to:
 - Delineate project roles and responsibilities
 - Identify points of contact
 - Develop a preliminary schedule for monitoring well construction and reporting
- Contracting with National
- Coordinating, preparing an agenda for, and attending a preconstruction meeting at the City's water treatment plant with City staff and National
- Submittal review and approval
- Well site staking and utility clearance
- Premobilization activities, including identifying sources of water for drilling, contractor working and staging areas, and areas for cutting and drilling fluid containment and disposal at the City's water treatment plant

Task 1 Deliverables: Meeting agendas and minutes for kickoff and preconstruction meeting, submittal review documentation.

Task 2. Well Construction, Development, and Sampling

The work under this tasks consists of drilling and logging three borings to an anticipated depth of 410 feet each, reaming the borings, installing nested monitoring wells in the borings, and developing the monitoring wells. The nested monitoring wells will be constructed using 2.5-inch inside diameter Schedule 80 polyvinyl chloride blank casing and well screen.

The actual test boring and monitoring well depths and well construction details will be determined based on information developed during drilling. One or more of the completion intervals may be omitted if aquifer conditions do not appear favorable during drilling and logging.

The test borings will be drilled using mud rotary drilling. On completion, each boring will be logged by a qualified geophysical contractor using short- and long-normal resistivity, single point resistivity, spontaneous-potential, and caliper tools.

Water for drilling will be supplied from a City fire hydrant. Drilling mud and cuttings will be disposed at the City's water treatment plant. Development water will be discharged to land at the City's water treatment plant.

Hydrogeologic services to be provided by West Yost will consist of:

- Providing on-site presence during geophysical logging of the pilot holes by the contractor, and preparing geologic logs of the formations encountered using cutting samples collected by the contractor.
- Evaluating the geophysical logs, and geologic logs, and developing the proposed final design for each well (screen size and placement, gravel pack grain size distribution and placement).
- Reviewing the proposed final design of the wells with City staff and providing the final design instructions to the contractor.
- Providing on-site hydrogeologic services during landing of the casing at the required depth, placing the gravel pack and annular fill materials, and sealing of each well.
- Providing hydrogeologic services during final well development and advising the City on the adequacy of the well development of each well.
- Collecting and analyzing a groundwater sample from each monitoring well's perforated zones for general chemical parameters and metals.
- Evaluating groundwater quality sampling results obtained from the three monitoring wells.

Deliverables: Construction records for well construction and development, and water quality sampling results for three monitoring wells, including as-built well construction diagrams and contractor-supplied well construction data to be included in the well construction report prepared under Task 3.

Task 3. Well Construction Report Preparation

This task will consist of preparing a report documenting construction of the monitoring wells. The report will address permitting, pilot hole drilling, well construction, development, and water quality sampling results for the three monitoring wells. The groundwater quality samples will be tabulated and compared to published water quality objectives. The report will include an as-built well construction diagram for each monitoring well, which will also display the lithologic and geophysical logs of the pilot hole. Contractor-supplied well construction data and information will be included as attachments to the report. This contractor-supplied information was assumed to include:

- Sutter County Department of Environmental Health drilling permit
- California Department of Water Resources Well Completion Report
- Photographic log of well construction activities
- Geophysical and caliper logs
- Sieve test results
- Monitoring well development records
- Laboratory analysis reports for groundwater quality sample

The draft report will be submitted to the City in PDF and Microsoft Word format for review. After incorporating one round of comments, West Yost will revise the report and distribute it to the City in PDF format.

Deliverables: Draft well construction report documenting the well construction, development, and water quality sampling results for the three monitoring wells, including as-built well construction diagrams and contractor-supplied well construction data in PDF and Microsoft Word formats. Revised well construction report incorporating one round of City comments in PDF format.

PROPOSED SCHEDULE

We anticipate starting work on Task 1, Pre-Construction Planning, Preparation, and Contracting, within one week of receiving authorization from the City, and completing the task within three weeks of initiation. Task 2, Well Construction, Development and Sampling, is scheduled to start within approximately six week of receiving authorization from the City but will depend on contractor availability. Task 2 is expected to be completed approximately one month after initiation. Task 3, Well Construction Report Preparation, is scheduled to be completed approximately two months after well construction and sampling is completed.

PROPOSED BUDGET

We propose to perform these services on a time and expenses basis in accordance with our standard company billing rate schedule for 2015 (Attachment A). The estimated cost to perform the proposed scope of work is \$240,000. The project costs by task are summarized in Table 1.

Task Number	Task Description	West Yost Fee, dollars	Contractor and Other Direct Costs, dollars	Total Estimated Project Fee, dollars
1	Pre-Construction Planning, Preparation, and Contracting	9,000	--	9,000
2	Well Construction, Development and Sampling	28,000	195,000	223,000
3	Well Construction Report Preparation	8,000	--	8,000
Total Estimated Fee		\$45,000	\$195,000	\$240,000

We appreciate the opportunity to provide these services to Yuba City. Please contact me at (530) 792-3276 if you have any questions or need additional information.

