

*In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:*

- 1. Livestream online at [www.atwater.org](http://www.atwater.org) (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the option below).*
- 2. Submit a written public comment prior to the meeting: Public comments submitted to [cityclerk@atwater.org](mailto:cityclerk@atwater.org) by 4:00 p.m. on the day of the meeting will be distributed to the City Council, and made part of the official minutes but will not be read out loud during the meeting.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6241.*

# **CITY OF ATWATER**

## **City Council**

### **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, California

**October 14, 2024**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

**6:00 PM**

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: (City Council)

**Ambriz \_\_\_\_\_, Button \_\_\_\_\_, Cale \_\_\_\_\_, Raymond \_\_\_\_\_, Nelson \_\_\_\_\_**

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AS AMENDED: (This is the time for the City Council to remove items from the agenda or to change the order of the agenda.)

CONSENT CALENDAR:

NOTICE TO THE PUBLIC

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If a Councilmember requests separate discussion on any item, that item will be removed from the Consent Calendar for separate action.

WARRANTS:

- 1. **October 14, 2024**  
Staff's Recommendation: Acceptance of reports as listed.

MINUTES: (City Council)

- 2. **September 23, 2024 - Regular meeting**  
Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

- 3. **Approving Amendment No. 4 to the Professional Services Agreement with RSG, Inc. for the preparation of Development Impact Fee annual reports pursuant to the requirements of Assembly Bill 1600 (AB 1600) and the Mitigation Fee Act (Deputy City Manager/Community Development Director Thompson)**  
Staff's Recommendation: Adoption of Resolution No. 3492-24, approving Amendment No. 4 to the Professional Services Agreement in a form approved by the City Attorney, with RSG, Inc of Vista, California for the preparation of the Development Impact Fee reporting requirements, in a total contract amount not to exceed \$80,530, after the approved contract amendment of \$29,820; and authorizes and directs the City Manager, or his designee, to execute the Agreement on behalf of the City.
  
- 4. **Awarding a Professional Services Agreement to Willdan Financial Services for Comprehensive User Fee Study, Development Impact Fee Study & Full Cost Allocation Plan (Finance Director Nicholas)**  
Staff's Recommendation: Adoption of Resolution No. 3493-24 approving the award of a Professional Services Agreement, in a form approved by the City Attorney, to Willdan Financial Services to conduct and complete a Comprehensive User Fee Study, Development Impact Fee Study, & Full Cost Allocation Plan in an

amount not to exceed \$102,625; and authorizes and directs the City Manager, or his designee, to execute said agreement on behalf of the City.

RESOLUTIONS:

5. **Acknowledging Receipt of 2024 Annual City of Atwater Fire Inspection SB1205 Compliance Report** (CAL FIRE Battalion Chief Ayuso)  
Staff's Recommendation: Adoption of Resolution No. 3494-24 acknowledging receipt of 2024 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.
  
6. **Resolution in Support of Proposition 36: The Homelessness, Drug Addiction, and Theft Reduction Act** (City Manager Hoem)  
Staff's Recommendation: Adoption of Resolution No. 3495-24 supporting Proposition 36, The Homelessness, Drug Addiction, and Theft Reduction Act.

\*\*\*END OF CONSENT CALENDAR\*\*\*

PUBLIC HEARINGS:

7. **Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with California Environmental Quality Act (CEQA) for the Project; and Approve Vesting Tentative Subdivision Map No. 22-23-0100 for a Site Located East of Buhach Road and Immediately North and Adjacent to Meadow View Estates No. 1, Atwater, California (APN 005-070-023); and Approve Planned Development Final Development Plan No. 24-25-0100** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Open the public hearing and receive any testimony given; and

Close the public hearing; and

Motion to adopt Resolution No. 3496-24 adopting an Initial Study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073; and approve Vesting Tentative Subdivision Map No. 22-23-0100, and approve Planned Development Final Development Plan No. 24-25-0100 for a site located East of Buhach Rd and immediately North and adjacent to Meadow View Estates No. 1, Atwater, California (APN: 005-070-052);

Motion to approve staff's recommendation as presented.

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. Please limit comments to a maximum of three (3) minutes.

CITY COUNCIL REPORTS/UPDATES:

- **City Council Member Cale, District 1**
- **City Council Member Button, District 2**
- **City Council Member Ambriz, District 3**
- **Mayor Pro Tem Raymond, District 4**
- **Mayor Nelson**

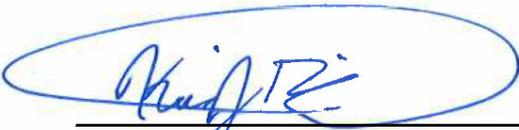
CITY MANAGER REPORTS/UPDATES:

- 8. Update from the Office of the City Manager**

ADJOURNMENT:

CERTIFICATION:

I, Kory J. Billings, City Clerk of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.




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KORY J. BILLINGS  
CITY CLERK

SB 343 NOTICE

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk during normal business hours at 1160 Fifth Street, Atwater, California.*

*If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road, Atwater, California.*



*In compliance with the federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6241. You may also send the request by email to [cityclerk@atwater.org](mailto:cityclerk@atwater.org).*

**LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS:**

*Applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a Councilmember over the past 12 months, must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and Councilmember(s). The disclosure may be made either in writing to the City Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration.*

*The foregoing statements do not constitute legal advice, nor a recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.*

*Unless otherwise noted, City Council actions include a determination that they are not a "Project" within the meaning of the California Environmental Quality Act (CEQA), and therefore, that CEQA does not apply to such actions.*

# OCTOBER 2024



SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8 Atwater National Night Out - 4:30PM - 6:30PM (Ralston Park)	9	10 Economic Development Summit - 10:00 AM - 12:00 PM (Atwater Community Center)	11	12
13	14 City Council Meeting - 6:00 PM	15	16 Planning Commission Meeting - 6:00 PM	17	18 Movies in the Park Trolls Band Together (Veterans Park)	19 2024 Atwater Fall Clean Up Event 2877 Atwater Blvd, Atwater CA 7:00 AM - 12:00 PM
20	21	22	23	24 Merced County District 3 Supervisor McDaniel Office Hours - 1:30 PM - 3:30 PM	25	26
27	28 Audit & Finance Meeting - 4:30 PM City Council Meeting - 6:00 PM	29	30	31 <b>HAPPY HALLOWEEN</b>		

# NOVEMBER 2024



SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3 Daylight Saving Time Ends	4	5	6 Office of Asm. Esmeralda Soria - Mobile Office Hours 2-4 PM City Council Chambers	7	8	9
10	11 ★★★★★ <b>VETERANS DAY</b> <i>November 11th</i> City Holiday Trash pick up delayed - 1 day	12 City Council Meeting - 6:00 PM	13	14	15	16
17	18	19	20 Planning Commission Meeting - 6:00 PM	21	22	23
24	25	26	27	28 Happy <b>THANKSGIVING</b> City Holiday Trash pick up delayed - 1 day	29 City Holiday	30

## Warrant Summary October 14, 2024

Prepared By: Joseph Murillo, Accounting Technician  
Accounts Payable Warrant

	Amount
10/14/2024 Warrant	\$ 2,796,046.55
Prewrittens (Checks Processed Between Warrants)	\$ 8,440.12
<b>Total Accounts Payable Warrants:</b>	<b>\$ 2,804,486.67</b>

### Additional Warrants

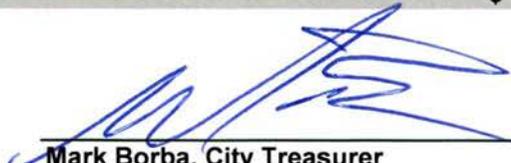
Date	Description	Amount
9/24/2024	AFLAC	\$ 391.29
9/24/2024	AFSCME District Council 57	\$ 1,029.00
9/24/2024	Atwater Police Officers Association	\$ 3,265.19
9/24/2024	EPARS Employee 457 Plan (PNC Bank)	\$ 3,613.00
9/24/2024	PERS Retirement 8/29/24 - 9/11/24	\$ 63,025.18
9/24/2024	State Disbursement - Child Support	\$ 115.38
9/24/2024	UNUM Voluntary Life Insurance October 2024 Premiums	\$ 214.03
9/27/2024	Retiree Medical Reimbursement - October 2024	\$ 43,543.17
10/4/2024	AFSCME District Council 57	\$ 1,029.00
10/4/2024	Atwater Police Officers Association	\$ 3,265.19
10/4/2024	EPARS Employee 457 Plan (PNC Bank)	\$ 3,563.00
10/4/2024	PERS Health - October 2024	\$ 121,179.93
10/4/2024	PERS Retirement 9/12/24 - 9/25/24	\$ 63,673.20
10/4/2024	State Disbursement - Child Support	\$ 115.38
<b>Total Additional Warrants:</b>		<b>\$ 308,021.94</b>

### Payroll

Date	Description	Amount
9/19/2024	Net Payroll	\$ 201,809.78
9/24/2024	Federal Taxes	\$ 68,272.59
9/24/2024	State Taxes	\$ 8,751.70
9/25/2024	Net Payroll	\$ 513.91
9/25/2024	Federal Taxes	\$ 247.97
10/3/2024	Net Payroll	\$ 205,137.80
10/4/2024	Federal Taxes	\$ 68,728.14
10/4/2024	State Taxes	\$ 8,809.39
<b>Total Payroll:</b>		<b>\$ 562,271.28</b>

<b>Grand Total:</b>	<b>\$ 3,674,779.89</b>
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\_\_\_\_\_  
Anna Nicholas, Finance Director

  
\_\_\_\_\_  
Mark Borba, City Treasurer

# Accounts Payable

## Checks for Approval

User: jmurillo  
 Printed: 10/10/2024 - 2:41 PM



*City of*  
**Atwater**  
*Community Pride City Wide*  
 750 Bellevue Road, Atwater CA 95301

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	09/24/2024	General Fund	Federal Income Tax Withheld	PAYROLL TAXES-FEDERAL		23,231.79
0	09/24/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		4,268.61
0	09/24/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		18,251.79
0	09/24/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		4,268.61
0	09/24/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		18,251.79
0	09/24/2024	General Fund	Pers Deduction	PERS-RETIREMENT		3,036.00
0	09/24/2024	General Fund	Pers Deduction	PERS-RETIREMENT		9,071.15
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		18,373.63
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		10,107.71
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		786.58
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		9,953.61
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		1,140.54
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		2,892.67
0	09/24/2024	General Fund	Pers Benefits	PERS-RETIREMENT		6,640.30
0	09/24/2024	General Fund	Deferred Compensation	PNC BANK		2,913.00
0	09/24/2024	General Fund	Deferred Compensation	PNC BANK		700.00
0	09/24/2024	General Fund	Police Union Dues	ATWATER POLICE OFFICERS ASSN.		3,265.19
0	09/24/2024	General Fund	Miscellaneous Union Dues	AFSCME DISTRICT COUNCIL 57		1,029.00
0	09/24/2024	General Fund	Aflac Premiums	AFLAC PLANS		98.89
0	09/24/2024	General Fund	Aflac Premiums	AFLAC PLANS		195.65
0	09/24/2024	General Fund	Aflac Premiums	AFLAC PLANS		96.75
0	09/24/2024	General Fund	State Income Tax Withheld	PAYROLL TAXES-STATE		8,751.70
0	09/24/2024	General Fund	Pers Deduction	PERS-RETIREMENT		1,022.99
0	09/24/2024	General Fund	Life Insurance Payable	UNUM LIFE INSURANCE		10.02
0	09/24/2024	General Fund	Life Insurance Payable	UNUM LIFE INSURANCE		107.02
0	09/24/2024	General Fund	Life Insurance Payable	UNUM LIFE INSURANCE		96.99
0	09/24/2024	General Fund	Garnishments	STATE DISBURSEMENT UNIT		115.38
Check Total:						148,677.36
0	09/25/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		34.50
0	09/25/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		8.07
0	09/25/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		30.86
0	09/25/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		131.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	09/25/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		8.07
0	09/25/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		34.50
Check Total:						247.97
0	09/30/2024	Employee Benefits Fund	Life Insurance	UNUM LIFE INSURANCE		1,869.30
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		3,524.89
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		954.95
0	09/30/2024	Employee Benefits Fund	Life Insurance	UNUM LIFE INSURANCE		337.80
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		265.90
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		585.76
0	09/30/2024	Employee Benefits Fund	Life Insurance	UNUM LIFE INSURANCE		1,883.40
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		954.95
0	09/30/2024	Employee Benefits Fund	Disability Insurance	UNUM LIFE INSURANCE		3,552.26
Check Total:						13,929.21
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	BILL SWALLEY		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	BENJAMIN THOMAS		1,357.10
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	CYNTHIA THOMPSON		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	EDWARD VELASQUEZ		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DOUGLAS P. TILLEY		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ROBERT VASQUEZ		208.94
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DAVID WALKER		609.06
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	CHARLIE WOODS		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ELIZABETH WILDE		867.97
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	EARL WEATHERS		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	LORI WATERMAN		666.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	GREG WELLMAN		609.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	NANCY WILLIAMS		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DICK WISDOM		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JERRY MOORE		577.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	MARGARET MERRITT		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JOSEPH HOFFAR		458.10
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	GEORGE LOGAN		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ROBERT CALLAWAY		577.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	SANDY RAHN		762.27
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DENNIS O. SPARKS		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	GLEN C. CARRINGTON		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	KELLY SORENSEN		1,278.51
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JEFF MONDLOCH		184.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	PATRICK FARETTA		936.40
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	RENE MENDOZA		577.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JESUS F. DURAN		1,579.79
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	STEPHEN LUNDGREN		208.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	HARRY E. DUNN		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	MICHAEL KEELER		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JUAN SUFUENTES		1,650.12
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	TYNA LAMISON		695.15
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	MIKE STANFORD		855.06
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	SCOTT DUNCAN		1,386.49
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ANTHONY CARDOZA		812.16
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	CHRISTOPHER A. MCDANIEL		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	LINDA FERRERO		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	FRANK PIETRO		510.45
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	NELSON CRABB		601.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	WILLIAM RICHARDS		196.41
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	FRANK ORMOND		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JAMES ATKINSON		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ALLAN BOYER		649.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	MANUEL DURAN		85.37
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	RANDALL CARROTHERS		1,429.18
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DAVID CHURCH		573.49
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ADOLFO LOMELI		1,447.97
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	KIM BENGSTON-JENNINGS		523.12
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JOHN RASMUSSEN		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	LEN GUILLETTE		1,054.58
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ROBERTO ROMERO		472.62
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	JOHN SMOTHERS		740.16
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	CHRISTIAN HAMBRECHT		666.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	WILLIAM MARTIN		867.97
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	TONY RAMIREZ		867.97
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	STANLEY FEATHERS		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	LOIS BELT		246.34
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	STEVE KJOS		587.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	THOMAS PROTHRO		150.55
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	RICHARD HAWTHORNE		577.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	BARBARA RIIS CHRISTENSEN		577.67
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	ARMANDO ECHEVARRIA		867.97
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	GARY FRAGO		410.10
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	LORIN MANN		643.16
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	BOBBY GREGORY		2,507.94
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DEBRA COURT		196.41
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	DARIN JANTZ		1,456.33
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	KEN JENSEN		355.41
0	09/27/2024	Employee Benefits Fund	Health Insurance, Retirees	SAMUEL JOSEPH		1,553.12
Check Total:						43,543.17

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	10/04/2024	General Fund	Federal Income Tax Withheld	PAYROLL TAXES-FEDERAL		23,141.76
0	10/04/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		4,320.30
0	10/04/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		18,472.89
0	10/04/2024	General Fund	Deferred Compensation	PNC BANK		2,913.00
0	10/04/2024	General Fund	Deferred Compensation	PNC BANK		650.00
0	10/04/2024	General Fund	Police Union Dues	ATWATER POLICE OFFICERS ASSN.		3,265.19
0	10/04/2024	General Fund	Miscellaneous Union Dues	AFSCME DISTRICT COUNCIL 57		1,029.00
0	10/04/2024	General Fund	Fica/Medicare - Employee	PAYROLL TAXES-FEDERAL		18,472.89
0	10/04/2024	General Fund	Fica/Medicare-Employer	PAYROLL TAXES-FEDERAL		4,320.30
0	10/04/2024	General Fund	State Income Tax Withheld	PAYROLL TAXES-STATE		8,809.39
0	10/04/2024	General Fund	Pers Deduction	PERS-RETIREMENT		1,025.87
0	10/04/2024	General Fund	Pers Deduction	PERS-RETIREMENT		3,044.64
0	10/04/2024	General Fund	Pers Deduction	PERS-RETIREMENT		9,058.38
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		18,384.51
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		2,904.53
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		6,667.04
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		786.58
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		1,140.54
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		10,409.92
0	10/04/2024	General Fund	Pers Benefits	PERS-RETIREMENT		10,251.19
0	10/04/2024	General Fund	Garnishments	STATE DISBURSEMENT UNIT		115.38
Check Total:						149,183.30
0	10/04/2024	General Fund	Miscellaneous Bills	PERS-HEALTH		3.97
0	10/04/2024	General Fund	Pers Health Payable	PERS-HEALTH		108,105.36
0	10/04/2024	Employee Benefits Fund	General Administration-Ins	PERS-HEALTH		259.45
0	10/04/2024	Employee Benefits Fund	Health Insurance, Retirees	PERS-HEALTH		10,990.00
0	10/04/2024	Employee Benefits Fund	Health Insurance, Retirees	PERS-HEALTH		1,655.99
0	10/04/2024	Employee Benefits Fund	Health Insurance, Retirees	PERS-HEALTH		165.16
Check Total:						121,179.93

# Accounts Payable

## Checks for Approval

User: jmurillo  
 Printed: 10/10/2024 - 2:33 PM

*Pravunten*



City of  
**Atwater**  
 Community Pride City Wide

750 Bellevue Road, Atwater CA 95301

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26305	09/24/2024	General Fund	Garnishments	FRANCHISE TAX BOARD		496.73
				Check Total:		496.73
26306	09/26/2024	ARPA-American Rescue Plan Act	Osborn Park Renovation	FIRST AMERICAN TITLE COMPANY		864.85
				Check Total:		864.85
26307	09/26/2024	Gas Tax/Street Improvement	Special Departmental Expense	SIERRA MATERIALS & TRUCKING COMPANY		561.26
				Check Total:		561.26
26308	10/04/2024	General Fund	Garnishments	FRANCHISE TAX BOARD		397.14
				Check Total:		397.14
26309	10/04/2024	Sewer Enterprise Fund	Accounts Payable	STATE WATER RESOURCES CONTROL BOARD		3,286.14
				Check Total:		3,286.14
26310	10/04/2024	Water Enterprise Fund	Accounts Payable	STATE WATER RESOURCES CONTROL BOARD		2,834.00
				Check Total:		2,834.00
				Report Total:		8,440.12

# Accounts Payable

## Checks for Approval

User: jmurillo  
 Printed: 10/10/2024 - 2:35 PM



City of  
**Atwater**  
 Community Pride City Wide

750 Bellevue Road, Atwater CA 95301

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	10/14/2024	Water Enterprise Fund	Electronic Pmt Processing Exp	VANCO PAYMENT SOLUTIONS		35.26
0	10/14/2024	Sewer Enterprise Fund	Electronic Pmt Processing Exp	VANCO PAYMENT SOLUTIONS		35.26
0	10/14/2024	Sanitation Enterprise Fund	Electronic Pmt Processing Exp	VANCO PAYMENT SOLUTIONS		35.26
0	10/14/2024	General Fund	Office Supplies	QUADIENT FINANCE USA INC		1,000.00
0	10/14/2024	General Fund	Electronic Pmt Processing Exp	CHASE MERCHANT SERVICES		1,506.03
0	10/14/2024	General Fund	Electronic Pmt Processing Exp	CHASE MERCHANT SERVICES		94.53
0	10/14/2024	General Fund	Electronic Pmt Processing Exp	CHASE MERCHANT SERVICES		26.14
0	10/14/2024	Sewer Enterprise Fund	Cash with Fiscal Agent	THE BANK OF NEW YORK MELLON		59,583.33
0	10/14/2024	Sewer Enterprise Fund	Cash with Fiscal Agent	THE BANK OF NEW YORK MELLON		182,653.10
0	10/14/2024	Sewer Enterprise Fund	Cash with Fiscal Agent	THE BANK OF NEW YORK MELLON		92,916.67
0	10/14/2024	Sewer Enterprise Fund	Cash with Fiscal Agent	THE BANK OF NEW YORK MELLON		35,530.73
0	10/14/2024	Internal Service Fund	Operations & Maintenance	CHEVRON USA INC.		76.38
0	10/14/2024	Internal Service Fund	Operations & Maintenance	CHEVRON USA INC.		75.02
0	10/14/2024	Water Enterprise Fund	Electronic Pmt Processing Exp	SPRINGBROOK-GROUP		530.81
0	10/14/2024	Sewer Enterprise Fund	Electronic Pmt Processing Exp	SPRINGBROOK-GROUP		530.80
0	10/14/2024	Sanitation Enterprise Fund	Electronic Pmt Processing Exp	SPRINGBROOK-GROUP		530.80
0	10/14/2024	Risk Management Fund	Worker's Compensation	CENTRAL SAN JOAQUIN VALLEY RMA		166,338.00
0	10/14/2024	Risk Management Fund	Liability & Property Ins	CENTRAL SAN JOAQUIN VALLEY RMA		135,689.00
Check Total:						677,187.12
26311	10/14/2024	Water Enterprise Fund	Accounts Payable	A CREATIONS AND BOUTIQUE		51.54
26311	10/14/2024	Sewer Enterprise Fund	Accounts Payable	A CREATIONS AND BOUTIQUE		69.61
Check Total:						121.15
26312	10/14/2024	RDVLPMENT Obligation Retirement	Professional Services	A.M. PECHE & ASSOC. LLC		450.00
26312	10/14/2024	Sewer Enterprise Fund	Professional Services	A.M. PECHE & ASSOC. LLC		550.00
Check Total:						1,000.00
26313	10/14/2024	General Fund	Office Supplies	AAA BUSINESS SUPPLIES & INTERIORS		67.41
26313	10/14/2024	General Fund	Office Supplies	AAA BUSINESS SUPPLIES & INTERIORS		130.39
26313	10/14/2024	General Fund	Office Supplies	AAA BUSINESS SUPPLIES & INTERIORS		65.20
26313	10/14/2024	General Fund	Office Supplies	AAA BUSINESS SUPPLIES & INTERIORS		65.20
26313	10/14/2024	General Fund	Office Supplies	AAA BUSINESS SUPPLIES & INTERIORS		65.20

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	393.40
26314	10/14/2024	Water Enterprise Fund	Professional Services	ABS DIRECT INC		721.66
26314	10/14/2024	Sewer Enterprise Fund	Professional Services	ABS DIRECT INC		721.66
26314	10/14/2024	Sanitation Enterprise Fund	Professional Services	ABS DIRECT INC		721.66
26314	10/14/2024	Water Enterprise Fund	Office Supplies	ABS DIRECT INC		1,900.00
26314	10/14/2024	Sewer Enterprise Fund	Office Supplies	ABS DIRECT INC		1,900.00
26314	10/14/2024	Sanitation Enterprise Fund	Office Supplies	ABS DIRECT INC		1,900.00
					Check Total:	7,864.98
26315	10/14/2024	General Fund	Special Departmental Expense	AIRGAS USA, LLC		118.01
					Check Total:	118.01
26316	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	ALL-PHASE ELECTRIC		77.68
					Check Total:	77.68
26317	10/14/2024	Public Safety Trans & Use Tax	Machinery & Equipment	ALLSTAR FIRE EQUIPMENT INC		2,887.38
					Check Total:	2,887.38
26318	10/14/2024	General Fund	Professional Services	ALLWAYS TOWING LLC		420.00
26318	10/14/2024	Internal Service Fund	Professional Services	ALLWAYS TOWING LLC		450.00
26318	10/14/2024	General Fund	Professional Services	ALLWAYS TOWING LLC		840.00
					Check Total:	1,710.00
26319	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	AMAZON CAPITAL SERVICES		-32.61
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		11.91
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		40.39
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		102.47
26319	10/14/2024	General Fund	Fire Marshal Supplies	AMAZON CAPITAL SERVICES		12.93
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		130.49
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		57.17
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		75.03
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		93.50
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		1,447.28
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		91.90
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		6.24
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		106.26
26319	10/14/2024	Information Technology Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		1,589.40
26319	10/14/2024	Water Enterprise Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		110.33
26319	10/14/2024	Water Enterprise Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		110.33
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		60.88
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		7.44

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		108.72
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		16.29
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		21.74
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		9.77
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		17.39
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		141.10
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		34.01
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		28.36
26319	10/14/2024	General Fund	Uniform & Clothing Expense	AMAZON CAPITAL SERVICES		14.13
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		9.53
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		29.60
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		111.78
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		55.14
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		26.08
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		18.28
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		27.82
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		43.82
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		73.24
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		213.02
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		43.49
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		117.25
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		45.04
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		41.98
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		43.82
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		39.26
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		27.10
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		308.84
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		77.20
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		26.86
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		8.22
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		4.33
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		73.24
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		107.62
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		68.30
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		247.29
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		45.54
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		122.46
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		52.48
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		134.21
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		33.80
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		144.05
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		138.39
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		59.50
26319	10/14/2024	General Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		44.53

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26319	10/14/2024	General Fund	Fire Marshal Supplies	AMAZON CAPITAL SERVICES		6.51
26319	10/14/2024	General Fund	Fire Marshal Supplies	AMAZON CAPITAL SERVICES		58.69
26319	10/14/2024	General Fund	Office Supplies	AMAZON CAPITAL SERVICES		29.34
26319	10/14/2024	General Fund	Youth Flag Football	AMAZON CAPITAL SERVICES		66.69
26319	10/14/2024	General Fund	Coed Volleyball	AMAZON CAPITAL SERVICES		21.72
26319	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	AMAZON CAPITAL SERVICES		409.35
26319	10/14/2024	Water Enterprise Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		6.07
26319	10/14/2024	Water Enterprise Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		61.49
26319	10/14/2024	Water Enterprise Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		110.33
26319	10/14/2024	Internal Service Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		16.28
26319	10/14/2024	Internal Service Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		190.19
26319	10/14/2024	Internal Service Fund	Special Departmental Expense	AMAZON CAPITAL SERVICES		81.51
26319	10/14/2024	Internal Service Fund	Operations & Maintenance	AMAZON CAPITAL SERVICES		293.28
26319	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	AMAZON CAPITAL SERVICES		-32.61
Check Total:						8,394.80
26320	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	AQUA METRIC		2,302.59
26320	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	AQUA METRIC		14,000.00
Check Total:						16,302.59
26321	10/14/2024	General Fund	SB 1473	ARMS AIR CONDITIONING & HEATING		1.00
26321	10/14/2024	General Fund	Building Permits	ARMS AIR CONDITIONING & HEATING		102.00
Check Total:						103.00
26322	10/14/2024	Internal Service Fund	Special Departmental Expense	ASSOCIATES LOCK & SAFE SERVICE		44.92
Check Total:						44.92
26323	10/14/2024	Public Safety Trans & Use Tax	Rents & Leases	AXON ENTERPRISE, INC.		17,272.75
26323	10/14/2024	General Fund	Rents & Leases	AXON ENTERPRISE, INC.		105,122.76
Check Total:						122,395.51
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		3,476.71
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		3,929.23
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		3,407.29
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		443.52
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		1,861.49
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		2,810.27
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		1,043.95
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		1,118.11
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		1,241.35
26324	10/14/2024	Employee Benefits Fund	Dental Insurance	BENEFIT COORDINATORS CORPORATION (BC		2,089.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount	
						Check Total:	21,421.21
26325	10/14/2024	General Fund	Professional Services	BEST BEST & KRIEGER		25,677.97	
26325	10/14/2024	General Fund	Professional Services	BEST BEST & KRIEGER		1,312.40	
26325	10/14/2024	Risk Management Fund	Professional Services	BEST BEST & KRIEGER		652.40	
						Check Total:	27,642.77
26326	10/14/2024	General Fund	SB 1473	BETTER EARTH ELECTRIC INC		1.00	
26326	10/14/2024	General Fund	SB 1186 Fees-Business License	BETTER EARTH ELECTRIC INC		0.77	
26326	10/14/2024	General Fund	Building Permits	BETTER EARTH ELECTRIC INC		246.00	
						Check Total:	247.77
26327	10/14/2024	Sewer Enterprise Fund	Professional Services	BLACK WATER CONSULTING ENGINEERING,		17,231.50	
						Check Total:	17,231.50
26328	10/14/2024	Gas Tax/Street Improvement	Uniform & Clothing Expense	BOOT BARN		-21.75	
26328	10/14/2024	Gas Tax/Street Improvement	Uniform & Clothing Expense	BOOT BARN		173.99	
26328	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	BOOT BARN		200.00	
26328	10/14/2024	General Fund	Uniform & Clothing Expense	BOOT BARN		200.00	
						Check Total:	552.24
26329	10/14/2024	Internal Service Fund	Special Departmental Expense	BRADY INDUSTRIES		679.05	
						Check Total:	679.05
26330	10/14/2024	General Fund	Building Permits	BRIGHT IDEAS CONSTRUCTION		73.00	
26330	10/14/2024	General Fund	Building Permits	BRIGHT IDEAS CONSTRUCTION		73.00	
						Check Total:	146.00
26331	10/14/2024	SB1-Road Maint & Rehab RMRA	Fruitland Ave Rd Improvements	BSK ASSOCIATES		4,319.00	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		213.04	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		213.04	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		79.89	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		79.89	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		213.04	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		133.15	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		213.92	
26331	10/14/2024	1,2,3-TCP Fund	Professional Services	BSK ASSOCIATES		999.40	
26331	10/14/2024	1,2,3-TCP Fund	Professional Services	BSK ASSOCIATES		999.40	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		79.89	
26331	10/14/2024	Water Enterprise Fund	Professional Services	BSK ASSOCIATES		213.04	
26331	10/14/2024	Water Enterprise Fund	Special Departmental Expense	BSK ASSOCIATES		101.44	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount	
						Check Total:	7,858.14
26332	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	CAL FARM SERVICES		37.70	
26332	10/14/2024	General Fund	Special Departmental Expense	CAL FARM SERVICES		2.16	
26332	10/14/2024	General Fund	Professional Services	CAL FARM SERVICES		40.00	
26332	10/14/2024	General Fund	Special Departmental Expense	CAL FARM SERVICES		279.18	
26332	10/14/2024	General Fund	Professional Services	CAL FARM SERVICES		100.00	
26332	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	CAL FARM SERVICES		88.99	
26332	10/14/2024	General Fund	Special Departmental Expense	CAL FARM SERVICES		100.83	
26332	10/14/2024	Public Safety Trans & Use Tax	Machinery & Equipment	CAL FARM SERVICES		1,670.12	
26332	10/14/2024	General Fund	Special Departmental Expense	CAL FARM SERVICES		121.96	
26332	10/14/2024	Gas Tax/Street Improvement	Small Tools	CAL FARM SERVICES		312.46	
						Check Total:	2,753.40
26333	10/14/2024	General Fund	Training	CALIFORNIA BUILDING OFFICIALS		85.00	
26333	10/14/2024	General Fund	Training	CALIFORNIA BUILDING OFFICIALS		1,095.00	
						Check Total:	1,180.00
26334	10/14/2024	General Fund	SB 1473	CALIFORNIA BUILDING STANDARDS COMMI		280.00	
26334	10/14/2024	General Fund	Building Permits	CALIFORNIA BUILDING STANDARDS COMMI		-28.00	
26334	10/14/2024	General Fund	SB 1473	CALIFORNIA BUILDING STANDARDS COMMI		208.00	
26334	10/14/2024	General Fund	Building Permits	CALIFORNIA BUILDING STANDARDS COMMI		-20.80	
26334	10/14/2024	General Fund	SB 1473	CALIFORNIA BUILDING STANDARDS COMMI		316.00	
26334	10/14/2024	General Fund	Building Permits	CALIFORNIA BUILDING STANDARDS COMMI		-31.60	
26334	10/14/2024	General Fund	SB 1473	CALIFORNIA BUILDING STANDARDS COMMI		256.00	
26334	10/14/2024	General Fund	Building Permits	CALIFORNIA BUILDING STANDARDS COMMI		-25.60	
						Check Total:	954.00
26335	10/14/2024	Water Enterprise Fund	Special Departmental Expense	CALIFORNIA INDUSTRIAL RUBBER COMPAN		75.21	
						Check Total:	75.21
26336	10/14/2024	Sanitation Enterprise Fund	Accounts Payable	DAVID CAMPBELL		32.11	
						Check Total:	32.11
26337	10/14/2024	Internal Service Fund	Operations & Maintenance	CARQUEST		401.22	
26337	10/14/2024	Internal Service Fund	Operations & Maintenance	CARQUEST		100.01	
						Check Total:	501.23
26338	10/14/2024	Water Enterprise Fund	Accounts Payable	RENATO CARRASCO		32.32	
						Check Total:	32.32
26339	10/14/2024	Sewer Enterprise Fund	Machinery & Equipment	CASCADE INTEGRATION AND DEVELOPMEN		3,258.34	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						3,258.34
26340	10/14/2024	Measure V Fund	Fruitland Ave Rd Improvements	CCME INC		27,184.19
26340	10/14/2024	Measure V Fund	Fruitland Ave Rd Improvements	CCME INC		31,147.18
Check Total:						58,331.37
26341	10/14/2024	General Fund	Professional Services	CENTRAL VALLEY FORENSIC NURSING SPEC		1,000.00
Check Total:						1,000.00
26342	10/14/2024	Internal Service Fund	Special Departmental Expense	CINTAS CORP		29.35
26342	10/14/2024	Internal Service Fund	Uniform & Clothing Expense	CINTAS CORP		18.93
26342	10/14/2024	Internal Service Fund	Uniform & Clothing Expense	CINTAS CORP		14.04
26342	10/14/2024	General Fund	Uniform & Clothing Expense	CINTAS CORP		38.38
26342	10/14/2024	Gas Tax/Street Improvement	Uniform & Clothing Expense	CINTAS CORP		33.59
26342	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	CINTAS CORP		67.95
26342	10/14/2024	Water Enterprise Fund	Uniform & Clothing Expense	CINTAS CORP		88.54
26342	10/14/2024	Internal Service Fund	Uniform & Clothing Expense	CINTAS CORP		14.04
26342	10/14/2024	Internal Service Fund	Special Departmental Expense	CINTAS CORP		29.35
26342	10/14/2024	Internal Service Fund	Uniform & Clothing Expense	CINTAS CORP		18.93
26342	10/14/2024	General Fund	Uniform & Clothing Expense	CINTAS CORP		38.38
26342	10/14/2024	Gas Tax/Street Improvement	Uniform & Clothing Expense	CINTAS CORP		33.59
26342	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	CINTAS CORP		67.95
26342	10/14/2024	Water Enterprise Fund	Uniform & Clothing Expense	CINTAS CORP		88.54
Check Total:						581.56
26343	10/14/2024	General Fund	Training	CITY OF FRESNO		593.00
26343	10/14/2024	General Fund	Training	CITY OF FRESNO		593.00
26343	10/14/2024	General Fund	Training	CITY OF FRESNO		593.00
26343	10/14/2024	General Fund	Training	CITY OF FRESNO		593.00
26343	10/14/2024	General Fund	Training	CITY OF FRESNO		593.00
Check Total:						2,965.00
26344	10/14/2024	Internal Service Fund	Communications	COMCAST		262.61
Check Total:						262.61
26345	10/14/2024	Internal Service Fund	Special Departmental Expense	CONSOLIDATED ELECTRICAL DISTRIBUTORS		998.84
26345	10/14/2024	ARPA-American Rescue Plan Act	Police Dept Remodel/Rehab	CONSOLIDATED ELECTRICAL DISTRIBUTORS		5,778.66
26345	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	CONSOLIDATED ELECTRICAL DISTRIBUTORS		104.06
Check Total:						6,881.56
26346	10/14/2024	General Fund	Special Departmental Expense	CREATIVE COPY		2,242.41

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						2,242.41
26347	10/14/2024	General Fund	Inspection Fees	CSG CONSULTANTS, INC.		6,158.00
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		7,035.00
26347	10/14/2024	General Fund	Inspection Fees	CSG CONSULTANTS, INC.		4,787.00
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		6,247.50
26347	10/14/2024	General Fund	Inspection Fees	CSG CONSULTANTS, INC.		3,774.00
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		4,687.00
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		740.06
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		736.25
26347	10/14/2024	Water Enterprise Fund	Professional Services	CSG CONSULTANTS, INC.		465.50
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		202.50
26347	10/14/2024	General Fund	Plan Check Fees	CSG CONSULTANTS, INC.		140.00
Check Total:						34,972.81
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		52.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		40.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		34.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		34.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		34.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		52.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		34.00
26348	10/14/2024	Internal Service Fund	Professional Services	D & D PEST CONTROL		40.00
Check Total:						320.00
26349	10/14/2024	Information Technology Fund	Professional Services	DATA PATH		8,321.00
26349	10/14/2024	Information Technology Fund	Memberships & Subscriptions	DATA PATH		2,617.50
26349	10/14/2024	Information Technology Fund	Memberships & Subscriptions	DATA PATH		1,089.00
26349	10/14/2024	Information Technology Fund	Memberships & Subscriptions	DATA PATH		730.00
26349	10/14/2024	Information Technology Fund	Memberships & Subscriptions	DATA PATH		3,431.00
26349	10/14/2024	Information Technology Fund	Memberships & Subscriptions	DATA PATH		2,831.00
Check Total:						19,019.50
26350	10/14/2024	General Fund	Uniform & Clothing Expense	KATHY DAVIS		91.25
Check Total:						91.25
26351	10/14/2024	General Fund	Various Recreation Classes	MARY ANN DAVIS		455.00
Check Total:						455.00
26352	10/14/2024	General Plan Update Fund	Professional Services	DE NOVO PLANNING GROUP		15,770.00
Check Total:						15,770.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26353	10/14/2024	Risk Management Fund	Professional Services	DELFINO MADDEN O'MALLEY COYLE & KOE		38.50
26353	10/14/2024	Risk Management Fund	Professional Services	DELFINO MADDEN O'MALLEY COYLE & KOE		308.00
				Check Total:		346.50
26354	10/14/2024	Internal Service Fund	Operations & Maintenance	DELRAY TIRE		531.22
26354	10/14/2024	Internal Service Fund	Operations & Maintenance	DELRAY TIRE		2,672.73
26354	10/14/2024	Internal Service Fund	Professional Services	DELRAY TIRE		185.45
26354	10/14/2024	Internal Service Fund	Operations & Maintenance	DELRAY TIRE		1,812.24
				Check Total:		5,201.64
26355	10/14/2024	General Fund	SMI Tax	DEPT. OF CONSERVATION		497.29
26355	10/14/2024	General Fund	Building Permits	DEPT. OF CONSERVATION		-24.86
26355	10/14/2024	General Fund	SMI Tax	DEPT. OF CONSERVATION		689.11
26355	10/14/2024	General Fund	Building Permits	DEPT. OF CONSERVATION		-34.46
26355	10/14/2024	General Fund	SMI Tax	DEPT. OF CONSERVATION		489.12
26355	10/14/2024	General Fund	Building Permits	DEPT. OF CONSERVATION		-24.46
26355	10/14/2024	General Fund	SMI Tax	DEPT. OF CONSERVATION		498.38
26355	10/14/2024	General Fund	Building Permits	DEPT. OF CONSERVATION		-24.92
				Check Total:		2,065.20
26356	10/14/2024	General Fund	Professional Services	DEPT. OF JUSTICE		250.00
				Check Total:		250.00
26357	10/14/2024	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		-1,436.40
26357	10/14/2024	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		1,596.00
26357	10/14/2024	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		-381.60
26357	10/14/2024	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		424.00
				Check Total:		202.00
26358	10/14/2024	General Fund	Uniform & Clothing Expense	ELITE UNIFORMS		296.56
				Check Total:		296.56
26359	10/14/2024	Water Enterprise Fund	Accounts Payable	JAMES ELLIS		63.72
				Check Total:		63.72
26360	10/14/2024	General Fund	SB 1473	EMPIRE SPECIALTIES		1.00
26360	10/14/2024	General Fund	Building Permits	EMPIRE SPECIALTIES		102.00
				Check Total:		103.00
26361	10/14/2024	Public Safety Trans & Use Tax	Machinery & Equipment	ENTERPRISE FM TRUST		10,442.38
26361	10/14/2024	Public Safety Trans & Use Tax	Rents & Leases	ENTERPRISE FM TRUST		4,823.36

