



CITY OF HUGHSON
CITY COUNCIL MEETING
 CITY HALL COUNCIL CHAMBERS
 7018 Pine Street, Hughson, CA

AGENDA
MONDAY, JUNE 24, 2013 – 7:00 P.M.

- CALL TO ORDER:** Mayor Matt Beekman
- ROLL CALL:** Mayor Matt Beekman
 Mayor Pro Tem Jeramy Young
 Councilmember Jill Silva
 Councilmember George Carr
 Councilmember Harold Hill
- FLAG SALUTE:** Mayor Matt Beekman
- INVOCATION:** Hughson Ministerial Association

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

3.1: Approval of the June 10, 2013 Regular Meeting Minutes.

3.2: Approval of the Warrants.

- 3.3:** Approval of the Treasurer's Report for April.
- 3.4:** Adopt Resolution No. 2013-21, A Resolution of the City Council of the City of Hughson Approving Vesting Tentative Map No. 2013-01 for APN No. 018-091-041, Lands of HFR Partners, LLC.

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS:

- 6.1:** Consider Resolution No. 2013-20, Adopting a Negative Declaration and Associated Mitigation Monitoring Plan for the Well No. 7 Replacement Project and Authorizing the City Clerk to File a Notice of Determination with the Stanislaus County Clerk-Recorder's Office.
- 6.2:** Review and Discuss Waste Management's Request for Rate Increases and Authorize Staff to Set a Public Hearing for public comment on the Rate Increases.
- 6.3:** Discuss and provide direction to Staff regarding the business incubator program and possible amendments to the program.
- 6.4:** Consider approval of two easement agreements with PG&E and authorize the Public Works Director to execute the agreements.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1:** Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

- 8.2:** Council Comments: (Information Only – No Action)

- 8.3:** Mayor's Comments: (Information Only – No Action)

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: None.

10. REPORT FROM CLOSED SESSION: None.

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

July 4	▪ Independence Day- HOLIDAY- CITY HALL CLOSED
July 8	▪ City Council Meeting, Council Chambers, 7:00pm
July 11	▪ Congressman Denham’s Mobile Office, City Chambers, 11-12 am
July 16	▪ Planning Commission Meeting, Council Chambers, 6:00pm
July 22	▪ City Council Meeting, Council Chambers, 7:00pm
August 12	▪ City Council Meeting, Council Chambers, 7:00pm
August 20	▪ Planning Commission Meeting, Council Chambers, 6:00pm
August 26	▪ City Council Meeting, Council Chambers, 7:00pm

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk’s office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: June 21, 2013 **TIME:** 3:00pm
NAME: Sandy Cortes **TITLE:** Office Assistant II

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054.



CITY OF HUGHSON AGENDA ITEM NO. 3.1 SECTION 3: CONSENT CALENDAR

Meeting Date: June 24, 2013
Presented By: Dominique Spinale, Deputy City Clerk
Subject: Approval of the June 10 City Council Minutes

Approved By: _____

Background:

The Draft Minutes of the June 10 City Council meeting have been prepared for the City Council's review and approval.

Staff Recommendation:

It is recommended that the City Council approve the City Council Meeting Minutes as presented.



CITY OF HUGHSON
CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA

MINUTES
MONDAY, JUNE 10, 2013 – 7:00 P.M.

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL:

Present: Mayor Matt Beekman
Mayor Pro Tem Jeramy Young
Councilmember Jill Silva
Councilmember George Carr
Councilmember Harold Hill

Staff Present: Thom Clark, Community Development Director
Daniel J. Schroeder, City Attorney
Darin Gharat, Chief of Police
Dominique Spinale, Management Analyst/Deputy City Clerk
Margaret Souza, Director of Finance
Sam Rush, Public Works Superintendent

FLAG SALUTE: Mayor Matt Beekman

INVOCATION: Hughson Ministerial Association

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1: Approval of the May 28, 2013 Regular Meeting Minutes.
- 3.2: Approval of the Warrants.
- 3.3: Consider Resolution No. 2013-18, A Resolution of the City Council of the City of Hughson Updating the bank accounts signatories at the Bank of the West, Effective June 17, 2013.
- 3.4: Approve Designating Mayor Pro Tem Jeramy Young as a Voting Delegate for the League of California Cities Annual Conference in September.
- 3.5: Consider Resolution No. 2013-19, approving the Boundaries of the Targeted Area for Stanislaus County Enterprise Zone and Approve of the Application to the California State Department of Housing and Community Development.

Silva/Carr 5-0-0-0 motion passes to approve the Consent Calendar as presented.

4. UNFINISHED BUSINESS:

- 4.1: Conduct Interviews to fill the vacant seat on the Planning Commission.
 - 4.1.a: Hold Nominations.
 - 4.1.b: City Clerk to administer the Oath of Office to the Commissioner.

City Clerk Spinale presented the Staff Report and advised Council that one of the candidates was unable to attend the meeting due to an unexpected work conflict. Council deliberated on whether to conduct interviews or continue the item to the next meeting. Director Clark stressed to the Council that the Planning Commission cancelled their last meeting due to a lack of a quorum and would like the seat appointed as soon as possible, as there are upcoming projects the Planning Commission will need to review.

Mayor Beekman opened nominations and nominated Mark Fontana to be appointed to the vacant seat on the Planning Commission. No other nominations were provided by the Council. Mayor Beekman closed nominations.

Hill/Young 5-0-0-0 motion passes to appoint Mark Fontana to the vacant seat on the Planning Commission.

City Clerk Spinale administered the Oath of Office to Mark Fontana and welcomed him to the Planning Commission.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS: None.



CITY OF HUGHSON AGENDA ITEM NO. 3.2 SECTION 3: CONSENT CALENDAR

Meeting Date: June 24, 2013
Presented By: Lisa Whiteside, Finance Manager
Subject: Approval of Warrant Register

Approved By: _____

Background:

The warrant register presented to the City Council is a listing of all expenditures paid from June 12, 2013 through June 21, 2013.

Fiscal Impact:

There are reductions in various funds for payment of expenses.

Staff Recommendation:

It is recommended that the City Council approve the Warrant Register as presented.

fw

REPORT.: Jun 21 13 Friday
RUN....: Jun 21 13 Time: 12:17
Run By.: KATHY DAHLIN

City of Hughson
Cash Disbursement Detail Report
Check Listing for 06-13 Bank Account.: 0100