Sincerely,

WEST YOST ASSOCIATES



Kenneth Loy, Principal Hydrogeologist
P.G. # 7002

Attachment A: 2015 Billing Rate Schedule

2015 Billing Rate Schedule

(Effective January 1, 2015 through December 31, 2015)*

ENGINEERING

Position	Labor Charges (dollars per hour)
Principal/Vice President	253
Engineering/Scientist/Geologist Manager II	242
Engineering/Scientist/Geologist Manager I	232
Principal Engineer/Scientist/Geologist II	224
Principal Engineer/Scientist/Geologist I	211
Senior Engineer/Scientist/Geologist II	198
Senior Engineer/Scientist/Geologist I	189
Associate Engineer/Scientist/Geologist II	179
Associate Engineer/Scientist/Geologist I	167
Engineer/Scientist/Geologist II	157
Engineer/Scientist/Geologist I	136
Senior GIS Analyst	184
GIS Analyst	174
CAD Supervisor	146
Senior CAD Designer	127
CAD Designer	113
Engineering Aide	76
Technical Specialist IV	143
Technical Specialist III	127
Technical Specialist II	110
Technical Specialist I	92
Administrative IV	116
Administrative III	105
Administrative II	87
Administrative I	69

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, Travel, etc. will be billed at actual cost plus 15%.
- Mileage will be billed at the current Federal Rate.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

Continues on following page

2015 Billing Rate Schedule

(Effective January 1, 2015 through December 31, 2015)*

CONSTRUCTION MANAGEMENT

Position	Labor Charges (dollars per hour)
Senior Construction Manager	244
Construction Manager IV	212
Construction Manager III	170
Construction Manager II	159
Construction Manager I	148
Resident Inspector (Prevailing Wage – Group 1)	165
Resident Inspector (Prevailing Wage – Group 2)	159
Resident Inspector (Prevailing Wage – Group 3)	142
Resident Inspector (Prevailing Wage – Group 4)	127
Apprentice Inspector	117
CM Administrative II	85
CM Administrative I	64

SURVEYING

Position	Labor Charges (dollars per hour)
GPS, 3-Person	387
GPS, 2-Person	336
GPS, 1-Person	261
Survey Crew, 2-Person	284
Survey Crew, 1-Person	214

EQUIPMENT CHARGES

Equipment	Billing Rate (dollars per day)	Billing Rate (dollars per week)
DO Meter	17	83
pH Meter	5	26
Automatic Sampler	130	712
Transducer/Data Logger	41	206
Hydrant Pressure Gage	12	50
Hydrant Pressure Recorder (HPR)	—	206
Hydrant Wrench	5	33
Well Sounder	29	134
Ultrasonic Flow Meter	—	269
Vehicle	88	445
Velocity Meter	12	65
Water Quality Multimeter	176	964

*This schedule is updated annually

CITY OF YUBA CITY
STAFF REPORT

Date: October 6, 2015

To: Honorable Mayor & Members of the City Council

From: Administration

Presentation By: Darin E. Gale, Economic Growth & Public Affairs

Summary

Subject: Proposed Yuba City Rotary Sister City Park/Garden

Recommendation: Direct staff to work with the Rotary Club of Yuba City to install a Japanese Garden in the Redwood Grove at City Hall and include the name of the Rotary Club of Yuba City in the name of the Garden

Fiscal Impact: None to the City, the project is being donated by the Rotary Club of Yuba City

Purpose:

To establish a Sister City Japanese Garden/Park at City Hall

Background:

The City of Yuba City established a Sister City relationship with Toride Japan in 1989. Since the establishment of the Sister City relationship a group of community members have traveled to and from Toride Japan annually. These trips normally include a variety of residents representing the community, business, education, students and elected officials.

Analysis

Throughout the Sister City Relationship the City has dedicated a number of plaques and renamed the City Hall parking lot to commemorate the relationship with Toride. As part of the 25th Anniversary of the Sister City program staff discussed the possibility of establishing a Japanese Garden in Yuba City. Through this effort the Rotary Club of Yuba City approached staff and expressed interest in leading the effort to develop a Japanese Garden at City Hall.

The Rotary Club of Yuba City celebrated their 60th anniversary this past year and each year they perform a variety of community projects. These projects have included planting camellias at the historic Sutter County Court House, construction of the football stands at Yuba City High School and improvements at Shady Creek Outdoor Recreational Facility to name a few. To celebrate their 60th Anniversary the Rotary Club of Yuba City is willing to fund and install a Japanese Garden in the Redwood Grove at City Hall to commemorate the City's Sister City relationship with Toride Japan.

If the Council approves of the installation of the Japanese Garden the Rotary Club of Yuba City will install the Japanese Garden so the park can be dedicated during the 2016 Toride Delegation visit.