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	15,265.74
26362	10/14/2024	Information Technology Fund	Special Departmental Expense	ENVIRONMENTAL SYSTEMS RESEARCH INST		1,400.00
					Check Total:	1,400.00
26363	10/14/2024	Water Enterprise Fund	Accounts Payable	ALEXYS ETCHEVERRY		36.72
					Check Total:	36.72
26364	10/14/2024	General Fund	Men's Summer Softball	FASTENAL COMPANY		171.69
26364	10/14/2024	General Fund	Coed Summer Softball	FASTENAL COMPANY		171.70
					Check Total:	343.39
26365	10/14/2024	General Fund	Professional Services	FENCE BUILDERS INC.		400.00
					Check Total:	400.00
26366	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	FERGUSON WATERWORKS		2,811.68
26366	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	FERGUSON WATERWORKS		1,405.84
26366	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	FERGUSON WATERWORKS		1,405.84
					Check Total:	5,623.36
26367	10/14/2024	Internal Service Fund	Operations & Maintenance	FORD PRO		739.89
					Check Total:	739.89
26368	10/14/2024	Sewer Enterprise Fund	Professional Services	FOSTER'S PUMPS, INC.		24,373.67
					Check Total:	24,373.67
26369	10/14/2024	General Fund	Training	FRESNO CITY COLLEGE		61.00
26369	10/14/2024	General Fund	Training	FRESNO CITY COLLEGE		820.00
					Check Total:	881.00
26370	10/14/2024	General Fund	Building Permits	GARCIA SEPTIC + CONSTRUCTION INC		28.44
26370	10/14/2024	General Fund	Plan Check Fees	GARCIA SEPTIC + CONSTRUCTION INC		1,585.31
					Check Total:	1,613.75
26371	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	GARTON TRACTOR INC		325.71
					Check Total:	325.71
26372	10/14/2024	Water Enterprise Fund	Uniform & Clothing Expense	GCP WW HOLDCO LLC		194.84
26372	10/14/2024	Water Enterprise Fund	Uniform & Clothing Expense	GCP WW HOLDCO LLC		200.00
26372	10/14/2024	Gas Tax/Street Improvement	Uniform & Clothing Expense	GCP WW HOLDCO LLC		194.84
26372	10/14/2024	Water Enterprise Fund	Uniform & Clothing Expense	GCP WW HOLDCO LLC		194.84

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	784.52
26373	10/14/2024	SB1-Road Maint & Rehab RMRA	Project Retention	GEORGE REED INC		-12,758.35
26373	10/14/2024	SB1-Road Maint & Rehab RMRA	Fruitland Ave Rd Improvements	GEORGE REED INC		255,167.00
					Check Total:	242,408.65
26374	10/14/2024	Sanitation Enterprise Fund	Accounts Payable	SIMRAN GILL		5.91
					Check Total:	5.91
26375	10/14/2024	General Fund	SB 1473	GLOBAL ENERGY LLC		1.00
26375	10/14/2024	General Fund	Building Permits	GLOBAL ENERGY LLC		102.00
					Check Total:	103.00
26376	10/14/2024	Water Enterprise Fund	Accounts Payable	MARIA GONZALEZ		84.80
					Check Total:	84.80
26377	10/14/2024	Water Enterprise Fund	Special Departmental Expense	GRAINGER		517.76
26377	10/14/2024	Water Enterprise Fund	Special Departmental Expense	GRAINGER		517.76
26377	10/14/2024	Internal Service Fund	Special Departmental Expense	GRAINGER		92.01
26377	10/14/2024	Water Enterprise Fund	Small Tools	GRAINGER		3,576.56
					Check Total:	4,704.09
26378	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	GRANITE CONSTRUCTION COMPANY		4,083.97
					Check Total:	4,083.97
26379	10/14/2024	General Fund	SB 1473	GREEN DAY POWER		1.00
26379	10/14/2024	General Fund	Building Permits	GREEN DAY POWER		199.00
26379	10/14/2024	General Fund	SB 1473	GREEN DAY POWER		2.00
26379	10/14/2024	General Fund	SB 1186 Fees-Business License	GREEN DAY POWER		3.48
26379	10/14/2024	General Fund	Building Permits	GREEN DAY POWER		265.00
26379	10/14/2024	General Fund	SB 1473	GREEN DAY POWER		1.00
26379	10/14/2024	General Fund	SB 1186 Fees-Business License	GREEN DAY POWER		2.43
26379	10/14/2024	General Fund	Building Permits	GREEN DAY POWER		265.00
26379	10/14/2024	General Fund	SMI Tax	GREEN DAY POWER		1.58
26379	10/14/2024	General Fund	SB 1473	GREEN DAY POWER		1.00
26379	10/14/2024	General Fund	Building Permits	GREEN DAY POWER		265.00
					Check Total:	1,006.49
26380	10/14/2024	General Fund	Professional Services	GUARDIAN ALLIANCE TECHNOLOGIES INC		50.00
					Check Total:	50.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26381	10/14/2024	Water Enterprise Fund	Accounts Payable	THOMAS HANSBURY		68.11
					Check Total:	68.11
26382	10/14/2024	General Fund	Professional Services	HDL COREN & CONE		3,375.00
					Check Total:	3,375.00
26383	10/14/2024	Internal Service Fund	Professional Services	HI-TECH EVS INC		4,950.00
26383	10/14/2024	Internal Service Fund	Operations & Maintenance	HI-TECH EVS INC		1,367.27
					Check Total:	6,317.27
26384	10/14/2024	Internal Service Fund	Utilities	HOFFMAN SECURITY		55.00
26384	10/14/2024	Internal Service Fund	Utilities	HOFFMAN SECURITY		1,149.75
					Check Total:	1,204.75
26385	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	HORIZON		738.54
26385	10/14/2024	General Fund	Special Departmental Expense	HORIZON		2,052.52
26385	10/14/2024	Internal Service Fund	Special Departmental Expense	HORIZON		52.58
26385	10/14/2024	General Fund	Special Departmental Expense	HORIZON		95.47
26385	10/14/2024	General Fund	Special Departmental Expense	HORIZON		44.26
26385	10/14/2024	General Fund	Special Departmental Expense	HORIZON		51.23
26385	10/14/2024	General Fund	Special Departmental Expense	HORIZON		11.71
					Check Total:	3,046.31
26386	10/14/2024	General Fund	Professional Services	INDEPENDENT INVESTIGATIONS LLC		300.00
					Check Total:	300.00
26387	10/14/2024	General Fund	SB 1473	INFINITY ENERGY INC		1.00
26387	10/14/2024	General Fund	SB 1186 Fees-Business License	INFINITY ENERGY INC		2.34
26387	10/14/2024	General Fund	Building Permits	INFINITY ENERGY INC		246.00
					Check Total:	249.34
26388	10/14/2024	General Fund	Uniform & Clothing Expense	INSIDELINES GRAPHIX INC.		365.23
26388	10/14/2024	General Fund	Uniform & Clothing Expense	INSIDELINES GRAPHIX INC.		310.56
					Check Total:	675.79
26389	10/14/2024	Water Enterprise Fund	Special Departmental Expense	INSTRUMENT TECHNOLOGY CORPORATION		53.56
26389	10/14/2024	Water Enterprise Fund	Special Departmental Expense	INSTRUMENT TECHNOLOGY CORPORATION		1,781.31
					Check Total:	1,834.87
26390	10/14/2024	General Fund	Memberships & Subscriptions	INTERNATIONAL CODE COUNCIL, INC.		170.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						170.00
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		147.90
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		4,295.63
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		4,295.63
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		4,295.63
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		4,002.00
26391	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	JAM SERVICES INC		130.50
Check Total:						17,167.29
26392	10/14/2024	Internal Service Fund	Professional Services	JANI TEK CLEANING SOLUTIONS		11,693.00
Check Total:						11,693.00
26393	10/14/2024	Gas Tax/Street Improvement	Professional Services	JLB TRAFFIC ENGINEERING, INC		2,887.22
26393	10/14/2024	Gas Tax/Street Improvement	Professional Services	JLB TRAFFIC ENGINEERING, INC		716.08
Check Total:						3,603.30
26394	10/14/2024	General Fund	Special Departmental Expense	JOE'S LANDSCAPING & CONCRETE		64.91
26394	10/14/2024	General Fund	Professional Services	JOE'S LANDSCAPING & CONCRETE		2,080.00
Check Total:						2,144.91
26395	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	KELLOGG SUPPLY		2.21
26395	10/14/2024	Internal Service Fund	Special Departmental Expense	KELLOGG SUPPLY		324.71
26395	10/14/2024	Internal Service Fund	Special Departmental Expense	KELLOGG SUPPLY		178.28
26395	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	KELLOGG SUPPLY		36.83
26395	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG SUPPLY		205.59
26395	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	KELLOGG SUPPLY		24.00
26395	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG SUPPLY		142.36
26395	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	KELLOGG SUPPLY		24.00
26395	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	KELLOGG SUPPLY		123.37
26395	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG SUPPLY		287.34
26395	10/14/2024	Sewer Enterprise Fund	Uniform & Clothing Expense	KELLOGG SUPPLY		167.23
26395	10/14/2024	Water Enterprise Fund	Special Departmental Expense	KELLOGG SUPPLY		53.02
26395	10/14/2024	Internal Service Fund	Operations & Maintenance	KELLOGG SUPPLY		63.34
Check Total:						1,632.28
26396	10/14/2024	General Fund	Police Special Services	LAW OFFICE OF SCOTT LEVY		275.00
Check Total:						275.00
26397	10/14/2024	Water Fund Capital Replacement	Project Retention	LAWRENCE BACKHOE SERVICE INC		-7,055.15
26397	10/14/2024	Water Fund Capital Replacement	Installation-New Water Meters	LAWRENCE BACKHOE SERVICE INC		141,103.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	134,047.85
26398	10/14/2024	Internal Service Fund	Operations & Maintenance	LAWSON PRODUCTS		438.05
					Check Total:	438.05
26399	10/14/2024	General Fund	Professional Services	LEADSONLINE LLC		1,114.00
					Check Total:	1,114.00
26400	10/14/2024	General Fund	Accounts Payable	JANET LEE		2.00
26400	10/14/2024	Water Enterprise Fund	Accounts Payable	JANET LEE		92.63
					Check Total:	94.63
26401	10/14/2024	General Fund	Professional Services	LEIST AND ASSOCIATES		3,612.50
					Check Total:	3,612.50
26402	10/14/2024	General Fund	Miscellaneous	LOOMIS		561.49
26402	10/14/2024	General Fund	Miscellaneous	LOOMIS		467.63
					Check Total:	1,029.12
26403	10/14/2024	General Fund	Special Departmental Expense	LOPES SEPTIC & PUMPING		150.00
					Check Total:	150.00
26404	10/14/2024	Water Enterprise Fund	Accounts Payable	COLE LUTHEY		114.03
					Check Total:	114.03
26405	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	MC REGIONAL WASTE MGMT. AUTH.		19.00
					Check Total:	19.00
26406	10/14/2024	General Fund	Coed Fall Softball	MCNAMARA SPORTS		265.00
26406	10/14/2024	General Fund	Men's Fall Softball	MCNAMARA SPORTS		265.45
					Check Total:	530.45
26407	10/14/2024	General Fund	Coed Volleyball	MERCED AREA SPORTS OFFICIALS, INC		308.00
26407	10/14/2024	General Fund	Coed Volleyball	MERCED AREA SPORTS OFFICIALS, INC		308.00
26407	10/14/2024	General Fund	Coed Fall Softball	MERCED AREA SPORTS OFFICIALS, INC		175.00
26407	10/14/2024	General Fund	Men's Fall Softball	MERCED AREA SPORTS OFFICIALS, INC		280.00
26407	10/14/2024	General Fund	Coed Volleyball	MERCED AREA SPORTS OFFICIALS, INC		786.00
					Check Total:	1,857.00
26408	10/14/2024	General Fund	Building Permits	MERCED ELECTRIC COMPANY		30.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	30.00
26409	10/14/2024	Public Safety Trans & Use Tax	Improvements Other Than Bldg	MERCED ROOFING AND CONSTRUCTION		725.00
					Check Total:	725.00
26410	10/14/2024	Internal Service Fund	Operations & Maintenance	MERCED SMOG CENTER		41.75
26410	10/14/2024	Internal Service Fund	Operations & Maintenance	MERCED SMOG CENTER		41.75
26410	10/14/2024	Internal Service Fund	Operations & Maintenance	MERCED SMOG CENTER		41.75
					Check Total:	125.25
26411	10/14/2024	Internal Service Fund	Operations & Maintenance	MERCED TRUCK & TRAILER INC.		74.80
					Check Total:	74.80
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		281.23
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		256.44
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		90.88
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		164.32
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		150.13
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		90.93
26412	10/14/2024	General Fund	Uniform & Clothing Expense	METRO UNIFORM MERCED		44.11
					Check Total:	1,078.04
26413	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	MID VALLEY TOOLS		1,326.75
26413	10/14/2024	Internal Service Fund	Operations & Maintenance	MID VALLEY TOOLS		824.27
					Check Total:	2,151.02
26414	10/14/2024	General Fund	Accounts Payable	MICHELE MISHLER		2.00
26414	10/14/2024	Water Enterprise Fund	Accounts Payable	MICHELE MISHLER		143.85
26414	10/14/2024	Sewer Enterprise Fund	Accounts Payable	MICHELE MISHLER		9.16
26414	10/14/2024	Sanitation Enterprise Fund	Accounts Payable	MICHELE MISHLER		6.16
					Check Total:	161.17
26415	10/14/2024	Water Enterprise Fund	Accounts Payable	CHRISTOPHER MIZENER		100.33
					Check Total:	100.33
26416	10/14/2024	Internal Service Fund	Special Departmental Expense	MODESTO OVERHEAD DOOR		1,340.44
26416	10/14/2024	Internal Service Fund	Professional Services	MODESTO OVERHEAD DOOR		3,635.00
					Check Total:	4,975.44
26417	10/14/2024	Water Enterprise Fund	Special Departmental Expense	MUNIQIP, LLC		4,956.56

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	4,956.56
26418	10/14/2024	General Fund	Professional Services	MUNISERVICES LLC		1,093.03
26418	10/14/2024	General Fund	Professional Services	MUNISERVICES LLC		6,265.10
26418	10/14/2024	General Fund	Professional Services	MUNISERVICES LLC		2,972.28
					Check Total:	10,330.41
26419	10/14/2024	General Fund	Building Permits	MYNT SYSTEMS INC		485.81
26419	10/14/2024	General Fund	Plan Check Fees	MYNT SYSTEMS INC		3,144.94
					Check Total:	3,630.75
26420	10/14/2024	Internal Service Fund	Operations & Maintenance	NAPA AUTO PARTS		284.15
26420	10/14/2024	Internal Service Fund	Operations & Maintenance	NAPA AUTO PARTS		534.76
26420	10/14/2024	Internal Service Fund	Operations & Maintenance	NAPA AUTO PARTS		100.35
					Check Total:	919.26
26421	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	O'REILLY AUTO PARTS		81.54
26421	10/14/2024	General Fund	Special Departmental Expense	O'REILLY AUTO PARTS		17.39
26421	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	O'REILLY AUTO PARTS		23.91
26421	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	O'REILLY AUTO PARTS		14.34
26421	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	O'REILLY AUTO PARTS		44.35
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		388.16
26421	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	O'REILLY AUTO PARTS		77.43
26421	10/14/2024	Internal Service Fund	Special Departmental Expense	O'REILLY AUTO PARTS		44.89
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		80.11
26421	10/14/2024	Water Enterprise Fund	Special Departmental Expense	O'REILLY AUTO PARTS		37.61
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		16.94
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		118.47
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		29.59
26421	10/14/2024	Water Enterprise Fund	Special Departmental Expense	O'REILLY AUTO PARTS		13.85
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		1,739.76
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		-404.44
26421	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	O'REILLY AUTO PARTS		35.88
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		344.45
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		283.59
26421	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	O'REILLY AUTO PARTS		9.78
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		52.17
26421	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	O'REILLY AUTO PARTS		45.10
26421	10/14/2024	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		223.11
					Check Total:	3,317.98
26422	10/14/2024	General Fund	Utilities	PACIFIC GAS & ELECTRIC		2,473.27

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26422	10/14/2024	General Fund	Utilities	PACIFIC GAS & ELECTRIC		94.90
26422	10/14/2024	General Fund	Utilities	PACIFIC GAS & ELECTRIC		5,313.56
26422	10/14/2024	General Fund	Utilities	PACIFIC GAS & ELECTRIC		1,041.64
26422	10/14/2024	Gas Tax/Street Improvement	Utilities	PACIFIC GAS & ELECTRIC		15,785.01
26422	10/14/2024	Gas Tax/Street Improvement	Utilities	PACIFIC GAS & ELECTRIC		180.88
26422	10/14/2024	Northwood Village LD	Utilities	PACIFIC GAS & ELECTRIC		310.54
26422	10/14/2024	Orchard Park Estates LD	Utilities	PACIFIC GAS & ELECTRIC		150.92
26422	10/14/2024	Wildwood Estates LD	Utilities	PACIFIC GAS & ELECTRIC		40.00
26422	10/14/2024	Woodview Garland LA	Utilities	PACIFIC GAS & ELECTRIC		16.68
26422	10/14/2024	Shaffer Lakes West LD	Utilities	PACIFIC GAS & ELECTRIC		55.76
26422	10/14/2024	Woodhaven LD	Utilities	PACIFIC GAS & ELECTRIC		18.37
26422	10/14/2024	Sierra Parks LD	Utilities	PACIFIC GAS & ELECTRIC		27.31
26422	10/14/2024	Shaffer Lakes East LD	Utilities	PACIFIC GAS & ELECTRIC		225.15
26422	10/14/2024	Price Annexation LD	Utilities	PACIFIC GAS & ELECTRIC		958.30
26422	10/14/2024	Sandlewood Square LD	Utilities	PACIFIC GAS & ELECTRIC		30.02
26422	10/14/2024	Pajaro Dunes LD	Utilities	PACIFIC GAS & ELECTRIC		26.68
26422	10/14/2024	Cottage Gardens LD	Utilities	PACIFIC GAS & ELECTRIC		25.79
26422	10/14/2024	Airport Business Park LD	Utilities	PACIFIC GAS & ELECTRIC		659.08
26422	10/14/2024	Atwater South LD	Utilities	PACIFIC GAS & ELECTRIC		46.53
26422	10/14/2024	Water Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		118,999.06
26422	10/14/2024	Water Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		45,208.81
26422	10/14/2024	Sewer Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		5,067.32
26422	10/14/2024	Internal Service Fund	Utilities	PACIFIC GAS & ELECTRIC		26.28
26422	10/14/2024	Internal Service Fund	Utilities	PACIFIC GAS & ELECTRIC		10,300.89
Check Total:						207,082.75
26423	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	PACIFIC WATER RESOURCES		758.91
Check Total:						758.91
26424	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	PLATT ELECTRIC SUPPLY		131.45
Check Total:						131.45
26425	10/14/2024	General Fund Capital	Phase 4 Ped Imp Proj Downtown	PROVOST & PRITCHARD CONSULTING GROU		6,491.89
26425	10/14/2024	Measure V 20% AlternativeModes	Phase 4 Ped Imp Proj Downtown	PROVOST & PRITCHARD CONSULTING GROU		841.09
26425	10/14/2024	General Fund Capital	Phase 4 Ped Imp Proj Downtown	PROVOST & PRITCHARD CONSULTING GROU		2,860.55
26425	10/14/2024	Measure V 20% AlternativeModes	Phase 4 Ped Imp Proj Downtown	PROVOST & PRITCHARD CONSULTING GROU		370.62
Check Total:						10,564.15
26426	10/14/2024	Sewer Enterprise Fund	Castle Sewer Interceptor	QUAD KNOFF		4,114.80
Check Total:						4,114.80
26427	10/14/2024	Water Enterprise Fund	Professional Services	RAFTELIS FINANCIAL		1,060.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26427	10/14/2024	Sewer Enterprise Fund	Professional Services	RAFTELIS FINANCIAL		1,060.00
					Check Total:	2,120.00
26428	10/14/2024	Public Safety Trans & Use Tax	Machinery & Equipment	ROSENBAUER		400,000.00
					Check Total:	400,000.00
26429	10/14/2024	Water Enterprise Fund	Accounts Payable	ROSIEMAX LLC		153.48
					Check Total:	153.48
26430	10/14/2024	RDVLPMT Obligation Retirement	Professional Services	RSG INC		1,418.75
					Check Total:	1,418.75
26431	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SAFE-T-LITE		593.54
26431	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SAFE-T-LITE		142.61
26431	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SAFE-T-LITE		502.97
26431	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SAFE-T-LITE		67.31
					Check Total:	1,306.43
26432	10/14/2024	Internal Service Fund	Special Departmental Expense	SAN JOAQUIN VALLEY AIR POLLUTION CON		178.50
					Check Total:	178.50
26433	10/14/2024	Internal Service Fund	Operations & Maintenance	SCHAEFFER MANUFACTURING COMPANY		2,367.74
					Check Total:	2,367.74
26434	10/14/2024	Water Enterprise Fund	Special Departmental Expense	SHANNON PUMP CO.		7,670.25
26434	10/14/2024	Water Enterprise Fund	Professional Services	SHANNON PUMP CO.		306.83
					Check Total:	7,977.08
26435	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SHERWIN-WILLIAMS CO.		594.29
					Check Total:	594.29
26436	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SIERRA MATERIALS & TRUCKING COMPANY		623.09
					Check Total:	623.09
26437	10/14/2024	Gas Tax/Street Improvement	Professional Services	ST FRANCIS ELECTRIC		3,850.00
26437	10/14/2024	Gas Tax/Street Improvement	Professional Services	ST FRANCIS ELECTRIC		2,574.00
					Check Total:	6,424.00
26438	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	STEPPING STONE NURSERY		239.30
					Check Total:	239.30

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26439	10/14/2024	General Fund	Professional Services	STERICYCLE INC		39.44
				Check Total:		39.44
26440	10/14/2024	Water Enterprise Fund	Machinery & Equipment	STILES TRUCK BODY & EQUIPMENT INC		24,999.96
26440	10/14/2024	Gas Tax/Street Improvement	Machinery & Equipment	STILES TRUCK BODY & EQUIPMENT INC		15,334.30
26440	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	STILES TRUCK BODY & EQUIPMENT INC		16,929.00
				Check Total:		57,263.26
26441	10/14/2024	General Fund	Rents & Leases	SUN RIDGE SYSTEMS INC		5,280.00
26441	10/14/2024	General Fund	Rents & Leases	SUN RIDGE SYSTEMS INC		113,602.00
				Check Total:		118,882.00
26442	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SUNBELT RENTALS INC		172.37
26442	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	SUNBELT RENTALS INC		112.44
				Check Total:		284.81
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		1.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		1.82
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		265.00
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		1.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		1.56
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		246.00
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		1.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		2.08
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		246.00
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		2.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		3.51
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		328.00
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		1.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		1.76
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		246.00
26443	10/14/2024	General Fund	SB 1473	SUNRUN INSTALLATION SERVICES, INC		1.00
26443	10/14/2024	General Fund	SB 1186 Fees-Business License	SUNRUN INSTALLATION SERVICES, INC		1.71
26443	10/14/2024	General Fund	Building Permits	SUNRUN INSTALLATION SERVICES, INC		265.00
				Check Total:		1,615.44
26444	10/14/2024	Water Enterprise Fund	Special Departmental Expense	SUPERIOR POOL PRODUCTS LLC		863.08
26444	10/14/2024	Water Enterprise Fund	Special Departmental Expense	SUPERIOR POOL PRODUCTS LLC		1,150.77
26444	10/14/2024	Water Enterprise Fund	Special Departmental Expense	SUPERIOR POOL PRODUCTS LLC		869.69
26444	10/14/2024	Water Enterprise Fund	Special Departmental Expense	SUPERIOR POOL PRODUCTS LLC		1,069.16
				Check Total:		3,952.70

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26445	10/14/2024	General Fund	Office Supplies	THE SIGN GUYS		38.79
					Check Total:	38.79
26446	10/14/2024	Information Technology Fund	Communications	TPX COMMUNICATIONS		9,737.94
					Check Total:	9,737.94
26447	10/14/2024	General Fund	Plan Check Fees	TRUE NORTH COMPLIANCE SERVICES INC		562.50
26447	10/14/2024	General Fund	Plan Check Fees	TRUE NORTH COMPLIANCE SERVICES INC		2,062.50
26447	10/14/2024	General Fund	Plan Check Fees	TRUE NORTH COMPLIANCE SERVICES INC		4,312.50
					Check Total:	6,937.50
26448	10/14/2024	General Fund	Deposits	TRUESDELL CORPORATION		547.00
26448	10/14/2024	Water Enterprise Fund	Water Service Charges	TRUESDELL CORPORATION		-4.50
					Check Total:	542.50
26449	10/14/2024	General Fund	Special Departmental Expense	UBEO WEST LLC		105.75
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		327.57
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		25.38
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		345.43
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		34.07
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		25.39
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		46.13
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		31.98
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		523.10
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		347.97
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		174.61
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		27.55
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		35.11
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		174.98
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		394.27
26449	10/14/2024	General Fund	Rents & Leases	UBEO WEST LLC		279.56
26449	10/14/2024	Water Enterprise Fund	Rents & Leases	UBEO WEST LLC		125.67
26449	10/14/2024	Sewer Enterprise Fund	Rents & Leases	UBEO WEST LLC		125.67
					Check Total:	3,150.19
26450	10/14/2024	General Fund	Professional Services	VALLEY BUSINESS CENTER		4,989.73
26450	10/14/2024	General Fund	Professional Services	VALLEY BUSINESS CENTER		4,506.45
26450	10/14/2024	General Fund	Professional Services	VALLEY BUSINESS CENTER		4,973.94
					Check Total:	14,470.12
26451	10/14/2024	General Fund	Building Permits	VALLEY RESTORATION SERVICES INC		10.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	10.00
26452	10/14/2024	Water Enterprise Fund	Professional Services	VALLEY UTILITIE CONSTRUCTION, INC.		1,000.00
					Check Total:	1,000.00
26453	10/14/2024	Internal Service Fund	Operations & Maintenance	VAN DE POL		14,652.16
26453	10/14/2024	Internal Service Fund	Operations & Maintenance	VAN DE POL		13,868.31
					Check Total:	28,520.47
26454	10/14/2024	Sewer Enterprise Fund	Professional Services	VEOLIA WATER NORTH AMERICA		29,248.24
26454	10/14/2024	Sewer Enterprise Fund	Professional Services	VEOLIA WATER NORTH AMERICA		190,685.47
					Check Total:	219,933.71
26455	10/14/2024	Employee Benefits Fund	Vision Insurance	VISION SERVICE PLAN (CA)		1,116.33
26455	10/14/2024	Employee Benefits Fund	Vision Insurance	VISION SERVICE PLAN (CA)		17.58
					Check Total:	1,133.91
26456	10/14/2024	SB1-Road Maint & Rehab RMRA	Fruitland Ave Rd Improvements	VVH CONSULTING SERVICES		4,200.00
26456	10/14/2024	Measure V Fund	Fruitland Ave Rd Improvements	VVH CONSULTING SERVICES		11,920.00
26456	10/14/2024	General Fund *	Professional Services	VVH CONSULTING SERVICES		3,718.50
26456	10/14/2024	General Plan Update Fund	Professional Services	VVH CONSULTING SERVICES		1,462.50
26456	10/14/2024	Water Enterprise Fund	Professional Services	VVH CONSULTING SERVICES		14,874.00
26456	10/14/2024	Sewer Enterprise Fund	Castle Sewer Interceptor	VVH CONSULTING SERVICES		1,575.00
26456	10/14/2024	General Fund	Professional Services	VVH CONSULTING SERVICES		16,605.00
26456	10/14/2024	Sewer Enterprise Fund	Atwater Blvd Drainage Imprvmts	VVH CONSULTING SERVICES		17,400.00
					Check Total:	71,755.00
26457	10/14/2024	Sewer Enterprise Fund	Special Departmental Expense	WARD ENTERPRISES		47.51
26457	10/14/2024	Internal Service Fund	Special Departmental Expense	WARD ENTERPRISES		65.03
					Check Total:	112.54
26458	10/14/2024	General Fund	Special Departmental Expense	WATERFORD IRRIGATION SUPPLY, INC		96.37
26458	10/14/2024	General Fund	Special Departmental Expense	WATERFORD IRRIGATION SUPPLY, INC		95.55
26458	10/14/2024	Gas Tax/Street Improvement	Special Departmental Expense	WATERFORD IRRIGATION SUPPLY, INC		6.73
					Check Total:	198.65
26459	10/14/2024	General Fund	Professional Services	WEED MAN		1,174.00
					Check Total:	1,174.00
26460	10/14/2024	Internal Service Fund	Utilities	WEST COAST GAS CO. INC.		29.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	29.97 ✓
26461	10/14/2024	Internal Service Fund	Operations & Maintenance	WINTON HARDWARE		14.00
					Check Total:	14.00 ✓
26462	10/14/2024	General Fund	Special Departmental Expense	WORK WELLNESS		925.00
					Check Total:	925.00 ✓
26463	10/14/2024	Water Enterprise Fund	Accounts Payable	ROSANNA ZABEL		107.85
					Check Total:	107.85 ✓
					Report Total:	2,796,046.55



**CITY OF ATWATER**

**CITY COUNCIL**  
**ACTION MINUTES**

**September 23, 2024**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:30 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Nelson presiding.*

ROLL CALL:

**Present:** *City Council Members Ambriz, Button, Cale, Mayor Pro Tem Raymond, Mayor Nelson*

**Staff Present:** *City Manager Hoem, City Attorney Splendorio, Deputy City Manager/Community Development Director Thompson, Assistant City Clerk Martin*

CLOSED SESSION: (Conference Room A)

**Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: City of Camden, et al. v. Tyco Fire Products LP, Civil Action No.: 2:24-cv-02321-RMG**

**Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: City of Camden, et al. v. BASF Corporation, Civil Action No.: 2:24-cv-03174-RMG**

*Mayor Nelson invited public comment on Closed Session items.*

*No one came forward to speak.*

**Mayor Nelson adjourned the meeting to Conference Room A for Closed Session at 5:31 PM. Closed Session was called to order at 5:35 PM. Closed Session adjourned at 5:55 PM.**

REGULAR SESSION: (Council Chambers)

**The City Council of the City of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Nelson presiding.**

INVOCATION:

**The Invocation was led by Pastor Rich Miller.**

PLEDGE OF ALLEGIANCE TO THE FLAG:

**The Pledge of Allegiance was led by City Council Member Button.**

ROLL CALL: (City Council)

**Present: City Council Members Ambriz, Button, Cale, Ambriz, Mayor Pro Tem Raymond, Mayor Nelson**

**Staff Present: City Manager Hoem, City Attorney Splendorio, Deputy City Manager Thompson, Police Chief Salvador, CAL Fire Battalion Chief Ayuso, Finance Director Nicholas, Public Works Director Vinson, City Clerk Billings, Assistant City Clerk Martin**

SUBSEQUENT NEED ITEMS: **None**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

**City Attorney Splendorio reported that the City Council received information regarding the items listed on the Closed Session calendar, provided direction, and there was no reportable action.**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION: Mayor Pro Tem Raymond moved to approve the agenda as posted. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.**

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

- Gave a brief update regarding the Beachwood Franklin Park groundbreaking

- Gave a brief update regarding CAL FIRE training facility.
- Gave a brief update regarding Pacomatic (Skill based games for 24-hour markets.)
- Spoke regarding the County of Merced budget process and progress.

CONSENT CALENDAR:

***Mayor Nelson opened public comment regarding items on the Consent Calendar.***

***No one came forward.***

***Mayor Nelson closed the public comment.***

***MOTION: City Council Member Button moved to approve the Consent Calendar as posted. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.***

TREASURER'S REPORT:

1. July 31, 2024

***ACTION: Acceptance of report as listed.***

WARRANTS:

2. September 23, 2024

***ACTION: Approval of warrants as listed.***

MINUTES: (Audit and Finance Committee)

3. June 24, 2024 - Regular meeting

***ACTION: Acceptance of minutes as listed.***

MINUTES: (Citizens' Oversight Committee)

4. June 11, 2024 - Regular meeting

***ACTION: Acceptance of minutes as listed.***

MINUTES: (Planning Commission)

5. July 17, 2024 - Regular meeting

***ACTION: Acceptance of minutes as listed.***

MINUTES: (City Council)

6. September 9, 2024- Regular meeting

**ACTION: Approval of minutes as listed.**

AGREEMENTS:

7. Approving and Authorizing a Purchase and Sale Agreement for APN 003-101-001 and Approving Expenditure of any Additional and Related Closing Expenses (Public Works Director Vinson)

**ACTION: Adoption of Resolution No. 3486-24, approving Amendment No. 1 to the General Services Agreement, in a form approved by the City Attorney, to Joe's Landscape of Newman, California for Landscaping in the Maintenance Districts; and authorizes and directs the City Manager to execute Amendment No. 1 on behalf of the City.**

RESOLUTIONS:

8. Adopting Updated Conflict of Interest Code (Assistant City Clerk Martin)

**ACTION: Adoption of Resolution No. 3487-24 amending the City of Atwater's Conflict of Interest Code.**

9. Approving and Ratifying a Side Letter Agreement Between the City of Atwater and the Atwater Miscellaneous Employees Unit American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, and Authorizing the City Manager to Execute the Agreement on Behalf of the City (Human Resources Director Sousa)

**ACTION: Adoption of Resolution No. 3488-24 Approving and Ratifying a Side Letter Agreement Between the City of Atwater and Atwater Miscellaneous Employees Unit American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Regarding Terms and Conditions of Employment Relating to Article 7 (Work Week), Section 7.3 (Public Works Schedule), and Article 9 (Other Compensation), Section 9.2 (Standby Pay) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City.**

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Budget Amendment No. 4 Amending Fiscal Year 2024-25 Budget Regarding Appropriation of Funds for Professional Services Agreement between the City of Atwater and Mark Thomas & Company for the Preparation of the Project Study Report/ Project

Development Support for the Buhach Road Widening Project (Deputy City Manager/Community Development Director Thompson)

**Deputy City Manager/Community Development Director Thompson provided background information on this item.**

**Mayor Nelson opened public comment on this item.**

**No one came forward to speak.**

**Mayor Nelson closed the public comment regarding this item.**

**MOTION: City Council Member Cale moved to Adopt Resolution No. 3489-24 approving Budget Amendment No. 4 Amending Fiscal Year 2024-25 budget to include the preparation of Project study report- project development support for the Buhach Road Widening Project; and Adopt Resolution No. 3490-24 approving a Professional Services Agreement, in a form approved by the City Attorney, with Mark Thomas & Company of Fresno, CA for preparation of the PSR-PDS in an amount not to exceed \$173,352 and; and authorizes and directs the City Manager, or his designee, to execute the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.**

Verbal Presentation Regarding City of Atwater Projects (Deputy City Manager/Community Development Director Thompson)

**Deputy City Manager/ Community Development Director Thompson provided a brief update regarding the following:**

**The Redwood Project, The Holiday Inn Express Project and The Chelsea Investment – Multifamily Unit Project**

**Mayor Nelson opened public comment on this item.**

**No one came forward to speak.**

**Mayor Nelson closed the public comment regarding this item.**

Verbal Presentation Regarding City of Atwater Code Enforcement Activities (Code Enforcement Manager Garcia and Police Chief Salvador)

**Code Enforcement Manager Garcia provided a PowerPoint Presentation regarding Code Enforcement activities in the City of Atwater.**

**Mayor Nelson opened public comment on this item.**

**No one came forward to speak.**

**Mayor Nelson closed the public comment regarding this item.**

**PUBLIC HEARINGS:**

Public Hearing for 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

**City Manager Hoem provided background information on this item.**

**Mayor Nelson opened the public hearing regarding this item.**

**No one else came forward to speak.**

**Mayor Nelson closed the public hearing.**

**MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3491-24, authorizing the grant application in the amount of \$14,078.00 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Raymond, Button Nelson; Noes: None; Absent: None. The motion passed.**

**CITY MANAGER REPORTS/UPDATES:**

Update from the Office of the City Manager

**City Manager Hoem reported the following:**

- **Provided an update regarding the Historical Society and an event that was attended.**
- **Request for Proposal was released for On-Call Cleanup Services.**
- **Spoke regarding the water and sewer increase this calendar year.**

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**Mayor Nelson clarified that under the Brown Act, members of the public are entitled to directly address the City Council and are not entitled to address their comments to other members of the public or to staff.**

**Mayor Nelson opened public comment.**

***Linda Dash spoke regarding the Economic Development Summit and thanked the staff.***

***Christan Santos, Field Representative for Congressman John Duarte, provided an update regarding Congressman Duarte's office.***

***Kory Billings spoke regarding the successful Senior Day at Community Center.***

***Resident spoke regarding Olive Road issue.***

***Jim Price spoke regarding the Economic Development Summit.***

***Mayor Nelson closed the public comment.***

**CITY COUNCIL REPORTS/UPDATES:**

City Council comments

***City Council Member Button spoke regarding the Fall Clean Up.***

***Mayor Pro Tem thanked Pastor Rich Miller.***

***City Council Member Cale thanked Code Enforcement.***

***City Council Member Ambriz thanked staff for the updates.***

***Mayor Nelson echoed all that the City Council spoke about in their closing comments.***

**ADJOURNMENT:**

***Mayor Nelson adjourned the meeting at 7:05 PM.***

APPROVED:

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MIKE NELSON  
MAYOR

ATTEST:

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JANELL MARTIN  
ASSISTANT CITY CLERK



## CITY COUNCIL AGENDA REPORT

### CITY COUNCIL

Mike Nelson, Mayor  
Danny Ambriz                      Tyler Button  
John Cale                              Brian Raymond

**MEETING DATE:** October 14, 2024  
**TO:** Mayor and City Council  
**FROM:** Greg Thompson, Deputy City Manager/Community Development Director  
**PREPARED BY:** Julia Coronado  
**SUBJECT:** **Approving Amendment No. 4 to the Professional Services Agreement with RSG, Inc. for the preparation of Development Impact Fee annual reports pursuant to the requirements of Assembly Bill 1600 (AB 1600) and the Mitigation Fee Act (Deputy City Manager/Community Development Director Thompson)**

### **RECOMMENDED COUNCIL ACTION**

Adoption of Resolution No. 3492-24, approving Amendment No. 4 to the Professional Services Agreement in a form approved by the City Attorney, with RSG, Inc of Vista, California for the preparation of the Development Impact Fee reporting requirements, in a total contract amount not to exceed \$80,530, after the approved contract amendment of \$29,820; and authorizes and directs the City Manager, or his designee, to execute the Agreement on behalf of the City.