PAGE: 001
ID #: PY-DP
CTL.: HUG

Check Number	Check Date	Vendor Number	Name	Net Amount	-----Payment Information-----	
					Invoice #	Description
43942	6/12/2013	ATT01	AT&T	\$ 20.69	B30612	PHONE
43943	6/12/2013	AVA00	AVAYA, INC	\$ 125.16	273258893	PHONE
43944	6/12/2013	CAL40	CALIFORNIA WATER	\$ 82.00	B30611	WASTE WATER COLL CERT. R. GREENFIELD
43945	6/12/2013	DEL08	DELTA WIRELESS & NETWORK	\$ 920.00	46915	DIAGNOSE PROBLEMS WITH CAMERA'S
43946	6/12/2013	EXP00	EXPRESS PERSONNEL SERVICE	\$ 999.12	125593483	EXTRA HELP WEEK ENDING 5/26/13
				\$ 885.12	125861625	EXTRA HELP WEEK ENDING 6/2/13
			Check Total:	\$ 1,884.24		
43947	6/12/2013	GEO01	GEOANALYTICAL LABORATORIE	\$ 30.00	Z3B1316	LAB TESTING WATER
				\$ 607.50	Z3D1022	LAB TESTING WATER
				\$ 440.78	Z3D1023	LAB TESTING WATER
				\$ 440.78	Z3E1409	LAB TESTING WATER
			Check Total:	\$ 1,519.06		
43948	6/12/2013	GHX00	GHX MODESTO	\$ 1,822.98	12637380	HYDRO CLEANING HOSE
43949	6/12/2013	GRO01	FERGUSON ENTERISES, INC 1	\$ 2,647.49	895553	SUPPLIES FOR WATER TIE-IN
43950	6/12/2013	HUG08	CITY OF HUGHSON	\$ 2,570.70	B30611	LLD WATER SERVICE 6/2013
43951	6/12/2013	LEG01	LEGAL SHIELD	\$ 51.80	B30611	LEGAL SVCS
43952	6/12/2013	OPE01	OPERATING ENGINEERS LOCAL	\$ 405.00	B30611	LOCAL UNION #3 DUES
43953	6/12/2013	PIT02	PITNEY BOWES, INC	\$ 166.46	550222033	POSTAGE MACHINE SUPPLIES
43954	6/12/2013	SAU00	SAUNDERS A/C & HEATING	\$ 104.08	S4029	MOTOR FOR A/C IN SHERRIFF 'S OFFICE
				\$ 185.45	T5289	REPAIR A/C IN SHERRIFF'S OFFICE
			Check Total:	\$ 289.53		
43955	6/12/2013	STA47	STANISLAUS COUNTY SHERIFF	\$ 7,784.11	1213-304	SLESF - EXTRA PATROL 4/13
43956	6/12/2013	TUR12	TURLOCK, CITY OF	\$ 238.80	2013-29	CNG FUEL
43957	6/12/2013	UNI11	UNIVAR USA, INC	\$ 489.08	SJ553878	SODIUM HYPOCHLORITE
43958	6/12/2013	USA02	USA MOBILITY	\$ 11.64	W0190776F	PAGER SERVICE
43959	6/12/2013	WIL05	WILLE ELECTRIC	\$ 9.71	S15214871	FUSES FOR SEWER LIFT PUMP
43960	6/14/2013	EMP01	STATE OF CALIFORNIA	\$ 1,097.18	B30614	PAYROLL TAXES
43961	6/14/2013	HAR02	THE HARTFORD	\$ 532.50	B30614	DEFERRED COMPENSATION
43962	6/14/2013	PER01	P.E.R.S.	\$ 6,466.78	B30614	RETIREMENT
43963	6/14/2013	STA23	CaIPERS SUPPLEMENTAL INCO	\$ 20.00	B30614	DEFERRED COMPENSATION
43964	6/14/2013	UNI07	UNITED WAY OF STANISLAUS	\$ 2.00	B30614	UNITED WAY
43965	6/19/2013	ABS00	ABS PRESORT	\$ 657.78	87842	STATEMENTS JUNE 2013
43966	6/19/2013	AFL01	AFLAC	\$ 747.38	53665	AFLAC
43967	6/19/2013	ARR00	ARROWHEAD MOUNTAIN SPRING	\$ 21.41	03F002566	BOTTLED WATER
43968	6/19/2013	BLU00	BLUE SHIELD	\$ 10,588.00	B30618	HEALTH PREMIUMS 7/2013
43969	6/19/2013	CON14	CONDOR EARTH TECHNOLOGIES	\$ 1,884.35	66337	SMALL MS4 SUPPORT
				\$ 1,435.00	66444	GROUNDWATER MONITORING
			Check Total:	\$ 3,319.35		

43970	6/19/2013	DOJ00	DEPT OF JUSTICE-STATE OF	\$	32.00	974783	FINGERPRINTS
43971	6/19/2013	ENV02	ENVIRONMENTAL SYSTEMS	\$	1,788.93	26548	STREET SWEEPING 6/2013
43972	6/19/2013	ENV03	ENVIRONMENTAL SCIENCE ASS	\$	21,995.87	103104	CLIMATE ACTION PLAN MARCH -MAY 2013
43973	6/19/2013	EXP00	EXPRESS PERSONNEL SERVICE	\$	878.40	126149574	EXTRA HELP WEEK ENDING 6/9/13
43974	6/19/2013	FRA03	FRANTZ WHOLESALE NURSERY	\$	100.09	524616	REPLACEMENT TREES
43975	6/19/2013	GEO01	GEOANALYTICAL LABORATORIE	\$	440.78	Z3F1112	LAB TESTING FOR WATER
43976	6/19/2013	GRE00	GREEN RUBBER	\$	454.61	M346557	DISCHARGE HOSE
43977	6/19/2013	HOM01	THE HOME DEPOT CRC	\$	47.45	87342	LUMBER
43978	6/19/2013	HUG03	HUGHSON CHRONICLE	\$	195.00	101982	AD IN THE FFA SPECIAL
43979	6/19/2013	HUG11	HUGHSON FARM SUPPLY	\$	54.50	0462876IN	COMPRESSOR REPAIR
43980	6/19/2013	INT02	INTL. INST. MUNI. CLERKS	\$	145.00	B30618	MEMBERSHIP RENEWAL D.SPINALE
43981	6/19/2013	MCR01	MCR ENGINEERING, INC	\$	64,880.40	9623	ENGINEERING SVCS 5/13, WELL 9 DESIGN, FONTANA RANCH
43982	6/19/2013	NEU01	NEUMILLER & BEARDSLEE	\$	1,200.00	256334	LEGAL SVCS 5/13
				\$	6,296.66	256339	LEGAL SVCS 5/13
				\$	240.00	256340	LEGAL SVCS 5/13
			Check Total:	\$	7,736.66		
43983	6/19/2013	PAC05	PACIFIC PLAN REVIEW	\$	5,613.40	B30618	INSPECTIONS & PLAN CHECK 5/13
43984	6/19/2013	PIT01	PITNEY BOWES	\$	513.38	7062540JN	POSTAGE MACHINE RENTAL
43985	6/19/2013	QUI03	QUICK N SAVE	\$	40.85	1-7186	DIESEL
				\$	19.88	1-7224	DIESEL
			Check Total:	\$	60.73		
43986	6/19/2013	REG00	REGIONAL GOVERNMENT SERVI	\$	4,890.61	3399	CONTRACT SVCS 5/2013
43987	6/19/2013	RIC04	RICOH USA, INC	\$	1,340.15	89215219	COPIER LEASE
43988	6/19/2013	SHO02	SHORE CHEMICAL COMPANY	\$	1,514.67	37197	FERRIC CHLORIDE
				\$	636.01	37228	FERRIC CHLORIDE
			Check Total:	\$	2,150.68		
43989	6/19/2013	SHR02	SHRED-IT CENTRAL CA	\$	117.31	940202987	SHREDDING
43990	6/19/2013	SYN02	SYNAGRO WEST, LLC	\$	908.61	30-102064	BALANCE OF INVOICE FOR 4/2013
43991	6/19/2013	UNI11	UNIVAR USA, INC	\$	555.28	SJ556916	SODIUM HYPOCHLORITE
43992	6/19/2013	UNU01	UNUM LIFE INSURANCE CO.	\$	519.42	B30618	LIFE INSURANCE WITHHOLDIN
43993	6/21/2013	R&R01	R & R DISPOSAL	\$	89,732.13	B30621	GARBAGE FEES LESS FRANCHISE JAN,FEB,MAR 2013
43994	6/21/2013	STA18	OFFICE OF THE CLERK RECOR	\$	2,156.25	B30621	WELL 7 REPLACEMENT PROJ NOTICE OF DETERMINATION
			Cash Account Total:	\$	251,798.47		
			Total Disbursements:	\$	251,798.47		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: June 24, 2013
Presented By: Lisa Whiteside, Finance Manager
Subject: Treasurer's Report – April 2013

Approved By: _____

Recommendation:

Staff recommends the City Council review and receives the enclosed City of Hughson Treasurer's Report for April 2013.

Enclosed you will find the City of Hughson Treasurer's Report for April 2013. After review and evaluation of the report, I have researched the following Fund's with a deficit balance. After discussion with other management staff personnel, I submit the following detailed explanation:

Public Facilities Development Streets Fund:

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$655,477.33). The deficit is a result of the Euclid Bridge Project, which was constructed in Fiscal Year 2006/2007, for approximately \$1.3 million. The project was completed in anticipation of funding from Developer Impact Fees collected from new development. Unfortunately, the housing market declined significantly and the new development never materialized. Once the economy strengthens and new building starts again, we can recognize additional developer impact fees and reduce the deficit more quickly.

Water Developer Impact Fee Fund:

The Water Developer Impact Fee Fund currently reflects a negative balance of (\$559,830.40). After extensive review City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in FY 2008/2009 and FY 2009/2010 for the Water Tank on Fox Road near Charles Street. During that period the City paid out \$650,000 in settlements.

This account will be in a deficit position until additional development occurs and developer impact fees are collected to cover those costs.

Transportation Capital Project Fund:

The Transportation Capital Project Fund currently reflects a negative balance of (\$359,817.81). The City currently has Pine Street and Hatch Road projects that are complete and we are waiting for reimbursement from CMAQ and CDBG funds.