Fiscal Impact:

None to the City, the project is being donated by the Rotary Club of Yuba City

Recommendation:

Direct staff to work with the Rotary Club of Yuba City to install a Japanese Garden in the Redwood Grove at City Hall and include the name of the Rotary Club of Yuba City in the name of the Garden

Attachments

A. Draft Japanese Garden Design

Prepared By:

Darin Gale

Darin Gale
Economic Growth and Public Affairs

Submitted By:

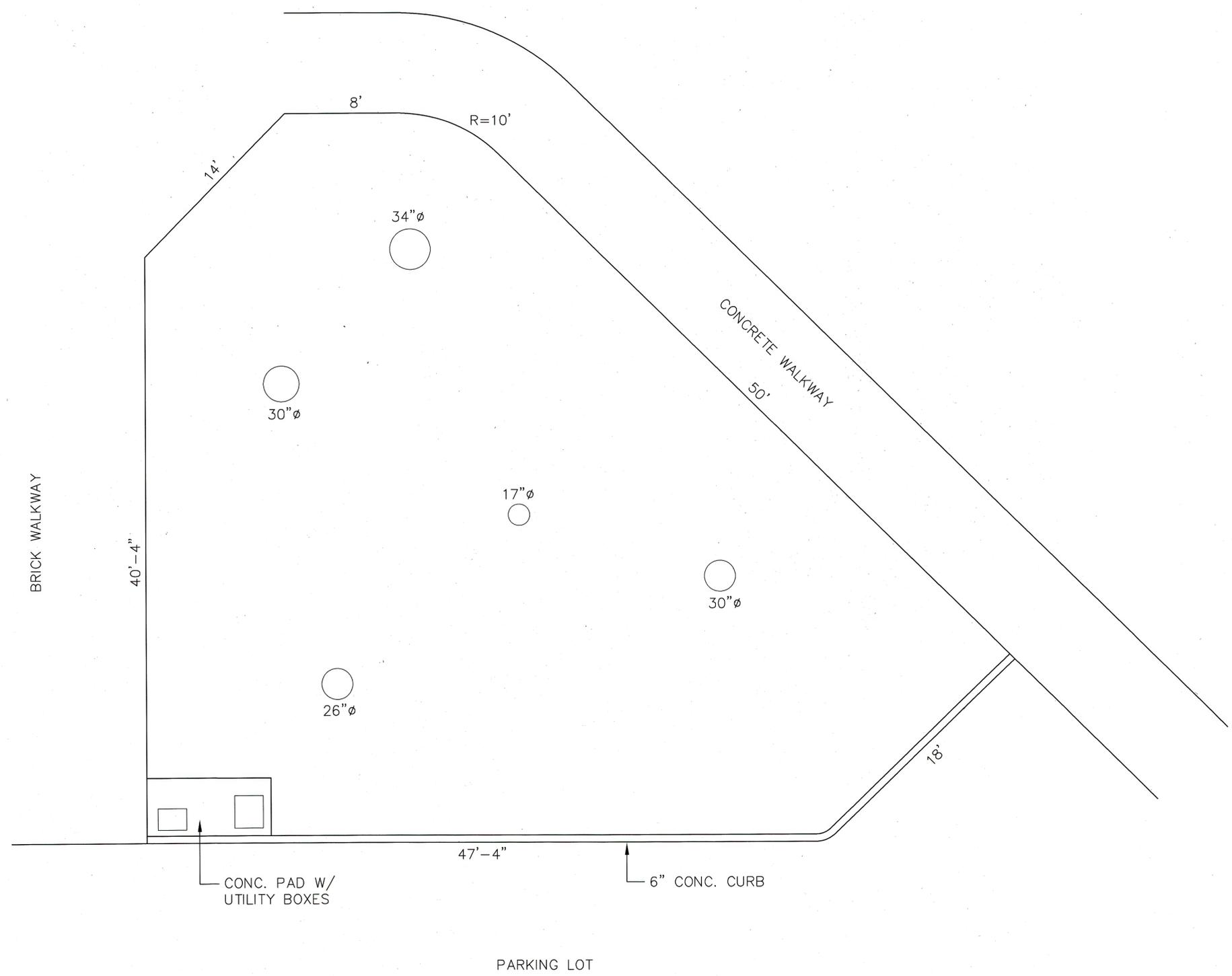
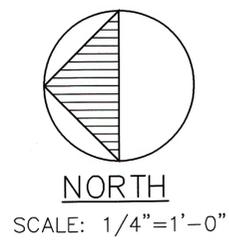
Steven C. Kroeger

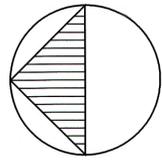
Steven C. Kroeger
City Manager

Reviewed By:

Finance

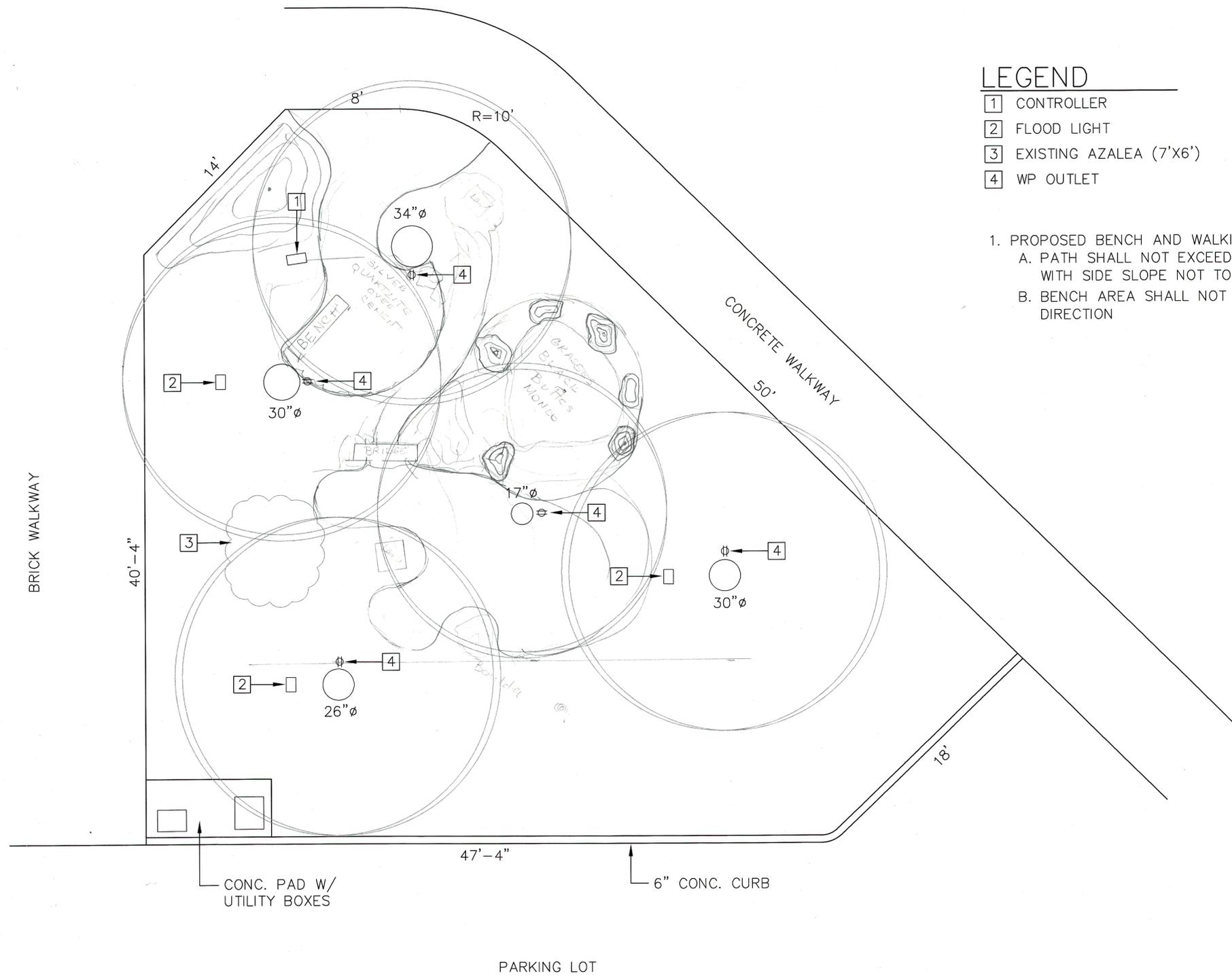
RB





NORTH

SCALE: 1/4"=1'-0"



LEGEND

- 1 CONTROLLER
- 2 FLOOD LIGHT
- 3 EXISTING AZALEA (7'X6')
- 4 WP OUTLET

1. PROPOSED BENCH AND WALKING PATH
 - A. PATH SHALL NOT EXCEED 5% IN DIRECTION OF TRAVEL WITH SIDE SLOPE NOT TO EXCEED 2%
 - B. BENCH AREA SHALL NOT EXCEED 2% SLOPE IN ANY DIRECTION