### **I. BACKGROUND/ANALYSIS:**

#### **BACKGROUND:**

AB 1600 (Mitigation Fee Act, 1998) codified as Section 66000 et seq. of the California Government Code ("Gov Code"), regulates how public agencies collect, maintain, and spend impact fees imposed on developers for the purpose of defraying costs of public facilities. It includes requirements for annual accounting and reporting of the fees.

Gov Code 66006(b)(1) includes the following specific reporting requirements.

The local agency must make the following information available to the public within 180 days after the fiscal year ends for each account or fund it establishes:

1. A brief description of the type of fee in the account or fund.
2. The amount of the fee.
3. The beginning and ending balance of the account or fund.
4. The amount of fees collected and interest earned.

5. Details of each public improvement funded by the fees, including the amount spent and the percentage of the project funded by the fees.
6. If sufficient funds have been collected for an incomplete project, an estimated construction start date, whether the project began as scheduled, and reasons for any delay along with a revised start date.
7. Details of any interfund transfers or loans, including the public improvement they support and loan repayment terms.
8. Information on refunds issued, the number of recipients, and any reallocations.

Further, Gov Code 66006(b)(2) requires that the local agency governing board review the information made available to the public pursuant to Section 66006(b)(1).

### **ANALYSIS:**

RSG was hired by the City of Atwater ("City") to provide consulting services to review and make recommendations in order to prepare the development impact fee ("DIF") annual reports as well as five-year reporting requirements related to the requirements of Assembly Bill 1600 ("AB 1600"). The legal requirements of both the implementation and reporting requirements of DIF programs are found in Government Code Section 66006 and are collectively known as the Mitigation Fee Act.

RSG recently prepared the annual reports for FY 2017-18, 2018-19, 2019-20, 2020-21, and 2022-23, as well as a five-year report for FY 2017-18 to 2021-22. City Council received and filed the first four annual reports and the five-year report on January 22, 2024, and received and filed the last annual report (FY2022-23) on March 25, 2024. In addition, the City desires to contract with RSG to prepare and complete the annual reports for fiscal year 2023-24 through 2025-26. An extension of time and additional cost allocation is necessary.

The proposed amendment increases the contract by an additional \$29,820, with a maximum of \$9,940 per year over a three-year term to cover the completion of reports for Fiscal Years 2023-24 through 2025-26.

### **II. FISCAL IMPACTS:**

The amount of Amendment No. 4 is based upon a time-and-materials basis not to exceed \$9,940 per year. Sufficient funding is available for the proposed amount for the scope of work and will be paid from 0001-4000-3030: General Fund, Community Development, Professional Services. This will bring the total contract amount to \$80,530, of which \$50,710.00 has already been expensed and invoiced at present time.

**III. LEGAL REVIEW:**

The City Attorney has reviewed and approved the contract amendment.

**IV. EXISTING POLICY:**

This item is consistent with goal number one (1) of the City of Atwater 2020-2025 Strategic Plan: to ensure the city's continued financial stability.

**V. ALTERNATIVES:**

N/A

**VI. INTERDEPARTMENTAL COORDINATION:**

This item has been routed and reviewed by applicable departments.

**VII. PUBLIC PARTICIPATION:**

The public will have an opportunity to provide comments on this item prior to City Council action.

**VIII. ENVIRONMENTAL REVIEW:**

This item is not a "project" under the California Environmental Quality Act (CEQA) as this activity does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect environment, pursuant to the 21065 Public Resources physical change in the Code section.

**IX. STEPS FOLLOWING APPROVAL:**

Upon approval of the City Council, Amendment No. 4 to the Professional Services Agreement will be routed to applicable City staff for signatures and execution of the agreement.

Submitted by:



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Greg Thompson, Deputy City Manager/Community Development Director

Approved by:



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Chris Hoem, City Manager

Attachments:

1. Resolution - AB 1600
2. Amendment No. 4 to Contract-RSG AB1600
3. RSG Proposal\_Atwater FY 2023-24 to 2025-26 AB 1600 Reporting (5.21.2024)



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

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**RESOLUTION NO. XXXX-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATWATER APPROVING AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RSG, INC. FOR THE PREPERATION OF DEVEVELOPMENT IMPACT FEE ANNUAL REPORTS PURSUANT TO THE REQUIREMENTS OF ASSEMBLY BILL 1600 (AB 1600) AND THE MITIGATION ACT**

**WHEREAS**, AB 1600 (Mitigation Fee Act, 1998) codified as Section 66000 et seq. of the California Government Code, regulates how public agencies collect, maintain, and spend impact fees imposed on developers for the purpose of defraying costs of public facilities. It includes requirements for annual accounting and reporting of the fees; and

**WHEREAS**, RSG was hired by the City of Atwater (“City”) to provide consulting services to review and make recommendations in order to prepare the development impact fee (“DIF”) annual reports as well as five-year reporting requirements related to the requirements of Assembly Bill 1600 (“AB 1600”). The legal requirements of both the implementation and reporting requirements of DIF programs are found in Government Code Section 66006 and are collectively known as the Mitigation Fee Act; and

**WHEREAS**, the City desires to contract with RSG to prepare and complete the annual reports for fiscal year 2023-24 through 2025-26.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Atwater does hereby authorize the City Manager or his designee to execute amendment no. 4 to the professional services agreement in a form approved by the City Attorney, to RSG, Inc to prepare and complete the annual reports on a time-and-materials-basis not to exceed \$9,940 per year.

The foregoing resolution is hereby adopted this 14<sup>th</sup> day of October 2024.

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**MIKE NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KORY J. BILLINGS, CITY CLERK**

**AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF ATWATER AND RSG, INC**

This Amendment No. 4 to the Professional Services Agreement (“Amendment No. 4”) by and between the City of Atwater (“City”) and RSG, INC. (“Professional”) is entered into on October 14, 2024. City and Professional are hereinafter collectively referred to as the “Parties.”

**RECITALS**

**WHEREAS**, the Parties entered into a Professional Services Agreement dated June 30, 2021 (“Original Agreement”) for the purpose of completing the accounting requirements of the Mitigation Fee Act for the City’s Public Facility Development Impact Fee Program for fiscal years 2017-18 through 2022-23, and one five-year report (the “Project”); and

**WHEREAS**, the Parties amended the Original Agreement in February 8, 2022 (“Amendment No. 1”) to extend the term and increase the compensation from \$12,550 to \$22,370.

**WHEREAS**, the Parties subsequently amended the Original Agreement a second time in April 25, 2023 (“Amendment No. 2”) to extend the term and increase the compensation from \$22,370 to \$37,210.

**WHEREAS**, the Parties subsequently amended the Original Agreement a second time in April 25, 2023 (“Amendment No. 3”) to extend the term and increase the compensation from \$37,210 to \$50,710.

**WHEREAS**, the Parties desire to further amend the Original Agreement for the purpose of extending the end date of the Original Agreement under Section 1.1, “Term of Services”; and

**WHEREAS**, Professional’s contract required more hours than anticipated due to additional meeting with the City, multiple reviews of documents, and unforeseen complexities that were not in the original scope of work; and

**WHEREAS**, the Parties desire to further amend the Original Agreement, as previously amended, for the purpose of modifying the compensation amount on the contract under Section 2., “Compensation”, as set forth below; and

**NOW, THEREFORE**, as of the Effective Date of this Amendment No. 4, the Original Agreement , as amended, is hereby amended as follows:

1. The Parties hereby agree to amend Section 1.1 “Term of Services,” by

modifying the end date from January 1, 2024 to December 31, 2026, as follows

**1.1 Term of Services.** *The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2026. Professional shall complete the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Professional to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8*

2. The Parties hereby agree to amend Section 2 of the Original Agreement, "Compensation," by modifying the compensation amount from a sum not to exceed \$50,710.00 to a sum not to exceed \$80,530.00, as follows:

**Section 2. COMPENSATION.** *City hereby agrees to pay Professional a sum not to exceed \$80,530.00, notwithstanding any contrary indications that may be contained in Professional's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Professional's fee schedule regarding the amount of compensation, attached as Exhibit B, the Agreement shall prevail. City shall pay Professional for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Professional for services rendered pursuant to this Agreement. Professional shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Professional shall not bill City for duplicate services performed by more than one person.*

*Professional and City acknowledge and agree that compensation paid by City to Professional under this Agreement is based upon Professional's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Professional. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Professional and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.*

3. Exhibit A-3 and Exhibit B-3 attached hereto, are hereby also incorporated into this Amendment No. 4, as attached hereto, and supplement "Exhibit A" and "Exhibit B" and Exhibit A-1 and Exhibit B-1 to the Original Agreement.

4. Unless otherwise changed by this Amendment No. 4, the Original Agreement, and all exhibits, shall remain in full force and effect.

5. This Amendment No. 4 may be executed in counterparts, each of which to be deemed an original, but all of which shall constitute the same Amendment No. 4.

**[SIGNATURES ON THE FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, the Parties have executed this Amendment No. 4 on the day and year first above written.

**CITY OF ATWATER**

**CONSULTANT**

\_\_\_\_\_  
**Chris Hoem**  
City Manager

\_\_\_\_\_  
**Tara Matthews**  
Principal  
RSG, Inc.

Attest:

\_\_\_\_\_  
**Kory J. Billings**  
City Clerk

Approved as to form:

\_\_\_\_\_  
**Frank Splendorio**  
City Attorney

## EXHIBIT A-3

### SCOPE OF WORK

RSG was hired by the City of Atwater (“City”) to provide consulting services to prepare the development impact fee (“DIF”) annual reports as well as five-year reporting requirements related to the requirements of Assembly Bill 1600 (“AB 1600”). The legal requirements of both the implementation and reporting requirements of DIF programs are found in Government Code Section 66006 and are collectively known as the Mitigation Fee Act.

RSG would prepare the City’s Development Impact Reports for FY 2023-24 through 2025-26 as required by the Mitigation Fee Act. It is anticipated that the proposed reports will be completed by November 30, 2024, and presented to City Council by December 9, 2024.

**Task 1. Complete Reporting Documents.** RSG will finish preparing the annual accounting requirements of the Mitigation Fee Act for the City’s Public Facility Development Impact Fee Program for fiscal year 2023-24 through 2025-26 (three years). Additionally, RSG will request from the City pertinent financial reports and other necessary data related to each of the City’s DIF fees for FY 2023-24 through 2025-26 to complete that annual report.

The annual reports will include the following information, in accordance with AB 1600 and the Mitigation Fee Act:

- Description of the type of fee in each account or fund;
- Amount of the fee;
- Beginning and ending balance of the account or fund;
- Amount of the fees collected and the interest earned;
- Identification of each public improvement on which fees were expended and the amount of each expenditure;
- Identification of the approximate date by which the construction of the public improvement will commence;
- Description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended;
- Amount of refunds made and any allocations of unexpended fees that are not refunded.

**Task 2. Staff Report.** RSG will prepare the staff report and notice of availability for the City Council meeting agenda.

**Task 3. Action Items for Compliance.** RSG will prepare a list of outstanding action items that the City must take to fully comply with AB 1600 and the Mitigation Fee Act.

**EXHIBIT B-3**

**FEE SCHEDULE**

RSG proposes to provide the services described in the Scope of Services on a time-and-materials basis not-to-exceed \$9,940 per year. Our fee is based upon an estimate of the number of hours needed for each task. The table below provides a generalized cost breakdown for the Fee Proposal.

<b>Task</b>	<b>Principal</b> \$295	<b>Director</b> \$275	<b>Associate</b> \$195	<b>Senior Analyst</b> \$160	<b>Total</b>
Task 1: Prepare Annual Report	1	3	8	20	\$ 5,880
Task 2: Staff Report	1	1	3	3	\$ 1,635
Task 3: Action Items for Compliance	1	2	4	5	\$ 2,425
<b>TOTAL</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>28</b>	<b>\$ 9,940</b>

If the tasks under the Scope of Services section are substantially changed in the future, RSG will notify the City and request a fee adjustment. Any revisions to the Scope of Services will be billed on a time-and-materials basis at the following hourly rates:

**HOURLY BILLING RATES:**

Principal	\$ 295
Director	\$ 275
Senior Associate	\$ 225
Associate	\$ 195
Senior Analyst	\$ 160
Analyst	\$ 145
Research Assistant	\$ 135
Technician	\$ 100
Clerical	\$ 60
Reimbursable Expenses	Cost plus 10%



**RSG does not charge clients for travel or mileage** (except direct costs related to field work/surveys), parking, standard telephone/fax expenses, general postage or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended and the hourly rate.



May 21, 2024

**Via Electronic Mail**

Greg Thompson, Interim City Manager  
CITY OF ATWATER  
750 Bellevue Road  
Atwater, CA 95301

**PROPOSAL FOR PREPARATION OF FISCAL YEAR 2023-24 TO 2025-26 ANNUAL DEVELOPMENT IMPACT FEE REPORTS**

Dear Mr. Thompson:

RSG, Inc. (“RSG”) is pleased to present this proposed scope of work and budget to prepare the City of Atwater’s (“City”) development impact fee (“DIF”) annual reports pursuant to the requirements of Assembly Bill 1600 (“AB 1600”) and the Mitigation Fee Act (Government Code Section 66000). Per City staff’s request, RSG is proposing a three-year term to cover the reports for Fiscal Years (“FY”) 2023-24 to 2025-26.

In accordance with the Mitigation Fee Act, the City adopted a Public Facility Development Impact Fee Study in March 2003 that demonstrated the nexus between new development and the need for public facilities. The City identified and updated fees charged to new development to fund several public facilities, including the following:

- Water facilities;
- Wastewater facilities;
- Transportation facilities;
- Parks and recreation improvements;
- Public safety facilities;
- Fire protection facilities; and
- General government capital facilities.

Pursuant to the Mitigation Fee Act, the City annually prepares a capital improvement plan (“CIP”) in conjunction with the City’s annual operating budget that identifies a schedule of improvements necessary to accommodate projected growth from new development. The CIP classifies the intended use of each of these fees and outlines the budgets for revenue from these fees. The Mitigation Fee Act requires that fees collected for each capital facility be deposited in separate accounts and not commingled with other funds. The City must prepare an annual report within 180 days after the last day of the fiscal year. The Mitigation Fee Act also requires that for the fifth fiscal year following the first deposit into each public improvement fund, and every five years thereafter, the City must make several findings for funds remaining in each development impact fee account.

To assist in bringing the City into compliance with the requirements outlined in the Mitigation Fee Act, RSG recently prepared the annual reports for FY 2017-18, 2018-19, 2019-20, 2020-21, and 2022-23, as well as the five-year report for FY 2017-18 to 2021-22. City Council received and filed the first four annual reports and the five-year report on January 22, 2024, and received and filed the last annual report (FY 2022-23) on March 25, 2024. At this time, the proposed scope of work includes preparing the annual reports for FY 2023-24 through 2025-26.

We look forward to continuing our work on this engagement with the City. If you have any questions, please contact Tara Matthews at (714) 316-2111 or [tmatthews@rsgsolutions.com](mailto:tmatthews@rsgsolutions.com).

Sincerely,  
RSG, INC.



Tara Matthews  
Principal

## SCOPE OF WORK

RSG would prepare the City's DIF reports for FY 2023-24 through 2025-26 as required by the Mitigation Fee Act. It is anticipated that the proposed reports will be completed by late November and presented to City Council in December of each respective year.

**Task 1. Complete Reporting Documents.** RSG will prepare the annual reports for FY 2023-24 through 2025-26, which will include the following information in accordance with AB 1600 and the Mitigation Fee Act:

- Description of the type of fee in each account or fund;
- Amount of the fee;
- Beginning and ending balance of the account or fund;
- Amount of the fees collected and the interest earned;
- Identification of each public improvement on which fees were expended and the amount of each expenditure;
- Identification of the approximate date by which the construction of the public improvement will commence;
- Description of any interfund transfer or loan and the public improvement on which the transferred funds will be expended;
- Amount of refunds made and any allocations of unexpended fees that are not refunded.

**Task 2. Staff Report.** RSG will annually prepare the staff report for the City Council meeting agendas.

**Task 3. Action Items for Compliance.** RSG will annually prepare a list of any outstanding action items that the City must take to fully comply with AB 1600 and the Mitigation Fee Act.

## PROJECT TEAM

To provide the best services, RSG dedicates at least one Principal and one Project Manager to each project and creates a core group of people that works with each client on a consistent basis throughout all stages of the assignment. We employ a passionate and talented team of associates and analysts, who blend an understanding of each client's situation with our expertise in researching, analyzing, modeling, and ultimately developing recommendations and results.

Ms. Tara Matthews will continue the role of Principal-in-Charge for this engagement. Ms. Matthews will continue to be assisted by Dominique Clark, Director, and Dawna Morse, Associate and Project Manager. Additionally, other RSG staff may be assigned as needed. Staff

resumes can be found on our company website under the following link: [rsgsolutions.com/meet-team/](http://rsgsolutions.com/meet-team/).

## FEE PROPOSAL & COMPENSATION RATES

RSG proposes to provide the services described in the Scope of Services on a time-and-materials basis not to exceed \$9,940 per year. Our fee is based upon an estimate of the number of hours needed for each task. The table below provides a generalized cost breakdown for the Fee Proposal.

Task	Principal \$295	Director \$275	Associate \$195	Senior Analyst \$160	Total
Task 1: Prepare Annual Report	1	3	8	20	\$ 5,880
Task 2: Staff Report	1	1	3	3	\$ 1,635
Task 3: Action Items for Compliance	1	2	4	5	\$ 2,425
<b>TOTAL</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>28</b>	<b>\$ 9,940</b>

If the tasks under the Scope of Services section are substantially changed in the future, RSG will notify the City and request a fee adjustment. Any revisions to the scope of services outlined above will be billed on a time-and-materials basis at the following hourly rates:

Principal	\$ 295
Director	\$ 275
Senior Associate	\$ 225
Associate	\$ 195
Senior Analyst	\$ 160
Analyst	\$ 145
Research Assistant	\$ 135
Technician	\$ 100
Clerical	\$ 60
Reimbursable Expenses	Cost plus 10%

**RSG does not charge clients for travel or mileage** (except direct costs related to field work/surveys), parking, standard telephone/fax expenses, general postage or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended and the hourly rate.



## CITY COUNCIL AGENDA REPORT

### CITY COUNCIL

Mike Nelson, Mayor  
Danny Ambriz                      Tyler Button  
John Cale                              Brian Raymond

**MEETING DATE:** October 14, 2024  
**TO:** Mayor and City Council  
**FROM:** Anna Nicholas, Finance Director  
**PREPARED BY:** Anna Nicholas, Finance Director  
**SUBJECT:** **Awarding a Professional Services Agreement to Willdan Financial Services for Comprehensive User Fee Study, Development Impact Fee Study & Full Cost Allocation Plan** (Finance Director Nicholas)

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### **RECOMMENDED COUNCIL ACTION**

Adoption of Resolution No. 3493-24 approving the award of a Professional Services Agreement, in a form approved by the City Attorney, to Willdan Financial Services to conduct and complete a Comprehensive User Fee Study, Development Impact Fee Study, & Full Cost Allocation Plan in an amount not to exceed \$102,625; and authorizes and directs the City Manager, or his designee, to execute said agreement on behalf of the City.

### **I. BACKGROUND/ANALYSIS:**

As part of the annual budgeting process this year, the City identified a key project that needs to be completed during Fiscal Year (FY) 2024-25. The project consists of three major components: Comprehensive User Fee Study, Development Impact Fee Study, and a Full Cost Allocation Plan. On July 29, 2024, the City issued the Request for Proposal (RFP) for the project that includes all three components. The issued RFP contained a detailed objective of the three project components, a tentative selection timeline and the criteria to be used, of which prospective respondents would be evaluated.

A selection committee was formed to vet the responses to the RFP. The review process included interviews conducted virtually with all five companies that provided a response to the RFP. After a thorough review of the five proposals received, the selection committee selected Willdan Financial Services to complete the project for the City. Also, the proposal received by Willdan Financial Services was the lowest in cost of the five proposals. The proposed cost for all components of the project is less than the amount budgeted for FY 2024-25; therefore, at this time no budget amendments are required.

The full breadth of each project component can be located in the 'Proposed Scope of Services' located in Exhibit A of the attached agreement. Best practices utilized by government agencies for Cost Allocation Plans and Comprehensive User Fee Studies include having the studies done every five years by a contracted specialized consulting firm, such as Willdan Financial Services and the like. In the interim years, cities will apply a designated cost escalator such as the Consumer Price Index (CPI) measure to maintain optimal and adequate cost recovery. If there have been substantial changes in work practices, municipal operations, service additions, or other activity that would warrant a study to be done sooner than five years, then the study should be completed as necessary. This is best practice to ensure fees are appropriately set for cost recovery and legal compliance. For the Development Impact Fee Study, local governments must comply with Assembly Bill (AB) 602, which went into effect January 1, 2022. One of the many requirements of AB 602 is the completion of a development impact fee nexus study every eight years. The nexus study is a necessary task to demonstrate how government agencies set impact fees. Once completed, the final product of fee studies will be brought forward for City Council review and approval, following any applicable noticing and legal requirements.

**II. FISCAL IMPACTS:**

The total all-inclusive fixed fee price for the proposed services is \$102,625. This amount includes the cost of services for completion of the Full Cost Allocation Plan, the Comprehensive User Fee Study, and the Development Impact Fee Study. This item has been budgeted for in the FY 2024-25 budget and will be paid from the following funds: ARPA Fund 1010, Water Fund 6000, and Wastewater Fund 6010. The item has been reviewed by the Finance Director.

**III. LEGAL REVIEW:**

This item, and all pertinent documents, has been reviewed by the City Attorney.

**IV. EXISTING POLICY:**

The most recent Strategic Plan, 2023-2025, identifies six goals of the City Council. This project will directly and indirectly support the continued achievement of all six goals.

**V. ALTERNATIVES:**

The City Council could choose not to award the contract and provide further direction.

**VI. INTERDEPARTMENTAL COORDINATION:**

This item has been reviewed by all pertinent departments. The execution of this project will include continued department participation.

**VII. PUBLIC PARTICIPATION:**

The public will have an opportunity to provide comments on this item prior to City

Council action.

**VIII. ENVIRONMENTAL REVIEW:**

This item is not a “project” under the California Environmental Quality Act (CEQA) as this activity does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect environment, pursuant to the 21065 Public Resources physical change in the Code section.

**IX. STEPS FOLLOWING APPROVAL:**

Following approval of this item, the Professional Services Agreement will be executed and completed through the proposed scope of services.

Submitted by:



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Anna Nicholas, Finance Director

Approved by:



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Chris Hoem, City Manager

Attachments:

1. Resolution - Comprehensive User Fee Study, Development Impact Fee Study, and a Full Cost Allocation Plan
2. Atwater CAP UF DIF Agreement\_WFS Executed\_Oct 2024



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

**RESOLUTION NO. XXXX-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATWATER APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN FINANCIAL SERVICES, INC TO CONDUCT AND COMPLETE A COMPREHENSIVE USER FEE STUDY, DEVELOPMENT IMPACT FEE STUDY, & FULL COST ALLOCATION PLAN**

**WHEREAS**, the City identified a key project that needs to be completed during Fiscal Year (FY) 2024-25. The project consists of three major components: Comprehensive User Fee Study, Development Impact Fee Study, and a Full Cost Allocation Plan. On July 29, 2024, the City issued the Request for Proposal (RFP) for the project that includes all three components. The issued RFP contained a detailed objective of the three project components, a tentative selection timeline and the criteria to be used, of which prospective respondents would be evaluated; and

**WHEREAS**, A selection committee was formed to vet the responses to the RFP. The review process included interviews conducted virtually with all five companies that provided a response to the RFP. After a thorough review of the five proposals received, the selection committee selected Willdan Financial Services to complete the project for the City. The proposed cost for all components of the project is less than the amount budgeted for FY 2024-25; therefore, at this time no budget amendments are required; and

**WHEREAS**, The full breadth of each project component can be located in the 'Proposed Scope of Services' located in Exhibit A of the agreement. Best practices utilized by government agencies for Cost Allocation Plans and Comprehensive User Fee Studies include having the studies done every five years by a contracted specialized consulting firm.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Atwater does hereby authorize the City Manager or his designee to execute a professional services agreement in a form approved by the City Attorney, to Willdan Financial Services, Inc to conduct and complete a Comprehensive User Fee Study, Development Impact Fee Study, & Full Cost Allocation Plan in an amount not to exceed \$102,625.

The foregoing resolution is hereby adopted this 14<sup>th</sup> day of October 2024.

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**MIKE NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KORY J. BILLINGS, CITY CLERK**

**CITY OF ATWATER  
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of October 15, 2024 by and between the City of Atwater, a public agency organized and operating under the laws of the State of California (“City”), and Willdan Financial Services, Inc., a Corporation with its principal place of business at 27368 Via Industria, Suite 200, Temecula, CA 92590 (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

**RECITALS**

- A. City is a public agency of the State of California and is in need of professional services for the following project:  
  
Comprehensive User Fee Study, Development Impact Fee Study and Full Cost Allocation Plan (hereinafter referred to as “the Project”).
- B. Consultant is duly licensed and has the necessary qualifications to provide such services.
- C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

**AGREEMENT**

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit “A

Compensation.

- a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit “B
- b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$102,625.00. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

2. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the

scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

3. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

4. Term.

The term of this Agreement shall be from **October 15, 2024** to **June 30, 2025**, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

5. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

6. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

7. Standard of Care; Performance of Employees

a. Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care

and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

- b. Consultant's employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Consultant represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Contract. As provided for in the indemnification provisions of this Contract, Consultant shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply with the standard of care provided for herein. Any employee of the Consultant or its sub-consultants who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

#### 8. Assignment and Subcontracting

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates and subcontractors as Consultant may deem appropriate to assist in the performance of services hereunder.

#### 9. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

#### 10. Insurance

Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

##### a. Commercial General Liability

- (i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.
- (ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage
- (9) Independent Contractors Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the “Workers’ Compensation and Insurance Act,” Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer’s Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers’ compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

(i) At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form specifically designed to protect against acts, errors or omissions of the Consultant. “Covered Professional Services” as designated in the policy must specifically include work performed under this Agreement. The policy must “pay on behalf of” the insured and must include a provision establishing the insurer’s duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 combined single limit
Employer’s Liability	\$1,000,000 per accident or disease
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

i. Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage

of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

- (i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.
- (ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.
- (iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.
- (iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City and shall require similar written express waivers and insurance clauses from each of its subconsultants.
- (v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

- (i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

- (1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

- (i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.
- (ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.
- (iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.
- (iv) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements

Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

11. Indemnification.

- a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not

be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

- b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

## 12. California Labor Code Requirements.

- a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.
- b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.
- c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability

arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

13. Safety.

Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and life-saving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in at the Superior Court of California for the County of Merced.

16. Termination or Abandonment

- a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services and shall not be entitled to damages or compensation for termination of work.
- b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

17. Ownership of Documents and Confidential Information.

- a. All deliverables and other documents generated by Consultant in the performance of the Services, including all work papers, work-in-progress, designs, drawings, documents, data, computations, specifications, studies and reports prepared by Consultant as a part of the Services or authorized Additional Services (“Consultant Work Product”) shall belong to and be subject to the sole ownership and use of City.
- b. Except as otherwise provided in “Termination or Abandonment,” above, all original field notes, written reports, drawings and specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.
- c. During the course of the performance of this Agreement, Consultant may receive written or verbal information from City, its representatives or agents, not in the public domain. Such information may include City’s know how, trade secrets, and other proprietary and confidential information and Consultant agrees to treat such information as confidential information belonging to City. Consultant agrees that neither it, nor its officers, employees, representatives, agents, successors, or assigns, will disclose such information to any third party or use the same in any manner without the prior written consent of City. Moreover, Consultant agrees to safeguard such proprietary and confidential information from unauthorized disclosure and/or use using the same degree of care it uses to protect its own proprietary and confidential information, but not less than a reasonable standard of care. In the event that disclosure of such information is sought pursuant to any law or regulation, Consultant shall promptly notify City of such fact to allow City to assert whatever exclusions or exemptions may be available to it under applicable law or regulation.

18. Organization

Consultant shall assign the Finance Director as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

19. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

20. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

1160 Fifth Street  
Atwater, CA 95301  
Attn: City Manager  
[citymanager@atwater.org](mailto:citymanager@atwater.org)

CONSULTANT:

27368 Via Industria, Suite 200  
Temecula, California 92590  
Attn: Chris Fisher  
[cfisher@willdan.com](mailto:cfisher@willdan.com)

and shall be effective upon receipt thereof.

21. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

22. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

23. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

24. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid or illegal.

25. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

26. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party, unless such waiver is specifically specified in writing.

27. Time of Essence

Time is of the essence for each and every provision of this Agreement.

28. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

29. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

**[SIGNATURES ON FOLLOWING PAGE]**

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT  
BETWEEN CITY OF ATWATER  
AND WILDAN FINANCIAL SERVICES, INC.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

**CITY OF ATWATER**

**CONSULTANT**

By: \_\_\_\_\_  
Christopher Hoem, City Manager

By:  \_\_\_\_\_  
Chris Fisher, Vice President/Director

Date: \_\_\_\_\_

Date: October 8, 2024

**ATTEST:**

By: \_\_\_\_\_  
Kory J. Billings, City Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Frank Splendorio, City Attorney

EXHIBIT A  
Scope of Services

## 5. Proposed Scope of Services

### Work Plans

Our proposed work plans, described in detail by task, are provided below. We explain how each task will be accomplished and identify associated meetings and deliverables. We want to ensure our scopes of work provides quality and clarity and is responsive to the City’s needs and specific local circumstances. We will work in concert with the City to adjust scopes as needed during the course of the studies.

### Full Cost Allocation Plan

This proposed scope of services addresses the completion of both the full and OMB compliant versions of the Cost Allocation Plan (CAP). We have noted where activities specific to the OMB compliant plan occur.

<b>Task 1:</b>	<b>Initial Document Request</b>
<b>Objective:</b>	Initial due diligence.
<b>Description:</b>	<p>Prior to the kick-off call, relevant documentation will be obtained and reviewed. As necessary, specific data may be requested to better understand any changes that have occurred within the City’s internal structure since our completion of the previous CAP. A written request for specific data will be sent to the City. The data provided in this task will provide the building blocks for later model development.</p> <p>Our request may include (but is not limited to):</p> <ul style="list-style-type: none"> <li>▪ Detailed budget and accounting data;</li> <li>▪ Data related to various allocation bases that may be used in the study and incorporated as part of the methodology, i.e., City Council agenda frequencies by department, AP/AR transactions by department, IT equipment distribution by department, etc.;</li> <li>▪ Prior year’s financial data, salary, position, and staffing data;</li> <li>▪ Prior cost allocation plan and/or user fee documentation and models; and</li> <li>▪ Organizational structure.</li> </ul>
<b>Deliverables:</b>	<p><b>Willdan:</b> Submit information request to City.</p> <p><b>City:</b> Provide requested data to Willdan (prior to Task 2, Kick-off Call/Refine Scope). We will follow up with the City to confirm in writing the data that we have received, or which is still outstanding.</p>
<b>Task 2:</b>	<b>Kick-off Conference Call / Refine Scope</b>
<b>Objective:</b>	Confirm project goals and objectives. Identify and discuss policy matters related to the study and determine appropriate fee categories.
<b>Description:</b>	<p>Willdan will begin this portion of the project with a discussion of the City’s exiting Cost Allocation Plan or methodology if available. We will identify and discuss policy implications typically raised in conjunction with these studies and address data gaps in order to gain a full understanding of the City’s goals for the cost allocation plan. We will establish effective lines of communication and processes for information gathering and review. We will also discuss costs that may not be allocable for OMB purposes, and the potential impact on the OMB version of the CAP.</p> <p>During this call, we will ask that the City assign a project manager to serve as its primary contact. The selected City project manager will ensure that available data is provided to Willdan in a timely manner, thereby maintaining adherence to the project’s schedule.</p> <p>We will obtain and review the current cost allocation methodology and discuss with City staff. The objective of this review is to determine specific areas of focus as they relate to the City’s objectives, and to discuss and evaluate current and potential cost categories, allocation factors, and methodology.</p>
<b>Meetings:</b>	One (1) project kick-off conference call to initiate the project, discuss data needs and methodologies and to address policy issues. We would propose conducting the user fee study kick-off during this same call, to maximize efficiency and cost effectiveness of staff and Willdan time.
<b>Deliverables:</b>	<p><b>Willdan:</b> If needed, a revised project scope and schedule.</p> <p><b>City:</b> Provide further data requirements and select / introduce City’s project manager.</p>

Task 3: Gather Staffing Information and Develop/Update Cost Allocation Plan Model	
<b>Description:</b>	<p>This task involves the gathering of specific information, directly from City staff, through interviews and discussion, related to the functions served by indirect staff and the departments served by their activities.</p> <p>This task also focuses on the development of, and/or adjustment of existing, allocation bases, and the development and testing of a model that will ultimately be used to calculate the proper cost allocations derived from data gathered in prior tasks.</p> <p>We will develop a model that reflects current practices and service models and structures within the City and identifies the total costs of providing indirect overhead support services and allocates them to operating groups and functions.</p> <p>The model will also be developed to allocate only those costs eligible under Title 2 CFR Part 200. This is accomplished by loading relevant data into the model, identifying which costs are not allocable under the OMB guidelines. The OMB Super Circular compliant model is valuable as the City may receive Federal or State grant funding that mandates compliance with Federal OMB regulations.</p> <p>The model will include flexibility to add or delete support service and/or operating groups as changes occur and also the ability to adjust the model and the results annually for inflation, salary, and benefit increases, as well as contract rates.</p> <p>We will utilize budget and organizational information, and other required information gathered from City staff to complete the work in this task. Specific discussions will be held to discuss allocation bases, services provided by indirect groups, how central overhead services are provided to and utilized by other departments, cost categories and allocation criteria, and how these will factor into the overall cost allocation methodology.</p> <p>The model and methodology will produce indirect cost rates and overhead percentages. These rates will be used to develop the full hourly cost of City Staff and will be suitable for a variety of uses, including incorporation into the User Fee Study's fully burdened personnel rates, billing to CIP projects, and in the OMB Super Circular compliant CAP, to Federal grants.</p>
<b>Meetings:</b>	Online meetings with staff to understand structure and operations as model and allocation bases are developed. Key staff will be interviewed to best understand central overhead staffing and functions and the departments served.
<b>Deliverables:</b>	<b>Willdan:</b> One (1) user-friendly model in Microsoft Excel format that provides both a full cost allocation plan and an OMB Super Circular compliant cost allocation plan.
Task 4: Test and Review Cost Allocation Methodology	
<b>Objective:</b>	Test and review model and results with City.
<b>Description:</b>	<p>The draft cost allocation plan model will be reviewed with City staff, and adjusted as necessary, to ensure that preliminary allocations provide an accurate depiction of how the central overhead costs should be borne by the operating programs and funds.</p> <p>Over the past several years, we have successfully integrated online meetings by using WebEx™ as an element to our approach. This allows us to remotely guide staff through the model review and allows you the opportunity to interactively change inputs and test approaches.</p>
<b>Meetings:</b>	One (1) online meeting and demonstration with City Staff and Management to review the model, and present to the City's management group for feedback.
<b>Deliverables:</b>	<b>Willdan and City:</b> Draft cost allocation plan model review.
Task 5: Prepare and Present Draft Report	
<b>Objective:</b>	Prepare the draft cost allocation report.
<b>Description:</b>	<p>This task involves the draft report preparation.</p> <p>The cost allocation plan's background, model methodologies, and results will be discussed; calculations and supporting data will be presented textually and in easily understood tables and provided to the City.</p>
<b>Meetings:</b>	One (1) virtual meeting to present the draft report to City Staff and assist in presenting the results to the City's management group for review and feedback.

**Deliverables:** **Willdan:** Draft report for City review and input.  
**City:** Review of draft report, with comments, and edits.

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**Task 6: Discuss and Revise Report**

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**Objective:** Review of draft report, cost distribution methods, and model.

**Description:** An in-depth review of the draft report and model will be conducted to arrive at an optimum allocation method for each expenditure type. Often, through the course of an engagement, comments usually revolve around issues of understandability; appropriate levels of enterprise funds' cost recovery, etc.; ease of calculation; and overhead costs' distribution methods.

Our reports are structured to include both the full and OMB compliant plan, but in the course of review if a separate report is desired for each or just one of the plans, they will be split.

Following a round of comments from City Staff and Management concerning the draft report, the final report will be prepared for presentation to the Council.