**City of Hughson
Treasurer's Report
April 2013**

	MONEY MARKET	GENERAL	REDEVELOPMENT**	TOTAL
Bank Statement Totals	\$ 5,267,903.35	\$ 531,974.36	\$ 206,389.21	\$ 6,006,266.92
Adjustment-Direct Deposit Payroll	\$ -			\$ -
Outstanding Deposits +		\$ 800.00	\$ -	\$ 800.00
Outstanding Checks/transfers -	\$ 12,420.14	\$ (187,509.02)	\$ -	\$ (175,088.88)
ADJUSTED TOTAL	\$ 5,280,323.49	\$ 345,265.34	\$ 206,389.21	\$ 5,831,978.04
Investments: Various				\$ 999,862.62
Multi-Bank WWTP				\$ 1,405,820.09
Investments: L.A.I.F.		\$ 39,134.25	\$ 39,009.81	\$ 78,144.06
TOTAL CASH & INVESTMENTS				\$ 8,315,804.81

Books - All Funds	April 2012	April 2013
2 Water/Sewer Deposit	27,591.22	30,518.85
8 Vehicle Abatement	-3,114.92	20,452.23
11 Traffic Congestion Fund	133,524.20	127,265.85
13 Redevelopment - Debt Service	367,481.00	-17,574.77
14 Redevelopment - Housing	-2,700.08	0.00
15 Redevelopment - Capital Projects	-352,139.91	0.00
17 Federal Officer Grant	6,620.00	6,620.00
19 Asset Forfeiture	1,660.43	1,660.43
25 Gas Tax 2106	34,960.06	11,505.42
30 Gas Tax 2107	4,549.69	9,780.85
31 Gas Tax 2105	65,019.38	6,435.49
35 Gas Tax 2107.5	12,672.14	14,672.14
40 General Fund	154,263.71	368,442.34
401 General Fund Contingency Reserve	669,866.63	671,429.92
48 Senior Community Center	1,906.94	7,927.14
49 IT Reserve	21,756.38	32,303.38
50 U.S.F. Resource Com. Center	5,737.57	2,551.07
51 Self-Insurance	107,036.31	86,696.49
52 CLEEF(California Law Enforcement E	0.00	0.00
53 SLESF (Supplemental Law Enforcem	232,403.68	96,202.71
54 Park Project	356,053.00	376,404.66
60 Sewer O & M	182,015.45	894,839.99
61 Sewer Fixed Asset Replacement	1,279,608.33	1,735,517.69
66 WWTP Expansion 2008	3,859,172.30	1,406,061.04
70 Local Transportation	39,686.03	160,108.13
71 Transportation	-211,135.16	-359,817.81
100/200 LLD's and BAD's	44,022.41	9,294.77
80 Water O & M	159,051.67	88,092.17
82 Water Fixed Asset Replacement	65,788.54	254,715.80
88 PW CDBG Street Project	0.00	-1,155.00
80 Water Reserve-USDA GRANT	21,524.50	21,524.50
90 Garbage/Refuse	30,746.59	61,448.83
91 Misc. Grants	-66,400.02	0.00
92 98-EDBG-605 Small Bus. Loans	93,585.12	93,585.12
94 96-EDBG-438 Grant	403.43	403.43
95 94-STBG-799 Grant	157,668.11	156,904.11
96 HOME Program Grant (FTHB)	37,810.91	35,041.19
97 96-STBG-1013 Grant	16,631.30	128,790.34
98 HOME Rehabilitation Fund	-1,084.71	0.00
Developer Impact Fees ***	1,380,544.39	1,777,156.31
TOTAL ALL FUNDS:	8,934,786.62	8,315,804.81

I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures for the next six months.

Break Down of Impact Fees ***		
10 Storm Drain	85,495.27	169,246.36
20 Community Enhancement	114,113.22	59,627.77
41 Public Facilities Development	1,676,822.04	1,612,807.64
42 Public Facilities Development-Streets	-920,858.33	-655,477.33
55 Parks DIF	170,756.69	222,010.46
62 Sewer Developer Impact Fees	897,476.41	928,771.81
81 Water Developer Impact Fees	-643,260.91	-559,830.40
Break Down of Impact Fees ***	1,380,544.39	1,777,156.31

Lisa Whiteside, Treasurer

Date



CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: June 24, 2013
Presented By: Thom Clark, Community Development Director
Subject: Adopt Resolution No. 2013-21, A Resolution of the City Council of the City of Hughson Approving Vesting Tentative Map No. 2013-01 for APN No. 018-091-041, Lands of HFR Partners, LLC.

Enclosures:

1. Resolution No. PC 2013-03
2. Fontana Ranch North Development
3. Vesting Tentative Parcel Map for Fontana Ranch North

Desired Action: Adopt Resolution No. 2013-21

Approved By: _____

Background and Discussion:

At its regularly scheduled meeting of September 28, 2012 the City Council adopted Ordinance No. 2012-01, An Ordinance of the City Council of the City of Hughson Approving an Amendment to the Development Agreement By and Between Andrew F. Fontana, George Harcrow, and HFR Partners LLC Relating to the Development Known as Fontana Ranch Estates North.

The Development Agreement (DA) amendment was to sell back to the developer an approximate ½ acre passive park site which was dedicated to the City through the DA at the time of subdivision of that particular land. The monies received for the property will be collected in the Park In-Lieu Fund to be used to purchase park land in the southern part of the City. The Park In-Lieu Fund is a developer impact fee fund that by law restricts the expenditures from the Fund to the special purpose for which it was collected. In other words, it can't be spent on anything else other than the acquisition of land for public parks.

The developer intends to split the parcel in two to create two new residential lots. The developer has therefore made application to the City for a Vesting Tentative Parcel Map. See attached map entitled Fontana Ranch North Development Plan, Lot "A" (Park) for the location of the lot to be subdivided. New lots A and B are shown on the attached Vesting Tentative Parcel Map for Fontana Ranch North.

The parcel is located in the middle of a working residential subdivision on the north side of Thomas Taylor Drive. As such, it is surrounded on all sides by residential uses. All infrastructure for the properties is existing with some exceptions. Since the lot was anticipated to be a passive park site, there is only one water service and no sewer service for the proposed two new lots. All other infrastructure is in, although curb cuts will need to be made for the driveways.

The proposed new lots are 8,925 sq ft and 10,776 sq ft in size. The Zoning Ordinance states that lots in the R-1 Residential Zone must be an average of 8,500 square feet. The lots comply with our size requirements.

The Vesting Tentative Map was presented for review to the Hughson Planning Commission at a special meeting held on June 11. All public noticing requirements were completed according to the Hughson Municipal Code. The Planning Commission completed their review and approved recommending that the City Council approve the Vesting Tentative Map No. 2013-01, for APN No. 018-091-041, Lands of HFR Partners, LLC. Resolution No. PC 2013-03 is included as Enclosure 1 of this Staff Report.

CONDITIONS OF APPROVAL AS APPROVED BY PLANNING COMMISSION:

Pursuant to HMC Section 16.12.060 B of the Hughson Municipal Code (HMC), the Planning Commission may recommend the imposition of such reasonable conditions as it deems necessary and in the interest of public health, safety, environment, or community welfare in accord with the purpose and intent of this chapter.

Since the new lots are located in an existing subdivision and will be developed by the same developer as the rest of the lots in the subdivision, many of the adopted Standard Conditions of Approval do not apply because they have already been required of the surrounding subdivision. The Conditions of Approval subject to Vesting Tentative Map 2013-01 were approved by the Planning Commission in the adoption of the Resolution.

In addition to the duty to recommend Conditions of Approval as discussed above, HMC Section 16.12.060, under Section A states in part; The Planning Commission shall recommend disapproval to the City Council if it makes any of the findings listed in Hughson Municipal Code 16.12.080.

Section 16.12.080 Findings

A. Inconsistency. The proposed subdivision, together with the provisions for its design and improvements, is inconsistent with applicable general or specific plans of the city.

B. Suitability. The site is not physically suit-able for the type or density of development.

C. Environmental damage. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

D. Wastewater. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

E. Water service. The review of the Director of Public Works or water service agency indicates that there is insufficient water to provide for the residents of the subdivision.

F. Soil or geological hazard. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the sub-divider has failed to demonstrate to the satisfaction of the Planning Officer and Planning Commission that the conditions can be corrected.

G. Public health. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

H. Easement conflict. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the pro-posed subdivision. However, the City Council may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This sub-section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

I. Conflict with zoning. The proposed subdivision violates any provision of the Zoning Code, or any other ordinance or City Code and no variance has been granted.

J. Inadequate environmental documentation. The environmental documentation is inadequate or out of conformance with the provisions of the California Environmental Quality Act.

K. Agricultural suitability. The proposed subdivision would result in the subdivision of agricultural parcels to a size too small to sustain agricultural use under the conditions for denial listed in Section 66474.4 of the Subdivision Map Act.