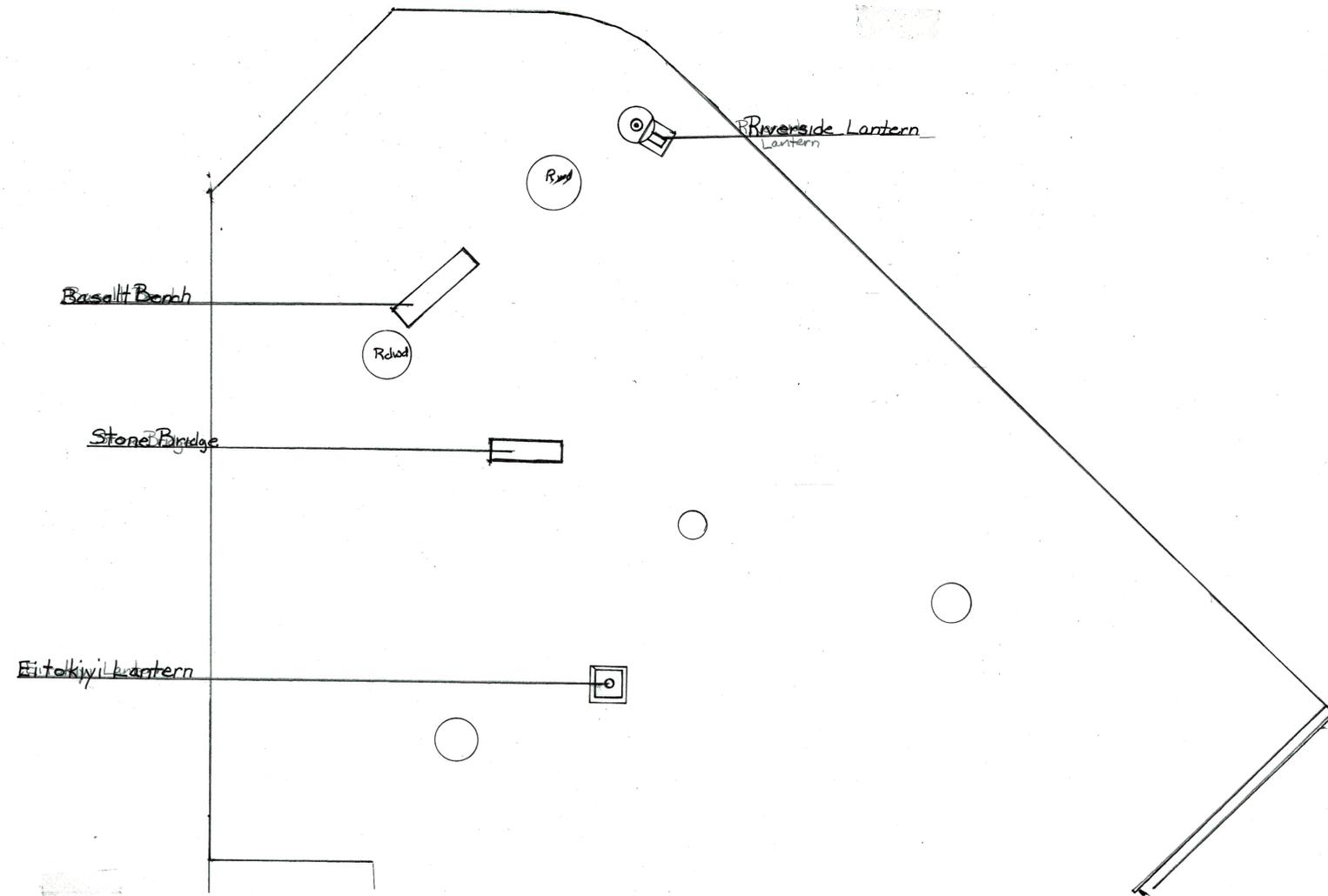
Rotary Garden

DNC DENNIS C. NELSON
 COMPANY
 LAND USE PLANNING, BUILDING DESIGN
 AND CONSTRUCTION MANAGEMENT
 950 Tharp Road, Suite 501
 Yuba City, CA 95993
 Bus: (530) 674-7501 Fax: (530) 674-7503

LANDSCAPE RENOVATION PLAN

YUBA CITY - CITY HALL
 1201 CIVIC CENTER BLVD., YUBA CITY, CA 95993

Garden Elements



Riverside Lantern 36" high
Retail \$799.99 Discounted for Rotary Garden \$578.00
At entrance to garden and across pathway from Weeping Cut-leaf Red Japanese Maple



Basalt Japanese Boulder Bench 60" x 16"-18" h
Retail \$1199.99 Discount for Rotary Garden \$839.00
Placed at end of path in meditation area



Stone Bridge 48" l x 16" w
Retail \$539.99 Discount for Rotary garden \$384.00
Placed at end of river



Eitokiyi Lantern 60" high
Retail \$1,099.99 Discount for Rotary Garden \$769.00
Placed at west end of garden to represent