**Meetings:** One (1) conference call with City staff to review the report with changes and revisions.

**Deliverables:** Draft report, and revised draft/final report.

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**Task 7: Prepare and Present Final Report and Model**

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**Objective:** Prepare and present the final report to City Council. Educate City staff on the operation and use of the model for future modifications.

**Description:** This task is the culmination of the cost allocation plan project. Based on staff comments on the draft report, Willdan will prepare the final report for presentation to Finance Director, City Manager, City Staff, and City Council.

**Meetings:** One (1) meeting to assist the City's management group with the presentation of the results and plan to the City Council. This meeting would be held in conjunction with the presentation of the User Fee study results.

We will also provide staff instruction on the operation and use of the model.

**Deliverables:** **Willdan:** Provide one (1) electronic PDF file copy of the final report, on USB, and models and twenty (20) bound copies to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided on CD-ROM.

## Comprehensive User Fee Study

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**Task 1: Initial Document Request**

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**Objective:** Initial due diligence; obtain study-related data.

**Description:** Prior to the kick-off meeting, we will obtain and review relevant documentation to further enhance our understanding of the services, fees, and rates to be studied. A written request for data will be sent to the City. Please note that Time Survey data is not part of this request and will be gathered during the interviews described in Task 5.

We will request information and documentation on current fees and fee programs, activity levels, and budget and staffing information (to the extent not already available) related specifically to programs and activities which have associated fees, and for which the City has this level of detail.

**Deliverables:** **Willdan:** Submit information request to City.

**City:** Provide requested data to Willdan (prior to Task 3, Kick-off Meeting/Refine Scope). As with the cost allocation plan, we will follow up with the City to confirm receipt of requested data and information and highlight data elements that are outstanding.

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**Task 2: Compile Inventory of Current and Potential Fees**

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**Objective:** Willdan will identify a schedule of fees and methodology for calculating the fees.

**Description:** Based on the results of the initial document request and independent research, incorporate into our model the existing fees, provided by the City, to comprise the parameters of the fee study.

**Meetings:** It is possible that a conference call with the City may be necessary to discuss new fees to implement or existing fees that may no longer be required.

**Deliverables:** **Willdan:** One (1) draft list of current fees based on initial data provided (to be discussed and finalized during the kick-off call).

**City:** Review completed fee schedule with comments/revisions to be discussed during the kick-off meeting.

### Task 3: Kick-off Conference Call / Refine Scope

**Objective:** Confirm goals and objectives for the User Fee Study. Identify and policy matters typically related to a User Fee Study, address gaps in data, and refine appropriate existing or new fee categories (based on Task 2).

**Description:** Verify our understanding of the City's goals, the City's cost-recovery policy for user fees, and to fill any gaps in data/information necessary for the project. It is important for the City and Willdan to identify and address any foreseeable problems and maintain open communication throughout the process.

During this call, we will ask that the City identify a project manager who will serve as the primary contact for the project. The project manager shall have responsibility for ensuring that all available data is provided in a timely manner, thereby maintaining adherence to the project's schedule.

**Meetings:** One (1) project kick-off call to initiate the entire project, discuss data needs, and address policy implications. This will be held in conjunction with the kick-off for the cost allocation plan. As mentioned in the cost allocation plan work plan, we suggest combining the kick-off calls to increase efficiency.

**Deliverables:** **Willdan:** 1) Revised project scope and schedule (if needed); and 2) brief summary of policy decisions (if needed).

**City:** 1) Provide further data needs; and 2) determine/introduce City's project manager.

### Task 4: Develop User Fee Model

**Objective:** Develop and test model.

**Description:** This task involves the development of the model ultimately used to calculate the fees, based on data and information gathered in previous tasks and in the Time Survey Interviews described in Task 5. To ensure that City policies are met through the imposition of the calculated fees, the model will be formatted to include appropriate costs.

Key model inputs will include staff and allocated overhead costs per position, and relevant budget data on salaries and benefits. Most of this information will be developed during the cost allocation plan phase of this project and will be incorporated directly into the user fee model. We will request clarification and/or additional data if necessary.

The model will build upon the cost allocation plan results, to provide an allocation of administrative and overhead costs to fee related activities and departments providing services to customers, so that fees and billable rate schedules incorporate applicable costs. Furthermore, the fees and rates charged to customers will also reflect the cost of the services being provided, to the extent possible given policy and/or political considerations.

**Deliverables:** **Willdan:** One (1) user-friendly model in Microsoft Excel format, which, when finalized, City staff can use to calculate fee changes annually, or as often as deemed appropriate by the City Council.

### Task 5: Time Survey Interviews and Information Gathering

**Objective:** Meet with City staff to complete time surveys, gather data and information necessary to understand service delivery processes.

**Description:** In order to assist staff with the completion of the survey worksheets, we will schedule one (1) day of meetings with staff; however, the number of meetings needed may vary depending on the number of staff and departments involved.

The Willdan Team will conduct interviews with supervisors/managers, as well as other staff, as deemed appropriate and/or necessary, from each organization involved in the user fee study to determine the average time required by City staff to provide each of the services for which a fee is collected.

The fee model is designed so that full cost recovery fees are calculated immediately upon input of staff time. These full costs are also compared to current cost recovery levels.

This will allow Willdan and City staff to conclude with a final meeting to review the draft full cost recovery fees and adjust any times as necessary once all information has been compiled and input into the fee model. We will schedule the interviews with staff to minimize any disruption to their normal workflow.

**Meetings:** One (1) business day of meetings/staff interviews. Depending upon circumstances and availability, we may discuss the option with City Staff of conducting these meetings via WebEx or Zoom. In recent years city staff have become familiar and comfortable with virtual meeting methods, and there are advantages to this approach. We can share our fee model during the meeting to review data inputs and needs, clarify questions, demonstrate results and make on-the-fly adjustments.

Virtual meetings also provide more flexibility in scheduling, and scheduling in much shorter term, as opposed to getting everyone available on a single day. In person meetings can have value, and are preferred by some cities, so we will discuss both options and proceed based on the City's preference.

**Deliverables:** **Willdan and City:** Time surveys and draft full cost recovery fees.

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## Task 6: Data Analysis and Final User Fee Schedule

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**Objective:** Incorporate information obtained from interviews to fully develop model, calculate the full cost of service and compare full cost to current level of cost recovery.

**Description:** We will update the model, based on information received during the interviews, to generate a comprehensive user fee schedule. In addition, it is very common that a supplemental data request may be necessary, based on new fees identified that the City is not currently collecting.

Where appropriate, we will suggest and discuss with staff alternate approaches to existing fee programs (i.e., building fees) and suggest potential areas where fees could be collected where they are not currently.

We will calculate and present the full cost recovery level for fees, both current and projected under the new calculated fees, and revenue projections, given certain assumptions about the levels of subsidy for different fees.

Current levels of cost recovery will be compared to actual full costs calculated during the course of this study. Cost will be calculated at reasonable activity levels and include all appropriate direct and indirect costs and overhead. We will review fee programs for compliance with Propositions 218 and 26 in developing the fee schedule, we will make recommendations for new fees where appropriate, based on our experience with other cities. Some areas for new fees may be due to changes in law (legalized cannabis), or for activities that the City finds itself performing regularly, but for which no fee is collected.

The model will include provision for inflationary adjustments for appropriate costs, i.e., personnel and/or contractor rates associated with fee-based activities.

We will also evaluate deposit-based fees for recommended improvements, deposit levels, or other suitable structures.

The user fee data analysis and model development may take three (3) to four (4) weeks with frequent correspondence with City staff to discuss current cost recovery amounts, necessary to recover full cost and frequency activity.

**Meetings:** One (1) meeting, as necessary, to gather additional input, complete analysis and finalize fee schedule. Please see the note in Task 5 regarding in-person meetings.

**Deliverables:** Final user fee model for City Council presentation and discussion.

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## Task 7: Common Fees Comparison

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**Objective:** Examine selected user fees charged by up to five (5) comparable cities in Merced County, or jurisdictions that are similar to the City of Atwater. Where practical, we will utilize the same comparisons from the previous study for continuity and consistency.

**Description:** We will access and use our knowledge of other jurisdictions to benchmark the City's five (5) most common fees or highest yielding fees with comparable jurisdictions agreed.

Fee schedules are rarely readily or directly comparable from agency to agency due to definitional and operational differences. For example, a grading permit in one jurisdiction may include the plan check service, while the same permit in another jurisdiction may not, resulting in similar sounding services with widely varying costs. For this reason, where possible, Willdan will develop comparisons for prototype projects that include applicable fees (i.e., compare the fee burden for a standard residential home, or a 5,000 sq. ft. commercial building) or take a selection of the City's most commonly used and/or highest yielding fees.

The survey will contain the following, a comparison of common or similar fees and charges used by the City and other jurisdictions; current and proposed fees and charges unique to the City of Atwater; fees and charges used by other public entities not currently used in the City; and If possible, identify characteristics and processes unique to the City that account for significant variances in fees and charges used by other jurisdictions.

**Deliverables:** **Willdan:** Recommendations provided in Task 8 will incorporate the data gathered during our examination.

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## Task 8: Prepare and Present Draft Report

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**Objective:** Prepare draft report.

**Description:** This task involves the preparation of the draft report that discusses the study's background, the methodologies utilized in the study, and the results and presentation to various stakeholder groups. As noted below, meetings may occur during this or the next task as appropriate. The calculations used to generate the user fee study will be included textually, as well as in easy-to-understand tables.

Individual fee summaries by department and a comprehensive fee schedule will be included.

The draft report will include the following:

- Key results and findings;
- Basic descriptions of each service;
- Projections of potential fee revenue;
- Calculation of full cost of services, with costs broken down graphically into indirect and direct components, with a graphic display of the level of cost recovery;
- Current fees, as well as fee recommendations with associate levels of cost recovery;
- The full cost of each service and current cost recovery levels;
- Fee comparisons with other cities from Task 7;
- As appropriate, recommend alternative methodologies for building permit fee calculation; and
- Summary and recommendations.

The objective of the report is to communicate the recommendation of appropriate fees, which include the appropriate subsidy percentage for those fees where full cost recovery may be unrealistic.

**Meetings:** One (1) meeting with City staff and the City's management group, to present draft results, address questions and receive feedback.

**Deliverables:** **Willdan:** Draft report for City review and comment.

**City:** Review of draft report, with comments and edits.

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## Task 9: Revise Draft Report/Determine Cost Recovery Levels for Recommended Adoption

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**Objective:** Review of draft report and fee model.

**Description:** The goal of this task is to conduct an in-depth review of the draft report and model, incorporate feedback from Task 8, and changes as a result of previous discussions, and arrive at an optimum fee structure. Appropriate fees and charges will be discussed and recommendations provided, based on the analysis conducted in Task 6, consideration of City policy objectives related to fee-setting, cost recovery and subsidies, and in discussion with City Staff.

Often through the course of an engagement, City staff will volunteer insightful likes and dislikes regarding the existing fee structure. We listen to this feedback carefully because your staff members know the community best. Comments usually revolve around issues of:

- Understandability;
- Fairness to applicants;
- Ease of calculation;
- Appropriate levels of subsidy and cost recovery; and
- Full cost recovery hourly rates.

When adjusting fee recovery levels, we believe it is important to address these concerns.

Following one (1) round of comments and feedback from City staff on the draft report, we will prepare the final report for presentation to the City Council.

**Meetings:** One (1) online demonstration (WebEx) to review the report and model, with any revisions.  
**Deliverables:** Draft report, revised draft /final report.

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**Task 10: Prepare and Present Final Report/Instruct Staff on Model**

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**Objective:** Prepare and present final report to City Council. Instruct staff on the operation and use of the model for future modifications.

**Description:** This task is the culmination of the entire project. Based on staff comments received regarding the draft report, we will prepare the final report for presentation.

**Meetings:** One (1) meeting with the City Council to present the results and adopt the updated fee schedule. One (1) meeting with City Staff to provide instruction on the operation and use of the model on the same day, during regular business hours. We will also consult with the City as necessary to address questions related to the User Fee Study, or to defend the Study as the result of a challenge.

**Deliverables:** Provide one (1) electronic PDF file copy of the final report, on USB, and models and twenty (20) bound copies to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided digitally.

## Development Impact Fee Study

Willdan will work with the City to update its impact fees consistent with the Mitigation Fee Act and other relevant laws. We want to ensure that our scope of services is responsive to the City’s needs and specific local circumstances. We will work with the City to revise our proposed scope based on input prior to approval of a contract, and as needed during the course of the study.

Listed below are the development impact fees that are to be updated by this study. Willdan will also confer with the City on other potential fee categories.

- Parks and Recreation Improvements
- Public Safety Facilities
- Fire Protection Facilities
- General Government Capital Facilities
- Transportation Facilities
- Water Facilities
- Wastewater Facilities

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**Task 1: Identify Policy Issues**

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**Objective:** Identify and discuss potential policy issues raised by the study. Kick-off meeting with staff to review data needs, policy issues, schedule and discuss potential additional fee categories.

**Description:** Review agency documents related to existing capital planning policies and funding programs including existing impact fees. Bring policy issues to City staff’s attention, as appropriate, during the project and seek guidance prior to proceeding. Potential policy issues include:

- Changes in implementation resulting from AB 602 and other legislation;
- Changes in approach and nexus findings necessary to comply with AB 602;
- Potential new impact fees for consideration
- Adequacy of General Plan and other public facility planning policies (e.g., level of service standards); impact fee ordinances and resolutions, and prior nexus studies;
- Availability of existing public facility master plans and CIPs to identify needed facilities;
- Types of facilities to be funded by each fee;
- Land use categories for imposition of fees;
- Nexus approach to determining facility standards;
- Nexus approach to allocating cost burden among land uses, including need for separate fee zones;
- Potential alternative funding sources, if needed;
- Funding existing deficiencies, if identified; and
- Implementation concerns and strategies.

**Deliverables:** (1) Information requests; and (2) revised project scope and schedule (if needed).

## Task 2: Identify Existing Development and Future Growth

- Objective:** (1) Identify estimates of existing levels of development; and (2) identify a projection of future growth consistent with current planning policy.
- Description:** Identify base year for estimating existing levels of development and for calculating facility standards based on existing facility inventories (see Task 3). Include entitled development that would be exempt from fee program.
- Consult with City staff to identify growth projections to a defined long-range planning horizon (10 to 30 years). Projections provide a basis for determining the facilities needed to accommodate growth (see Task 4). Consider projections from regional metropolitan planning agencies and other available sources - City staff to provide estimates and projections by zone if needed.
- Develop approach for converting land use data to measure of facility demand. For example, identify population and employment density factors to convert population and employment estimates to dwelling units and building square footage.
- Select appropriate approach for each impact fee based on:
- Available local data on facility demand by land use category;
  - Approaches used by other agencies; and
  - Support for other agency policy objectives.
- Changes to estimates and projections during subsequent tasks could cause unanticipated effort and require an amendment to the scope of services and budget. Obtain approval of estimates and projections from City staff prior to proceeding.

## Task 3: Determine Facility Standards

- Note:** Conduct Tasks 3, 4, and 5 separately for each intended facility and fee type. Conduct tasks concurrently because of the effect of facility standards (Task 3), facility needs (Task 4), and alternative funding (Task 5) on the fee calculation.
- Objective:** Determine standards to identify facilities required to accommodate growth.
- Description:** Identify and evaluate possible facility standards depending upon the facility type, current facility inventory data, and available facility planning documents. Consider use of: (1) adopted policy standards (e.g., General Plan, master facility plans); (2) standards derived from existing facility inventories; or (3) standards derived from a list of planned facility projects. City staff to provide policies, inventories, and project lists. Willdan will work with the City to identify additional costs that might be eligible for funding by the DIF.

## Task 4: Determine Facilities Needs and Costs

- Objective:** Identify the type, amount and cost of facilities required to accommodate growth and correct deficiencies, if any.
- Description:** Quantify total planned facilities based on growth projection from Task 2 and facility standards from Task 3. Express planned facilities in general quantities such as acres of parkland, or as a specific list of capital projects from a master facility plan.
- Location of planned facilities may or may not be specified. If only a general description of planned facilities is available through the planning horizon, City staff to provide a list of specific capital projects for use of fee revenues during the short term (e.g., five years).
- Distinguish between: (1) facilities needed to serve growth (that can be funded by impact fees); and (2) facilities needed to correct existing deficiencies (that cannot be funded by impact fees). Use one of three cost allocation methods (existing inventory, system plan, or planned facilities).
- Gather planning-level data on new facilities costs based on lump sum project cost estimates, or unit costs and project quantities (acres, building square feet, lane miles, etc.). Consider recent City experience, local market data such as land transactions, and consultant team experience from prior projects. Inflate older cost estimates to base year using appropriate cost indices.
- The revised facility costs will form the basis of the capital improvement program needed for compliance with AB 602.
- This scope of work does not include additional engineering analysis, including traffic engineering, to identify total facility needs, existing deficiencies, or cost estimates.***

***Any such engineering/design work can be provided under a separate contract with Willdan Engineering or a third party. However, Willdan can use rough descriptions and comparables to calculate a reasonable cost estimate sufficient for use in the DIF study.***

## Task 5: Identify Funding and Financing Alternatives

**Objective:** Determine the extent of alternative (non-fee) funding available for new facilities.

**Description:** If impact fees are going to only partially fund a capital project, the *Mitigation Fee Act* requires the agency report on the anticipated source and timing of the additional funding every five years. There are two types of alternative funding sources that we will identify:

1. Funding from non-impact fee sources to correct existing deficiencies; and
2. Funding from new development other than impact fees that must be credited against new development's impact fee contributions, possibly including taxes paid to finance facilities.

Identify anticipated alternative funding based on information from City staff or note that funds are still to be identified based on a list of probable funding alternatives. If fees will fund debt service include financing costs in the total cost of facilities.

Assume facilities to be funded predominantly on a pay-as-you-go basis. Scope does not include a cash flow analysis to analyze effect of timing of fee revenues on financing costs.

## Task 6: Fee Comparison Analysis

**Objective:** Provide a comparison of the current and proposed impact fees to those of comparable/surrounding jurisdictions in Merced County.

**Description:** Willdan will compare a total of four Merced County jurisdictions to be selected by the City.

Typically, Willdan prepares an analysis of fees charged to a series of prototype developments (such as residential, retail, etc.) to provide an “apples to apples” comparison, but the exact methodology will be determined in consultation with the City. This comparison will be limited to four other jurisdictions.

## Task 7: Calculate Fees and Prepare Report

**Objective:** Provide technically defensible fee report that comprehensively documents project assumptions, methodologies, and results.

**Description:** Generate fee schedule to apportion facility costs to individual development projects. Use facility costs per unit of demand multiplied by demand by land use category based on data developed in prior tasks.

Prepare draft report tables for City staff to review, that document each step of the analysis, including schedule of maximum justified fees by facility type land use category and all other requirements of the *Mitigation Fee Act*.

Following one (1) round of comments from City staff on the quantitative analysis and fee schedules, prepare administrative draft report. Following one (1) round of comments on administrative draft, prepare public draft for presentation to interested parties, the public and elected officials. This public review draft will be presented and public stakeholder meetings and at a Council informational session. Prepare final report, if necessary, based on comments received on the public draft report. If requested, post the report on our website for public access. Note that as of January 2022, the Nexus study is adopted separately from the fees, and with a 30-day notice.

Fees will be calculating residential land uses in compliance with AB 602.

Provide legal counsel with copies of fee resolutions and ordinances used by other jurisdictions.

**Deliverables:** If necessary, we will provide up to two (2) bound copies of the draft report, one (1) unbound copy, one (1) Microsoft Word copy; and up to twenty (20) bound copies of the final report.

## Task 8: Meetings

**Objective:** The project manager or other necessary Willdan staff will attend project meetings. A member of the Impact Fee project team will attend up to four (4) in-person meetings and presentations throughout the City's engagement. Phone conferences are not considered meetings for the purposes of this scope.

**Optional:** Optional stakeholder and Council meetings may be requested by the City.

As requested by the RFP we have included an optional Task 9 in the cost proposal for a public meeting to present the draft nexus study.

## City Staff Support

To complete our tasks, we will need the cooperation of City staff. We suggest that the City of Atwater assign a key individual to represent the City as the project manager who can function as our primary contact. We anticipate that the City's project manager will:

- 1) Coordinate responses to requests for information;
- 2) Coordinate review of work products; and
- 3) Help resolve policy issues.

Willdan will endeavor to minimize the impact on City staff in the completion of this project. We will ask for responses to initial information requests in a timely manner. If there are delays on the part of the City, we will contact the City's project manager to steer the project back on track. We will keep the City's project manager informed of data or feedback we need to keep the project on schedule.

## Project Disclaimer

The City of Atwater further represents, acknowledges, and agrees that:

- (i) The City uses, or may use, the services of one or more municipal advisors registered with the U.S. Securities and Exchange Commission ("SEC") to advise it in connection with municipal financial products and the issuance of municipal securities;
- (ii) The City is not looking to Willdan to provide, and City shall not otherwise request or require Willdan to provide, any advice or recommendations with respect to municipal financial products or the issuance of municipal securities (including any advice or recommendations with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues);
- (iii) The provisions of this proposal and the services to be provided hereunder as outlined in the scope of services are not intended (and shall not be construed) to constitute or include any municipal advisory services within the meaning of Section 15B of the U.S. Securities Exchange Act of 1934, as amended (the "Exchange Act"), and the rules and regulations adopted thereunder;
- (iv) For the avoidance of doubt and without limiting the foregoing, in connection with any revenue projections, cash-flow analyses, feasibility studies and/or other analyses Willdan may provide the City with respect to financial, economic or other matters relating to a prospective, new or existing issuance of municipal securities of the City, (A) any such projections, studies and analyses shall be based upon assumptions, opinions or views (including, without limitation, any assumptions related to revenue growth) established by the City, in conjunction with such of its municipal, financial, legal and other advisers as it deems appropriate; and (B) under no circumstances shall Willdan be asked to provide, nor shall it provide, any advice or recommendations or subjective assumptions, opinions or views with respect to the actual or proposed structure, terms, timing, pricing or other similar matters with respect to any municipal financial products or municipal securities issuances, including any revisions or amendments thereto; and
- (v) Notwithstanding all of the foregoing, the City recognizes that interpretive guidance regarding municipal advisory activities is currently quite limited and is likely to evolve and develop during the term of the potential engagement and, to that end, the City will work with Willdan throughout the term of the potential Agreement to ensure that the Agreement and the services to be provided by Willdan hereunder, is interpreted by the parties, and if necessary amended, in a manner intended to ensure that the City is not asking Willdan to provide, and Willdan is not in fact providing or required to provide, any municipal advisory services.

## EXHIBIT B

### Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials contract.

## 9. Cost Proposal

### Total All-Inclusive Not to Exceed Maximum Price

Willdan Financial Services (“Willdan”) proposes a **fixed fee of \$102,625** for the Full Cost Allocation Plan, Comprehensive User Fee Study, and Development Impact Study, **which includes the Optional Development Impact Fee Draft Study Presentation.**

### Component Costs

#### Full Cost Allocation Plan

Willdan Financial Services proposes a **fixed fee of \$10,765** for the Full Cost Allocation Plan.

City of Atwater Cost Allocation Plan						
Fee Proposal						
	C. Fisher Principal-in- Charge	T. Thrasher Project Manager	P. Patel Senior Analyst	S. Labitan Analytical Support	R. Quaid QA/Tech Advisor	<u>Total</u>
	\$ 250	\$ 210	\$ 135	\$ 125	\$ 210	Hours Cost
<b>Scope of Services</b>						
<b>Task 1:</b> Initial Document Request	-	-	1.0	-	-	1.0 \$ 135
<b>Task 2:</b> Kick-off /Refine Scope	-	1.0	1.0	-	-	2.0 345
<b>Task 3:</b> Gather Staffing Information & Develop CAP Model	1.0	2.0	10.0	12.0	1.0	26.0 3,730
<b>Task 4:</b> Test and Review Cost Allocation Methodology	-	2.0	4.0	4.0	0.5	10.5 1,565
<b>Task 5:</b> Prepare and Present Draft Report	1.0	2.0	4.0	8.0	1.0	16.0 2,420
<b>Task 6:</b> Discuss and Revise Report	1.0	2.0	4.0	2.0	-	9.0 1,460
<b>Task 7:</b> Prepare and Present Final Report/Instruct Staff on Model	-	4.0	2.0	-	-	6.0 1,110
<b>Total – Cost Allocation Plan</b>	<b>3.0</b>	<b>13.0</b>	<b>26.0</b>	<b>26.0</b>	<b>2.5</b>	<b>70.5 \$ 10,765</b>

#### Comprehensive User Fee Study

Willdan Financial Services proposes a **fixed fee of \$28,800** for the Comprehensive User Fee Study.

City of Atwater Comprehensive User Fee Study						
Fee Proposal						
	C. Fisher Principal-in- Charge	T. Thrasher Project Manager	P. Patel Senior Analyst	S. Labitan Analytical Support	R. Quaid QA/Tech Advisor	<u>Total</u>
	\$ 250	\$ 210	\$ 135	\$ 125	\$ 210	Hours Cost
<b>Scope of Services</b>						
<b>Task 1:</b> Initial Document Request	-	-	1.0	-	-	1.0 \$ 135
<b>Task 2:</b> Compile Inventory of Current and Potential Fees	-	1.0	1.0	1.0	-	3.0 470
<b>Task 3:</b> Kick-off /Refine Scope	-	1.0	1.0	-	-	2.0 345
<b>Task 4:</b> Develop User Fee Model	1.0	4.0	6.0	12.0	1.0	24.0 3,610
<b>Task 5:</b> Staff Interviews and On-site Information Gathering	-	8.0	8.0	4.0	-	20.0 3,260
<b>Task 6:</b> Data Analysis and Final Fee and Rate Schedule	1.0	5.0	36.0	40.0	1.0	83.0 11,370
<b>Task 7:</b> Common Fees Comparison	0.5	2.0	4.0	10.0	-	16.5 2,335
<b>Task 8:</b> Prepare and Present Draft Report	1.0	2.0	8.0	12.0	1.0	24.0 3,460
<b>Task 9:</b> Revise Draft/Determine Cost Recovery Levels	0.5	4.0	5.0	3.0	-	12.5 2,015
<b>Task 10:</b> Prepare and Present Final Report/Train Staff on Model	-	6.0	4.0	-	-	10.0 1,800
<b>Total – Comprehensive User Fee Study</b>	<b>4.0</b>	<b>33.0</b>	<b>74.0</b>	<b>82.0</b>	<b>3.0</b>	<b>196.0 \$ 28,800</b>

## Development Impact Fee Study

Willdan Financial Services proposes a **fixed fee of \$63,060** for the Development Impact Fee Study, **which includes the Optional Draft Study Presentation.**

City of Atwater					
Development Impact Fee Study					
Fee Proposal					
		J. Edison Principal-in-Charge	C. Villarreal Project Manager	Total	
		\$ 240	\$ 210	Hours	Cost
<b>Scope of Services</b>					
<b>Task 1:</b>	Identify & Consider Fee Categories & Policy Issues	12.0	24.0	36.0	\$ 7,920
<b>Task 2:</b>	Identify Existing Development and Future Growth	10.0	20.0	30.0	6,600
<b>Task 3:</b>	Determine Facility Standards	12.0	22.0	34.0	7,500
<b>Task 4:</b>	Determine Facilities Needs and Costs	10.0	20.0	30.0	6,600
<b>Task 5:</b>	Identify Funding and Financing Alternatives	10.0	20.0	30.0	6,600
<b>Task 6:</b>	Fee Comparison	8.0	18.0	26.0	5,700
<b>Task 7:</b>	Calculate Fees and Prepare Report	10.0	24.0	34.0	7,440
<b>Task 8:</b>	Meetings	20.0	28.0	48.0	10,680
<b>Task 9:</b>	Optional Draft Study Presentation	8.0	10.0	18.0	4,020
<b>Total – Development Impact Fee Study</b>		<b>100.0</b>	<b>186.0</b>	<b>286.0</b>	<b>\$ 63,060</b>

### Development Impact Fee Review Notes:

- The fee denoted above includes attendance at four in-person meetings with City staff, stakeholders, and City Council.
- Attendance at more than four meetings will be billed at the per meeting fee. Attendance at additional on-site meetings or presentations will be \$2,000 per meeting; attendance at additional remote meetings or presentations will be \$1,000 per meeting.
- Comprehensive written responses to resolve conflicts or preparation of more than one set of major revisions to the draft report, will be classified as Additional Services, and may require additional billing at hourly rates stated in the hourly rate schedule listed below. These additional fees shall only take effect once the fixed fee stated above has been exceeded.

### Rates for Additional Professional Services

Our current hourly rates are listed below.

Willdan Hourly Rate Schedule		
Position	Team Member	Hourly Rate
Director	Chris Fisher	\$250
Managing Principal	James Edison	\$240
Principal Consultant	Tony Thrasher, Carlos Villarreal, & Bob Quaid	\$210
Senior Project Manager		\$185
Project Manager		\$165
Senior Project Analyst	Priti Patel	\$135
Senior Analyst	Samantha Labitan	\$125
Analyst II		\$110
Analyst I		\$100

## Manner of Payment

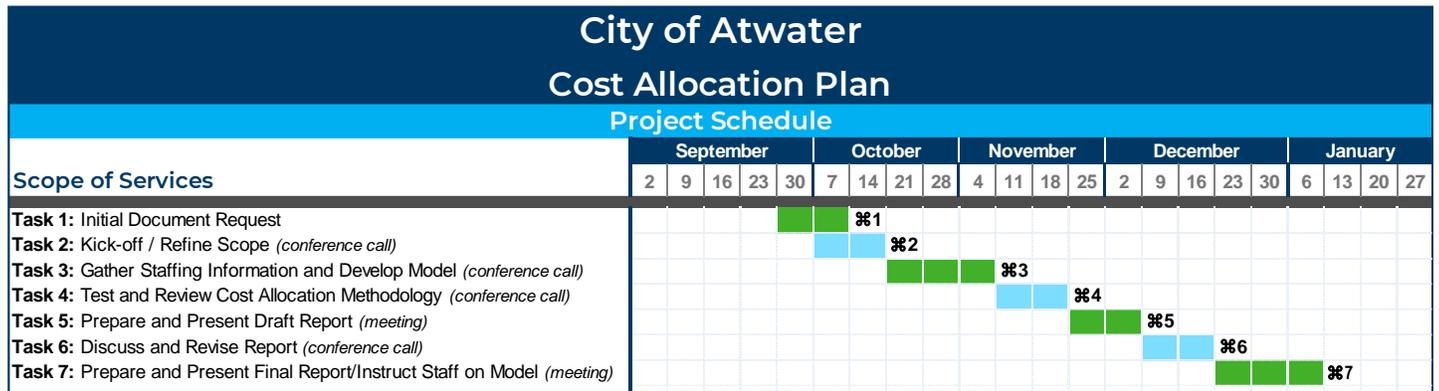
- Our fee includes all direct expenses associated with the project.
- We will invoice the City monthly based on percentage of project completed.
- Additional services may be authorized by the City and will be billed at our then-current hourly overhead consulting rates.
- City shall reimburse Willdan for any costs Willdan incurs, including without limitation, copying costs, digitizing costs, travel expenses, employee time and attorneys' fees, to respond to the legal process of any governmental agency relating to City or relating to the project. Reimbursement shall be at Willdan 's rates in effect at the time of such response.
- The cost of preparing the user fee study can be included in the resulting new user fee schedule. Therefore, over time, the City can recover the initial outlay of funds that was required to complete the studies.
- Willdan will rely on the validity and accuracy of the City's data and documentation to complete the analysis. Willdan will rely on the data as being accurate without performing an independent verification of accuracy and will not be responsible for any errors that result from inaccurate data provided by the client or a third party.

EXHIBIT C  
Activity Schedule

## Project Schedules

Willdan understands time is of the essence for the City of Atwater to begin this engagement. The schedules can only be met with the prompt cooperation of City staff. Delays in responding to our requests for data, policy guidance, clarifications, other information and review will likely result in corresponding delays to the project schedule. If that is the case, we will notify the City immediately of the possible impact on the schedule. It is also important to note that there are statutory requirements for a 60-day waiting period for the implementation of fees related to development, after they've been adopted by the City Council.

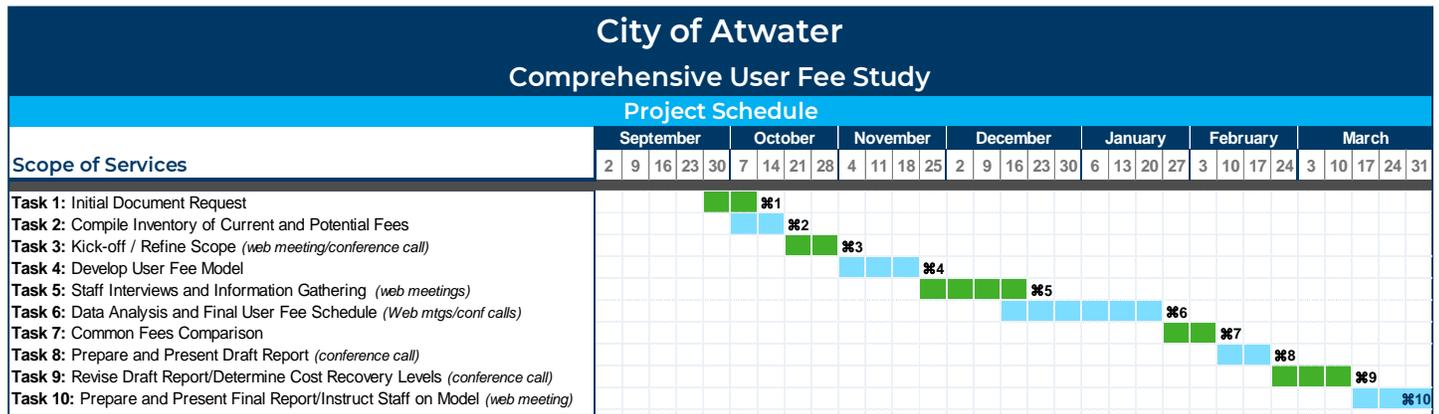
### Full Cost Allocation Plan



**Deliverables:**

- ☞1: Information Request
- ☞2: Revised Project Scope and Schedule (if needed)
- ☞3: User-friendly Model in Microsoft Excel
- ☞4: Draft Cost Allocation Plan Model Review
- ☞5: Draft Report
- ☞6: Revised Draft Report/Final Report
- ☞7: Final Report – Hard and Electronic Copies

### Comprehensive User Fee Study



**Deliverables:**

- ☞1: Information Request
- ☞2: Draft List of Current Fees
- ☞3: Revised Project Scope and Schedule (if needed)
- ☞4: User-friendly Model in Microsoft Excel
- ☞5: Time Surveys and Draft Full Cost Recovery Fees
- ☞6: Draft Fee and Rate Model Review
- ☞7: Common Fee Comparison
- ☞8: Draft Report
- ☞9: Revised Draft Report/Final Report
- ☞10: Final Report – Hard and Electronic Copies

## Development Impact Fee Study

City of Atwater Development Impact Fee Study																																	
Project Schedule																																	
Scope of Services	September					October				November				December				January				February				March							
	2	9	16	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	20	27	3	10	17	24	3	10	17	24	31		
Task 1: Identify & Consider Fee Categories & Policy Issues					⌘1																												
Task 2: Identify Existing Development and Future Growth													⌘2																				
Task 3: Determine Facility Standards																																	
Task 4: Determine Facilities Needs and Costs																																	
Task 5: Identify Funding and Financing Alternatives																																	
Task 6: Fee Comparison																																	
Task 7: Calculate Fees and Prepare Report																																	
Task 8: Meetings																																	

**Deliverables:**

- ⌘1: Information Request, Meeting Agenda, Revised Schedule, Summary of Policy Decisions
- ⌘2: Development Growth Projections (table format)
- ⌘3: Project List
- ⌘4: Cost Estimates for Identified Facilities
- ⌘5: Fee Comparison
- ⌘6: Draft Fee Tables & Text
- ⌘7: Administrative/Public Draft Report(s), Final Nexus Report, Slide Presentation



## CITY COUNCIL AGENDA REPORT

### CITY COUNCIL

Mike Nelson, Mayor  
Danny Ambriz                      Tyler Button  
John Cale                              Brian Raymond

**MEETING DATE:** October 14, 2024  
**TO:** Mayor and City Council  
**FROM:** Robert Ayuso, Battalion Chief  
**PREPARED BY:** Robert Ayuso, Battalion Chief  
**SUBJECT:** **Acknowledging Receipt of 2024 Annual City of Atwater Fire Inspection SB1205 Compliance Report (CAL FIRE Battalion Chief Ayuso)**

### **RECOMMENDED COUNCIL ACTION**

Adoption of Resolution No. 3494-24 acknowledging receipt of 2024 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.

### **I. BACKGROUND/ANALYSIS:**

After the devastating Ghost Ship Fire in Oakland, the California Senate put forth Senate Bill 1205 (Attachment A). This Bill was approved by the Governor on September 27, 2018 and added to §13146.4 of the California Health and Safety Code.

Existing law requires the Fire Chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided. Senate Bill 1205 requires every city or county fire department or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document.

During 2023, the City's Fire Department conducted inspections on 15 of the 15 Group E Occupancies (public or private schools), 223 of the 223 Group R Occupancies (hotels, apartments, and certain residential care facilities) and 21 of the 21 Group A Occupancies (assemblies and churches) within the City. A record of the inspections for calendar year 2023 comprise the City of Atwater Fire Inspection Compliance Report that is attached as Exhibit "A" to the resolution. This will bring the City into compliance with SB 1205 for calendar year 2024.

### **II. FISCAL IMPACTS:**

The City charges a fee for fire inspections in accordance with the current City of Atwater Miscellaneous Fee Schedule. All anticipated revenue generated from annual inspections are captured in the Fiscal Year 2024-25 Budget.

There is no fiscal impact associated with the City Council acknowledging the annual City of Atwater Fire Inspection Compliance Report. This item has been reviewed by the Finance Department.

**III. LEGAL REVIEW:**

This item has been reviewed by the City Attorney's Office.

**IV. EXISTING POLICY:**

N/A

**V. ALTERNATIVES:**

N/A

**VI. INTERDEPARTMENTAL COORDINATION:**

This item has been reviewed by all departments.

**VII. PUBLIC PARTICIPATION:**

The public will have an opportunity to provide comments on this item prior to City Council action.

**VIII. ENVIRONMENTAL REVIEW:**

This item is not a "project" under the California Environmental Quality Act (CEQA) as this activity does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to Public Resources Code section 21065.

**IX. STEPS FOLLOWING APPROVAL:**

The annual City of Atwater Fire Inspection Compliance Report will be filed in the City Clerk's Office and will be made available to the State or the public upon request. In accordance with SB 1205, this will continue to be an annual process.