The Vesting Tentative Parcel Map was reviewed against these findings for approval and Staff determined that the above findings could not be made; therefore the subdivision map is consistent with the requirements of the Subdivision Ordinance and was approved for recommendation to the City Council.

Staff Recommendation:

Staff recommends the adoption of Resolution No. 2013-21, a resolution of the City Council of the City of Hughson approving Vesting Tentative Map No. 2013-01 for APN No. 018-0910041, lands of HFR Partners, Inc.

CITY OF HUGHSON
PLANNING COMMISSION
RESOLUTION NO. PC 2013-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HUGHSON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
VESTING TENTATIVE MAP NO. 2013-01 FOR APN NO. 018-091-041,
LANDS OF HFR PARTNERS LLC**

WHEREAS, HFR Partners LLC have made application for a vesting tentative subdivision map to subdivide an existing parcel into two lots; and

WHEREAS, the project has been analyzed for consistency with the City's Zoning and Subdivision Ordinance and found to be in substantial compliance subject to certain conditions of approval attached hereto; and,

WHEREAS, public notice was duly provided in accordance with Subdivision Ordinance, Section 16.04.110; and,

WHEREAS, opportunity for public comment as well as comments from interested agencies has been provided and all written and oral comments will be forwarded to the City Council when approval of the vesting tentative map is heard; and,

WHEREAS, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hughson, based on all facts and findings before it and using its own independent judgment does hereby recommend to the City Council of the City of Hughson approval of Vesting Tentative Map No. 2013-01 with Conditions of Approval.

PASSED AND ADOPTED by the Hughson Planning Commission at
a regular meeting thereof, held on June 11, 2013, by the following vote:

AYES: MINYARD, DAVIS, FONTANA, and STRAIN

NOES: NONE

ABSTENTIONS: NONE

ABSENT: PATEL

JULIE STRAIN, Vice Chair

ATTEST:

THOM CLARK, Secretary

CONDITIONS OF APPROVAL

City of Hughson Standard Conditions of Approval (C.H.S.C.A.)

1. **C.H.S.C.A 2** The Project Proponent is responsible for ensuring that any contractor, subcontractor, employee, or agent of the Project Proponent is aware of and implements all measures set forth in these conditions.
2. **C.H.S.C.A 3** Those conditions which are imposed or agreed to in the design review process shall survive the final map in the sense that the project proponent shall insure that any purchaser of any lot or lots receives a copy of these conditions of approval and of any conditions imposed or agreed to in the design review process and proof of such receipt shall be given to the City and any such purchaser of any lot or lots understands by this reference that no building permit will be issued for that lot or lots unless the conditions imposed or agreed to in the design review process are complied with by the actual builder.
3. **C.H.S.C.A 6** Project Proponent shall install all improvements and perform all work required for this Project in accordance with established City Standards or as approved by the City's Engineer and Public Works Manager. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.
4. **C.H.S.C.A 8** The Project Proponent shall be responsible for all work performed by any and all contractors and subcontractors.
5. **C.H.S.C.A 10** The Project Proponent shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-industrial operations / right-to-farm pursuant to Municipal Code Sections 17.03.064 and 17.03.068. The deed restriction shall be recorded against each lot upon transfer by deed of such lot. Evidence of said recordation shall be submitted to the City Manager prior to issuance of any building permits for any new lots in the proposed project. Project Proponent shall prepare this deed restriction to the satisfaction of the City for each new lot in the proposed subdivision. The restriction shall make reference to the storage and use of hazardous materials at all industrial and farming operations.

Additionally, the final recorded map shall include the following two statements:

1. All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes. The City of Hughson has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.
2. All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with industrial operations, such as noise, odors, dust or fumes. The City of Hughson has determined that such inconveniences shall not be considered to be a nuisance if industrial operations are consistent with accepted customs and standards.
6. **C.H.S.C.A 21** Project Proponent shall defend indemnify, and hold harmless City and its elected and appointed representatives, officers, agents and employees against actions arising out of such personal injury, death, or property damage or destruction which is caused, or alleged to have been caused, by reason of Project Proponent's activities in connection with the project described in the map to which these conditions are attached ("Project"). Project Proponent further agrees to defend, indemnify and hold harmless City and its elected and appointed boards, commissions, representatives, officers, agents and employees from any and all claims, actions or proceedings brought against City or any of them to attach, set aside, void, or annul any approval of City or any of them concerning the Project which action, claim or proceeding is brought within the time limit specified in California Government Code section 66499.37, or the sufficiency of environmental review pursuant to CEQA.

The above-referenced indemnification and hold harmless requirement shall apply only if the City shall promptly notify the Project Proponent of any claim, action or proceeding, and cooperates fully in the defense of any such claim, action, or proceeding.

That City does not, and shall not, waive any rights against Project Proponent which it may have by reason of the aforesaid hold harmless agreement, or because of the acceptance by City, or the deposit with City by Developer of any of the insurance policies described herein.

7. **C.H.S.C.A 24** Prior to final acceptance, Project Proponent shall file with the City of Hughson one set of reproducible mylar “record drawings”, two sets of blue line “record drawings”, and one electronic version in AutoCAD (compatible with current version of AutoCAD used by City Engineer) sent via CD and/or DVD guaranteeing a permanent record. Said drawings shall meet all requirements of Section 66434 of Subdivision Map Act. Said set of drawings shall contain a copy of sheets with construction changes made or an indication that no changes were made and shall be submitted for approval by the City Engineer. The disk shall also provide the following information:
 - a. The street addresses on lots; and
 - b. Building outlines for all existing structures.

8. **C.H.S.C.A 26** Any existing assessment district, to which the subject property may be subject, shall be cleared prior to submittal of the final map for the City Engineer's signature. The Project Proponent shall complete the apportionment of the original parcel's assessments, for each applicable assessment district in conjunction with the map, to the satisfaction of the City Engineer and the City Attorney. If existing assessments are to be segregated, the civil engineer preparing the "Apportioned Assessment" for the Project Proponent, or the land surveyor preparing the final map, shall provide to the City Engineer of the City of Hughson with a complete list of the new Assessor's Parcel numbers as soon as possible after they have been assigned by Stanislaus County. Two (2) copies shall be submitted.

9. **C.H.S.C.A 31** The Project Proponent shall establish benefit assessment districts for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment districts shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to street sweeping, street lights, street striping, lighting costs, storm drain lines, cleaning, repairs, replacement, electric current, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping, on-site fences and walls, on-site pedestrian and bicycle access ways, interceptor ditch, bridges, sewer lift station, and street lights. The benefit assessment district shall be established prior to recordation of the final subdivision map for each phase of the proposed project.

The Project Proponent agrees to cooperate with the City and shall incur all costs associated with formation of, and/or the reimbursement to the City for Staff time used in the formation of, a benefit assessment district for public areas of the project site provided for community benefit. To the extent allowed by law, the

benefit assessment district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to sweeping, street lights and lighting costs, electric current, street striping, storm drain lines, cleaning, repairs, replacement, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping and on-site fences, parks and walls. The benefit assessment districts shall be established prior to recordation of the final subdivision map of the proposed project. The Project Proponent shall pay the first year's estimated costs into the District's account at the time District is formed, and shall provide written notice to the homebuyers, satisfactory to the City Attorney, that a Benefits Assessment District has been established for this development.

At a Minimum, the Benefit Assessment Districts will cover the following:

A. Lighting and Landscaping

Landscaping and Lighting District will serve the entire Subdivision to maintain all common landscaping and appurtenant structures, open space pathways, and lighting features in the project area. All lots within any phased final maps shall be annexed and incorporated into the single District by City Council approval prior to the recordation of each final map. The Project Proponent shall provide all necessary documents and pay all costs associated with formation, annexation and incorporation. (70-Watt Sodium Vapor)

B. All streetlights within this subdivision shall be directed away from adjacent residences, and shall be decorative and pedestrian in scale and located so as to minimize visibility from the valley floor to the greatest extent possible. The Project Proponent shall submit a final lighting plan (with details for inclusion in the LLA Specifications to allow for easy identification if the need of future replacement arises) and shall include an analysis and report prepared by an approved lighting engineer identifying the proper spacing, height limits, and illumination levels to provide safe and adequate neighborhood lighting without excessive light spillage, for the review and approval of the Police Department, City Engineer, Public Works

Director and City Planner prior to issuance of building permits.