TOTAL GARDEN ELEMENTS \$2,570.00

Rotary Friendship Garden

Trees



S1 Acer dissectum tamukayama Specimen 1



T2 Prunus subhirtella 'Pendula' 15 gallon 1



T3 Acer palmatum 'Sangokaku' 24" box 1



T4 Acer palmatum 'Butterfly' 24" box 1

Shrubs



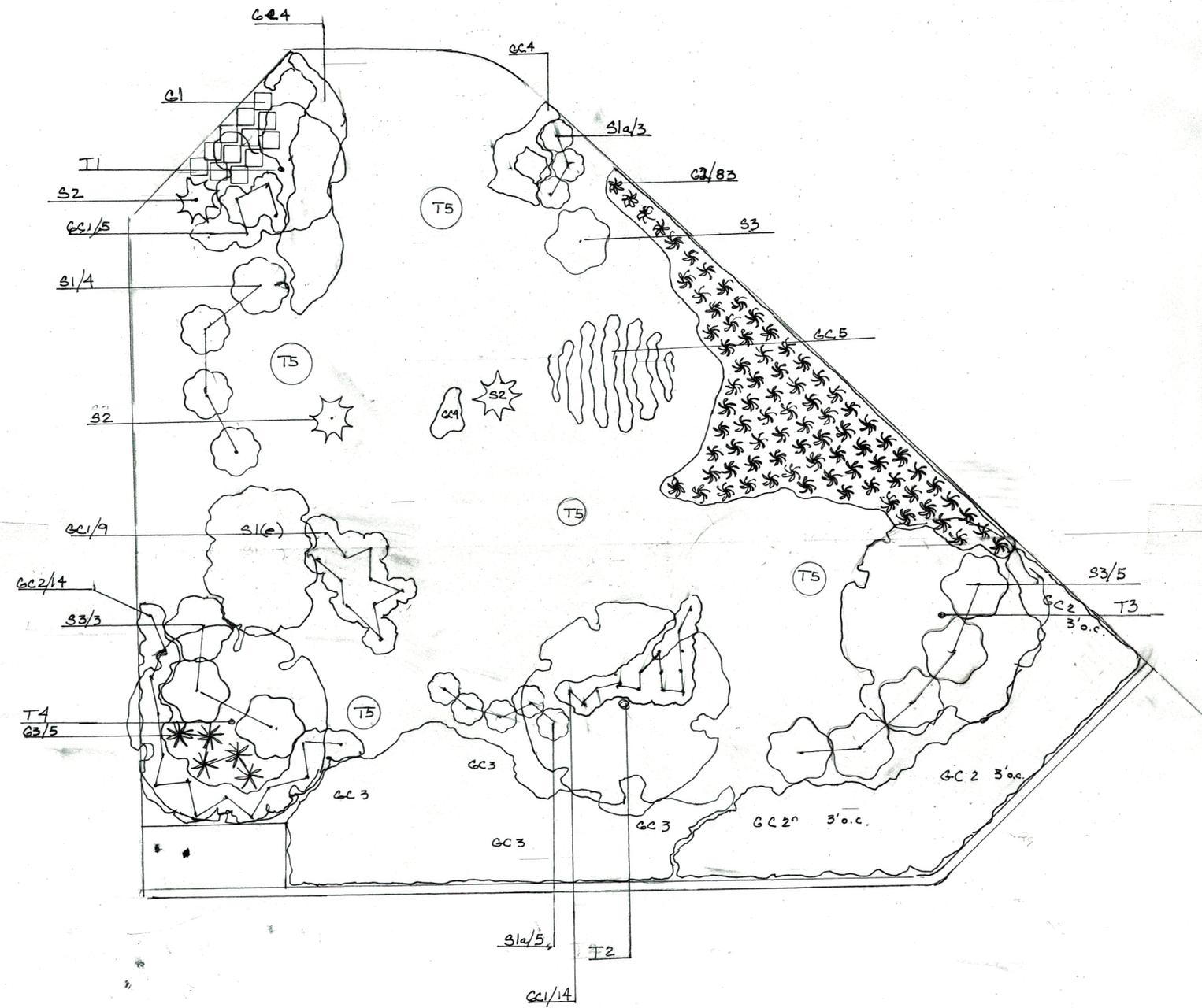
S1 Azaleas 5 gal 4



S1 Azalea Kurume 2 gallon 8



S2 Deutzia gracilis 'Nikko' Dwarf 2 or 5 gallon 3



S3 Purple Pixie® Loropetalum 2 or 5 gallon 9

Groundcovers



GC1 Lamium maculatum White Nancy 4" pots 14



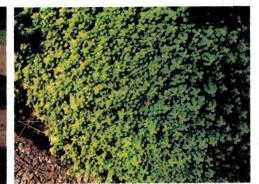
GC2 Cotoneaster Strebs Finding 1 gallon 43



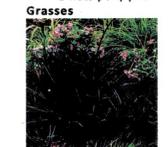
GC3 Dymondia pony pack flats 3



GC4 Scotch Moss 2 flats pony packs



GC5 Sedum Ogon 4" pots 35



G1 Ophiopogon planiscapus Black Mondo Grass 4" pots or 1 gallon 12



G2 Ophiopogon japonicus 'Nanus' pony packs or 4" pots 83



G3 Carex hachijoensis - Evergold Japanese Sedge 1 gallon 5

CITY OF YUBA CITY
BUSINESS FROM THE CITY COUNCIL

Date: October 6, 2015
To: Honorable Members of the City Council
Presentation By: John Dukes, Mayor

Summary

Subject: City Manager Employment Agreement
Recommendation: Adopt a Resolution authorizing the Mayor to sign the City Manager Employment Agreement between the City of Yuba City and Steven C. Kroeger from October 6, 2015 through December 31, 2018
Fiscal Impact: \$3,856 annual on-going 2% flat rate salary increase plus a one-time stipend payment of \$1,500

Purpose:

To establish the terms and conditions of the City Manager's contract.

Background:

On September 1, 2015, the City Council approved contract amendments providing for a 2% salary increase and a \$1,500 non-PERSable stipend for Fire Management, First Level Managers, Mid-Managers, Police Officers' Association, and Police Sergeants along with unrepresented Confidential Employees and Executive Team. The same additional terms are proposed for the City Manager.

Analysis:

This contract is proposed to revise Mr. Kroeger's current contract that was adopted on September 16, 2014 and provided for an expiration date of December 31, 2017. The revised Agreement provides for a new expiration date of December 31, 2018.

The terms of the Agreement provide for the following:

- A 2% increase in base salary
- A one-time non-PERSable stipend \$1,500

Recommendation:

Adopt a Resolution authorizing the Mayor to sign the City Manager Employment Agreement between the City of Yuba City and Steven C. Kroeger from October 6, 2015 through December 31, 2018

Attachment:

Employment Agreement between Steven C. Kroeger and the City of Yuba City

Reviewed by:

City Attorney TH via Email

City Manager Steven C. Kroeger

Employment Agreement between the City of Yuba City and Steven C. Kroeger

This Agreement is made and entered into on October 6, 2015, by and between the City of Yuba City, California, a general law city, (herein called "the Employer") and Steven C. Kroeger (hereinafter called "Employee") with respect to employment as the City Manager of Yuba City, California. This Agreement supersedes and replaces the previous Agreement between the City of Yuba City and Steven C. Kroeger dated September 16, 2014. This contract is not meant to supersede any State laws.