Submitted by:



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Bobby Ayuso, CAL FIRE Battalion Chief

Approved by:



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Chris Hoem, City Manager

Attachments:

1. Resolution SB 1205 Compliance Report
2. Exhibit A - 2024 SB 1205 Compliance Report



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

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**RESOLUTION NO. XYZ**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATWATER ACKNOWLEDGING RECEIPT  
OF ANNUAL CITY OF ATWATER FIRE  
INSPECTION COMPLIANCE REPORT**

**WHEREAS**, California Senate Bill 1205 was passed and signed by the Governor of California in September of 2018 adding California Health and Safety Code Section 13146.4, which outlines the criteria for State Mandated Inspections and reporting; and

**WHEREAS**, the California Health and Safety Code Section 13146.4 requires all fire departments that provide fire protection services to report annually to its administering authority on its compliance with State Mandated Inspections; and

**WHEREAS**, the Fire Department has identified 259 occupancies that are State Mandated for annual reporting; and

**WHEREAS**, the Fire Department completed 259 of the 259 State Mandated Inspections for 2024; and

**WHEREAS**, the City Council has discussed and acknowledged receipt of the City of Atwater Fire Inspection Compliance Report in standard with California Health and Safety Code Section 13146.4.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Atwater does hereby acknowledge the receipt of the City of Atwater Fire Inspection Compliance Report, attached herein as **Exhibit "A"**, as outlined in California Health and Safety Code Section 13146.4.

The foregoing resolution is hereby adopted this 14th day of October 2024.

**AYES:**  
**NOES:**  
**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**MIKE NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KORY J. BILLINGS, CITY CLERK**



ATWATER CITY FIRE  
699 BROADWAY AVE.  
ATWATER, CA 95301  
(209) 209-357-6352

## City of Atwater S/B 1205 Fire Inspection Compliance Report Calendar Year 2024

### **APARTMENTS**

Total Apartments – 221  
Completed in 2024 – 221  
Percentage – 100%  
Compliance – 205

### **SCHOOLS**

Total Schools – 15  
Completed in 2024 – 15  
Percentage – 100%  
Compliance – 15

### **ASSEMBLIES**

Total Assemblies – 21  
Completed in 2024 – 21  
Percentage – 100%  
Compliance – 21

### **HOTELS**

Total Hotels - 2  
Completed in 2024 - 2  
Percentage – 100%  
Compliance – 2



## CITY COUNCIL AGENDA REPORT

### CITY COUNCIL

Mike Nelson, Mayor  
Danny Ambriz                      Tyler Button  
John Cale                              Brian Raymond

**MEETING DATE:** October 14, 2024  
**TO:** Mayor and City Council  
**FROM:** Christopher Hoem, City Manager  
**PREPARED BY:** Christopher Hoem, City Manager  
**SUBJECT:** **Resolution in Support of Proposition 36: The Homelessness, Drug Addiction, and Theft Reduction Act (City Manager Hoem)**

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### **RECOMMENDED COUNCIL ACTION**

Adoption of Resolution No. 3495-24 supporting Proposition 36, The Homelessness, Drug Addiction, and Theft Reduction Act.

#### **I. BACKGROUND/ANALYSIS:**

In 2014, California voters passed Proposition 47, which reclassified certain nonviolent crimes, including some theft and drug-related offenses, from felonies to misdemeanors. While Prop 47 has been successful in reducing the state's prison population, it has also led to a range of unintended consequences. These include a rise in organized retail theft, an increase in repeat offenses for minor crimes, and difficulty in encouraging people to enter drug rehabilitation and mental health services.

Proposition 36, known as the Homelessness, Drug Addiction, and Theft Reduction Act, proposes targeted reforms to address these unintended consequences. Specifically, Prop 36 would:

- Reclassify certain misdemeanors as felonies for repeat offenders, particularly in cases involving drug possession (e.g., fentanyl) and theft crimes, such as shoplifting.
- Mandate that sentences for some drug trafficking offenses, especially involving substances like fentanyl, be served in state prison, depending on the amount sold.
- Grant judges greater discretion in sentencing drug traffickers, with particular focus on fentanyl-related crimes.
- Provide additional resources for drug treatment, mental health services, and job training programs for individuals struggling with homelessness, addiction, or mental illness.

The City of Atwater has experienced the effects of increasing retail theft and drug abuse within the community, both of which are contributing to a cycle of homelessness and crime. By supporting Prop 36, the City Council demonstrates its commitment to reducing crime, addressing the root causes of homelessness, and supporting businesses and community safety. Prop 36 also emphasizes the need to confront the growing fentanyl crisis, which is increasingly impacting our youth, and the City acknowledges the critical need to take a strong stance on drug trafficking to protect public health and safety.

**II. FISCAL IMPACTS:**

This item has been reviewed by the Finance Director.

The fiscal impacts on the City of Atwater are expected to be positive. Proposition 36 provides funding for drug rehabilitation, mental health services, and job training programs, which can reduce the burden on local law enforcement and emergency services. By addressing repeat offenders and providing treatment options, Prop 36 may lower crime rates and reduce the costs associated with theft and drug-related offenses. Additionally, Prop 36's provisions to support businesses by curbing retail theft will help maintain local economic stability and growth.

**III. LEGAL REVIEW:**

This item has been reviewed by the City Attorney.

**IV. EXISTING POLICY:**

N/A

**V. ALTERNATIVES:**

N/A

**VI. INTERDEPARTMENTAL COORDINATION:**

This item has been reviewed by all appropriate departments.

**VII. PUBLIC PARTICIPATION:**

The public will have an opportunity to speak prior to City Council adoption.

**VIII. ENVIRONMENTAL REVIEW:**

This item is not considered a project under provisions of Section 21065 of the Public Resources Code and therefore not subject to analysis pursuant to the California Environmental Quality Act (CEQA) as this action will not directly or indirectly significantly affect the physical environment.

**IX. STEPS FOLLOWING APPROVAL:**

Upon City Council adoption of the Resolution, staff will file the Resolution with the City

Clerk's office.

Submitted and Approved by:



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Chris Hoem, City Manager

Attachments:

1. Resolution in Support of Prop 36



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

**RESOLUTION NO. XXXX-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATWATER SUPPORTING PROPOSITION 36: THE  
HOMELESSNESS, DRUG ADDICTION, AND THEFT  
REDUCTION ACT**

**WHEREAS**, while Proposition (Prop) 47 achieved notable success in reducing the state's prison population, Prop 47 has also led to unintended consequences over the past decade as it reduced penalties for some theft and drug crimes from the felony to misdemeanor level; and

**WHEREAS**, unintended consequences of Prop 47 include repeat and often organized retail theft, retail store closings, and difficulty incentivizing and encouraging people to seek drug and mental health treatment; and

**WHEREAS**, Prop 36, the Homelessness, Drug Addiction, and Theft Reduction Act is a bipartisan measure that provides common sense, targeted reforms to Prop 47; and

**WHEREAS**, Prop 36 would allow certain crimes that are currently misdemeanors to be classified as felonies; for example, possession of certain drugs, including fentanyl, when there are prior drug convictions and theft crimes, such as shoplifting, where less than \$950 is stolen but where there are prior theft convictions; and

**WHEREAS**, Prop 36 would require that sentences resulting from some felony convictions be served in prison; for example, judges would be required to impose sentences that must be served in State prison for selling certain drugs (such as fentanyl, heroin, cocaine, or methamphetamine), depending on the amount of the drug sold; and

**WHEREAS**, the fentanyl crisis has reached alarming levels and is now responsible for 20 percent of youth deaths in California; and

**WHEREAS**, Prop 36 will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers; and

**WHEREAS**, rampant retail theft harms businesses and California residents because those who commit these crimes know they'll get away with it, even if caught; and

**WHEREAS**, Prop 36 will hold repeat offenders accountable for the safety of our communities rather than putting them back on the streets; and

**WHEREAS**, breaking the cycle of repeat offenders means addressing the many root causes of retail theft; and

**WHEREAS**, Prop 36 provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse; and

**WHEREAS**, the City of Atwater strives to ensure the safety, health and wellbeing of its residents, and to protect the property and livelihoods of individuals and support businesses and commerce; and the passage of Prop 36 would support those goals.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Atwater formally supports and endorses Prop 36, and the benefit that it provides for our community's safety.

The foregoing resolution is hereby adopted this 14<sup>th</sup> day of October 2024.

**AYES:**  
**NOES:**  
**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**MIKE NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KORY J. BILLINGS, CITY CLERK**



## CITY COUNCIL AGENDA REPORT

### CITY COUNCIL

Mike Nelson, Mayor  
Danny Ambriz                      Tyler Button  
John Cale                              Brian Raymond

**MEETING DATE:** October 14, 2024  
**TO:** Mayor and City Council  
**FROM:** Greg Thompson, Deputy City Manager/Community Development Director  
**PREPARED BY:** Kayla Rashad, Administrative Assistant  
**SUBJECT:** **Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with California Environmental Quality Act (CEQA) for the Project; and Approve Vesting Tentative Subdivision Map No. 22-23-0100 for a Site Located East of Buhach Road and Immediately North and Adjacent to Meadow View Estates No. 1, Atwater, California (APN 005-070-023); and Approve Planned Development Final Development Plan No. 24-25-0100 (Deputy City Manager/Community Development Director Thompson)**

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### **RECOMMENDED COUNCIL ACTION**

Open the public hearing and receive any testimony given; and

Close the public hearing; and

Motion to adopt Resolution No. 3496-24 adopting an Initial Study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073; and approve Vesting Tentative Subdivision Map No. 22-23-0100, and approve Planned Development Final Development Plan No. 24-25-0100 for a site located East of Buhach Rd and immediately North and adjacent to Meadow View Estates No. 1, Atwater, California (APN: 005-070-052);

Motion to approve staff's recommendation as presented.

### **I. BACKGROUND/ANALYSIS:**

#### **1. BACKGROUND:**

The applicant has proposed a Vesting Tentative Subdivision Map to subdivide the existing 15.13-acre parcel into 73 single-family residential lots. The project also

includes the expansion of an existing storm water detention basin currently located within the Meadow View Estates Unit One, immediately south of the proposed project site. Physical development of the individual lots is not proposed at this time.

Initial applications for the project were submitted in December of 2022. The project required the preparation of a Mitigated Negative Declaration which was completed by J.B. Anderson in January of 2024.

The City submitted the project for public review to the Office of Planning and Research on June 3, 2024. During this review period, one comment was received from the Department of Toxic Substances and Control. Those comments and responses are detailed as part of the Environmental Review section of this report. The comment period for the project closed on July 2, 2024.

Chapter 17.44 is the Planned Development District section of the Atwater Municipal Code. The purpose of the Planned Development (PD) zone is to provide a flexible zone district which will implement the City General Plan and achieve a higher standard of quality of development than typically found in conventional zones.

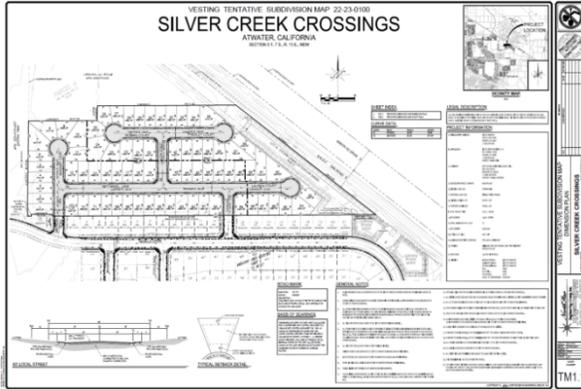
Previously, the Planned Development Master Plan (PDMP) No. 04-3 for PD-29 was approved on August 25, 2004, under Resolution No. 1924-04. The previously approved Planned Development Final Development Plan (PDFDP) No. 06-3 was approved on April 26, 2006, under Resolution No. 710-06; However, it was specific to “Meadow View Estates No. 1” and did not include anything for this property.

## 1. **ANALYSIS:**

### **Site Location and Description:**

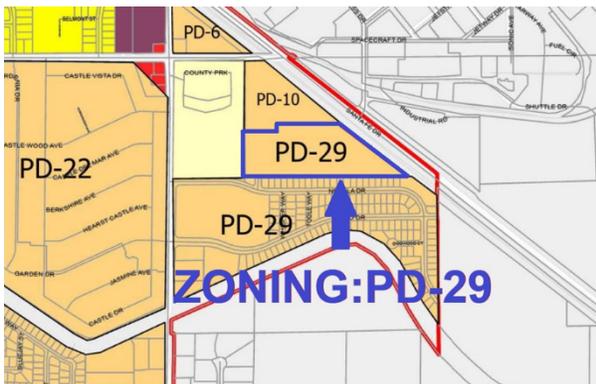
The project site is located on the north side of Nebela Drive, approximately 0.15 miles east of North Buhach Road. The project site is currently shown as Assessor’s Parcel Number (APN) 005-070-052.

The site consists of one (1) parcel and is currently zoned as Planned Development (PD-29) with a General Plan land use designation of Low Density Residential. The entire project site is presently undeveloped and does not include any structures. The proposed development would be accessed by two points off of Nebela Drive, Rondel Road and Nina Drive, along the south side of the development.



**Zoning Consistency:**

The project is located within a Planned Development (PD 29) zone district. The applicant has designed the project to be consistent with the existing Zoning. Under the PD-29 Zoning Designation, any and all land uses can be considered for development so long as they are consistent with the underlying General Plan Designation. As a residential project, the density for this development is allowed 3.1 to 7.0 units per acre with parcel sizes ranging from 5,000 square feet to 11,000 square feet. The current design is consistent with these parameters at 4.86 units per acre.



**General Plan Consistency:**

The General Plan Land Use designation is Low Density Residential. The applicant has designed the project to be consistent with the existing General Plan Land Use Designation. As such, no plan amendment is required to allow the proposed use.



described within the surrounding areas.

PDFDP No. 24-25-0100:

The Planned Development Final Development Plan proposes to construct 73 single family residential dwellings with related on and off-site improvements. The building sizes range from 1,600 square feet to 2,220 square feet with four elevations being one story and two being two stories.

**II. FISCAL IMPACTS:**

This item would not have any significant negative fiscal impacts. This item has been reviewed by the Finance Department.

**III. LEGAL REVIEW:**

This item has been reviewed by the City Attorney's Office.

**IV. EXISTING POLICY:**

Under section 17.44.020 of the A.M.C – Planned Development Districts, “Any and all types of land uses may be considered for approval...if the uses are consistent with the underlying General Plan land use designation and zoning for the property.

Under Section 17.44.070 of the A.M.C. - The Planning Commission shall recommend, and the City Council shall approve or conditionally approve the master plan for the PD zone upon making the following findings:

- A. The master plan will provide for a higher standard or quality of development than typically found in the other zones and will meet the intent of the purposes of Planned Development zone.
- B. Deviations from the requirements in the other zones of the zoning code that would normally apply are justified by compensating benefits of the master plan.
- C. The master plan is consistent with and furthers the policies of the General Plan and any applicable community specific plan and adopted design guidelines.
- D. The master plan includes adequate provisions for public facilities and services including water, sewer, drainage, traffic circulation, and access.
- E. Public service demands will not exceed the capacity of existing and planned systems.

Under Section 17.44.110 of the A.M.C. – Each development plan application shall include precise plot plans, elevation drawings of proposed structures, building materials, and other appropriate supporting material.

**V. ALTERNATIVES:**

N/A

**VI. INTERDEPARTMENTAL COORDINATION:**

An interdepartmental routing sheet was sent to all required departments and affected agencies for review and their comments and conditions have been incorporated. Resolution 0216-22 includes all comments and conditions as received from internal and external department and agencies.

**VII. PUBLIC PARTICIPATION:**

The public hearing was adequately noticed and advertised for the regularly scheduled City Council hearing. The public will have the opportunity to provide comments on this item prior to City Council action.

**VIII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project under Section 15073 and its findings were made public and available for a 30-day public comment period beginning on June 3, 2024. The public comment period closed on July 2, 2024. The City's intent to adopt a Mitigated Negative Declaration was made known under Section 15070.

On June 19<sup>th</sup>, 2024, the City received comments from the Department of Toxic Substances Control. Four items were listed in their response including 1) the presence of contaminants due to agricultural practices and the need for further studies 2) potential chemicals where farming practices may have occurred including farm houses, irrigation ditches, and other out buildings that may require additional sampling 3) the need for a potential soils assessment and/or a Phase I Site Assessment and 4) the further testing of soils that could contain contamination within potential fill material for the site.

A response to this letter was provided by the J.B. Anderson stating that no new environmental issues have been raised that had not already been adequately identified and addressed as part of the Initial Study – Mitigated Negative Declaration (ISMND).

The project site is not known to contain hazardous materials as identified under Section 65862.5 of the California Government Code.

Furthermore, no new change in the surrounding area has occurred that would contribute to findings that would be considered significant or represent a major change to the physical environment.

**IX. STEPS FOLLOWING APPROVAL:**

Following approval of this Resolution from the City Council, staff will file the original with

**Agenda Report - Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with California Environmental Quality Act (CEQA) for the Project; and Approve Vesting Tentative Subdivision Map No. 22-23-0100 for a Site Located East of Buhach Road and Immediately North and Adjacent to Meadow View Estates No. 1, Atwater, California (APN 005-070-023); and Approve Planned Development Final Development Plan No. 24-25-0100 (Deputy City Manager/Community Development Director Thompson)** **Page 7**

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the City Clerk's office.

Submitted by:



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Greg Thompson, Deputy City Manager/Community Development Director

Approved by:



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Chris Hoem, City Manager

Attachments:

1. Resolution - City Council
2. RSO 0216-22 Resolution Signed
3. VTSM
4. Resolution No. 1924-04 Master Plan No. 04-3
5. Resolution 710-06 PDFDP No. 06-3 Meadow View Estates No. 1
6. Silver Creek Crossing PDFDP
7. ATWATER VTSM - Silver Creek Crossings IS-MND 1.5.24



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

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**RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL ADOPTING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PROJECT; AND APPROVE VESTING TENTATIVE SUBDIVISION MAP NO. 22-23-0100 FOR A SITE EAST OF BUHACH RD. AND IMMEDIATELY NORTH AND ADJACENT TO MEADOW VIEW ESTATES NO. 1, ATWATER, CALIFORNIA (APN: 005-070-052); AND APPROVED PLANNED DEVELOPMENT PLAN NO. 24-25-0100**

**WHEREAS**, the Planning Commission of the City of Atwater reviewed Vesting Tentative Subdivision Map No. 22-23-0100 as submitted by Silver Creek Crossing, LLC requesting to subdivide one parcel of approximately  $\pm 15.13$  acres into 73 parcels located north of Nebela Drive and east of Buhach Road; and,

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on August 21, 2024; and,

**WHEREAS**, the Master Plan (PDMP) No. 04-3 for PD-29 was approved on August 25, 2004, and the Planned Development Final Development Plan (PDFDP) No. 06-3 for Meadow View Estates No. 1 was approved on April, 26, 2006; and,

**WHEREAS**, the determination has been made under the provisions of the California Environmental Quality Act (CEQA) that this project qualifies for an Initial Study and Mitigated Negative Declaration (ISMND) with mitigation measures being incorporated into the project; and,

**WHEREAS**, the site can accommodate the proposed use and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

**WHEREAS**, the City Council finds that the following findings can be made for the Initial Study and Mitigated Negative Declaration, Vesting Tentative Subdivision Map No. 22-23-0100 and Planned Development Final Development Plan No. 24-25-0100:

1. That the site is located in a Planned Development (PD-29) Zone District and conforms with the use and intent of said zone.
2. That the proposed Planned Development Final Development Plan is consistent with the Atwater General Plan designation for this area and all applicable elements of the General Plan.
3. That this application proposed to construct 73 detached single family residential units with off and on site improvements.
4. That this site is designated by the Atwater General Plan as Low Density Residential.
5. That all the mandatory findings set forth in section 16.04.010 of the Atwater Zoning Ordinance can be made.
6. That this project has prepared an Initial Study and Mitigated Negative Declaration with mitigation measures being incorporated and is in compliance with the provisions of the California Environmental Quality Act (CEQA).
7. That the public hearing for this application has been adequately noticed and advertised.
8. That the project, with the conditions herein, would not have a detrimental effect on the healthy, safety, and welfare of the neighborhood or have any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Atwater does hereby adopt an Initial Study and Mitigated Negative Declaration; and approve Vesting Tentative Map No. 22-23-0100; and approve Planned Development Final Development Plan No. 24-25-0100 subject to the following conditions:

**BUILDING:**

1. All plan submittals and calculations and all other required documentation shall be submitted to the Building Division. Documents will be routed to proper departments for review and also sent out to third party plan checking services.
2. Apply for a permit application in person or online.
3. Plan Check fee payment (based on valuation of the project) contact Building Division
4. Five (5) sets of plans including three (3) wet stamped by a registered California Design Professional, unless noted accordingly per the "Professional Engineers Act" of 2001.
5. Three (3) sets of Energy/Title 24, California Green Code Documents, Special Inspection form (filled out by designer), Ventilation designs, approval of dust collection system from San Joaquin Valley Air Pollution Control Board, Waste

Management Plan, and any other applicable calculations/specifications or documents.

6. Building plans shall reflect the most recent California Building Codes (Title 24) which consist of the Building Code volume 1 & 2, Wind Speed: Risk Category I: 100, Category II:  $V_{ult}$  110,  $V_{asd}$  85, Category III  $V_{ult}$  115,  $V_{asd}$  85
  - a. Wind Exposure: B Urban and Suburban, C in any quadrant for a distance of more than 600 feet
  - b. Seismic Design Category: DO
  - c. Weathering: Negligible, Winter design temp. 25 degrees F
  - d. Air Freezing Index: 1500, mean annual temp 60 degrees F
7. Green Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code including Appendix C, Appendix D, Appendix I, Appendix J, California Energy Commission requirements, State and Federal Accessibility requirements, Atwater Municipal Codes (AMC), requirements from Atwater Fire
8. Department, Engineering, Planning and Public Works Departments respectively. Once plans are approved by the City of Atwater the Building Division will contact the applicant with fee totals and approximate time when plans will be ready for pick up.
9. Building Permits cards and city approved plans and calculations shall always be on site when an inspection is called in.
10. The construction site shall have an address posted that will be easy for inspectors and emergency services to see.
11. No sitework is to start until fees are paid and Building Permit is issued, failure to adhere to this will result in a STOP WORK ORDER being issued

#### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:**

##### **Swainson's Hawk(SWHA)**

12. SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW2016). The Project as proposed may involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, and reduced nesting success (loss or reduced health or vigor of eggs or young) from loss of foraging habitat. CDFW recommends the CEQA document prepared for this Project address potential impacts to SWHA by including the following avoidance and minimization measures.
13. The Project will convert 15.13 acres of open land into 63 residential lots. CDFW recommends compensation for the loss of Swainson's hawk foraging

habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Staff Report) (CDFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- a. For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
  - b. For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.
  - c. For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.
- 14.** SWHA are known to travel for miles to forage. Therefore, CDFW recommends surveys be conducted as part of the biological technical studies conducted in support of the CEQA document by a qualified biologist with knowledge of SWHA natural history and behaviors, following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHATAC 2000). Regardless of the results of the initial survey, CDFW recommends that the survey be conducted by a qualified wildlife biologist again within the survey season immediately prior to project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If an active SWHA nest is detected during surveys and a 0.5-mile buffer is not Kayla Rashad, Administrative Assistant City of Atwater Community Development Department February 8, 2023 Page 4
- 15.** feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

### **Nesting birds**

- 16.** CDFW encourages that Project implementation occur outside of the bird nesting season (February 1 through September 15); however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.
- 17.** To evaluate Project-related impacts on nesting birds, CDFW recommends that a habitat assessment for nesting birds be conducted as part of the biological technical studies in support of the CEQA document. If nesting birds or suitable

habitat are identified, CDFW further recommends that focused surveys be conducted at biologically appropriate times during the nesting season as part of the biological technical studies in support of the CEQA document. CDFW also recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests within 10 days prior to the start of ground or vegetation disturbing activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

18. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reasons to do so, such as when the construction area would be concealed from nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

#### **ENGINEERING:**

19. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
20. The developer shall provide and show on the Master Plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be

required as determined by the City Engineer.

21. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
22. All Conditions of Approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
23. Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted to the City Engineering Division for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
24. Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
25. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
26. The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Atwater Municipal Code.
27. All public improvements proposed by the developer or required through these Conditions of Approval shall be completed and accepted by the City in compliance with the time schedule set forth in the Conditions of Approval; if no time schedule is provided, then no later than recordation of the parcel/final map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public

improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City.

28. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's Master Plans prior to any final map or plan approval.
29. All on- and off-site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited and may be memorialized through a reimbursement agreement with the Developer.
30. All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
31. Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all streetlights and landscaping within or adjacent to the site.
32. The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
33. If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
34. The Final Map shall show the dedication of all on-site drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the City Engineer and/or Public Works Director, or verify that no easements are required. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
35. Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on

the Final Map shall be in substantial conformance to that shown on the Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.

36. Upon notification by the City of Atwater that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Merced County Recorder's Office.
37. The subdivider shall accomplish the following prior to approval of the Final Map by the City Council:
  - a. Provide the Department of Public Works with letters or forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).
  - b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.G
  - c. Grant to the appropriate agency, by recorded document, all required off-site easements and all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
  - d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
  - e. If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff to begin eminent domain

proceedings for acquisition of said property rights in accordance with all applicable City policies. The developer shall agree to pay City the full costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City.
- 38.** The Developer shall submit a building permit application package for each individual lot which shall include grading plans, a permit application, and plan check and inspection fees and deposits to the Community Development Department. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
- 39.** The Developer shall provide joint trenching for telephone, gas, electric, and cable TV service for the Development in a combined utility plan submitted with the Building Permit.
- 40.** All existing overhead utilities on-site shall be undergrounded.
- 41.** Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
- 42.** All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Standards and Specifications and the most recent edition of the Caltrans Standard Plans and Specifications, all applicable federal, state, and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
- 43.** Developer shall construct complete dedicated public improvements throughout the development, including, but not limited to, curbs, gutters, sidewalks, roadway construction, street lighting, storm drain, water, sewer, and landscaping. The design and construction of all future public improvements shall be at the developer's sole expense and shall be constructed prior to issuance of any certificate of occupancy.
- 44.** In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineer's Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fees may be adjusted over time according to an index approved by City Council or as allowed by law.

- 45.** Developer shall create assessment district for construction of traffic signal at the intersection of Buhach Road and Piro Drive per letter dated 8/7/2006 to the City of Atwater.
- 46.** The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- 47.** The project shall establish or annex into an existing Community Facilities District for the on-going Public Services operations including Fire and Police services
- 48.** The project shall establish or annex into an existing Lighting and Drainage District along with a Landscaping Maintenance District for the on-going maintenance of project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
- 49.** An encroachment permit shall be required for any construction to be done in the public right of way or in easements. Please note for any public improvement required sufficient warranty may be required by the city. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
- 50.** Where the finished grade of the property is in excess of twelve inches (12") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the lower side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height (from base of foundation to top of wall), including surcharge, and will require a separate building permit.
- 51.** The developer shall coordinate all grading and improvements with adjacent property owners to the satisfaction of the City if required due to an encroachment. Any grading or drainage onto adjacent properties shall require written approval of those property owners affected, with said approval provided to the City Engineer.
- 52.** All broken, cracked or otherwise damaged public improvements, such as curb, gutter, and sidewalk, shall be saw cut, removed and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
- 53.** For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all of the

proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1. Separate On-Site and Off-site Improvement plan sets shall be submitted for City review.

- 54.** Prior to occupancy, the developer shall supply the City with both hardcopy and electronic (Adobe PDF and AutoCAD file formats) showing plans that reflect the project as it was built (As-Builts or Record Drawings) to the satisfaction of the City Engineer. Off-Site Improvement Plans hardcopy shall be on 4-mil minimum thickness translucent mylar film.
- 55.** The developer shall install water services to the proposed development. Individual water services shall be provided for each individual lot. All services shall be metered.
- 56.** Developer shall install a reduced pressure principle (RPP) backflow device for potable water. All services shall be metered, a Sensus "Flex-Net" radio read meter shall be used. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including, brand names and types.
- 57.** All utility trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and with any conditions for paving structural sections included within this resolution.
- 58.** Applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.
- 59.** Any water wells found during construction shall be destroyed and/or demolished in accordance with approved City Standards, requirements, and/or permits.
- 60.** Site design and construction shall include the detention of storm water runoff. Storm drainage facilities in the project area discharge into facilities of the Merced Irrigation District (MID). If necessary, Owner will enter into "Storm Drainage Agreement with the MIDDID No. 1", paying an annual maintenance fee and any connection fees as established by the MIDDID No. 1 Board of Directors and as collected by MIDDID No. 1 and on the Merced County Tax Rolls. Existing flows and flows from proposed development are to be part of the storm drainage calculations for the development to be submitted to the City Engineer.
- 61.** Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.

62. Hydrologic and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed. Applicant shall be required to detain the full runoff volume of a 100 year 24 hour storm event.
63. Developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the Development and all surface water that may flow onto the Development from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
64. Developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.
65. Developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer. Applicant shall comply with the provisions of the City of Atwater Post-Construction Standards Plan.
66. Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the Director of the Community Development Department.
67. Developer shall ensure finished pad elevations are at a minimum one foot above the 100-year (1% chance) base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Merced County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in a Zone "A" on the FEMA Flood Insurance Rate Maps for the City of Atwater. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
68. Ensure that the site allows for the maneuverability of fire trucks, refuse vehicles, and any emergency service vehicles around the entirety of the site. Permanent site furnishings shall be installed to maintain proper clearance for emergency vehicular turnaround where designated on plan.
69. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)

70. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
71. Developer to provide sewer loading calculations and report for the development. Sewer service laterals shall be provided for each individual lot.
72. Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
73. Developer shall properly abandon or relocate all utilities as necessary or required.
74. Developer shall comply with the requirements of all public utility companies.
75. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
76. The installation (if required) of all gas, electric, sewer, and water lines and any other below-surface utilities is to take place before the construction of any concrete curbs, gutters, sidewalks, and the surfacing of streets.
77. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
78. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
79. Sight distance requirements at all street intersections shall conform to City Standards.
80. The applicant shall submit a geotechnical report together with improvement plans to the City Engineer for review and approval. The report shall include the information and be in the form as required by the City Engineer and all applicable codes.
81. Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Public Works Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of

Occupancy.

82. The developer shall plant shade trees along the street frontage areas in accordance with the 2017 Urban Forest Master Plan.
83. All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:
  - a. one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
  - b. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
84. Developer shall provide Park access utilizing APN 005-481-001 west of the property. The access point must have an ADA compliant pedestrian gate and ADA path of travel to the southern portion of the park.
85. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
86. The Developer shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:
  - a. All fixtures shall use an LED light source.
  - b. All light standards, heads, and spacing shall be per City Standards. Proposed lights of an ornamental nature shall not exceed 16 feet in height designed to the satisfaction of the Community Development Director and shall be spaced and located to the satisfaction of the City Engineer.
  - c. Deposit with the City of Atwater, through the Department of Public Works, a cash deposit sufficient to:
  - d. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the Development for those purposes.

- e. Pay the cost to process lighting district administration of this project
- 87. Applicant shall submit a complete area water pressure availability study for the Project prior to approval of improvement plans. If the study indicates that the present system is inadequate, Applicant must provide water system modelling prepared with a software simulation program that identifies any remedial action.
- 88. necessary to abate the deficiency, and shall submit improvement plans for plan check and take all necessary actions at the applicant's expense.
- 89. Applicant shall submit a study addressing on- and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, Applicant must provide improvement plans and calculations for additional or upgraded storm water and/or sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Atwater General Plan, and take all necessary actions at the applicant's expense.
- 90. 6-inch (6") high Portland Cement Concrete curbing shall be provided between all paved areas and landscaped areas. In addition, curbing between the length of any parking space and a landscaped area shall include a 12" wide "courtesy curb." Curb cuts shall be allowed for LID drainage designs.

## **FINANCE**

- 91. When building is ready to connect to City Water and Sewer, owner must submit a Start Service Application for Water, Sewer, and Garbage services.
- 92. Owner must submit a business license application for review and approval and pay all applicable taxes and fees.

## **FIRE:**

- 93. Plans, calculations and supporting documentation shall reflect the latest California Building Codes (Title 24) Focusing on the Fire Code, CCR Title 24, NFPA, ASTM, California Fire Marshal requirements, and the Atwater Municipal Code (AMC).
- 94. Fire Hydrant location will be in accordance with Appendix C (Hydrant Location and distribution) of the 2022 CFC.

## **PLANNING:**

- 95. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.

- 96.** Upon any violation of sign ordinance section 17.69 of the Atwater Municipal Code (AMC), the applicant will be cited and subject to fine.
- 97.** Project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments.
- 98.** The applicant shall coordinate with the City of Atwater to create a Landscaping and Lighting District.
- 99.** The developer shall comply with the Residential Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the Community Development Director.
- 100.** The project shall comply with Chapter 17.44: "Planned Development Districts" of the Atwater Municipal Code including but not limited to sections 17.44.110, 17.44.140 and 17.44.150.
- 101.** The applicant shall annex into the Community Facilities District 2006-2 Meadow View Estates (Public Safety Services).
- 102.** The applicant shall comply with all conditions of the Merced County Division of Environmental Health, including the handling of all potentially hazardous material.
- 103.** The City Council shall retain the right to reconsider Vesting Tentative Subdivision Map No. 22-23-0100 and Planned Development Final Development Plan No. 24-25-0100 at any time.
- 104.** The Tentative Subdivision Map shall expire within one (1) year from the day of approval if the operation has not started.
- 105.** The development plan, pursuant to Section 17.44.020.G. shall remain in effect unless construction consistent with the approved development plan has not begun within two years of initial approval. Extensions of time up to two additional years for the initiation of development pursuant to the development plan may be granted by the City Council in one-year increments if requested before the expiration date. Prior to City Council's consideration of any extension, the written request shall be submitted to the Planning Commission for recommendation.
- 106.** All designs and architecture shall substantially conform to the previously approved Master Plan No. 04-3 for PD-29.
- 107.** All Conditions of Approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading and construction plans

kept on the project site. It is the responsibility of the project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.

- 108.** This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.\
  
- 109.** The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

**POLICE DEPARTMENT:**

**Commercial Properties in the Development:**

- 110.** Any external electricity is secured to prevent theft of utilities.
  
- 111.** Addition of adequate lighting to prevent unwanted access or camping on the property.
  
- 112.** Any external water is secured to prevent theft of utilities.

**Residential properties:**

- 113.** Block fencing on the border with the existing park to prevent unauthorized access.

**PUBLIC WORKS:**

- 114.** Trash enclosure must be large enough to contain (2) three-yard bins.

**TRAFFIC:**

115. If the Project is entirely consistent with the City's General Plan, pursuant to the MCAG VMT Thresholds and Implementation Guidelines it is estimated to have less than significant VMT impacts and thus can be screened out from having to prepare a quantitative VMT analysis.
116. The project shall prepare a trip generation, distribution and fair share
117. Analysis for a future traffic signal at the intersection of Buhach and Piro. The distribution analysis shall include both AM and PM peak period trips to the intersection. The fair share analysis shall utilize the Caltrans equitable fair share formula and the cumulative year 2045 traffic forecasting volumes.

**MID:**

118. MID operates and maintains the Livingston Canal within a 150-foot wide fee strip as granted by that certain deed recorded December 29, 1879 in Book P of Deeds, Page 440, Merced County Records. This canal is offsite but just south of the subject property and will be the recipient of the project's storm drainage.
119. The proposed development (APN 005-070-052) is subject to the executed Drainage Agreement between the Merced Irrigation District for Merced Irrigation Drainage Improvement District No.1 and Castle Park Mini-Storage. The agreement is recorded with the County of Merced, June 17, 2005, as Document No. 2005-045688, Merced County Records.
120. Owner/Developer will enter into an "Encroachment Agreement" for any work associated with MID Facilities.
121. MID will require an MID signature block be provided on the improvements plans for any work associated with MID facilities.
122. The proposed development will be subject to all fees and conditions set forth in the Drainage Agreement recorded as Document No. 2005-045688, Merced County Records.

**PG&E:**

123. PG&E operates a high-voltage electric transmission line within an easement on this property, recorded in Volume 1569 at Page 949 of Merced County records. Said easement prohibits the erection or construction of any building or other structure within the easement area. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
124. Cuts, trenches or excavations may not be made within 25-feet of PG&E towers. PG&E engineers must review grade changes in the vicinity of our towers. No

fills will be allowed which would impair ground-to-conductor clearances. The Company requests a full grading plan be provided within the easement area.

**125.** Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25-feet of PG&E structures require review by PG&E. There is a proposed 18-inch storm drain that appears to be within 25-feet of PG&E's tower structure. The Company requests a complete utility and construction plan be submitted prior to any construction commencing.

**126.** The proposed storm drain retention basin is in conflict and hinders PG&E's ability to safely access and maintain the transmission line. The Company requests the referenced basin be relocated outside of the easement area or be shortened and reduced within the easement area so that the distance between said basin and any tower structure is maximized. Unobstructed, heavy equipment access to the transmission facilities must be maintained at all times.

The foregoing resolution is hereby adopted this 14th day of October, 2024.