B. Parks and Open Space Maintenance Assessment District.

The Project Proponent shall establish an identified park and open spaces maintenance assessment district for the maintenance, operation and servicing of public improvements. To the extent allowed by law, the district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to public landscaping and irrigation improvements on landscaped strips of land adjacent to curbs, including jogging paths, planter walls, retention ponds and bank protection, appurtenant irrigation systems, ornamental plantings including lawns, shrubs, and trees, including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof. The City will consider the expansion of the district to encompass future developments with respect to the responsibility for park maintenance. Parks and Open Space Maintenance Assessment District shall be established prior to recordation of the final subdivision map.

10. C.H.S.C.A 36 Prior to issuance of a Notice of Determination, the appropriate filing fee, made payable to the "Stanislaus County Clerk/Recorder", shall be verified as received by the Planning Department. Payment is required within two days of City Council approval. Should the finding be found invalid for any reason, the applicant will be responsible for Resource Agency fee.

11. C.H.S.C.A 49 All site improvements and all contractors involved in site improvements, building construction, and house construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6 p.m. on Saturday, and 9:00 a.m. to 6:00 p.m. on Sunday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

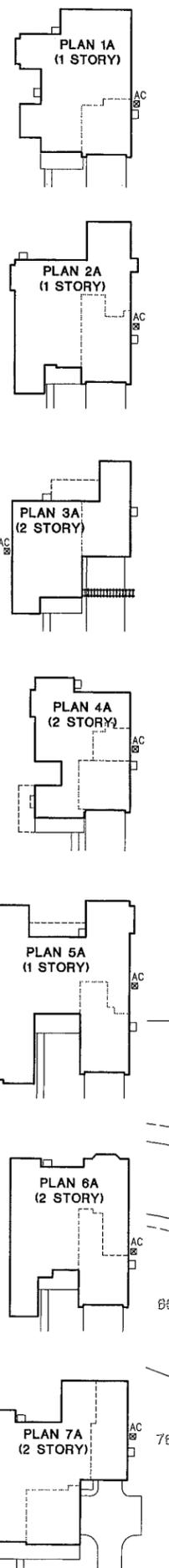
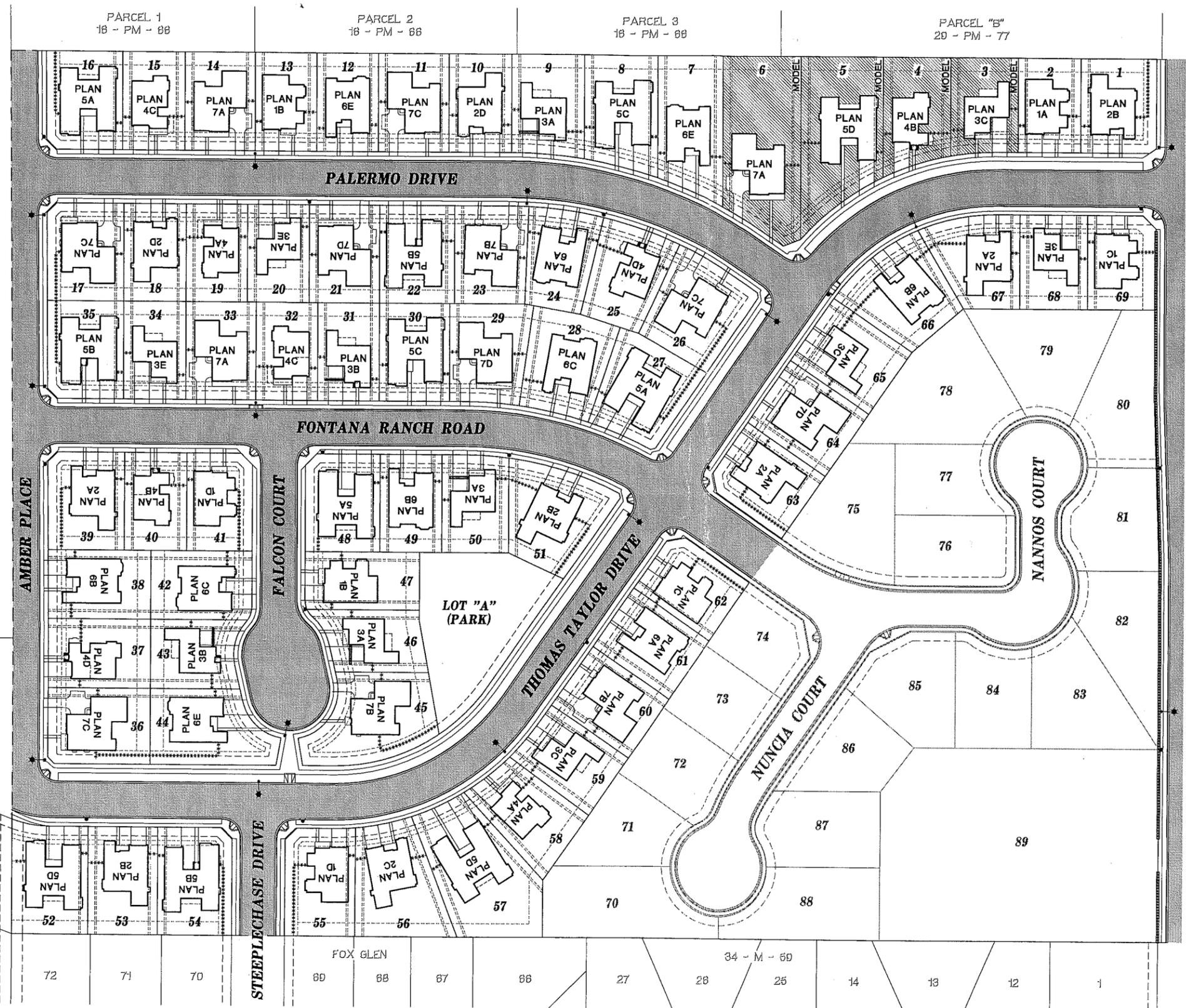
The Planning Director may allow earlier "start-times" for specific building construction activities, e.g., concrete-foundation/floor-pouring, if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise can be mitigated.

12. C.H.S.C.A 64 Improvement and site plans are to be submitted to the Building Department on CD ROM or DVD computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and architectural information as approved by the Director.

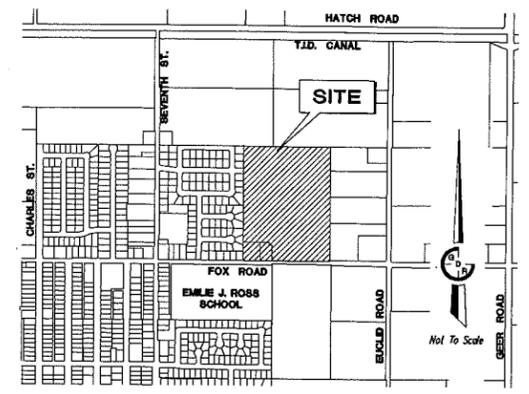
13. **C.H.S.C.A 88** The maintenance of all drainage ditches and the retention pond shall be included in a benefit assessment district.
14. **C.H.S.C.A 96** The Project Proponent shall adjust all sprinkler systems to meet minimum watering requirements, and shall inform the purchaser of such minimum requirements.
15. **C.H.S.C.A 101** The Project Proponent shall provide root control barriers and four inch (4") perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Planning Director and the Design Review Committee at the time of review of the final landscape plans.

FONTANA RANCH NORTH

DEVELOPMENT PLAN



22 - S - 42
 PARCEL "B" 29 - PM - 77
 31 - PM - 87
 40 - M - 21
 34 - M - 69



VICINITY MAP
 HUGHSON, CALIFORNIA

DEVELOPER
 KIPER DEVELOPMENT, INC.
 C/O RICK KIPER
 1646 NORTH CALIFORNIA BLVD. SUITE 680
 WALNUT CREEK, CA. 94596
 PH: (925) 648-8888 FAX: (925) 648-8880

- LEGEND**
- - - 10' PUBLIC
 - - - UTILITY EASEMENT
 - - - 6' WOOD FENCE
 - - - MASONRY WALL
 - ★ ELECTROLIER
 - ⬤ FIRE HYDRANT

- SETBACKS**
- FRONT YARD 15' TO DWELLING
 20' TO GARAGE
- SIDE YARD 8' FOR INTERIOR SIDE YARD
 FOR ONE STORY BUILDINGS,
 10' FOR TWO STORY BUILDINGS,
 15' FOR EXTERIOR SIDE YARD
 ON CORNER LOTS.
- REAR YARD 15' TO DWELLING

- NOTES**
- DEVELOPER RESERVES THE RIGHT TO MAKE PLAN AND OR ELEVATION SUBSTITUTIONS TO THIS DEVELOPMENT PLAN FOR SALES AND MARKETING PURPOSES NOT TO EXCEED 10% WITHOUT REQUIRING PLANNING COMMISSION APPROVAL
 - ALL PLANS SHOWN ARE PLACED AT THE MINIMUM FRONT AND SIDE SETBACKS UNLESS OTHERWISE NOTED.