Section 1: Duties and Authority

Employer agrees to employ Steven C. Kroeger as City Manager to perform the functions and duties specified in Section 2-2.07 of the Yuba City Municipal Code. Employee shall hold the appointed office as City Manager at will and at the pleasure of the City Council and may be terminated at any time with or without cause by the City Council. Employee understands that he has no constitutionally protected property or other interest in his employment as City Manager.

Section 2: Term

The term of this Agreement shall be from October 6, 2015 through December 31, 2018, or the date of earlier termination in accordance with provisions in this Agreement. City's election not to renew the Agreement shall not entitle Employee to severance as provided in Section 8 of this Agreement. This Agreement shall automatically be renewed for one year unless notice is given at least six months before the expiration date or the Agreement is replaced and/or amended by mutual agreement of both parties in the future.

In the event the Agreement is not renewed, all compensation, benefits and requirements of the Agreement shall remain in effect until the expiration of the term of the Agreement unless Employee voluntarily resigns. The Employee acknowledges he serves in the position of City Manager at the discretion of the City Council and may be terminated at any time and prior to the expiration of the term of this Agreement. In the event that the Employee is terminated, as defined in Section 8 of this Agreement, the Employee shall be entitled to severance as provided for in Section 9 of this Agreement.

Section 3: Compensation

Base Salary: Employer agrees to pay Employee an annual base salary of \$196,636 as the City Manager (which is a 2% flat rate increase over previous base salary of \$192,780).

Employee shall receive a one-time \$1,500 non-PERSable stipend effective with the full pay period following ratification by City Council.

Compensation shall be payable in installments at the same time that the other Executive Management employees of the Employer are paid.

Section 4: Health, Disability and Life Insurance Benefits

1. The Employer agrees to provide for comprehensive medical insurance and vision/dental on a pre-tax basis for the Employee and his dependents equal to that which is provided to all other Executive Management employees of the Employer.
2. The split for medical costs shall be 80%/20% between the City and the Employee, with the City paying 80% of the total premium cost and the Employee paying 20%. The contribution shall be based on the lowest cost health plan available to the majority of

City employees and is subject to Section 8.2.

3. Employee shall pay the same premium amount of the City's dental and vision plan as provided to all other Executive Management employees of the Employer.
4. Cash-in-lieu payments of medical insurance shall be calculated in the same manner as all other City employees.
5. Life insurance benefit amount of \$50,000 shall be maintained for Employee.

Section 5: Vacation, Leave, and Holidays

The Employee shall accrue sick leave and vacation at the rate provided to all other miscellaneous employees of the Employer.

The Employee is entitled to accrue all unused sick leave, without limit, and vacation leave accrual shall have the limits as set forth in the Personnel Rules and Regulations. In the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all accrued vacation time, all paid holidays, executive leave, and other benefits to date.

The Employee shall annually be credited with eighty (80) hours of administrative leave.

Up to forty (40) hours of unused leave time may be converted annually to compensation at the discretion of the Employee. At the end of each calendar year, the Employee may cash out a maximum of 40 hours to be paid in the first pay period of the succeeding calendar year, and/or may carry over their unused balance up to 40 hours, subject to following limitations. Employee shall be allowed to carry over unused administrative leave to the next calendar year, subject to a maximum carry over balance of 80 hours.

Two (2) floating holidays per fiscal year shall be provided which must be used during the fiscal year. These two floating holidays have no cash value and may not be carried over to a subsequent fiscal year.

Holidays with pay will be provided as outlined in Section 2.10 of the City's Personnel Rules and Regulations.

Section 6: Retirement

1. The Employer agrees to enroll the Employee into the Public Employee Retirement System (PERS) and to make all the appropriate contributions on the Employee's behalf, for both the Employer and Employee share required and is subject to Section 8.2.
2. The City shall pay and report 100% of the Employer payment of member contributions (EPMC) to PERS as additional compensation for retirement purposes only and is subject to Section 8.2.
3. Employee shall cost share 8% of Employer's contribution towards PERS.
4. Employee shall receive a City contribution of two (2) percent of Employee's annual salary paid into a City of Yuba City deferred compensation plan.

The dollar value of this contribution may be used at the Employee's option, to purchase service from another qualified plan.

5. In addition to the Employer's payment to the state or local public retirement system (as applicable) referenced above, Employer agrees to execute all necessary Agreements provided by ICMA Retirement Corporation or other Section 457 deferred compensation plan for Employee's participation in said supplementary retirement plan.

6. If the Employee retires from the City, the Employee shall have the "Employee Only" medical premium paid by the City until such time as the Employee is eligible to receive Medicare. If the Employee receives a disability retirement, this benefit is not available.

The amount of premium paid by the City will be determined each year by what the City's maximum health insurance contribution is for "Employee Only" for First Level Managers. The retiree will be responsible for paying the difference based on the City's contribution. If the retiree selects a health plan that costs less than the City's contribution, he will not be eligible to receive the cash difference. All premium contributions must be received one month in advance and it is the responsibility of the retiree to ensure that the City receives the payment. Failure to pay the retiree's contribution in a timely manner may result in the loss of the benefit.