**AYES:  
NOES:  
ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**MIKE NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KORY J. BILLINGS, CITY CLERK**



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. 0216-22

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT AN INITIAL STUDY AND MITGATED NEGATIVE DECLARATION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVE VESTING TENTATIVE SUBDIVISION MAP NO. 22-23-0100 LOCATED ON THE NORTH SIDE OF NEBELA DRIVE, APROXIMATELY 0.15 MILES EAST OF NORTH BUHACH ROAD, ATWATER (APN: 005-070-052)**

**WHEREAS**, the Planning Commission of the City of Atwater reviewed Vesting Tentative Subdivision Map No. 22-23-0100 as submitted by Silver Creek Crossing, LLC requesting to subdivide one parcel of approximately ±15.13 acres into 73 parcels located north of Nebela Drive and east of Buhach Road; and,

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on August 21, 2024; and,

**WHEREAS**, the determination has been made under the provisions of the California Environmental Quality Act (CEQA) that this project qualifies for an Initial Study and Mitigated Negative Declaration (ISMND) with mitigation measures being incorporated into the project; and,

**WHEREAS**, \_\_\_ person(s) spoke in favor of the project, \_\_\_ person(s) spoke in opposition of the project, and \_\_\_ written comment(s) have been submitted either in opposition or in favor of the project; and,

**WHEREAS**, the site can accommodate the proposed use and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

**WHEREAS**, the Planning Commission finds that the following findings can be made for the Initial Study and Mitigated Negative Declaration and Vesting Tentative Subdivision Map No. 22-23-0100:

1. That the site is located in a Planned Development (PD-29) Zone District and conforms with the use and intent of said zone.
2. That this site is designated by the Atwater General Plan as Low Density Residential.
3. That all the mandatory findings set forth in section 16.04.010 of the Atwater Zoning Ordinance can be made.
4. That this project has prepared an Initial Study and Mitigated Negative Declaration with mitigation measures being incorporated and is in compliance with the provisions of the California Environmental Quality Act (CEQA).
5. That the public hearing for this application has been adequately noticed and advertised.
6. That the project, with the conditions herein, would not have a detrimental effect on the healthy, safety, and welfare of the neighborhood or have any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby recommend the City Council adopt an Initial Study and Mitigated Negative Declaration; and approve Vesting Tentative Map No. 22-23-0100 subject to the following conditions:

**BUILDING:**

1. All plan submittals and calculations and all other required documentation shall be submitted to the Building Division. Documents will be routed to proper departments for review and also sent out to third party plan checking services.
2. Apply for a permit application in person or online.
3. Plan Check fee payment (based on valuation of the project) contact Building Division
4. Five (5) sets of plans including three (3) wet stamped by a registered California Design Professional, unless noted accordingly per the "Professional Engineers Act" of 2001.
5. Three (3) sets of Energy/Title 24, California Green Code Documents, Special Inspection form (filled out by designer), Ventilation designs, approval of dust collection system from San Joaquin Valley Air Pollution Control Board, Waste Management Plan, and any other applicable calculations/specifications or documents.

6. Building plans shall reflect the most recent California Building Codes (Title 24) which consist of the Building Code volume 1 & 2, Wind Speed: Risk Category I: 100, Category II:  $V_{ult}$  110,  $V_{asd}$  85, Category III  $V_{ult}$  115,  $V_{asd}$  85
  - a. Wind Exposure: B Urban and Suburban, C in any quadrant for a distance of more than 600 feet
  - b. Seismic Design Category: DO
  - c. Weathering: Negligible, Winter design temp. 25 degrees F
  - d. Air Freezing Index: 1500, mean annual temp 60 degrees F
7. Green Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code including Appendix C, Appendix D, Appendix I, Appendix J, California Energy Commission requirements, State and Federal Accessibility requirements, Atwater Municipal Codes (AMC), requirements from Atwater Fire
8. Department, Engineering, Planning and Public Works Departments respectively. Once plans are approved by the City of Atwater the Building Division will contact the applicant with fee totals and approximate time when plans will be ready for pick up.
9. Building Permits cards and city approved plans and calculations shall always be on site when an inspection is called in.
10. The construction site shall have an address posted that will be easy for inspectors and emergency services to see.
11. No sitework is to start until fees are paid and Building Permit is issued, failure to adhere to this will result in a STOP WORK ORDER being issued

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:**

**Swainson's Hawk(SWHA)**

12. SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW2016). The Project as proposed may involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, and reduced nesting success (loss or reduced health or vigor of eggs or young) from loss of foraging habitat. CDFW recommends the CEQA document prepared for this Project address potential impacts to SWHA by including the following avoidance and minimization measures.
13. The Project will convert 15.13 acres of open land into 63 residential lots. CDFW recommends compensation for the loss of Swainson's hawk foraging habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Staff Report) (CDFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for

habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- a. For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- b. For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.
- c. For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.

14. SWHA are known to travel for miles to forage. Therefore, CDFW recommends surveys be conducted as part of the biological technical studies conducted in support of the CEQA document by a qualified biologist with knowledge of SWHA natural history and behaviors, following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHATAC 2000). Regardless of the results of the initial survey, CDFW recommends that the survey be conducted by a qualified wildlife biologist again within the survey season immediately prior to project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If an active SWHA nest is detected during surveys and a 0.5-mile buffer is not established, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

15. If feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

**Nesting birds**

16. CDFW encourages that Project implementation occur outside of the bird nesting season (February 1 through September 15); however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

17. To evaluate Project-related impacts on nesting birds, CDFW recommends that a habitat assessment for nesting birds be conducted as part of the biological technical studies in support of the CEQA document. If nesting birds or suitable habitat are identified, CDFW further recommends that focused surveys be conducted at biologically appropriate times during the nesting season as part of the biological technical studies in support of the CEQA document. CDFW also

recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests within 10 days prior to the start of ground or vegetation disturbing activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

18. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reasons to do so, such as when the construction area would be concealed from nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**ENGINEERING:**

19. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
20. The developer shall provide and show on the Master Plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.
21. The developer shall pay all applicable processing fees, permit fees, City

development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.

- 22.**All Conditions of Approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
- 23.**Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted to the City Engineering Division for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
- 24.**Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
- 25.**The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
- 26.**The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Atwater Municipal Code.
- 27.**All public improvements proposed by the developer or required through these Conditions of Approval shall be completed and accepted by the City in compliance with the time schedule set forth in the Conditions of Approval; if no time schedule is provided, then no later than recordation of the parcel/final map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and

materials by furnishing security in a form acceptable to the City.

- 28.** Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's Master Plans prior to any final map or plan approval.
- 29.** All on- and off-site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited and may be memorialized through a reimbursement agreement with the Developer.
- 30.** All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
- 31.** Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all streetlights and landscaping within or adjacent to the site.
- 32.** The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
- 33.** If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
- 34.** The Final Map shall show the dedication of all on-site drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the City Engineer and/or Public Works Director, or verify that no easements are required. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
- 35.** Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on the Final Map shall be in substantial conformance to that shown on the

Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.

**36.** Upon notification by the City of Atwater that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Merced County Recorder's Office.

**37.** The subdivider shall accomplish the following prior to approval of the Final Map by the City Council:

- a. Provide the Department of Public Works with letters or forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).
- b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.G
- c. Grant to the appropriate agency, by recorded document, all required off-site easements and all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
- d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
- e. If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff to begin eminent domain

proceedings for acquisition of said property rights in accordance with all applicable City policies. The developer shall agree to pay City the full costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City.

**38.** The Developer shall submit a building permit application package for each individual lot which shall include grading plans, a permit application, and plan check and inspection fees and deposits to the Community Development Department. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.

**39.** The Developer shall provide joint trenching for telephone, gas, electric, and cable TV service for the Development in a combined utility plan submitted with the Building Permit.

**40.** All existing overhead utilities on-site shall be undergrounded.

**41.** Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.

**42.** All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Standards and Specifications and the most recent edition of the Caltrans Standard Plans and Specifications, all applicable federal, state, and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.

**43.** Developer shall construct complete dedicated public improvements throughout the development, including, but not limited to, curbs, gutters, sidewalks, roadway construction, street lighting, storm drain, water, sewer, and landscaping. The design and construction of all future public improvements shall be at the developer's sole expense and shall be constructed prior to issuance of any certificate of occupancy.

**44.** In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineer's Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fees may be adjusted over time according to an index approved by City Council or as allowed by law.

- 45.** Developer shall create assessment district for construction of traffic signal at the intersection of Buhach Road and Piro Drive per letter dated 8/7/2006 to the City of Atwater.
- 46.** The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- 47.** The project shall establish or annex into an existing Community Facilities District for the on-going Public Services operations including Fire and Police services
- 48.** The project shall establish or annex into an existing Lighting and Drainage District along with a Landscaping Maintenance District for the on-going maintenance of project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
- 49.** An encroachment permit shall be required for any construction to be done in the public right of way or in easements. Please note for any public improvement required sufficient warranty may be required by the city. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
- 50.** Where the finished grade of the property is in excess of twelve inches (12") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the lower side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height (from base of foundation to top of wall), including surcharge, and will require a separate building permit.
- 51.** The developer shall coordinate all grading and improvements with adjacent property owners to the satisfaction of the City if required due to an encroachment. Any grading or drainage onto adjacent properties shall require written approval of those property owners affected, with said approval provided to the City Engineer.
- 52.** All broken, cracked or otherwise damaged public improvements, such as curb, gutter, and sidewalk, shall be saw cut, removed and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
- 53.** For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all of the proposed

grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1. Separate On-Site and Off-site Improvement plan sets shall be submitted for City review.

- 54.** Prior to occupancy, the developer shall supply the City with both hardcopy and electronic (Adobe PDF and AutoCAD file formats) showing plans that reflect the project as it was built (As-Builts or Record Drawings) to the satisfaction of the City Engineer. Off-Site Improvement Plans hardcopy shall be on 4-mil minimum thickness translucent mylar film.
- 55.** The developer shall install water services to the proposed development. Individual water services shall be provided for each individual lot. All services shall be metered.
- 56.** Developer shall install a reduced pressure principle (RPP) backflow device for potable water. All services shall be metered, a Sensus "Flex-Net" radio read meter shall be used. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including, brand names and types.
- 57.** All utility trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and with any conditions for paving structural sections included within this resolution.
- 58.** Applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.
- 59.** Any water wells found during construction shall be destroyed and/or demolished in accordance with approved City Standards, requirements, and/or permits.
- 60.** Site design and construction shall include the detention of storm water runoff. Storm drainage facilities in the project area discharge into facilities of the Merced Irrigation District (MID). If necessary, Owner will enter into "Storm Drainage Agreement with the MIDDID No. 1", paying an annual maintenance fee and any connection fees as established by the MIDDID No. 1 Board of Directors and as collected by MIDDID No. 1 and on the Merced County Tax Rolls. Existing flows and flows from proposed development are to be part of the storm drainage calculations for the development to be submitted to the City Engineer.
- 61.** Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
- 62.** Hydrologic and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be

provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed. Applicant shall be required to detain the full runoff volume of a 100 year 24 hour storm event.

63. Developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the Development and all surface water that may flow onto the Development from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
64. Developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.
65. Developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer. Applicant shall comply with the provisions of the City of Atwater Post-Construction Standards Plan.
66. Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the Director of the Community Development Department.
67. Developer shall ensure finished pad elevations are at a minimum one foot above the 100-year (1% chance) base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Merced County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in a Zone "A" on the FEMA Flood Insurance Rate Maps for the City of Atwater. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
68. Ensure that the site allows for the maneuverability of fire trucks, refuse vehicles, and any emergency service vehicles around the entirety of the site. Permanent site furnishings shall be installed to maintain proper clearance for emergency vehicular turnaround where designated on plan.
69. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)

- 70.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
- 71.** Developer to provide sewer loading calculations and report for the development. Sewer service laterals shall be provided for each individual lot.
- 72.** Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
- 73.** Developer shall properly abandon or relocate all utilities as necessary or required.
- 74.** Developer shall comply with the requirements of all public utility companies.
- 75.** All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
- 76.** The installation (if required) of all gas, electric, sewer, and water lines and any other below-surface utilities is to take place before the construction of any concrete curbs, gutters, sidewalks, and the surfacing of streets.
- 77.** Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
- 78.** The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
- 79.** Sight distance requirements at all street intersections shall conform to City Standards.
- 80.** The applicant shall submit a geotechnical report together with improvement plans to the City Engineer for review and approval. The report shall include the information and be in the form as required by the City Engineer and all applicable codes.
- 81.** Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Public Works Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of

Occupancy.

- 82.**The developer shall plant shade trees along the street frontage areas in accordance with the 2017 Urban Forest Master Plan.
- 83.**All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:
- a. one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
  - b. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
- 84.**Developer shall provide Park access utilizing APN 005-481-001 west of the property. The access point must have an ADA compliant pedestrian gate and ADA path of travel to the southern portion of the park.
- 85.**Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
- 86.**The Developer shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:
- a. All fixtures shall use an LED light source.
  - b. All light standards, heads, and spacing shall be per City Standards. Proposed lights of an ornamental nature shall not exceed 16 feet in height designed to the satisfaction of the Community Development Director and shall be spaced and located to the satisfaction of the City Engineer.
  - c. Deposit with the City of Atwater, through the Department of Public Works, a cash deposit sufficient to:
  - d. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the Development for those purposes.

e. Pay the cost to process lighting district administration of this project

**87.** Applicant shall submit a complete area water pressure availability study for the Project prior to approval of improvement plans. If the study indicates that the present system is inadequate, Applicant must provide water system modelling prepared with a software simulation program that identifies any remedial action.

**88.** necessary to abate the deficiency, and shall submit improvement plans for plan check and take all necessary actions at the applicant's expense.

**89.** Applicant shall submit a study addressing on- and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, Applicant must provide improvement plans and calculations for additional or upgraded storm water and/or sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Atwater General Plan, and take all necessary actions at the applicant's expense.

**90.** 6-inch (6") high Portland Cement Concrete curbing shall be provided between all paved areas and landscaped areas. In addition, curbing between the length of any parking space and a landscaped area shall include a 12" wide "courtesy curb." Curb cuts shall be allowed for LID drainage designs.

**FINANCE**

**91.** When building is ready to connect to City Water and Sewer, owner must submit a Start Service Application for Water, Sewer, and Garbage services.

**92.** Owner must submit a business license application for review and approval and pay all applicable taxes and fees.

**FIRE:**

**93.** Plans, calculations and supporting documentation shall reflect the latest California Building Codes (Title 24) Focusing on the Fire Code, CCR Title 24, NFPA, ASTM, California Fire Marshal requirements, and the Atwater Municipal Code (AMC).

**94.** Fire Hydrant location will be in accordance with Appendix C (Hydrant Location and distribution) of the 2022 CFC.

**PLANNING:**

**95.** All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.

- 96.** Upon any violation of sign ordinance section 17.69 of the Atwater Municipal Code (AMC), the applicant will be cited and subject to fine.
- 97.** Project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments.
- 98.** The developer shall comply with the Residential Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the Community Development Director.
- 99.** The applicant shall comply with all conditions of the Merced County Division of Environmental Health, including the handling of all potentially hazardous material.
- 100.** The Planning Commission shall retain the right to reconsider Vesting Tentative Subdivision Map No. 22-23-0100 at any time.
- 101.** The Tentative Subdivision Map shall expire within one (1) year from the day of approval if the operation has not started.
- 102.** Site Plan shall expire in six (6) months from the day of approval if the operation has not started.
- 103.** All Conditions of Approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
- 104.** This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.\
- 105.** The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of

limitations. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

**POLICE DEPARTMENT:**

**Commercial Properties in the Development:**

- 106. Any external electricity is secured to prevent theft of utilities.
- 107. Addition of adequate lighting to prevent unwanted access or camping on the property.
- 108. Any external water is secured to prevent theft of utilities.

**Residential properties:**

- 109. Block fencing on the border with the existing park to prevent unauthorized access.

**PUBLIC WORKS:**

- 110. Trash enclosure must be large enough to contain (2) three-yard bins.

**TRAFFIC:**

- 111. If the Project is entirely consistent with the City's General Plan, pursuant to the MCAG VMT Thresholds and Implementation Guidelines it is estimated to have less than significant VMT impacts and thus can be screened out from having to prepare a quantitative VMT analysis.
- 112. The project shall prepare a trip generation, distribution and fair share
- 113. Analysis for a future traffic signal at the intersection of Buhach and Piro. The distribution analysis shall include both AM and PM peak period trips to the intersection. The fair share analysis shall utilize the Caltrans equitable fair share formula and the cumulative year 2045 traffic forecasting volumes.

**MID:**

- 114. MID operates and maintains the Livingston Canal within a 150-foot wide fee strip as granted by that certain deed recorded December 29, 1879 in Book P of

Deeds, Page 440, Merced County Records. This canal is offsite but just south of the subject property and will be the recipient of the project's storm drainage.

115. The proposed development (APN 005-070-052) is subject to the executed Drainage Agreement between the Merced Irrigation District for Merced Irrigation Drainage Improvement District No.1 and Castle Park Mini-Storage. The agreement is recorded with the County of Merced, June 17, 2005, as Document No. 2005-045688, Merced County Records.
116. Owner/Developer will enter into an "Encroachment Agreement" for any work associated with MID Facilities.
117. MID will require an MID signature block be provided on the improvements plans for any work associated with MID facilities.
118. The proposed development will be subject to all fees and conditions set forth in the Drainage Agreement recorded as Document No. 2005-045688, Merced County Records.

**PG&E:**

119. PG&E operates a high-voltage electric transmission line within an easement on this property, recorded in Volume 1569 at Page 949 of Merced County records. Said easement prohibits the erection or construction of any building or other structure within the easement area. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
120. Cuts, trenches or excavations may not be made within 25-feet of PG&E towers. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. The Company requests a full grading plan be provided within the easement area.
121. Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25-feet of PG&E structures require review by PG&E. There is a proposed 18-inch storm drain that appears to be within 25-feet of PG&E's tower structure. The Company requests a complete utility and construction plan be submitted prior to any construction commencing.
122. The proposed storm drain retention basin is in conflict and hinders PG&E's ability to safely access and maintain the transmission line. The Company requests the referenced basin be relocated outside of the easement area or be shortened and reduced within the easement area so that the distance between said basin and any tower structure is maximized. Unobstructed, heavy equipment access to the transmission facilities must be maintained at all times.

The foregoing resolution is hereby adopted this 21st day of August, 2024.

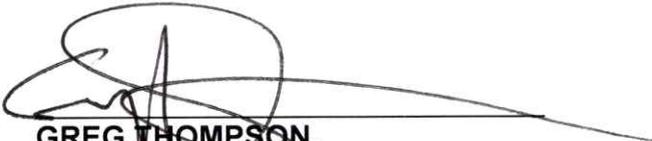
**AYES:  
NOES:  
ABSENT:**

**APPROVED:**



**DON BORGWARDT, CHAIR**

**ATTEST:**

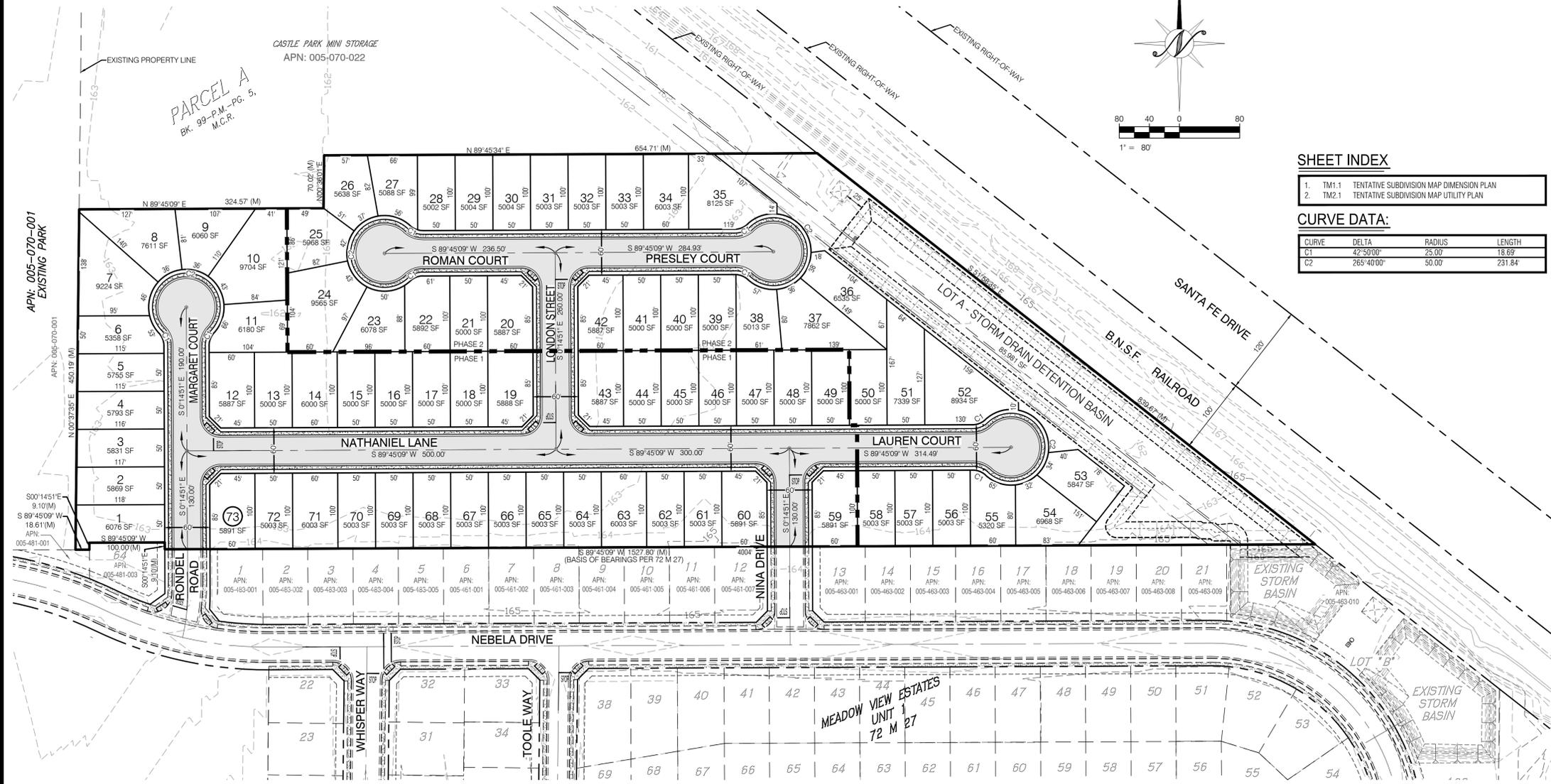
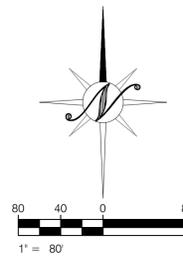
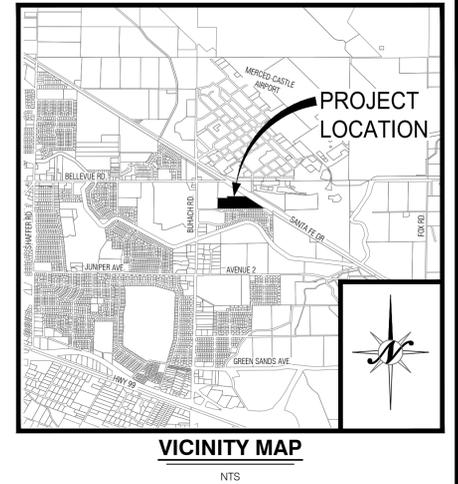


**GREG THOMPSON,  
DEPUTY CITY MANAGER/  
COMMUNITY DEVELOPMENT DIRECTOR**

# VESTING TENTATIVE SUBDIVISION MAP 22-23-0100

# SILVER CREEK CROSSINGS

ATWATER, CALIFORNIA  
SECTION 5 T. 7 S., R. 13 E., MDM



### SHEET INDEX

- TM1.1 TENTATIVE SUBDIVISION MAP DIMENSION PLAN
- TM2.1 TENTATIVE SUBDIVISION MAP UTILITY PLAN

### CURVE DATA:

CURVE	DELTA	RADIUS	LENGTH
C1	42°50'00"	25.00'	18.69'
C2	265°40'00"	50.00'	231.84'

### LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MERCED, CITY OF ATWATER, DESCRIBED AS FOLLOWS: PARCEL 'B' ACCORDING TO THE OFFICIAL PARCEL MAP FOR CASTLE PARK MINI-STORAGE, FILED IN THE OFFICE OF THE RECORDER OF MERCED COUNTY, CALIFORNIA, ON MAY 10, 2005 IN BOOK 99 AT PAGES 5 AND 6.

### PROJECT INFORMATION

A. REGULATORY AGENCY:	CITY OF ATWATER 750 BELLEVUE ROAD ATWATER, CA 95301 T: (209) 357-6343
B. APPLICANT:	SILVER CREEK CROSSINGS, LLC 3811 CROWELL ROAD TURLOCK, CA 95352 T: (209) 634-5700 CONTACT: RAMSON PRO
C. ENGINEER:	NORTHSTAR ENGINEERING GROUP, INC. 620 12th STREET MODESTO, CA 95354 T: (209) 524-3525 CONTACT: PAMELA HURBAN
D. ASSESSORS PARCEL NUMBER:	005-070-052
E. EXISTING LAND USE:	COMMERCIAL
F. PROPOSED LAND USE:	SINGLE-FAMILY HOMES
G. EXISTING ZONING / GP:	PD-29 / LDR
H. PROPOSED ZONING/GP:	PD-29 / LDR
I. TOTAL PROJECT SIZE:	15.13± ACRES
J. NET ACREAGE:	15.13± ACRES
K. TOTAL NUMBER OF R-1 LOTS:	73
L. NET DENSITY:	4.8 DU/AC
M. TYPICAL LOT SIZE:	50 X 100
N. MAXIMUM FOOTPRINT COVERAGE:	PER LOCAL ORDINANCE
O. PARKING:	MINIMUM TWO CAR GARAGE, AND TWO DRIVEWAY SPACES PER LOT
P. CONTOURS:	1.0-FOOT INTERVALS
Q. UTILITIES:	WATER SYSTEM - CITY OF ATWATER SANITARY SEWER - CITY OF ATWATER STORM DRAINAGE - CITY OF ATWATER GAS - PG&E ELECTRIC - PG&E TELEPHONE - AT&T CABLE TV / BROADBAND - COMCAST

### BENCHMARK

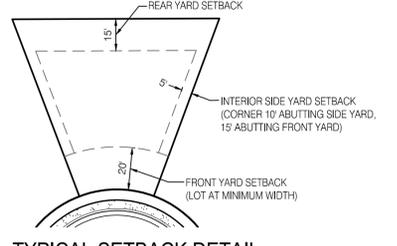
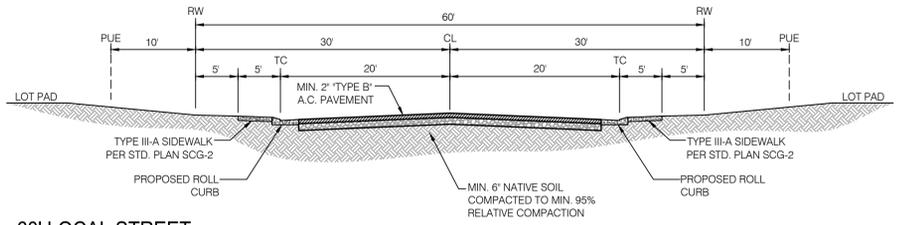
ELEVATION: 167.79'  
DATUM: NGVD29  
DESCRIPTION: USGS BRASS DISK #V745 AT THE TOP OF CURB ON THE EAST SIDE OF TRAFFIC CIRCLE, 600 NORTHEAST OF CASTLE A.F.B. MAIN GATE.

### BASIS OF BEARINGS

THE BEARING OF NORTH 15°18'09" WEST CALCULATED FOR A LINE BETWEEN GPS CONTROL MONUMENT NO. 1055 AND GPS CONTROL MONUMENT NO. 1051 AS SHOWN ON THE RECORD OF SURVEY FOR "GPS SURVEY CONTROL NETWORK" FILED FOR RECORD IN VOLUME 28 OF SURVEYS, AT PAGES 1 - 4, MERCED COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP. ALL DISTANCES SHOWN ON THIS MAP ARE GROUND DISTANCE BY THE COMBINED FACTOR OF 0.99994419 (AVERAGE FACTOR).

### GENERAL NOTES

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF ATWATER STANDARD PLANS AND SPECIFICATIONS EXCEPT AS NOTED.
- STORM DRAINAGE TO BE CONVEYED TO A ON-SITE STORM DRAIN RETENTION BASIN. ALL IMPROVEMENTS TO BE CONSTRUCTED TO THE CITY OF ATWATER STANDARDS.
- ALL STORM DRAINAGE IMPROVEMENTS AS PART OF FUTURE IMPROVEMENTS PLANS AND STUDIES SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT 2013-001-020 AND THE MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL, APPROVED OR ADOPTED PRIOR TO THE TIME OF THIS TENTATIVE MAP APPLICATION BEING DEEMED COMPLETE.
- ALL TRIBUTARY PARCELS MUST ANNEX TO THE CITY OF ATWATER DRAINAGE DISTRICT.
- ALL STORM DRAIN TO BE DETAINED ON SITE BY EXPANSION OF EXISTING DETENTION BASIN WITHIN MEADOW VIEW ESTATES UNIT 1. EXPANSION ALSO TO ACCOMMODATE CASTLE PARK MINI STORAGE VIA TWO 24" STUBS AT PROJECT BOUNDARY AT LOTS 25 AND 26, AND LOT 35. THESE LOCATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE. ALL STORM WATER TO EVENTUALLY DISCHARGE INTO THE LINGSTON CANAL, THROUGH AN EXISTING FORCE MAIN. CALCULATIONS FOR BASIN EXPANSION BASED ON A 100 YEAR 24 HOUR STORM FREQUENCY.
- ALL TRIBUTARY PARCELS MUST ANNEX TO CITY DRAINAGE DISTRICT.
- SANITARY SEWER TO BE CONSTRUCTED TO CITY OF ATWATER STANDARDS AND SPECIFICATIONS.
- WATER SYSTEM TO BE CONSTRUCTED TO CITY OF ATWATER STANDARDS AND SPECIFICATIONS.
- STREET LIGHTING SHALL BE INSTALLED PER CITY OF ATWATER STANDARD SPECIFICATIONS.
- PUBLIC UTILITIES ARE TO BE INSTALLED UNDER GROUND IN EASEMENTS.
- THE SUBDIVIDER HEREBY RESERVES THE RIGHT TO FILE "MULTIPLE SUBDIVISION MAPS" AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 66456.1, AND FILE PARCEL MAPS FOR REASON OF SALE. ALL PARCEL LINES SHALL CONFORM TO THIS TENTATIVE MAP.
- 10' PUBLIC UTILITY AND TREE PLANTING EASEMENTS WILL BE PROVIDED ALONG ALL STREET IN-TRACT FRONTAGES.
- ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED. EXISTING ELECTRIC TRANSMISSION TOWERS TO REMAIN.
- ALL LOT SETBACK REQUIREMENTS AND LOT SIZES ARE TO BE IN ACCORDANCE WITH CITY OF ATWATER REQUIREMENTS.
- STREET NAMES UTILIZED ARE PROVIDED FOR IDENTIFICATION PURPOSES ONLY. ACTUAL STREET NAMES WILL BE PROVIDED WITH THE FINAL MAP.
- TREES TO BE PLANTED IN FRONT YARDS AND SIDE YARDS OF CORNER LOTS TO THE CITY OF ATWATER STANDARDS.
- ALL IMPROVEMENTS AND PUBLIC UTILITIES TO BE MADE OR INSTALLED AT THE TIME OF DEVELOPMENT. ALL IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATWATER STANDARD SPECIFICATIONS.
- PUBLIC UTILITY EASEMENTS TO BE DEDICATED AT THE REQUEST OF THE UTILITIES.
- PURSUANT TO SECTION 66452.6 OF THE "SUBDIVISION MAP ACT", THE TERM OF THIS MAP MAY EXTEND 10 YEARS.
- PURSUANT TO SECTION 66456.1 OF THE "SUBDIVISION MAP ACT", THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.
- ALL FENCING BORDERING THE STORM DRAIN BASIN TO BE BUILT TO THE CITY OF ATWATER STANDARDS.
- ALL BUILDING SETBACKS TO CONFORM TO THE CITY OF ATWATER STANDARDS.
- ALL UTILITY SIZES ARE PRELIMINARY AND SUBJECT TO CHANGE WITH THE FINAL DESIGN.
- THIS SUBDIVISION WILL BE DEVELOPED IN TWO PHASES.
- THE ENTIRE PROJECT SITE IS IN FLOOD ZONE X, AREAS OF MINIMAL FLOOD HAZARD PER F.I.R.M. COMMUNITY PANEL NO. 06047C0405 E. MAP EFFECTIVE DATE: AUGUST 2, 1995. NO OTHER DOCUMENTATION OF INUNDATION BY STORM WATER OVERFLOW ARE KNOWN TO EXIST TO THE BEST OF OUR KNOWLEDGE AND BELIEF.



NO.	DATE	APPROVED	REVISIONS DESCRIPTIONS

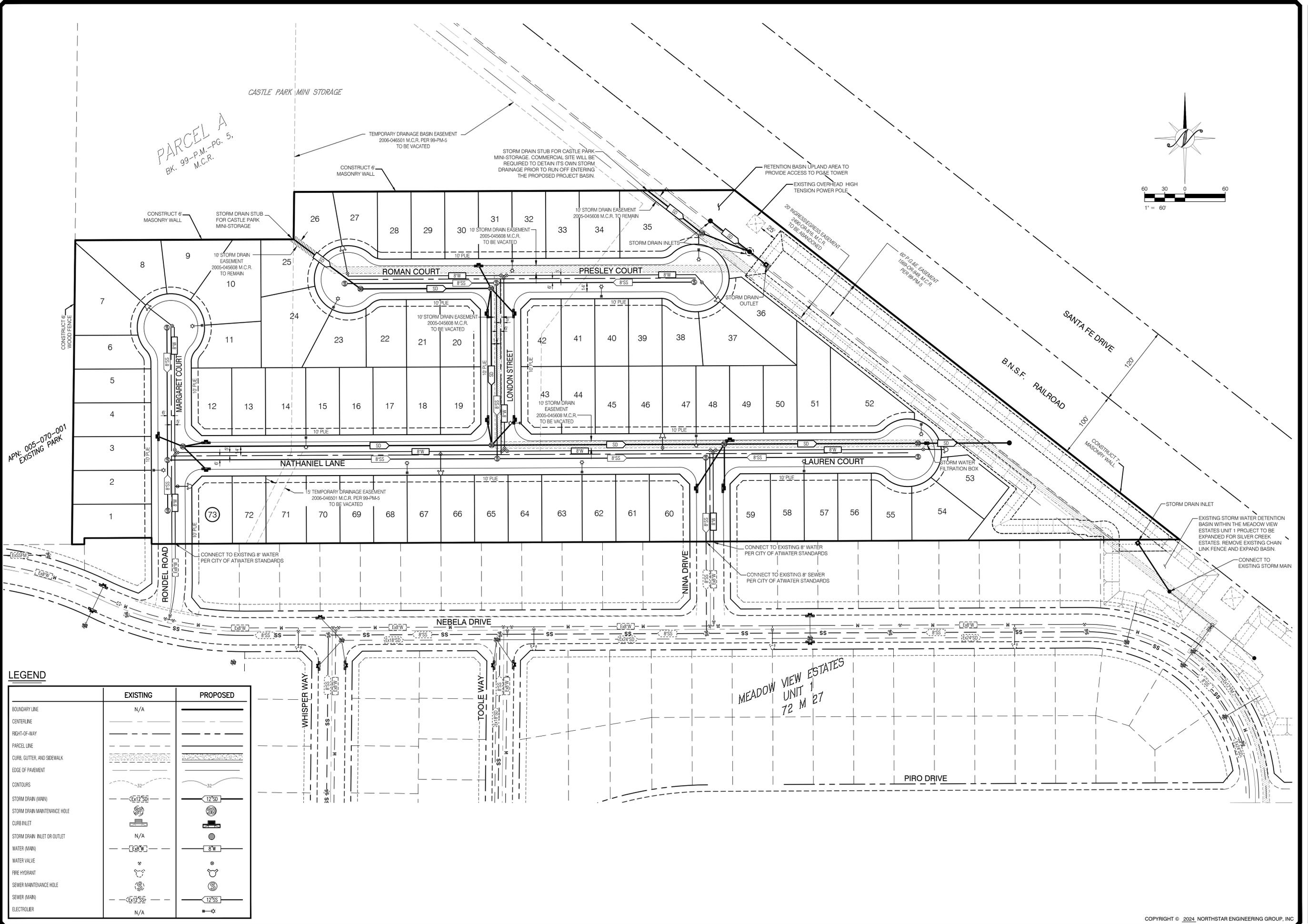
VESTING TENTATIVE SUBDIVISION MAP  
DIMENSION PLAN  
**SILVER CREEK CROSSINGS**  
ATWATER, CALIFORNIA



JOB #:	22-3134
DATE:	01/05/2024
SCALE:	AS SHOWN
DRAWN:	PAH
DESIGN:	PAH
CHKD:	JB

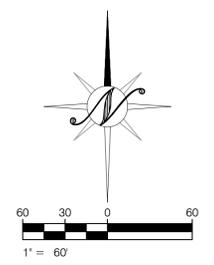
SHEET NUMBER

TM1.1



PARCEL A  
BK. 99-P.M.-PG. 5,  
M.C.R.

APN: 005-070-001  
EXISTING PARK



**LEGEND**

	EXISTING	PROPOSED
BOUNDARY LINE	N/A	---
CENTERLINE	---	---
RIGHT-OF-WAY	---	---
PARCEL LINE	---	---
CURB, GUTTER, AND SIDEWALK	---	---
EDGE OF PAVEMENT	---	---
CONTOURS	---	---
STORM DRAIN (MAIN)	Ex 12" SD	12" SD
STORM DRAIN MAINTENANCE HOLE	SD	SD
CURB INLET	---	---
STORM DRAIN INLET OR OUTLET	N/A	---
WATER (MAIN)	Ex 8" W	8" W
WATER VALVE	---	---
FIRE HYDRANT	---	---
SEWER MAINTENANCE HOLE	---	---
SEWER (MAIN)	Ex 12" SS	12" SS
ELECTRICIAN	N/A	---



NO.	REVISIONS	DATE	APPROVED

VESTING TENTATIVE SUBDIVISION MAP  
UTILITY PLAN  
**SILVER CREEK CROSSINGS**  
ATWATER, CALIFORNIA



JOB #:	22-3134
DATE:	01/05/2024
SCALE:	
DRAWN:	PAVH
DESIGN:	
CHKD:	JB

SHEET NUMBER

TM1.2



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

**RESOLUTION NO. 1924-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATWATER APPROVING PRELIMINARY  
DEVELOPMENT PLAN MASTER PLAN NO. 04-3  
AND ESTABLISHMENT OF PLANNED  
DEVELOPMENT DISTRICT NO. 29 FOR THE  
MEADOW VIEW ESTATES SUBDIVISION**

WHEREAS, the City Council of the City of Atwater has reviewed Master Plan No. 04-3 as submitted by North Star Engineering, on behalf of the property owner, requesting approval to establish a Master Plan for construction of 129 planned development single family residential lots on 46.5± acres east side of Buhach Road, north of the Livingston Canal; and,

WHEREAS, the determination has been made under the provisions of the California Environmental Quality Act that this project qualifies for a Mitigated Negative Declaration with mitigation measures being incorporated into the project; and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on Wednesday, August 25, 2004 and by the City Council of the City of Atwater on Monday, September 13, 2004, during public hearings being duly noticed and advertised, in accordance with the requirements of the State of California and Atwater Municipal Code; and,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Atwater finds that the following findings can be made for this preliminary development plan (master plan):

1. That this application proposes a Master Plan for construction of 129 planned development single family residential lots with related off-site and on-site improvements plus the establishment of Planned Development District No. 29.
2. That the proposed Master Plan is consistent with the Atwater General Plan designation for the area and all applicable elements of the General Plan.
3. That the public hearing and issuance of Negative Declaration for this project has been adequately noticed and advertised.
4. That development of the site will not adversely affect the surrounding properties.