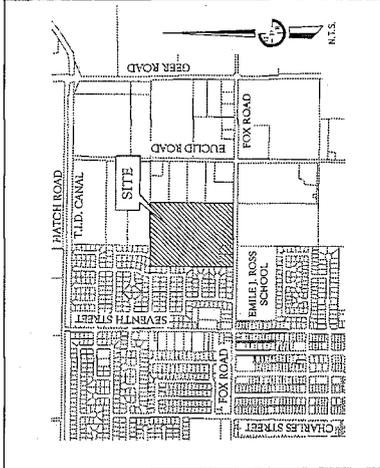
HOUSING MIX

PLAN	A	B	C	D	E	TOTAL
1	1	2	2	2		7
2	3	3	1	2		9
3	3	2	3		3	11
4	2	2	2	2		8
5	3	3	2	3		11
6	2	3	2		3	10
7	3	3	4	3		13
TOTAL	17	18	16	12	6	69

GDR ENGINEERING, INC.
 ENGINEERING/SURVEYING/PLANNING
 3525 MITCHELL ROAD, SUITE G Ceres, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 E-MAIL: GDRENGR@GDRENGR.COM

SCALE: 1" = 60' DATE: January 19, 2006
 DWG NO. 05102 Development Plan.dwg (Layout/Layout1)
 DRAWN: D. BRASIL SHEET: 1 of 1
 CHECKED: FILE NO. 05102

P:\Projects\05102 Kiper - Fontana Ranch North\Drawings\05102 Development Plan.dwg PLOT Jan 19, 2006 AT 12:53PM



VICINITY MAP
CITY OF HUGHSON, STANISLAUS COUNTY, STATE OF CALIFORNIA

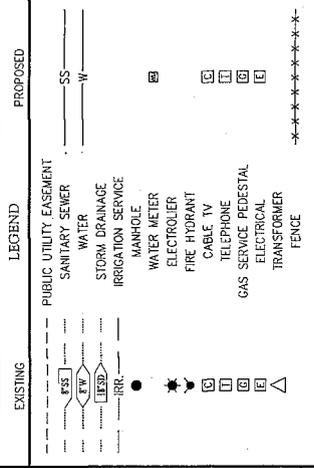
MAP PREPARED FOR
HFR PARTNERS, LLC.
MANAGING MEMBER: RICK P. KIPER
1646 NORTH CALIFORNIA BLVD. SUITE 680
WALNUT CREEK, CA 94596
PHONE: (925) 648-8888
FAX: (925) 648-8880

PROPERTY OWNER
A.P.N.: 018-081-041
CITY OF HUGHSON
P.O. BOX 9
HUGHSON, CA 95326

PROPERTY DATA
A.P.N.: 018-081-041 (19,703 S.F.)
EXISTING PARCELS: 1
PROPOSED PARCELS: 2
EXISTING C.P.: LOW DENSITY RESIDENTIAL

PROPERTY DESCRIPTION:
BEING A DIVISION OF LOT A AS SHOWN IN BOOK 43 OF MAPS, PAGE 32, STANISLAUS COUNTY RECORDS, LYING IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MENDOCINO, STANISLAUS COUNTY, CALIFORNIA.

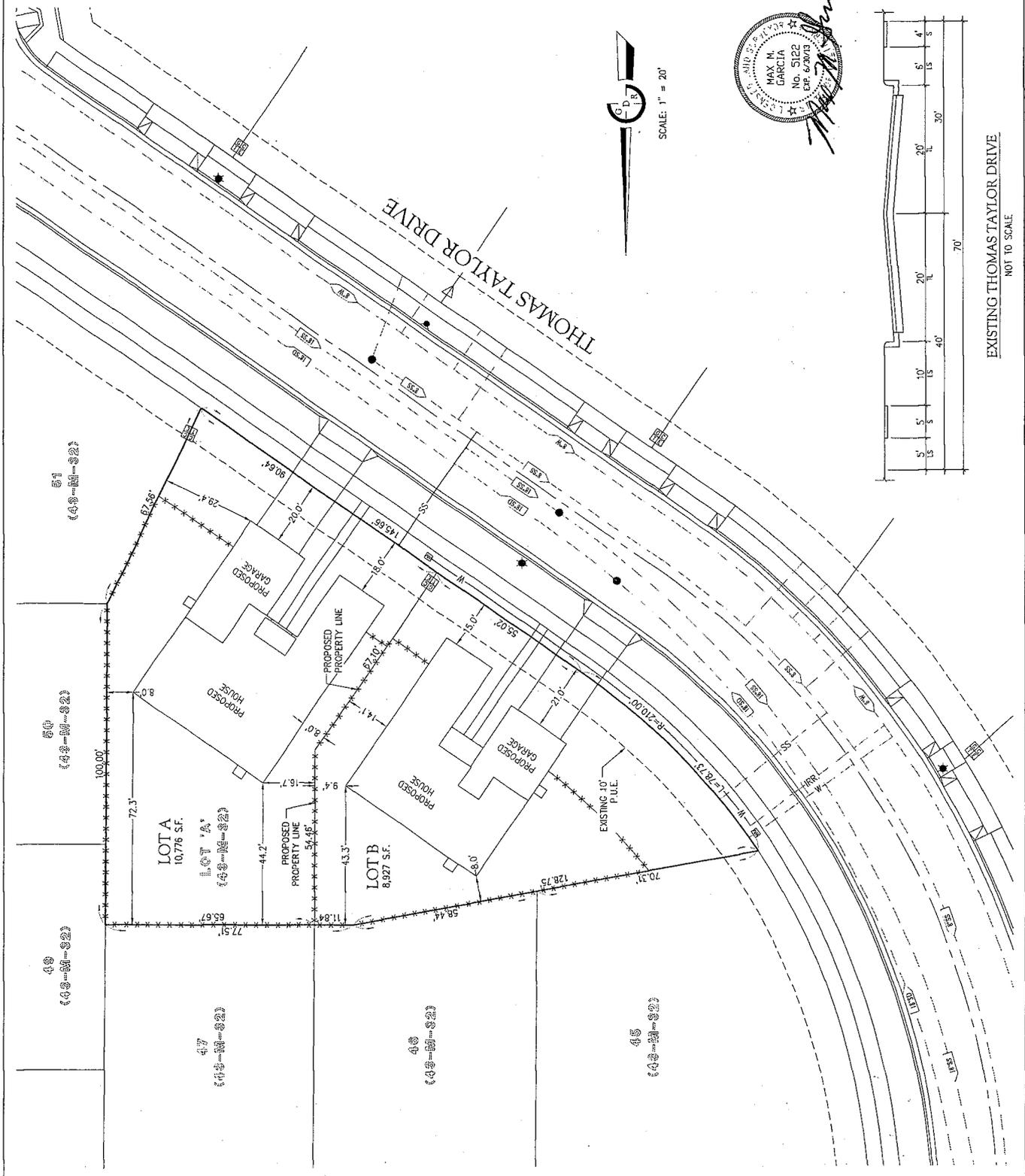
NOTE:
NO IMPROVEMENTS PROPOSED WITH THIS APPLICATION.



GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE G
CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
E-MAIL: gdrengg@drengg.com

VESTING TENTATIVE PARCEL MAP
FOR
FONTANA RANCH NORTH

Scale: 1" = 20'
Date: 10/02/2012
Sheet: 1 of 1
Drawn: J. Smith
Checked: M. Garcia
Job No.: 05102



EXISTING THOMAS TAYLOR DRIVE
NOT TO SCALE

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2013-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUGHSON APPROVING VESTING TENTATIVE MAP NO. 2013-01 FOR
APN NO. 018-091-041, LANDS OF HFR PARTNERS LLC**

WHEREAS, HFR Partners LLC have made application for a vesting tentative subdivision map to subdivide an existing parcel into two lots; and

WHEREAS, the project has been analyzed for consistency with the City's Zoning and Subdivision Ordinance and found to be in substantial compliance subject to certain conditions of approval attached hereto; and,

WHEREAS, public notice was duly provided in accordance with Subdivision Ordinance, Section 16.04.110; and,

WHEREAS, opportunity for public comment as well as comments from interested agencies was provided and any written and oral comments were forwarded to the City Council for approval of the vesting tentative map; and,

WHEREAS, the Planning Commission of the City of Hughson, based on all facts and findings before it and using its own independent judgment by Resolution No. PC 2013-03, recommended to the City Council of the City of Hughson approval of Vesting Tentative Map No. 2013-01 with Conditions of Approval.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Hughson hereby approves Vesting Tentative Map No. 2013-01 with Conditions of Approval.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof, held on June 24, 2013, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: June 24, 2013
Presented By: Thom Clark, Director of Community Development
Subject: Adopting a Negative Declaration and Associated Mitigation Monitoring Plan for the Well No. 7 Replacement Project and Authorizing the City Clerk to File a Notice of Determination

Enclosure:

1. Attachment A, Comments and Responses
2. Attachment B, Initial Study/Mitigated Negative Declaration with Addendum
3. Attachment C, Mitigation Monitoring Plan

Desired Action: Adopt Resolution No. 2013-20, A Resolution of the City Council of the City of Hughson Adopting a Negative Declaration and Associated Mitigation Monitoring Plan for the Well No. 7 Replacement Project and Authorizing the City Clerk to File a Notice of Determination with the Stanislaus County Clerk-Recorder's Office

Approved By: _____

Background and Discussion:

Pursuant to the Safe Drinking Water State Revolving Loan Fund application for a Well No. 7 Replacement Project, and in accordance with the requirements of the California Environmental Quality Act (CEQA) an Initial Study of the project was prepared and independently reviewed by staff. The Initial Study identified potentially significant environmental effects on biological and cultural resources, but that these potential effects would be reduced to a less than significant level with recommended mitigation measures. On the basis of the Initial Study, a proposed Negative Declaration was prepared.

The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for public and agency review for 30 days; a Notice of Intent to adopt the Negative Declaration was published in the Hughson Chronicle. The comments received on the IS/MND and any necessary responses are contained in an attachment to the resolution.

The California Department of Public Health (CDPH) commented that the Well No. 5 reconstruction project, which was mentioned but not analyzed in the Negative

Declaration, should be incorporated into the Negative Declaration in an addendum. An addendum makes minor changes to the Negative Declaration for the record but does not require additional public review or recirculation of the Negative Declaration. No other substantive environmental issues that would require reconsideration or recirculation of the IS/MND were raised during the public review period.

The attached resolution sets forth the environmental findings required by CEQA, adopts the IS/MND including the addendum requested by CDPH, and adopts a Mitigation Monitoring/Reporting Plan for the project. Each of these actions must be taken prior to approving the project, as required by CEQA.

Fiscal Impact:

The amount budgeted for this project in the FY 2013-2014 budget is \$350,000 in fund 41-8048-800 (Public Facility Development). The fee for filing the Notice of Determination Negative Declaration is \$2,156.25.

Staff Recommendation:

Adopt Resolution No. 2013-20, A Resolution of the City Council of the City of Hughson Adopting a Negative Declaration and Associated Mitigation Monitoring Plan for the Well No. 7 Replacement Project and Authorizing the City Clerk to File a Notice of Determination with the Stanislaus County Clerk-Recorder's Office.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2013-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON ADOPTING A
MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION
MONITORING PLAN FOR THE WELL NO. 7 REPLACEMENT PROJECT AND
AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF DETERMINATION WITH
THE STANISLAUS COUNTY CLERK-RECORDER'S OFFICE**

WHEREAS, the City has prepared and circulated for public and agency review an Initial Study/Mitigated Negative Declaration (IS/MND) addressing the potential environmental effects of the Well No. 7 Replacement Project (Project) in accordance with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the IS/MND has been circulated for public and agency review and comment in accordance with the requirements of CEQA, including circulation through the State Clearinghouse; and

WHEREAS, a Notice of Intent to adopt a Mitigated Negative Declaration was published in the Hughson Chronicle on May 7, 2013; and

WHEREAS, the City Council has reviewed and independently considered the analysis and conclusions of the IS/MND; and

WHEREAS, the comments received by the City are attached hereto as Exhibit "A" and are hereby incorporated by reference; and

WHEREAS, the City has reviewed and considered the public and agency comments on the IS/MND made during the public review period, any bonafide written comments received prior to this date and any oral comment provided to the City Council in conjunction with the consideration and adoption of this resolution; and

WHEREAS, a copy of the IS/MND, as well as the addendum to the IS\MND are attached hereto as Exhibit "B" and are hereby incorporated by reference; and

WHEREAS, no other substantive environmental issues were raised in the comments, and no response to comments is required; and

WHEREAS, the City has prepared a Mitigation Monitoring/Reporting Plan reflecting the analysis and mitigation recommendations contained in the IS/MND, a copy of which is attached hereto as Exhibit "C" and is hereby incorporated by reference; and

WHEREAS, documents and materials related to the IS/MND shall be maintained at the offices of the City of Hughson; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby adopt the IS/MND for the Well No. 7 Replacement Project, including the addendum to the IS/MND dated June 12, 2013, and in doing so finds that:

- a) The IS/MND, including the addendum, represents the independent judgment and analysis of the City Council; and
- b) On the basis of the whole record before the City Council, including the IS/MND and its addendum, any comments received on the IS/MND and any revisions to the IS/MND shown in Exhibit "A" or described in the minutes of this City Council Meeting, that there is no substantial evidence that the project will have a significant effect on the environment; and
- c) Any revisions to the IS/MND are not substantial and do not require that the IS/MND be re-circulated.

BE IT FURTHER RESOLVED that the City Council does hereby adopt the Mitigation Monitoring/Reporting Plan for the Well No. 7 Replacement Project and agrees to implement the mitigation measures identified in the Plan in conjunction with the development of the project.

A Notice of Determination pertaining to this matter shall be filed with the Stanislaus County Clerk-Recorder in accordance with the requirements of CEQA.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regular meeting held on this 24th day of June, 2013 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Matt Beekman, Mayor

ATTEST:

Dominique Spinale, Deputy City Clerk

*ATTACHMENT "A"
COMMENTS AND RESPONSES*

*ATTACHMENT "B"
IS/MND AND ADDENDUM*

*ATTACHMENT "C"
MITIGATION MONITORING/REPORTING PLAN*

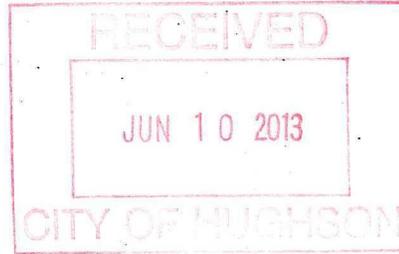


RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor



June 4, 2013

Thom Clark
City of Hughson
1718 Pine Street
Hughson, CA 95326

RE: Well No. 7 Replacement Project (SCH #2013052019)

Dear Mr. Clark:

The California Department of Public Health (CDPH), Environmental Review Unit (ERU) is in receipt of the Mitigated Negative Declaration (MND) for the above project. The CDPH, Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program and will need to issue a new or amended Water Supply Permit for the above referenced project. A project triggers a permit if it includes changes to the water supply, storage, treatment of drinking water, or consolidation of one or more public water systems. CDPH will be a responsible agency pursuant to the California Environmental Quality Act (CEQA) and considers the above referenced document as adequate to meet the CDPH CEQA permit requirements.

Existing Wells No. 5 and 7 have exceeded the State's Maximum Contaminant Level (MCL) for nitrates and taken offline due to the violations. Well No. 5 has also exceeded the State's MCL for DBCP contamination. The proposed water well improvements identified in the circulated MND for Well No. 7 will consist of the replacement of Well No. 7 with a newly constructed well (Well No. 9), water treatment equipment at the site for Well No. 9, a 1-million gallon storage tank, and booster pump. Treatment and storage facilities will connect to existing Well No. 5 by way of a newly constructed pipeline located within an existing right-of-way described in the MND. In addition, Well No. 5 will be reconstructed at its existing site.

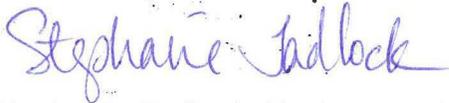
The MND states that, because the portion of the project that involves the reconstruction of Well No. 5 is exempt from CEQA, information about this project component is excluded from the MND. If the reconstruction of Well No. 5 is a portion of the same project that involves the replacement of Well No. 7 as described in the MND, then information relating to Well No. 5 must be included in the Initial Study pursuant to CCR Title 14, Chapter 3, Article 5, Section 15063(a)(1).