Section 7: General Business Expenses

1. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in ICMA and one other professional organization necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.
2. Employer agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer including, but not limited to, the ICMA Annual Conference, and/or the California League of Cities.
3. The Employer shall provide Employee with a cell phone required for the Employee to perform the job and to maintain communication. Usage of cell phone shall be in accordance with the City's policy on cell phone usage.
4. The Employer shall provide the Employee with an automobile allowance of \$400 per month to provide compensation for auto use within the Yuba-Sutter-Sacramento region. Mileage reimbursement will only be paid outside a 50 mile radius of Yuba City for City business. The auto allowance will be reviewed annually for adjustments based on use and cost. Any change in auto allowance rate will require an amendment to this Agreement.

Section 8: Termination

For the purpose of this Agreement, termination shall occur when:

1. The City Council, by a three-fifths vote, terminates the Employee as the City Manager at a duly authorized public meeting.
2. If the Employer reduces the base salary, compensation or any other benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all Executive Management employees, such action shall constitute a breach of this Agreement and will be regarded as a termination.
3. If the Employee resigns following a formal offer to accept resignation by three members of the City Council, then the Employee may declare a termination as of the date of the resignation offer.

Section 9: Severance

Severance shall be paid to the Employee when the Employee is terminated as defined in

Section 8.

If the Employee is terminated, the Employer shall provide a minimum severance payment equal to six months' salary at the current rate of pay. This severance shall be paid in lump sum unless otherwise agreed by the Employer and the Employee.

The Employee shall also be compensated for accrued sick leave in accordance with the Personnel Rules and Regulations, vacation time, all paid holidays, and administrative leave. The Employer agrees to make a contribution to the Employee's deferred compensation account, and PERS, based on the value of this compensation calculated using the rate ordinarily contributed on regular compensation. If the amount of the contribution exceeds the deferred compensation limit, the remainder shall be paid to the Employee in a lump sum as taxable compensation.

For a minimum period of six months following termination, the Employer shall pay the cost to continue the following benefits:

- a) Health insurance for the Employee and all dependents as provided in Section 4.
- b) Employer shall take all necessary actions to insure continuation of benefits and service credits to PERS for the severance period.

Employee shall not be entitled to severance pay pursuant to this section if: a) the Employee voluntarily resigns, or b) the Employee is terminated for willful misconduct, malfeasance, dishonesty for personal gain, conviction of a misdemeanor involving moral turpitude or conviction of a felony.

Pursuant to Government Code 53243.2, if the Employee is terminated, any severance or cash settlement related to the termination that the Employee receives from the City, shall be fully reimbursed to the City if the Employee is convicted of a crime involving an abuse of her office or position.

Section 10: Resignation

In the event that the Employee voluntarily resigns his/her position with the Employer, the Employee shall provide a minimum of 30 days notice unless the parties agree otherwise.

Section 11: Performance Evaluation

Employer shall annually review the performance of the Employee in September of each year starting in 2015 subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee prior to October 31st of each year. Employer shall review Employee's salary and benefits as part of the performance evaluation process.

Section 12: Hours of Work

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 13: Outside Activities

The employment provided for by this Agreement shall be the Employee's sole employment.

Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his responsibilities under this Agreement.

Section 14: Relations with City Council

As set forth in Section 2-2.08 of the Yuba City Municipal Code and the City Council's adopted "Rules of Decorum and Conduct", the City Council shall respect the City Manager's administrative authority to faithfully implement the City Council's direction. The City Council and its members shall deal with the administrative services of the City only through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, except that this limitation and prohibition does not apply to the City Council's relations with the City Attorney. No individual Councilmember shall give any orders or instructions to the City Manager. The City Council shall instruct the City Manager in matters of policy. Any action, determination or omission of the City Manager shall be subject to review by the City Council.

Section 15: Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available. Pursuant to Government Code 53243.1, if any City funds are provided for the legal criminal defense, said funds shall be fully reimbursed to the City if the Employee is convicted of a crime involving an abuse of his office or position.

Section 16: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 17: Other Terms and Conditions of Employment

The Employer, only upon Agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Yuba City Municipal Code or any other law.

Section 18: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service.

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 19: General Provisions

1. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written Agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated and made a part of this Agreement.
2. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
3. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.
4. Effective Date. This Agreement shall become effective on October 6, 2015.

Dated: _____

Steven C. Kroeger
City Manager

Dated: _____

John Dukes
Mayor

Attest:

Approved as to Form:

Terrel Locke, City Clerk

Timothy P. Hayes, City Attorney

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF YUBA CITY AND STEVEN C. KROEGER**

WHEREAS, Per Government Code §36506, the City Council shall fix the compensation of all appointive officers and employees by resolution. Such officers and employees shall hold office at the pleasure of the City Council.

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

SECTION I.

The City Manager Employment Agreement between the City of Yuba City and Steven C. Kroeger , a copy of which is attached hereto as Exhibit 'A", is approved.

SECTION II.

The City Manager's Base Salary is set at \$196,635.06, effective October 6, 2015.

SECTION III.

The City Manager will receive a one-time non-PERsable stipend of \$1,500 effective with the full pay period following ratification by City Council.

SECTION IV.

The Mayor is authorized to execute the agreement on behalf of the City.

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 6th day of October 2014.

Ayes:

Noes:

Absent:

John Dukes, Mayor

ATTEST:

Terrel Locke, City Clerk

CITY OF YUBA CITY

City Council Reports

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

Adjournment