BE IT FURTHER RESOLVED by the City Council of the City of Atwater, that the Preliminary Development Plan, Master Plan No. 04-3 is hereby approved subject to the following:

1. That the developer shall comply with all the mitigation measures as listed in the environmental document prepared for this project.
2. That all off-site improvements shall be constructed along frontages of each phase of development as approved by the City's Community Development department in accordance with City standards.
3. That the following set backs apply to all main structures:
  - a. Front = 20 - 23 feet from front property line, setback variation to be applied from one lot to other adjacent lot;
  - b. Interior side = minimum 5 feet from property line;
  - c. Exterior side = 15 feet from property line (if the subdivider wishes to construct a fence on the exterior side yard, said fence should have a 15 foot setback);
  - d. Rear = 12 - 15 feet minimum or as approved by the Community Development Director.
4. That the applicant shall submit a grading, drainage, landscaping and irrigation plan for the entire subdivision and shall include improvement plans for all subdivision gateways.
5. That the developer shall install water meters for each parcel.
6. Street Lighting: That the developer install City standard street lighting or decorative street lighting as an option as approved by the Community Development Director.
7. That the applicant/developer shall construct gateway monuments to each main entrance of subdivision. The subdivider shall submit a detailed gateway design plan that includes subdivision signage together with style to be reviewed and approved by the Community Development Director.
8. That the applicant shall construct a seven foot high masonry wall along the northern property line, the southern property line along the Livingston Canal and along the western property line where residential lots will abut future commercial development.
9. That the applicant shall comply with the adopted Resolution of the Tentative Map for this subdivision. The Planned Development Final Development Plan will be submitted at a later date.
10. That the applicant shall design and construct a gateway between the commercial and residential zone districts in addition to the gateway off Buhach and the entrance leading to the Commercial site.
11. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims,

actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the city fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 13th day of September, 2004.

AYES: Abercrombie, Faul, Frago, Krotik, Trevino  
NOES: None  
ABSENT: None

APPROVED:

  
\_\_\_\_\_  
RUDY TREVINO, MAYOR

ATTEST:

  
\_\_\_\_\_  
FRANCES M. BARRETT, CITY CLERK



## CITY OF ATWATER PLANNING COMMISSION

### RESOLUTION NO. PC 710-06

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING PLANNED DEVELOPMENT FINAL DEVELOPMENT PLAN NO. 06-3 (MEADOW VIEW ESTATES UNIT NO. 1)

**WHEREAS**, the Planning Commission of the City of Atwater has reviewed Planned Development Final Development Plan No. 06-3 as submitted by Michael Kaldani, representing Ramson Piro Construction, requesting approval to construct 128 single family residential dwellings with the related off and on-site improvements; and,

**WHEREAS**, said applications were reviewed by the Planning Commission of the City of Atwater on Wednesday, April 26, 2006 during a Public Hearing being duly noticed and advertised in accordance with the requirements of the Atwater Municipal Code; and,

**WHEREAS**, no written comments have been received in support of the project and no written comments have been received in opposition to the project in response to the public hearing notices and no person(s) spoke in opposition and one person(s) spoke in favor of the applications during the public hearings; and,

**WHEREAS**, the Planning Commission finds that the following findings can be made for this final development plan:

1. That this application proposed to construct 128 detached single family residential units and off and on-site improvements.
2. That the proposed Planned Development Final Development Plan is consistent with the Atwater General Plan designation for the area and all applicable elements of the General Plan.
3. That the public hearing for this project has been adequately noticed and advertised.
4. That development of site will not adversely affect the surrounding properties.

**BE IT FURTHER RESOLVED** by the Planning Commission of the City of Atwater approves Planned Development Final Development Plan No. 06-3 subject to the following conditions:

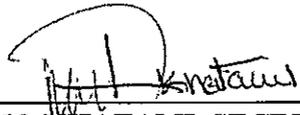
1. That applicant/developer shall control dust during the course of construction.
2. That applicant shall improve all on- and off-site improvements prior or concurrently with construction.
3. That street tree(s) to be planted shall be approved by the Parks Division of the Public Works Department.
4. The applicant/developer shall install front, and exterior side-yard landscaping equipped with 7-day automatic irrigation system prior to issuance of certificate of occupancy. Landscaping and automatic irrigation system shall be consistent with City ordinance
5. That the applicant shall connect to City sewer and water and extend all utilities to the site, underground them to the building, and pay all appropriate connection fees and all other assessment fees as specified by the adopted ordinance(s) or resolution(s).
6. That any improvements in the public rights-of-way are subject to the contractor obtaining an encroachment permit from the City. Said improvements shall be in accordance with adopted standards of the City of Atwater.
7. That the construction shall comply with the most recent applicable UBC, UFC, UPC, and NEC and any amendments thereto.
8. That the applicant shall be responsible for formation of all necessary districts. These districts shall include but are not limited to lighting, storm drainage and landscaping.
9. That the building addresses shall be visible from the roadways.
10. That on corner lots the applicant shall provide decorative exterior sideyard redwood fencing.
11. That applicant shall comply with the proposed site design and elevations and as modified by the conditions of this resolution or by the Planning Commission. Any deviation from the approved site and elevation design shall be reviewed and approved by the Community Development Director prior to issuance of Building Permit.
12. That no front elevation shall be repeated for adjacent lots.
13. That there shall only be one accessory building per residential lot.
14. The applicant/developer shall record with Merced County documentation stating that accessory structures for homes shall architecturally conform with the main dwelling and shall disclose it as part of the sale documents.
15. That the applicant shall comply with all adopted Resolutions of the Planned Development Master Plan and Vesting Tentative Subdivision Map for this Planned Development.
16. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application."

The foregoing resolution is hereby adopted this 26<sup>th</sup> day of April, 2006.

**APPROVED:**

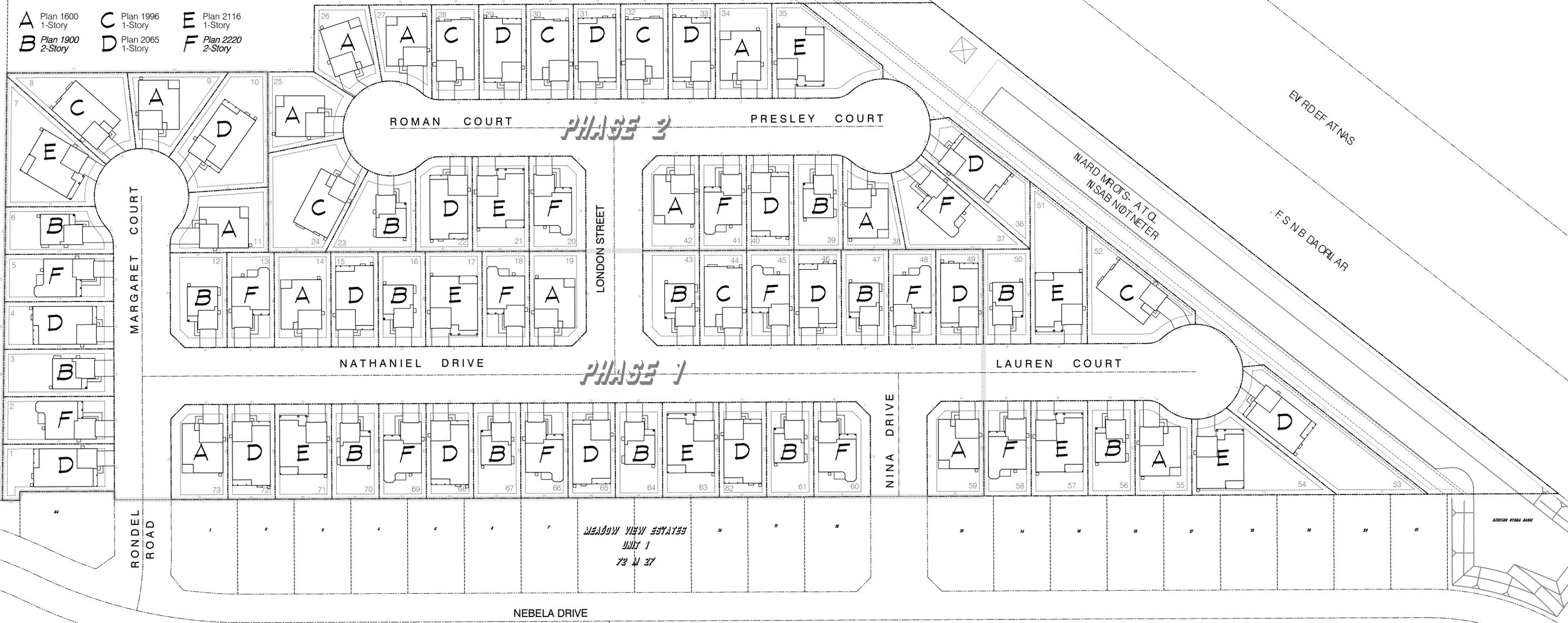
  
\_\_\_\_\_  
**CHARLES McMAHAN, CHAIR**

**ATTEST:**

  
\_\_\_\_\_  
**MO KHATAMI, SECRETARY**

CASTLE PARK MINI STORAGE

- A Plan 1600 1-Story
- B Plan 1900 2-Story
- C Plan 1996 1-Story
- D Plan 2065 1-Story
- E Plan 2116 1-Story
- F Plan 2220 2-Story





**Public Review Draft Initial Study/Mitigated Negative Declaration**  
**Vesting Tentative Subdivision Map No. 216-22: Silver Creek Crossings**

*Prepared by*  
**City of Atwater**  
Planning Department  
750 Bellevue Road  
Atwater, California 95301

*Prepared with the assistance of*  
**J.B. Anderson Land Use Planning**  
139 S. Stockton Avenue  
Ripon, California 95366



**May, 2024**

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- A. Air Quality Modeling Results, dated November 1, 2023
- B. Cultural Resources Report, dated September 6, 2023, prepared by Central California Information Center
- C. Traffic Technical Memorandum, dated October 18, 2023, prepared by GHD

# NEGATIVE DECLARATION

Lead Agency:  
City of Atwater  
750 Bellevue Road  
Atwater, California 95301

## PROJECT NAME:

Vesting Tentative Subdivision Map No. 216-22 – Silver Creek Crossings Subdivision

## PROJECT PROPONENT AND LEAD AGENCY:

Project Proponent: Silver Creek Crossing, LLC.  
3811 Crowell Road  
Turlock, CA 95382

Lead Agency: City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

## PROJECT LOCATION:

The Proposed Project is located on one (1) parcel equaling approximately 15.13 acres and is bounded by Purely Storage, a commercial self-storage facility to the north, the Meadow View Estates single-family residential subdivision to the south, Santa Fe Avenue to the east, and North Buhach Road to the west.

The Merced County Assessor's Office has assigned the Proposed Project parcel as APN No. 005-070-052.

## PROJECT DESCRIPTION:

The Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots, and an existing storm water detention basin located within the Meadow View Estates Unit One, to be expanded for the Proposed Project. Expansion of the existing detention basin will also accommodate Purely Self-Storage via two (2) 24" stubs at project boundary at proposed Lots 25, 26, and 35.

Physical development of the individual lots is not proposed at this time, but it can be assumed that future development within the Project site will conform to the City's Zoning Ordinance, including Section 17.16 and Section 17.44. Ultimately, the Proposed Project will consist of uses consistent with the City's Zoning Ordinance, and specifically, permitted uses within the Planned Development (P-D 29) Zone.

Typical lot size of new parcels created as part of the Proposed Project are approximately 5,000 square feet in size. Primary access to the Project site will be provided via Nebela Drive, Rondel Road, and Nina

Drive. The Proposed Project will be served domestic utilities by the City of Atwater. Connections to existing water and sewer lines located on Nina Drive and Rondel Road will be installed. All storm drainage to be conveyed to an on-site retention basin and all storm drain to be detained on site by way of expansion of existing detention basin.

The proposed VTSM can be found in this Initial Study as Figure 4.

## **ENVIRONMENTAL DETERMINATION:**

The Lead Agency has prepared an Initial Study, the following, which considers the potential environmental effects of the Proposed Project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the Lead Agency, that the Proposed Project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the Proposed Project.

## **MITIGATION MEASURES:**

**Mitigation Measure Air-1:** Prior to the commencement of construction activities for each phase of construction, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3.

**Mitigation Measure Air-2:** During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.
4. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

7. Limit traffic speeds on unpaved roads to 5 mph; and Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

**Mitigation Measure Bio-1:** Within fourteen (14) days of the start of the Proposed Project activities a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species.

**Mitigation Measure Noise-1:** Construction of only single-story homes along the eastern portion of the Project site abutting the Burlington Northern Railroad.

**Mitigation Measure Noise-2:** Construction of a seven (7) foot tall wall along the eastern portion of the Project site abutting the Burlington Northern Railroad.

---

Interim City Manager

5/31/2024  
Date

# INITIAL STUDY

## 1. PROJECT TITLE

Vesting Tentative Subdivision Map No. 216-22 – Silver Creek Crossings Subdivision

## 2. LEAD AGENCY NAME AND ADDRESS

City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

## 3. CONTACT PERSON AND PHONE NUMBER

Mr. Mark Niskanen, Contract Planner  
(209) 599-8377

## 4. PROJECT LOCATION

The Project site is located east of Buhach road and immediately north of and adjacent to Meadow View Estates Unit one (1) and includes Assessor Parcel Number 005-070-023. Figure one (1) provides an illustration of the Project site's location.

## 5. PROJECT SPONSOR'S NAME AND ADDRESS

Silver Creek Crossing, LLC.  
3811 Crowell Road  
Turlock, CA 95382

## 6. EXISTING SETTING

The Silver Creek Crossings Subdivision Project site is presently vacant and undeveloped with no structures existing on site. The Project site occupies a single parcel, with an approximate size of 15.13 acres. The Project site abuts an already developed subdivision, the Meadow View Estates, located just south of the Proposed Project site. The Project site is adjacent to Veteran's Memorial Park, Veteran's Park Atwater BMX which appears to have been abandoned some time ago, and a Self-Storage commercial facility.

## 7. EXISTING GENERAL PLAN DESIGNATION

The Project site is designated for Residential land uses per the City's General Plan, dated July 24, 2000.

## 8. EXISTING ZONING

The Proposed Project site is located within the Planned Development (P-D 29) zone.

## 9. SURROUNDING LAND USES AND SETTING

The Project is bounded by existing commercial development to the north, Meadow View Estates Unit one (1) to the south, Santa Fe Avenue to the east, and north Buhach Road to the west. Table 1, below, provides the Project site's surrounding uses, General Plan land use designations, and zoning districts.

**Table 1 Surrounding Land Uses and Setting**

	<b>Existing Use</b>	<b>General Plan Land Use Designation</b>	<b>Zoning Classification</b>
<b>North</b>	Purely Self-Storage	Business Park	PD-10
<b>South</b>	Single-Family Dwellings	Low-Density Residential	PD-29
<b>East</b>	Castle AFB Football Field	County	County
<b>West</b>	Veteran's Park Atwater BMX	Park	PD-22

## 10. DESCRIPTION OF THE PROJECT

The Proposed Project consists of the Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots, and expansion of an existing storm water detention basin located within the Meadow View Estates Unit one, to be expanded for the Proposed Project. Expansion of the existing detention basin will also accommodate Purely Self-Storage via two (2) 24" stubs at project boundary at Lots 25, 26, and 35.

Physical development of the individual lots is not proposed at this time, but it can be assumed that future development within the Project site will conform to the City's Zoning Ordinance, including Section 17.16 and Section 17.44. Ultimately, the Proposed Project will consist of uses consistent with the City's Zoning Ordinance, and specifically, permitted uses within the Planned-Development (P-D 29) Zone.

Typical lot size of new parcels created as part of the Proposed Project are approximately 5,000 square feet in size. Primary access to the Project site will be provided via Nebela Drive, Rondel Road, and Nina Drive

The Proposed Project will be served domestic utilities by the City of Atwater. Connections to existing water and sewer lines located on Nina Drive and Rondel Road will be installed. All storm drainage to be conveyed to an on-site retention basin and all storm drain to be detained on site by way of expansion of existing detention basin.

The proposed VTSM can be found in this Initial Study as Figure 4.

## **11. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED**

There are no other public agencies whose approval is required for the Proposed Project.

## **12. HAVE CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROJECT AREA REQUESTED CONSULTATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.3.1?**

In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area for the City of Atwater. Tribal representatives were advised of the Proposed Project and invited to request formal consultation with the City of Atwater regarding the Proposed Project within thirty (30) days of receiving the notification letters. On January 4, 2023, notification letters were sent to representatives of the following tribes –

- (1) Southern Sierra Miwuk Nation
- (2) Amah Mutsun Tribal Bank
- (3) North Valley Yokuts Tribe

As of the preparation of this Initial Study/Mitigated Negative Declaration, more than thirty (30) days following the City's transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the Proposed Project site.

Figure 1 – Project Location Map

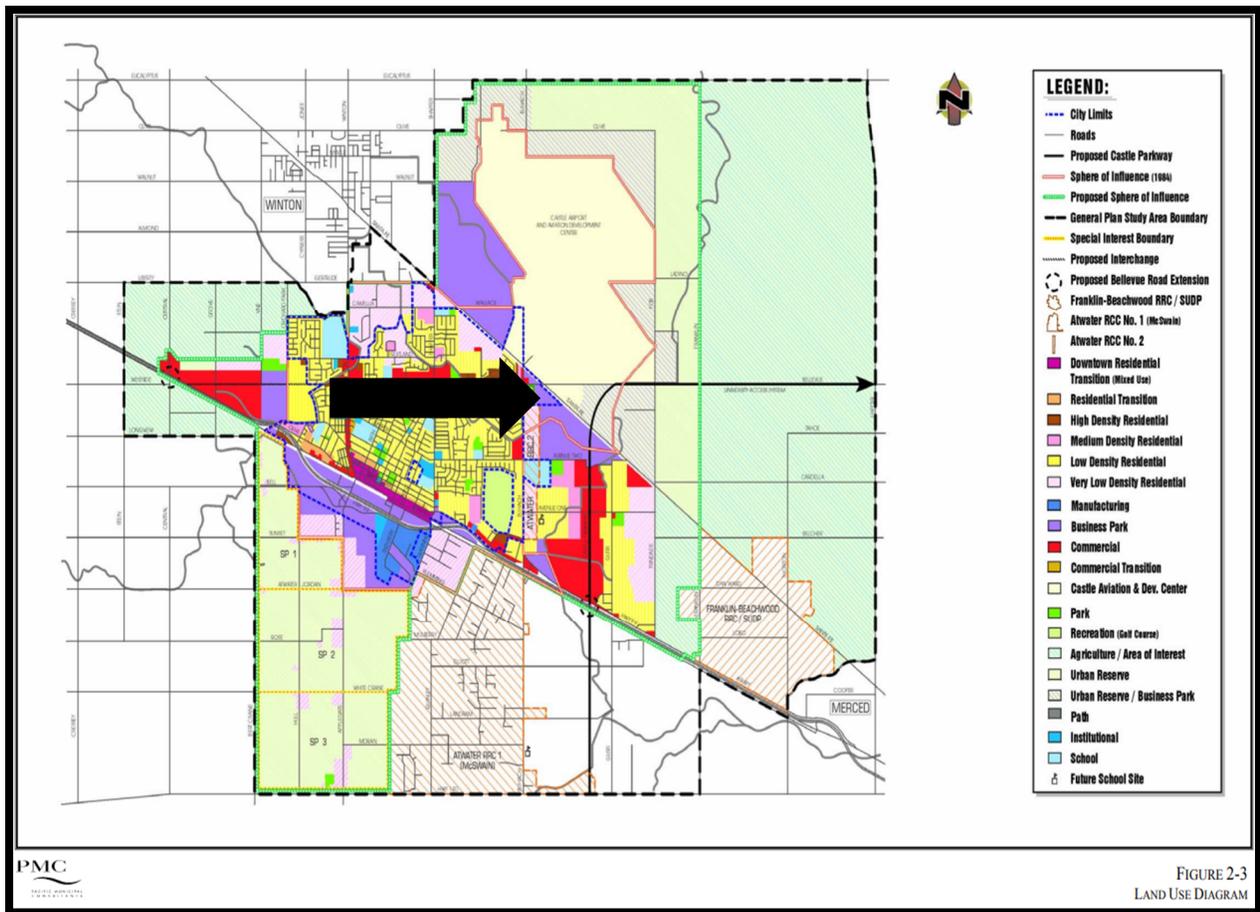


FIGURE 2-3  
LAND USE DIAGRAM

Figure 2 – Existing General Plan

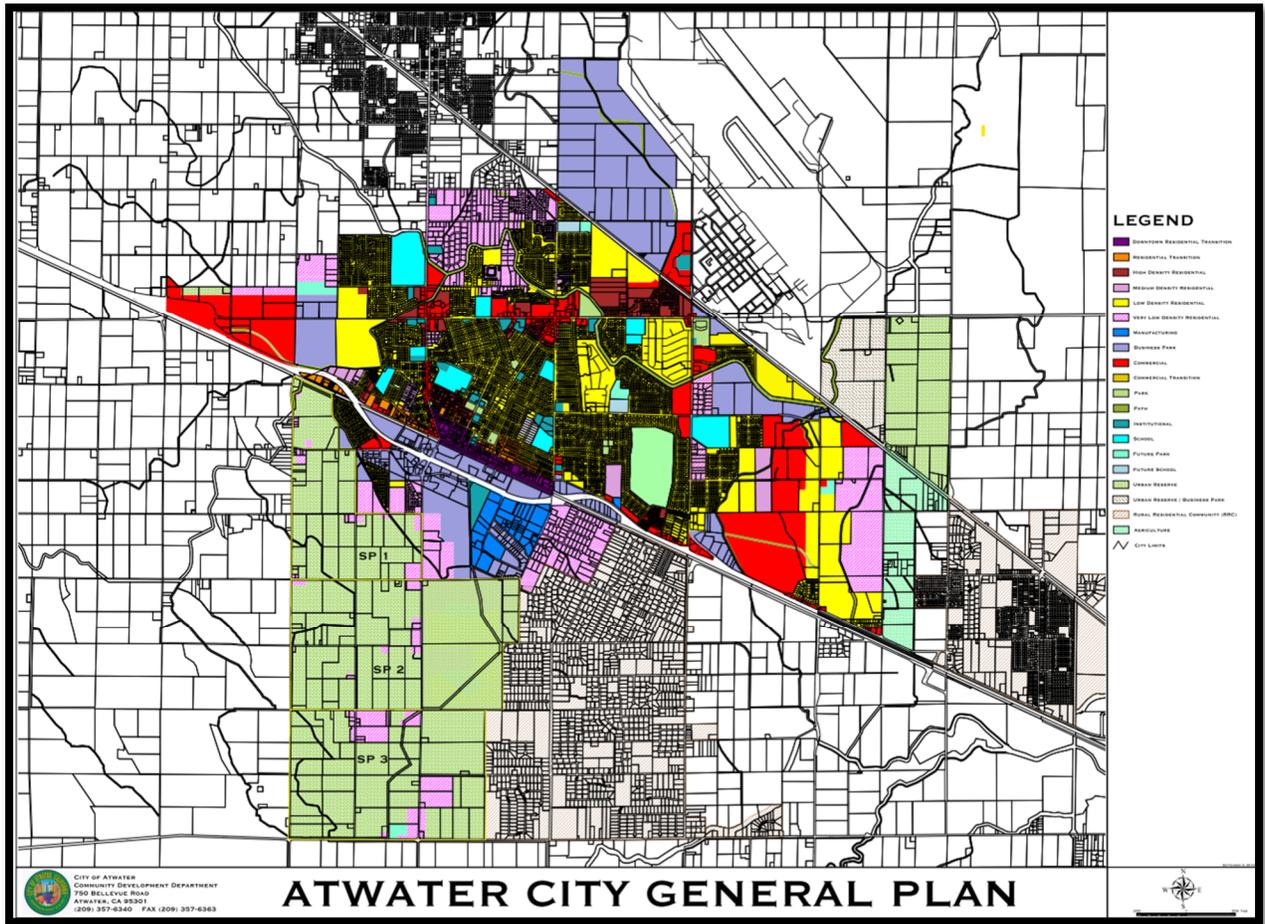
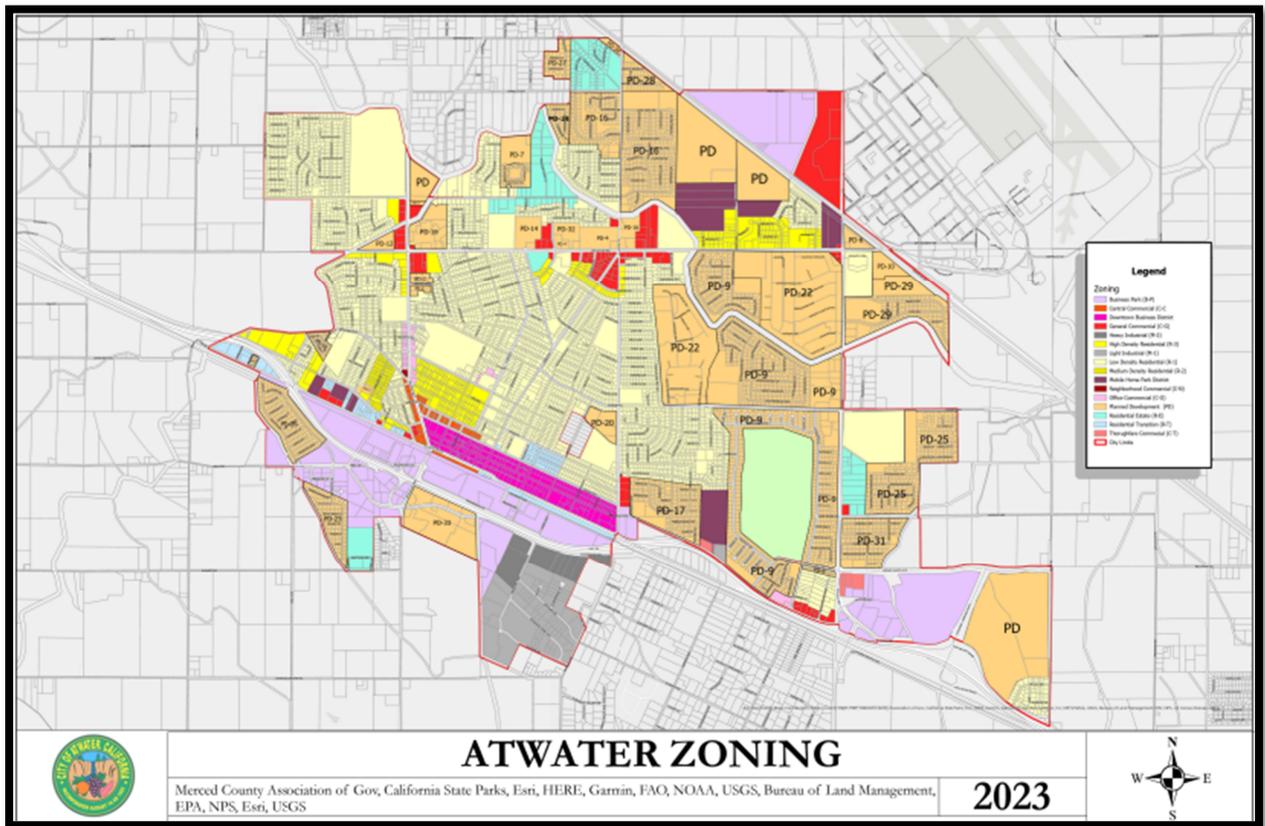


Figure 3 – Existing Zoning





**13. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

**14. LEAD AGENCY DETERMINATION:**

On the basis of this initial evaluation:

	I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project Proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> _____, City Planner	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Date

## SECTION 2.0 EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

# INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

## 1. AESTHETICS -- WOULD THE PROJECT:

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

## IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project have a substantial adverse effect on a scenic vista?*
- b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?*

The City of Atwater does not have any designated scenic vistas; however, the city has identified the following as scenic corridors:

Atwater Boulevard; First Street; Bellevue Road; Shaffer Road; Winton Way; Broadway, from Winton Way to First Street; Buhach Road; Third Street; part of Grove Avenue; all entrances to the city.

The Proposed Project is bounded by Bellevue Road, Santa Fe Avenue, Nebela Drive and north Buhach Road. The project site is zoned Planned Development (P-D) 29 and is adjacent to a variety of different

land uses, but most importantly, the Proposed Project is consistent with and a continuation of existing single-family homes immediately south of the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact** on scenic vistas or scenic resources.

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

Although vacant, the project site is located within an urbanized area. The Proposed Project consists of seventy-three (73) single-family residential lots and internal circulation. Implementation of the Proposed Project would continue the pattern of residential development in accordance with the City's General Plan and Zoning designation of the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Exterior street lighting and lights from adjacent commercial and residential areas already exist near the Project site. The new source of lighting generated by the Proposed Project would include lights from inside and outside homes, entrance lighting, accent lights and streetlights typical of single-family residential neighborhoods. The proposed lighting would be directed, oriented, and shielded to prevent light from shining onto adjacent properties. Little to no light exists on the project site under current conditions as the site is mostly vacant. Once developed, new light sources will be similar to those of the surrounding uses and would not adversely affect day or nighttime views in the area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

#### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

**2. AGRICULTURE AND FORESTRY RESOURCES -- WOULD THE PROJECT:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**IMPACT ANALYSIS**

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

According to the California Department of Conservation – 2018 Farmland Mapping and Monitoring Program, the Project site is considered *Farmland of Local Importance*. The site itself is vacant without any productive agricultural resources and is not being utilized for active agricultural production. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Proposed Project site is zoned Planned Development (P-D 29). The project site has a General Plan designation of Low-Density Residential; it is not zoned for agriculture use and is not subject to a Williamson Act contract. Therefore, the Proposed Project would have **No Impact** under this threshold.

The following discussion is an analysis for criteria (c) and (d):

- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The Public Resource Code Section 12220 (g) and Section 4526 defines Forest Land as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetic, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The project site is not identified as forest land. Therefore, implementation of the Proposed Project would not conflict with any existing zoning for forest land, timberland, or timberland zoned Timberland Production. **No Impact** would occur under this threshold.

- e. *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The project site is not designated for agricultural or forest use. There are no known changes to the existing environment that would result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. The Proposed Project will have **No Impact**.

#### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

**3. AIR QUALITY -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

**REGULATORY SETTING**

The Proposed Project is located within the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD), which includes Merced County, has jurisdiction over most air quality matters in the Air Basin.

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as “criteria” air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect the public health; secondary standards are established to protect the public welfare. The attainment statuses of the SJVAB for Merced County with respect to the applicable AAQS are shown in the table below.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)
- Rule 9510 (Indirect Source Review)

## SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards <sup>a</sup>	State Standards <sup>b</sup>
Ozone, 1-hour	No Federal standard <sup>f</sup>	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme <sup>e</sup>	Nonattainment
PM10	Attainment <sup>c</sup>	Nonattainment
PM2.5	Nonattainment <sup>d</sup>	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation/Classification	Attainment
Hydrogen Sulfide	No Federal standard	Unclassified
Sulfates	No Federal standard	Attainment
Visibility-Reducing Particles	No Federal standard	Unclassified
Vinyl Chloride	No Federal standard	Attainment

<sup>a</sup>See 40 CFR Part 81

<sup>b</sup>See CCR Title 17 Sections 60200-60210

<sup>c</sup>On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

<sup>d</sup>The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

<sup>e</sup>Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the Valley to extreme nonattainment in the Federal Register on May 2010 (effective June 4, 2010).

<sup>f</sup>Effective June 15, 2005, the EPA revoked the Federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>
CO	100	100	100
NO <sub>x</sub>	10	10	10
ROG	10	10	10
SO <sub>x</sub>	27	27	27
PM <sub>10</sub>	15	15	15
PM <sub>2.5</sub>	15	15	15

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. Furthermore, within the GAMAQI, the SJVAPCD has established and outlined a three-tiered approach to determining significance related to a project’s quantified ozone precursor emissions. Each tier or level requires a different degree of complexity of emissions calculation and modeling to determine air quality significance. The three tiers established to date (from least significant to most significant) are: *Small Project Analysis Level (SPAL)*, *Cursory Analysis Level (CAL)*, and *Full Analysis Level (FAL)*. In each of the tiers, the SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds. Table 1 of the GAMAQI, dated November 13, 2020, includes the threshold for single-family residential projects as resulting in less than 155 dwelling units and less than 800 Average Daily One-Way Trips for all fleet types (except Heavy-Heavy Duty Trucks (HHDT)).

In accordance with Table 1 of the GAMAQI, the Proposed Project is considered to be a SPAL, as it would not cross the SJVAPCD adopted threshold of 155 dwelling units and not exceed 800 daily trips, as indicated in the Traffic Technical Memorandum, dated October 18, 2023, prepared by GHD (688 daily trips). Because the Proposed Project qualifies as SPAL, GAMAQI notes it is reasonable to conclude that the Proposed Project would not exceed applicable thresholds of significance for criteria pollutants.

Lastly, the California Emissions Estimator Model (CALEEMOD) was used to estimate both construction and operational emissions from the Proposed Project. A detailed report of the complete CALEEMOD results is shown in Appendix A of this document. The table below shows the maximum project construction emissions in a calendar year, the annual operational emissions, and the SJVAPCD Significance Thresholds.

### SJVAPCD Significance Thresholds and Proposed Project Emissions

	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>SJVAPCD Significance Threshold</b>	<b>10</b>	<b>10</b>	<b>100</b>	<b>27</b>	<b>15</b>	<b>15</b>
Construction Emissions	0.52	1.39	1.74	<0.005	0.17	0.10
<i>Above Threshold?</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
Operational Emissions	1.23	0.87	4.89	0.01	0.84	0.30
<i>Above Threshold?</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

#### IMPACT ANALYSIS

- a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

SJVAPCD has attainment plans for ozone and particulate matter, while the State has a CO attainment plan. As indicated in the table above, construction and operational emissions will not exceed the applicable SJVAPCD significance threshold for any criteria pollutant. The Proposed Project will be subject to SJVAPCD Rule 9510, which requires NO<sub>x</sub> and PM<sub>10</sub> reductions from construction exhaust and operational emissions for projects required to comply with the rule. With the application of Rule 9510, project NO<sub>x</sub> and PM<sub>10</sub> construction and operational emissions would be further reduced. Since the Proposed Project emissions are estimated to be well below the respective SJVAPCD significance thresholds, the Proposed Project will be consistent with the adopted reduction plans for ozone, particulate matter, and CO. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?*

The Proposed Project would not generate operational emissions above SJVAPCD established significance threshold. The application of SJVAPCD Rule 9510 would further reduce NO<sub>x</sub> and PM<sub>10</sub> operational emissions. The significance thresholds are applied to evaluate regional impacts of project-specific emissions of air pollutants. Regional impacts of a project can be characterized in terms of total annual emissions of criteria pollutants and their impact on SJVAPCD's ability to reach attainment of criteria pollutant standards. As such, the Proposed Project will not result in a considerable contribution to a significant cumulative air quality impact in the Air Basin. Consequently, the Proposed Project impacts related to cumulative emissions will have a **Less Than Significant Impact**.

c. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Sensitive Receptors, as defined in the Guide for Assessing and Mitigating Air Quality Impacts, include residences, schools, parks and playgrounds, day care centers, nursing homes, and hospitals (SJVAPCD March 2015). Potential sensitive receptors near the Proposed Project site include the single-family residences to the south, Meadow View Estates Unit 1 (one), as well as visitors of Veteran's Memorial Park. However, as noted, Project construction and operational emissions would be below SJVAPCD significance threshold for criteria pollutants. Further, implementation of applicable SJVAPCD rules and regulations, especially Regulation VIII and Rule 9510, would further reduce the emissions that could potentially reach the residential area.

According to the CALEEMOD analysis for the Proposed Project, construction activities would generate approximately 197 pounds of exhaust PM<sub>2.5</sub> for the estimated twelve-month construction period, or approximately 0.54 pounds per day. This amount is readily dissipated and likely would not be concentrated such that nearby sensitive receptors would be affected. Construction impacts would cease at the completion of the Proposed Project, and the length of time nearby properties experiencing exposure would be relatively short. Additionally, per the CALEEMOD analysis, Project operations would generate markedly less emissions. Consequently, neither Project construction nor Project operations would generate particulate matter emissions in quantities that would present a significant health risk to nearby properties. Further, assumptions utilized in the CALEEMOD analysis provided mitigation measures to curb the impact to surrounding receptors by limiting any heavy-duty diesel vehicle idling, and ensuring exposed surfaces are watered on a regular basis.

Therefore, implementation of the Proposed Project will not be anticipated to result in an increase in exposure of sensitive receptors to localized concentrations of criteria pollutants that would exceed the relevant standards or thresholds established by the SJVAPCD. Thus, implementation of the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots. As such, residential development typically does not generate substantial odors that would affect nearby land uses or a substantial number of people, nor would the Proposed Project generate substantial amounts of any other emissions such as TACs. The Proposed Project will have a **Less Than Significant Impact** related to odors or other emissions.

## **MITIGATION MEASURES:**

**Mitigation Measure Air-1:** Prior to the commencement of construction activities for each phase of construction, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3.

**Mitigation Measure Air-2:** During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.
4. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
7. Limit traffic speeds on unpaved roads to 5 mph; and  
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

**4. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**IMPACT ANALYSIS**

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

Figure 4-7, found in the 2000 General Plan, does not identify any special-status Wildlife Species or Special-Status Plant Species within the Project site. Although it is unlikely that the project would not impact the habitat of species with special status, it cannot be completely ruled out. Therefore, the Proposed Project is considered to have a potentially significant impact and mitigation measures must be implemented. Thus, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

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

Riparian habitats are defined as vegetative communities that are influenced by a river or stream, specifically the land area that encompasses the water channel and its current or potential floodplain. No riparian habitat occurs on the project site or within the immediate vicinity. There are no sensitive natural communities occurring on or near the project site; therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no federally protected wetlands including, but not limited to, marsh, vernal pools, coastal water, etc., surrounding the project site or in close or near proximity to the Proposed Project. Therefore, the Proposed Project will have a **Less Than Significant No Impact** on federally protected wetlands.

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movement of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, re-colonization of an area, and movement in response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats.

The Project site and surrounding area does not occur within a known migration route, significant wildlife corridor, or linkage area as identified in the Recovery Plan for Upland Species in the San Joaquin Valley or by the Essential Habitat Connectivity Project. Thus, the project will not restrict, eliminate, or significantly alter wildlife movement corridor, or impede the use of native wildlife nursery sites. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The Project site is located within the City of Atwater boundaries and must comply with provisions contained in the City of Atwater General Plan. The Proposed Project will not conflict with any local policies or ordinances protecting biological resources that the project would conflict with, and implementation of the Proposed Project will have a **Less Than Significant Impact** related to policies or ordinances protecting biological resources.

- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The Proposed Project will not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approval local, regional, or state Habitat Conservation Plan. The Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

The following mitigation measure shall be incorporated into the Proposed Project:

**Mitigation Measure Bio-1:** Within fourteen (14) days of the start of the Proposed Project activities a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species.

**5. CULTURAL RESOURCES -- Would the project:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

Implementation Program CO-9.a of the city of Atwater’s 2000 General Plan Goal CO-9 to protect and enhance historical and culturally significant resources applies the following standard condition to development projects to minimize any impact on historical resources: If a previously unknown archaeological site is uncovered during the course of development, all development activity in the vicinity of the project site shall cease until a qualified archaeologist completes an investigation. The archaeologist shall submit a report to the City that includes a determination of the significance of the site and recommendations on its disposition. Additional studies may include avoidance, testing, and evaluation or data recovery excavation. Application of the mitigation measures below would ensure that the Proposed Project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Public Resources Code section 5097.98 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation. Additionally, CO-9.a of the 2000 General Plan Environmental Impact Report, provides that development projects shall retain the services of a qualified archaeologist to determine

the presence and extent of any historic, archaeological, or paleontological resources. The recommendations of said studies shall be incorporated into development plans. Therefore, the Proposed Project will have **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**6. ENERGY -- Would the project:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			X	

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; and,*
- b. *Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

While the Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) residential lots, it can be assumed that future physical development and build out of the residential sites will occur. Thus, the current Proposed Project and future development would consume energy primarily in one of two ways: first, future construction activities would consume energy via various heavy equipment, machines, trucks, and worker traffic; and, secondly, future residential uses would cause long-term energy consumption from electricity and gas consumption, energy used for water conveyance, and motor vehicle operations to and from the project site, etc.

To combat potentially significant environmental impacts due to inefficient and wasteful use of energy resources, California has implemented numerous energy efficiency and conservation programs that result in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24.

The Proposed Project would be required to comply with the building energy efficiency standards of California Code of Regulations Title 24, Part 6, also known as the California Energy Code. Compliance with these standards would reduce energy consumption associated with the Project operations, although reductions from compliance cannot be readily quantified at this time. Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary; the project would also not conflict or obstruct any state or local plans for renewable energy efficiency. Thus, the Proposed Project would have a **Less Than Significant Impact** related to energy consumption.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**7. GEOLOGY AND SOILS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a.1, a.2, a.3):

- a.1. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

The Proposed Project is not located within the current Alquist-Priolo Earthquake Fault Zone and there are no known active faults located in the immediate area. The nearest Alquist-Priolo Special Studies Zone is the Ortigalita Fault Zone located in the southwestern portion of Merced County, approximately thirty-eight miles from the city of Atwater. The last known activity from the Ortigalita Fault was approximately more than 10,000 years ago.

Although there are no specific liquefaction hazard areas identified in Merced County, the potential for liquefaction is recognized in the Atwater General Plan Environmental Impact Report (EIR). However, the site does not have high potential for liquefaction. Liquefaction typically requires a significant sudden decrease of shearing resistance in cohesionless soils and a sudden increase in water pressure, which is typically associated with an earthquake of high magnitude. The soils in the project site, Atwater loamy sand and Atwater sand, are considered to have low potential for liquefaction. Based on these conditions, the risk for ground failure during a strong earthquake ground shaking is low. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- a.4. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

The City of Atwater lies within the San Joaquin Valley. The Valley is characterized by predominantly flat terrain with few elevated features. Elevations within the City vary little, with the range of elevation going from 145-feet and 170-feet above sea level, but the official elevation of the city is 150-feet above sea level. Given the flat terrain of the area, the construction, operation, and use of the project site would not provoke a landslide to occur. The risk of damage or loss due to landslides is low; thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project result in substantial soil erosion or the loss of topsoil?*

Project proponents will be required to submit a notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit prior to construction. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Due to the relatively flat nature of the project site, the BMPs provided via the SWPPP, and the NPDES, the Proposed Project will result in a **Less Than Significant Impact**.

- c. *Would the project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Lateral spreading is a form of horizontal displacement of soil toward an open channel which can result from either the slump of low cohesion and unconsolidated material. More commonly, lateral spreading can result from liquefaction of either the soil layer or a subsurface layer underlying soil material on a slope, resulting in gravitationally driven movement.

The Project site and surrounding areas are in a relatively topographically flat area, and it is highly unlikely that would result in a landslide of any measure. Lateral spreading, subsidence, and collapse are not common in Merced County. Since the Proposed Project site is not located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, there is little to no potential for result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, under this threshold, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?*

The Project site is not located in an area known for unstable soils, since the city of Atwater's 2000 General Plan does not identify the project area as a high shrink-well potential (i.e., expansive soils). Further, volume change is influenced by the quantity of moisture, the kind and amount of clay in the soil, and the original porosity of the soil. Per the U.S. Department of Agriculture, Natural Resources Conservation Services Web Soil Survey\*, soil identified on the project site is Atwater loamy sand; this type of soil has a low level of plasticity and expansion potential when subjected to fluctuations in moisture and a low potential for liquefaction or ground failure. As a result of the soil conditions found on the project site, risk to life or property as a consequence of expansive soils are not substantial and the impact of expansive soil on future Proposed Project site development will be a **Less Than Significant Impact**.

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project will not be installing septic tanks or an alternative wastewater disposal system; rather, the Proposed Project will be served by sewer infrastructure. Therefore, the Proposed Project will have **No Impact**.

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

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\* <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Although it is unlikely that a paleontological resource or resources would be encountered during the buildout of the Proposed Project, some construction activities have the potential to disturb and thus directly or indirectly damage these resources. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**8. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**REGULATORY SETTING:**

California Air Resources Board (CARB) is responsible for the coordination and oversight of state and local air pollution control programs in California. California has numerous regulations aimed at reducing the State’s GHG emissions. These initiatives are summarized below:

*Assembly Bill 1943*

Assembly Bill (AB) 1943 (2002), California’s Advanced Clean Cars program (referred to as “Pavley”), requires CARB to develop and adopt regulations to achieve “the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles.” On June 30, 2009, U.S. EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now referred to as “LEV (Low Emission Vehicle) III GHG” will cover 2017 to 2025. Fleet average emission standards would reach 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emission Vehicles (LEV), Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

*Executive Order S-3-05*

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA]). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the “2006 CAT Report”) (CalEPA 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty

truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015 the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

#### *Assembly Bill 32*

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05), and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. California is on track to meet or exceed the current target of reducing GHG emission to 1990 levels by 2020, as established by AB 32.

#### *Senate Bill 97*

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

#### *CARB Resolution 07-54*

CARB Resolution 07-54 establishes 25,000 MT of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005 percent of California's total inventory of GHG emissions for 2004.

#### *Senate Bill 375*

Senate Bill (SB) 375, signed into law in September 2008, builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035; these regional targets will help achieve the goals of AB 32 and the Scoping Plan through changed land use patterns and improved transportation systems. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted a Sustainable Community Strategies in July 2013 that meets greenhouse gas reduction targets. The *Plan Bay Area* is the SCS document for the Bay Area, which is an integrated long-range plan that discusses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay Area. The document is updated every four years and most recently, the update, *Plan Bay Area 2040* was adopted on July 26, 2017.

### *Executive Order S-13-08*

Executive Order S-13-08 indicates that “climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California’s economy, to the health and welfare of tis population and to its natural resources.” Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy (California Natural Resources Agency 2009) was adopted, which is the “...first statewide, multi-sector, region-specific, and information-based climate change adaption strategy in the United States.” Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

### *Senate Bill 2X*

In April 2011, the governor signed SB2X requiring California to generate 33 percent of its electricity from renewable energy by 2020.

### *Senate Bill 32*

On September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 is an extension of AB 32. The other provisions of AB 32 remain unchanged. CARB adopted the 2017 Climate Change Scoping Plan Update on December 14, 2017 for achieving California’s 2030 greenhouse gas target.

## **IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The Proposed Project consists of a seventy-three (73) lot residential subdivision. A consequence of the project will be the generation of short-term and long-term Greenhouse Gas emissions. In the short-term, construction related activities will be the main driver of GHG emissions through site preparation, grading, heavy-duty construction vehicles, equipment hauling, and motor vehicles going to and from the project site. The level of emissions resulting from construction activities will vary day-to-day dependent on the level of intensity each day.

The Proposed Project is consistent with the City of Atwater’s General Plan which ensures compliance with the Greenhouse Gas emission reduction strategies employed by the City of Atwater, which in turn, support City-wide efforts to meet statewide GHG emission reduction goals consistent with

Assembly Bill (AB) 32, the Global Warming Solutions Act. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**9. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

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

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Proposed Project consists of a seventy-three (73) lot residential subdivision. The residential development in and of itself will not pose a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials. Typical construction materials would be utilized during development. Construction may include the use of hazardous materials given that construction activities involve the use of heavy equipment, which uses marginal amounts of oils and fuels and other potentially flammable substances. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials used during construction. The project proponent would be required to implement standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment.

Should the release of hazardous materials occur, or if hazardous materials need to be used, transported, or disposed of, the Project Proponent must comply with all applicable Federal, State, and local policies and regulations related to hazardous materials. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

No existing or proposed schools have been identified within one-quarter mile of the project site. The nearest school to the project site is Bellevue Elementary School, located at 1020 East Bellevue Road, which is approximately one (1) half mile from the project site. Therefore, under this threshold the project will have **No Impact**.

- d. *Would the project be located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to California Government Code §65962.5. A review of the State hazardous material site databases\* found one record near the project site: Castle Air Force Base – BLDG #3372; case opened 1/1/1990 and closed 1/9/1997.

An online search was also conducted on the Department of Toxic Substances Control (DTSC) website. It was discovered that there were no hazardous or toxic sites in the vicinity of the project. There are only two facilities on the Cortese List within Merced County; one site sits in the city of Dos Palos and the other is located in the city of Gustine. As a result, the Proposed Project would not create a hazard to the public or the environment; therefore, the Proposed Project will have a **Less Than Significant Impact**.

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\* [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0609900380](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0609900380)

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

In order to determine if the Proposed Project is within an airport land use plan, the Merced County Airport Land Use Compatibility Plan (MCALUCP, 2012) was consulted. The Project site is within two (2) miles of the Merced County Castle Airport, but the Proposed Project sits just outside of Zone D and as such is not located within the boundaries of an airport land use plan. As a result, the Proposed Project will have a **Less Than Significant Impact**.

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Per the City's 2000 General Plan, response procedures are outlined in the City of Atwater's Emergency Plan. The Emergency Plan outlines the responsibilities for the management of hazards and the management of incidents involving hazardous materials. Responsibility for day-to-day emergencies response falls to the Atwater Police and Atwater Fire Departments. In the event of larger, more extreme emergencies, other city departments may become involved, along with state, county, and private agencies as needed.

The public roadway system, owned and maintained by the city, is critical for providing emergency access and evacuation to and through the city. The Proposed Project would not prevent or inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. Therefore, the Proposed Project will have a **Less Than Significant Impact** on emergency response and evacuation plans.

- g. *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The Project site is currently vacant land with varied uses neighboring the property including single-family residential properties to the south and commercial uses to the north; while the project site is vacant, undeveloped land, the neighboring properties are developed.

Per the city of Atwater's 2000 General Plan, grass and brush lands are the most likely places for wildland fires to occur within Merced County; because the city of Atwater's relatively distant location to these areas, the risk of loss, injury, or death involving wildland fires is low.

Although the Proposed Project would not create a huge risk of wildland fire, the Project will add seventy-three (73) new single-family dwellings. The currently undeveloped site would be developed and would increase demand for fire protection services. The implementation of the mitigation

measures from the General Plan EIR would reduce the overall impact to a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**10. HYDROLOGY AND WATER QUALITY -- Would the project:**

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

## IMPACT ANALYSIS

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The Proposed Project would be required to meet all water quality standards and requirements. During construction related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of measures implemented would be based upon location specific characteristics (slope, soil type, weather conditions, etc.). Additionally, new development is required to adopt Best Management Practices (BMPs) to minimize grading and control runoff, which pollutes storm drains and can eventually lead to the pollution of groundwater sources. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Table 4-3 – Demands for Potable and Non-Potable Water – Actual (DWR Table 4-1)**

Submittal Table 4-1 Retail: Demands for Potable and Non-Potable <sup>1</sup> Water - Actual			
Use Type	2020 Actual		
<b>Drop down list</b> May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool	Additional Description (as needed)	Level of Treatment When Delivered Drop down list	Volume <sup>2</sup>
Add additional rows as needed			
Single Family		Drinking Water	4,068
Multi-Family		Drinking Water	844
Commercial		Drinking Water	2,174
Other		Drinking Water	1,474
<b>TOTAL</b>			<b>8,559</b>
<sup>1</sup> Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4. <sup>2</sup> Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.			
NOTES: Volumes for single family, multi-family, and commercial were estimated because these use types are only partially metered. Volumes were increased based on the ratio of total service connections and the number of metered service connections for each use type.			

**Table 4-4 – Use for Potable and Non-Potable Water – Projected (DWR Table 4-2)**

Submittal Table 4-2 Retail: Use for Potable and Non-Potable <sup>1</sup> Water - Projected						
Use Type  <i>Drop down list</i> May select each use multiple times These are the only Use Types that will be recognized by the WUdata online submittal tool	Additional Description (as needed)	Projected Water Use <sup>2</sup> <i>Report To the Extent that Records are Available</i>				
		2025	2030	2035	2040	2045 (opt)
Add additional rows as needed						
Single Family		4,582	4,907	5,254	5,626	
Multi-Family		951	1,018	1,090	1,167	
Commercial		2,449	2,622	2,808	3,007	
Other		1,660	1,777	1,903	2,038	
<b>TOTAL</b>		<b>9,642</b>	<b>10,324</b>	<b>11,056</b>	<b>11,838</b>	<b>0</b>
<sup>1</sup> Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.						
<sup>2</sup> Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES:						

The City of Atwater extracts its water supply from groundwater aquifers via a series of wells scattered throughout the city. The City’s existing system facilities include nine wells (eight are active and one is drilled but not equipped) with a total rated pumping capacity of approximately 15,000 Gallons Per Minute (GPM). Atwater is located in the San Joaquin River Hydrologic Region (groundwater basin) and extracts its groundwater from the Merced Subbasin, Basin Number 5-22.04. The Merced Subbasin is a high priority basin and is critically over drafted. Table 4-4 illustrates the projected demand for Single-Family Residential properties; demand for water is projected to increase for each interval.

The city of Atwater is a member of the Merced-Irrigation-Urban GSA (MIUGSA – one of three GSAs within the Merced Subbasin region) and is made up of agencies including Merced Irrigation District, City of Merced, City of Atwater, City of Livingston, Le Grand Community Services District, Planada Community Services District, and Winton Water and Sanitary District. With the adoption of the Merced Subbasin GSP, the participating GSAs adopted a goal of achieving sustainable groundwater management on a long-term average basis by increasing recharge and/or reducing groundwater pumping, while avoiding undesirable results. This goal will be achieved by allocating a portion of the estimated Merced Subbasin sustainable yield to each of the three participating GSAs and coordinating the implementation of programs and projects to increase both direct and in-lieu groundwater recharge which will in turn increase the groundwater available. Separately, the city of Atwater employs a number of Demand Management Measures (DMMs) that promote conservation and reduce the water supply demand.

Therefore, any direct impacts of the Proposed Project will be properly mitigated so as to have a **Less Than Significant Impact**.

- c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i. *Result in substantial on- or offsite erosion or siltation;*
  - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
  - iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
  - iv. *Impede or redirect flood flows?*

The Proposed Project will not alter the course of a stream or river, as it is not located near a stream or river. The Project site is located on a site that is currently vacant and unimproved. Compliance with construction and operation-phase storm water requirements would ensure that development of the Proposed Project would not result in substantial erosion or siltation on or off site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation?*

The Proposed Project is not located adjacent to the ocean or other large body of water; the city of Atwater is not at risk from tsunami due to its inland location. The Project site, therefore, is not susceptible to flooding or seiches, and as a result, the Proposed Project would not result in a risk of pollutant release during a flood hazard, tsunami or seiche event. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The Project site is provided domestic water from the city of Atwater. The City of Atwater is located within the Merced Groundwater Basin, which is governed by three Groundwater Sustainability Agencies (GSAs): the Merced Irrigation-Urban GSA (MIUGSA), the Merced Subbasin GSA, and the Turner Island Water District GSA. The Merced Subbasin GSP was adopted by the MIUGSA in December 2019. The Proposed Project will be required to comply with the Groundwater Sustainability Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

#### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

**11. LAND USE AND PLANNING -- Would the project:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**IMPACT ANALYSIS**

*a. Would the project physically divide an established community?*

The Proposed Project would physically connect an established neighborhood, the Meadowview Unit Phase number one (1) subdivision, to the Proposed Silver Creek Crossing Subdivision. The Proposed Vesting Tentative Subdivision Map would have no impact because the Proposed Project would be a continuation of an adjoining neighborhood rather than a division of a community. **No Impact.**

*b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Proposed Project is consistent with the City of Atwater’s Zoning and Municipal Code along with its’ General Plan land use designation. The Proposed Project is within a Planned Development (P-D 29) Zone and has a General Plan land use designation of Low-Density Residential (LDR). Further, any impact to the environment which results from the Proposed Project is subject to applicable mitigation, and is subject to local, state, and federal regulations. These measures ensure that if a conflict with any land use plan, policy, or regulation were to occur, the impact would be marginal. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**12. MINERAL RESOURCES -- WOULD THE PROJECT RESULT IN:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The Proposed Project site is absent of any mineral extraction activities nor are there any mineral extraction activities included in the Proposed Project. Public Resources Code Section 2762(a) requires that local governments establish mineral resource management policies within their General Plan if any mineral resources of statewide or regional significance are designated within their jurisdiction. According to the City of Atwater’s 2000 General Plan, no such areas have been designated or established within the City of Atwater. As a result, the Proposed Project will have **No Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**13. NOISE -- WOULD THE PROJECT RESULT IN:**

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

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. *Would the project result in generation of excessive ground borne vibration or ground borne noise levels?*

The Proposed Project is situated between existing residential development, existing commercial development, and the Burlington Northern Railroad. The Proposed Project would increase ambient noise levels; however, they would be minimal in nature and would have a less than significant impact. The construction activities, which are temporary in nature, would involve heavy equipment for grading, excavation, paving, and building construction which would increase ambient noise levels, ground borne vibrations, and noise when in use. Noise levels would vary depending on the equipment used, how it is operated, and how well it is maintained. However, with the implementation of Chapter 8.44, Noise Control, of the City of Atwater’s Municipal Code which allows construction activities between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and the hours of 9:00 AM and 5:00 PM on Saturday and Sunday the level of impact resulting from the Proposed Project would be curtailed. Additionally, in conjunction with the constraints placed on the construction activities allowed the Project Proponent in working with City Staff, has agreed to only construct single-story homes along the eastern portion of the project site abutting the railroad and erecting a wall seven (7) feet in height in order to mitigate the noise originating and emanating out from the Burlington

Northern Railroad. Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

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

The Project site is within two (2) miles of the Merced County Castle Airport, but the Proposed Project sits just outside of Zone D and as such is not located within the boundaries of an airport land use plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

The following mitigation measures shall be incorporated into the Proposed Project:

**Mitigation Measure Noise-1:** Construction of only single-story homes along the eastern portion of the Project site abutting the Burlington Northern Railroad.

**Mitigation Measure Noise-2:** Construction of a seven (7) foot tall wall along the eastern portion of the Project site abutting the Burlington Northern Railroad.

**14. POPULATION AND HOUSING -- Would the project:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

**IMPACT ANALYSIS**

- c. *Would the project induce substantial population growth in one area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The Proposed Project would allow for the development of seventy-three (73) single-family dwellings. Per the United States Census Bureau, persons per household (2017 – 2021) in the city of Atwater equaled 3.03; based on this statistic, the Proposed Project would increase the City’s population by approximately 191 persons. With the addition of 191 new residents, the Proposed Project would increase the City’s population by a marginal amount. The Proposed Project is consistent with the Low-Density Residential land use designation established under the General Plan, and implementation of the Proposed Project would not directly contribute to a substantial unplanned increase in population within the City of Atwater. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project site is presently a vacant, undeveloped piece of land with no structures currently existing on site, residential or otherwise. Thus, the Proposed Project would not displace existing individuals or housing as none currently exist. Therefore, the Proposed Project will have **No Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

## 15. PUBLIC SERVICES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

### IMPACT ANALYSIS

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?*

The City of Atwater transitioned fire protection services by executing a service contract with the State of California, Cal Fire. The contract began in October 2008. There are two (2) fire stations within two (2) miles of the Proposed Project site: 1) Atwater station 42 sits approximately 1.2 miles from the project site; and 2) Cal-Fire Castle Crew sits approximately 1.8 miles away from the project site. The Proposed Project would not substantially impact the City's response time in addressing calls for assistance.

The City of Atwater's 2000 General Plan outlines goals, policies and implementation programs in order to facilitate planned, orderly and strategic growth while minimizing the impact on response times and quality of service delivered to the residents of Atwater. Policy LU-17.1 makes clear the city will not sacrifice response times for more development. Finally, Policy LU-17.2 requires all new development to contribute funding toward necessary fire facilities and fire equipment. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?*

Police protection services in Atwater are provided by the Atwater Police Department. The Police Department is located at 750 Bellevue Road approximately one and a half miles away from the Proposed Project site. Police staffing levels are generally based on the population and police officer ratio, and an increase in population is typically the result of an increase in housing. Since the Proposed Project includes residential uses, it can be assumed that the marginal increase in population that results from this Project would be expected to generate a slight increase in the demand for law enforcement services. In this instance, General Plan Policy LU-18.2 requires all new development to contribute funding toward necessary law enforcement facilities and equipment. However, as previously stated, the Proposed Project is not expected to generate substantial population growth in the area that would result in the need for additional police services. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

The Proposed Project and the residential neighborhood that will result from the Proposed Project will not be served by the Atwater Elementary School District. The Proposed Project site will be served by the Merced City School District for grades elementary through eight (8) and the Merced Union High School District for grades nine (9) – twelve (12). The closest schools in proximity to the Proposed Project are:

**Merced City School District**

- Franklin Elementary School located at 2736 Franklin Road, Merced, 95340
- Stefani Elementary School located at 2768 Rancho Lane, Merced, 95340

**Merced Union High School District**

- Buhach High School located at 1800 Buhach Road, Atwater, 95301
- Atwater High School located at 2201 Fruitland Avenue, Atwater, 95301

The Merced City School District has nineteen (19) schools, with an enrollment of 10,922 students for the 2023 school year with a student to teacher ratio of twenty-six (26) to one (1). Similarly, the Merced Union High School District has nine (9) schools serving a student body of 11,177 students for the 2023

school year with a student to teacher ratio of twenty-one (21) to one (1). In order to continue to support the collection of school fees consistent with the maximum allowable amount permitted under state law, the City of Atwater established the General Plan Policy LU-21.2 to ensure adequate funds are collected. The Proposed Project would ultimately result in the construction of seventy-three (73) new residences and an incremental increase in population which could impact demand for school services within the school districts listed above. In order to mitigate this impact, Government Code 65996 requires the payment of impact fees to the school districts at the time of construction to offset increased student enrollment. As provided in the Government Code, payment of these fees constitutes adequate mitigation of impacts to the provision of school facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

Increase in the demand for recreational facilities is typically associated with increases in population. As discussed in section 14.A (*Population and Housing*), the Proposed Project will not generate substantial growth in the local population such that it will be in excess, inconsistent, and out of conformance with the City's General Plan. The incremental growth spurred by the Proposed Project is unlikely to warrant new park facilities. The design for the Silver Creek Crossings Vesting Tentative Subdivision Map is congruent with the City's General Plan Policy LU-23.2. Finally, approval of the Proposed Project and subsequent residential build out would require payment of development fees to off-set any increase in demand for park services. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

The marginal population increase generated by the Proposed Project would result in an incremental increase in use of public facilities; this impact would be negligible. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

#### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

## 16. RECREATION

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

### IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Development of the Proposed Project will generate marginal population growth and may increase demand for recreational facilities. Due to the Proposed Project's location being in close proximity it is reasonable to assume residents of Silver Creek Crossings Subdivision will increase the use of the neighboring 17.9-acre Veterans Park. However, whether this use would result in substantial physical deterioration of the park and facility occurring or being accelerated cannot be fully determined because the amount of park activity use from the Proposed Project's residents would be purely speculative in nature. Regardless of which park and/or recreation facility is impacted, payment of impact fees by Project Proponent would help off-set any increase in demand, use, or physical deterioration such that the Proposed Project will have a **Less Than Significant Impact**.

### MITIGATION MEASURES:

Mitigation is not required for this topic.

**17. TRANSPORTATION/TRAFFIC – WOULD THE PROJECT:**

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

The following is based on the Technical Memorandum that was completed for the Proposed Project by GHD (October 2023).

**IMPACT ANALYSIS**

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The Proposed Project is consistent with the City of Atwater’s General Plan land use designation, is located within the City of Atwater and is zoned Planned Development, allowing for Low-Density Residential uses. Since the quality of traffic flow is often governed by the operation of intersections, consistent with the July 2000 City of Atwater General Plan Circulation Element and the most recent Merced County Association of Governments (MCAG) guidelines, various traffic scenarios were analyzed. The primary intersection analyzed is adjacent to and provides access to the Proposed Project site: the North Buhach Road and Piro Road/Garden Drive intersection. The analysis included existing 2023 conditions, existing 2023 plus Project conditions, cumulative 2046 conditions, and cumulative 2046 plus Project conditions and the Proposed Project peak hour trip assignment was based on the existing traffic flows occurring at this intersection. Per the City of Atwater’s General Plan Circulation Element, the City of Atwater designates LOS D as their minimum standard. Based on the analysis provided, the Proposed Project would generate approximately 688 daily trips with 51 weekday AM peak hour trips and 69 weekday PM peak hour trips. With the Proposed Project trips added to existing volumes at the N Buhach Road and Piro Drive intersection, both AM and PM peak hour LOS would be acceptable; this intersection would be operating at LOS C during both weekday peak hours. As such, the Proposed Project will not conflict with a program, plan, ordinance or policy

addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

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

The CEQA Guidelines provided in Section 15064.3, subdivision (b) establish criteria for analyzing transportation impacts of a project based on Vehicle Miles Traveled (VMT) instead of the previous, now superseded Level of Service (LOS) methodology. Regarding Land Use Projects, the guidelines state, "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact" ...while "projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant impact."

To date, the City of Atwater has not developed criterion to determine if it can be assumed a project will have a less than significant impact. However, the Merced County Association of Governments has adopted regional screening criteria for development projects; the criterion concludes that if a project generates less than 1,000 daily trips and is consistent with the jurisdiction's General Plan it can be assumed said project will have a less than significant impact. As discussed above and based on the analysis provided, the Proposed Project will generate approximately 688 daily trips, well short of the 1,000 daily trip threshold established by the Merced County Association of Governments. Consequently, the Proposed Project will not conflict with or be inconsistent with the CEQA guidelines established, and as a result, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

A review of the Proposed Project's site design clearly illustrates no increase in hazards due to a geometric design feature or incompatible uses. The Proposed Project does not introduce new curves or hazardous intersections. Access to the Project site will be provided directly from Nebela Road via two (2) future north-south road extensions (Rondel Road and Nina Drive). To ensure there will be no increase in hazards, all internal roadways and connections to existing roadways would be required to meet existing City roadway design standards. Further, the Proposed Project site traffic and vehicles visiting the site during the construction phase will be comprised of automobiles and trucks which are permitted under the California Vehicle Code. The Proposed Project does not introduce incompatible uses or users (i.e., farm equipment) to roadways or transportation facilities not intended for the established use. As such, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in inadequate emergency access?*

As discussed above, the Proposed Project-related traffic would not cause a significant increase in congestion and would not reduce the existing LOS on area roads, which could indirectly affect emergency access. All Project lots to be developed will have direct access to an existing or proposed street allowing for adequate emergency access throughout the entirety of the proposed development. The Proposed Project site will be accessible off N. Buhach Road, as N. Buhach Road

currently functions as a major arterial street with four travel lanes in the Proposed Project area. As stated in the Technical Memorandum provided and based on direction from NorthStar Engineering staff (Applicant Representative), the intersection of N. Buhach Road and Piro Drive/Garden Drive is planned for signalization. Given the current conditions of the Proposed Project area, the anticipated level of project related trips generated, the Proposed Project related planned improvements, and the objective design standards by which the Project Proponent must adhere, the Proposed Project will not result in inadequate emergency access. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**18. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:**

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

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the Proposed Project may have a significant impact on a Tribal Cultural Resource. Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes. Section 21074(a) of the Public Resource Code defines Tribal cultural resources for the purpose of CEQA as:

- c) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

- b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Section 5024.1. In applying the criteria set forth in subdivision I of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA (see Section 5 of this document), a Tribal Cultural Resource may also require additional (and separate) consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached, whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

## **IMPACT ANALYSIS**

- c. *Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
  - 1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
  - 2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area for the City of Atwater. Tribal representatives were advised of the Proposed Project and invited to request formal consultation with the City of Atwater regarding the Proposed Project within thirty (30) days of receiving the notification letters. On January 4, 2023, notification letters were sent to representatives of the following tribes –

- (4) Southern Sierra Miwuk Nation
- (5) Amah Mutsun Tribal Bank
- (6) North Valley Yokuts Tribe

As of the preparation of this Initial Study/Mitigated Negative Declaration, more than thirty (30) days following the City's transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the Proposed Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**19. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:**

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

**IMPACT ANALYSIS**

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

The current site of the Proposed Project is vacant and unimproved. The Project Proponent will be required to bring the property up to current City standards, and will be required to connect to the existing utilities such as electricity, natural gas, water, wastewater, etc. These services exist in the vicinity of the Proposed Project site. Connections can be made for water and sewer on Nina Drive and

connection to an existing water line can be made on Rondel Road. A new storm drain retention basin is proposed on the northeast side of the Proposed Project on Lot A, while the two existing storm basins are proposed to be expanded further to accommodate the increased demand for these utility services.

Development of the Proposed Project would increase the demand for water in the city due to human consumption and irrigation for landscaping. Water distribution lines would be installed and looped through the Proposed Project site in order to provide adequate water supply to each of the single-family residential units.

Finally, during the development period the Proposed Project, Project Proponent will be required to submit a Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The SWPPP will include Best Management Practices (BMPs) to prevent water quality degradation and to control erosion and siltation. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The City of Atwater extracts its water supply from groundwater aquifers via a series of wells throughout the city. The City's existing system facilities include nine active water wells with a total pumping capacity of 13,688 gallons per minute, a distribution system that is nearly ninety-seven (97) miles in length with line sizes ranging from four (4) to fourteen (14) inches in diameter, two (2) five-hundred-thousand (500,000) gallon ground level tanks, and an elevated tank with a capacity of one-million (1,000,000) gallons. Based upon the preceding criteria, the Proposed Project will have sufficient water supplies available to serve the Proposed Project now and foreseeable future development during normal, dry, and multiple dry years. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?*

The City of Atwater completed construction of a new regional Wastewater Treatment Facility (WWTF) in 2012. The WWTF is located just south of the city on Bert Crane Road. The new WWTF has a capacity of six million gallons per day (MGD). Wastewater is collected through a gravity flow system with approximately twenty (20) lift stations spread throughout the city. The existing sewer system consists of pipes which range from six (6) inches to thirty-six (36) inches in diameter. The new facility meets the Regional Water Quality Control Board's (RWQCB) waste discharge requirements by providing improved treatment quality. Most notably, the WWTF is expandable in modules up to a capacity of twelve million gallons per day to handle the flow from future development. The majority of wastewater returning to the WWTF would be from normal residential uses by future residents of the subdivision. While the current wastewater treatment methods are adequate to meet the needs of the

Proposed Project, the Project Proponent is subject to the payment of wastewater impact fees. Additionally, the Proposed Project was referred to pertinent departments for their input; the city's Public Works department expressed no concern related to adequate capacity or insufficient capacity to meet the Proposed Projects projected demand. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The following discussion is an analysis for criteria (d) and (e):

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

Per the City of Atwater's 2000 General Plan, no solid waste disposal sites exist within the city's planning area. Solid waste generated within the city is collected by Allied Waste, a private contractor, and transported directly to the Merced County Landfill located off State Highway 59, approximately one and one-half miles north of Old Lake Road. The County of Merced is the contracting agency for landfill operations and maintenance. Solid waste generated from the Proposed Project will be disposed of at the County Landfill. The Proposed Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Additionally, the Proposed Project will comply with all federal, state, local statutes, and regulations relating to solid waste. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**20. WILDFIRE -- Would the project:**

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

**IMPACT ANALYSIS**

The following discussion is an analysis for criteria (a), (b), (c), and (d):

- a. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b. *Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c. *Would the project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Proposed Project site is a vacant, undeveloped parcel characterized by its' flat topography. The Proposed Project is located within a Local Responsibility Area (LRA) and there do not appear to be any State Responsibility Areas (SRA) in close proximity to the site, per Cal-Fire's State Responsibility Area

(SRA) Viewer. Similarly, the site is not located within or designated as a Very High Fire Hazard Severity Zone (VHFHSZ). As stated by the Fire Marshall via the project referral period, the materials have been reviewed and there are no special conditions or considerations that would cause the Proposed Project to impair or interfere with an emergency response. Further, the physical development of the Proposed Project and all construction related activities shall comply with current California Fire Code, California Building Code, and City Standards thereby reducing potential fire hazards. In the event that a fire of any intensity occurs, whether during the physical development or after construction activities have completed, the Proposed Project site sits nearly equidistant between Atwater Fire Station 42 and Cal-Fire Castle Crew Station. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**21. MANDATORY FINDINGS OF SIGNIFICANCE –**

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

**IMPACT ANALYSIS**

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

This Initial Study includes analysis of the Proposed Project impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, wildfire, and utilities and service systems. The analysis covers a broad spectrum of topics relative to the potential for the Proposed Project to have environmental impacts; this includes the potential for the Proposed Project to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict of a rare or endangered plant or animal or eliminate important examples of the major

periods of California history or prehistory. Through this analysis, it was found that the Proposed Project would have either no impact, a less than significant impact, or a less than significant impact with the implementation of mitigation measures. For the reasons presented throughout this Initial Study, the Proposed Project would not substantially degrade the quality of the environment. With the implementation of mitigation measures presented in this Initial Study, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in the connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

As described in this Initial Study, the potential environmental effects of the Proposed Project will either be less than significant or will have no impact at all when compared to baseline conditions. Where the Proposed Project involves potentially significant effects, these effects would be reduced to a less than significant level with proposed mitigation measures and compliance with required permits and applicable regulations.

The potential environmental effects Identified in this Initial Study have been considered in conjunction with each other as to their potential to generate other potentially significant effects. The various potential environmental effects of the Proposed Project would not combine to generate any potentially significant cumulative effects. There are no other known, similar projects with which the Proposed Project might combine to produce adverse cumulative effects. Thus, the Proposed Project will have a **Less Than Significant Impact**.

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

This Initial Study has considered the potential environmental impacts of the Proposed Project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the Proposed Project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, were considered. Potential adverse effects on human beings were discussed in Section 3, Air Quality; Section 4, Biological Resources; and Section 13, Noise. No significant adverse effects were identified in these sections that could not be mitigated to a level that would be less than significant.

The construction phase of the Proposed Project could have an effect on surrounding neighbors through an increase in traffic and noise; however, the effects experienced through the construction phase are temporary, not substantial, and implementation of Chapter 8.44, Noise Control, of the City of Atwater’s Municipal Code combined with mitigation measures will curtail the level of impact experienced by surrounding neighbors. The operational phase of the Proposed Project could also affect surrounding neighbors through increased air emissions, noise, and traffic; however, mitigation measures have been incorporated into the Proposed Project that would reduce the impacts to a less

than significant level. Thus, the Proposed Project will not cause substantial adverse effects on human beings. Therefore, implementation of the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

## REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been referenced and/or cited in the discussion included in the Initial Study Checklist:

- Bureau of Land Management, USGS. Retrieved from: [maps.conservation.ca.gov](https://maps.conservation.ca.gov): <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.
- California Air Pollution Control Officers Association. California Emissions Estimator Model User's Guide, Version 2013.2.
- CAL FIRE (2023). Merced County Fire Hazard Severity Zones in State Responsibility Area Map. Retrieved from: <https://osfm.fire.ca.gov/fire-hazard-severity-zone-maps-2022/>.
- Central California Information Center, California Historical Resources Information System; Records Search File Number: 12639I.
- City of Atwater – City of Atwater General Plan (July 2000).
- City of Atwater – City of Atwater General Plan Update Draft Environmental Impact Report.
- Department of Conservation – California Alquist-Priolo Earthquake Fault Zones. Retrieved from: <https://www.conservation.ca.gov/cgs/alquist-priolo>.
- City of Atwater – City of Atwater 2020 Urban Water Management Plan (Black Water Consulting Engineers, March 2022).
- Department of Conservation – California Important Farmland Finder. Retrieved from California Department of Conservation: <https://maps.conservation.ca.gov/dlrp/ciff/>.
- Envirostor (2023). [www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov). Retrieved from EnviroStor Sites and Facilities: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Atwater>.
- Merced County Airport Land Use Compatibility Plan (MCALUCP, June 2012).
- Merced County. Merced County General Plan (2030). Retrieved from: <https://countyofmerced.com/DocumentCenter/View/6766/2030-Merced-County-General-Plan?bidId=>.
- Silver Creek Crossing Subdivision – Focused Trip Generation, Vehicle Miles Traveled (VMT) and Operations Analysis. GHD, October 18, 2023.
- United States Department of Agriculture. Web Soil Survey. Retrieved from Natural Resources Conservation Services: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- University of California, Davis, Agriculture and Natural Resources, Soil Web. Retrieved from: <https://casoilresource.lawr.ucdavis.edu/gmap/>.

## Appendices