The CDPH, ERU recommends the following actions:

1. The creation of an addendum to the circulated MND (SCH #2013052019) pursuant to CCR Title 14, Chapter 3, Article 11, Section 15164(b). This addendum must address any elements of the overall project to be performed that have been omitted from the circulated and adopted MND.

If you have any questions about this letter, please call me at (916) 449-5990 or email to stephanie.tadlock@cdph.ca.gov.

Sincerely,



Stephanie Tadlock, Environmental Scientist
CDPH Environmental Review Unit

Cc: CDPH Stockton District Office
State Clearinghouse



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

June 6, 2013

Thom Clark
City of Hughson
P.O. Box 9
Hughson, CA 95326

CITY OF HUGHSON

JUN - 7 2013

RECEIVED

Subject: Well No. 7 Replacement Project
SCH#: 2013052019

Dear Thom Clark:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 5, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2013052019
Project Title Well No. 7 Replacement Project
Lead Agency Hughson, City of

Type **MND** Mitigated Negative Declaration
Description Development of replacement water well, treatment & storage facilities. Pipeline connecting proposed facilities to a nearby municipal well site.

Lead Agency Contact

Name Thom Clark
Agency City of Hughson
Phone 209 883 4054
email
Address P.O. Box 9
City Hughson
Fax
State CA **Zip** 95326

Project Location

County San Joaquin
City Hughson
Region
Lat / Long 37° 35' 15" N / 120° 52' 0" W
Cross Streets Tully Road & Roeding Road
Parcel No.
Township 4S **Range** 10E **Section** 16 **Base** MDB&M

Proximity to:

Highways No
Airports No
Railways BNSF
Waterways Tuolumne River
Schools No
Land Use Vacant / Public Road / Industrial / Industrial

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse

Reviewing Agencies Department of Conservation; Resources Agency; Department of Fish and Wildlife, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 10; CA Department of Public Health; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission

Date Received 05/07/2013 **Start of Review** 05/07/2013 **End of Review** 06/05/2013



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

CLSP
6/5/13
C

June 4, 2013

Thom Clark
City of Hughson
1718 Pine Street
Hughson, CA 95326

RECEIVED

JUN -4 2013

STATE CLEARING HOUSE

RE: Well No. 7 Replacement Project (SCH #2013052019)

Dear Mr. Clark:

The California Department of Public Health (CDPH), Environmental Review Unit (ERU) is in receipt of the Mitigated Negative Declaration (MND) for the above project. The CDPH, Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program and will need to issue a new or amended Water Supply Permit for the above referenced project. A project triggers a permit if it includes changes to the water supply, storage, treatment of drinking water, or consolidation of one or more public water systems. CDPH will be a responsible agency pursuant to the California Environmental Quality Act (CEQA) and considers the above referenced document as adequate to meet the CDPH CEQA permit requirements.

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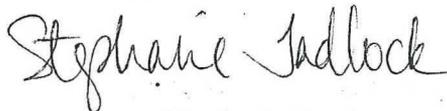
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The CDPH, ERU recommends the following actions:

1. The creation of an addendum to the circulated MND (SCH #2013052019) pursuant to CCR Title 14, Chapter 3, Article 11, Section 15164(b). This addendum must address any elements of the overall project to be performed that have been omitted from the circulated and adopted MND.

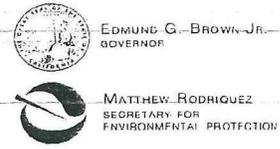
If you have any questions about this letter, please call me at (916) 449-5990 or email to stephanie.tadlock@cdph.ca.gov.

Sincerely,



Stephanie Tadlock, Environmental Scientist
CDPH Environmental Review Unit

Cc: CDPH Stockton District Office
State Clearinghouse



EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

24 May 2013

RECEIVED

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6/5/13
e

Thom Clark
City of Hughson
P.O. Box 9
Hughson, CA 95326

MAY 28 2013
STATE CLEARING HOUSE

CERTIFIED MAIL
7012 0470 0000 9904 7510

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE DECLARATION, WELL NO. 7 REPLACEMENT PROJECT, SCH NO. 2013052019, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 7 May 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Mitigated Negative Declaration* for the Well No. 7 Replacement Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

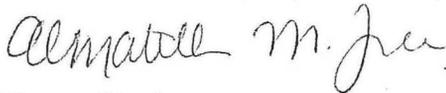
Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



for Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



May 31, 2013

City of Hughson
Attn: Thom Clark
PO Box 9
Hughson, CA 95326

CITY OF HUGHSON
JUN - 5 2013
RECEIVED

RE: Well No. 7 Replacement Project

Mr. Clark:

The Turlock Irrigation District (District) acknowledges the opportunity to review and comment on the referenced project. District standards require development occurring within the District's boundary that impacts irrigation and electric facilities, to meet the District's requirements.

The subject parcel is a member of Improvement District (ID) 96C, the Hughson Ditch and ID 593, the West Hughson Pump. District Standards require that properties that will no longer irrigate or have direct access to water must apply for abandonment of the parcel(s) from the improvement district(s). Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12" above the finished grade of the irrigated parcel(s).

The proposed pipeline(s), to be installed along Tully Road between the new Well No. 9 and the existing water system, will cross the 42" RCP irrigation line belonging to ID 96C at a point approximately 1300 feet south of Whitmore Avenue. This pipe must be protected at all times during construction. Any project improvements which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications. Work impacting irrigation facilities can only be performed during the non-irrigation season which typically runs from November 1, thru March 1, but can vary.

The City is advised to begin the application process for new electrical service at the earliest possible point in the project schedule. Contact Paul Rodriguez at the number below to initiate the application process.

Mr. Clark
May 31, 2013
Page 2

If you have any questions concerning irrigation system requirements, please contact me at (209) 883-8367. Questions regarding electric utility requirements should be directed to Paul Rodriguez at (209) 883-8438.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Troglin". The signature is fluid and cursive, with a prominent horizontal stroke across the middle.

Todd Troglin
Supervising Engineering Technician, Civil
CF: 2013019



CHIEF EXECUTIVE OFFICE

*Monica Nino
Chief Executive Officer*

*Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer*

*Stan Risen
Assistant Executive Officer*

*Keith D. Boggs
Assistant Executive Officer*

CITY OF HUGHSON

MAY 31 2013

RECEIVED

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 29, 2013

Thom Clark
Community Development Director
City of Hughson
PO Box 9
Hughson, CA 95326

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF HUGHSON – WELL
NO. 7 REPLACEMENT PROJECT – NOTICE OF INTENT TO
ADOPT MITIGATED NEGATIVE DECLARATION AND NOTICE
OF PUBLIC MEETING**

Mr. Clark:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Mark E. Loeser
Management Consultant
Environmental Review Committee

MEL:ss

cc: ERC Members

Central Valley Regional Water Quality Control Board

24 May 2013

Thom Clark
City of Hughson
P.O. Box 9
Hughson, CA 95326

CITY OF HUGHSON
MAY 29 2013
RECEIVED

CERTIFIED MAIL
7012 0470 0000 9904 7510

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE DECLARATION, WELL NO. 7 REPLACEMENT PROJECT, SCH NO. 2013052019, SAN JOAQUIN COUNTY

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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

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If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



for

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



May 14, 2013

Thom Clark
City of Hughson
PO Box 9, 7018 Pine Street
Hughson, CA 95326

CITY OF HUGHSON

MAY 16 2013

RECEIVED

Project: Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Meeting- Well No. 7 Replacement Project

District CEQA Reference No: C20130418

Dear Mr. Clark:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of replacing existing Well No. 7 with a new well to be known as Well No. 9 and construct connections between Well No. 9 and Well No. 5 located near Tully and Roeding Road, in Hughson, CA. The District offers the following comments:

District Comments

- 1) Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
- 2) This project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the project proponent should contact the District's Small Business Assistance (SBA) Office at (209) 557-6446 to determine if an Authority to Construct (ATC) is required.
- 3) The District concludes that the proposed project is not subject to District Rule 9510.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

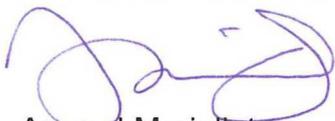
Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585 16

- 4) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
- 5) The District recommends that a copy of the District's comments be provided to the project proponent.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Angel Lor at (559) 230-5808.

Sincerely,

David Warner
Director of Permit Services



for: Arnaud Marjollet
Permit Services Manager

DW: al

NEGATIVE DECLARATION

Lead Agency:

CITY OF HUGHSON
 1718 Pine Street
 Hughson, CA 95326

PROJECT NAME:

Well No. 7 Replacement Project

PROJECT PROPONENT:

City of Hughson

PROJECT LOCATION:

The proposed project site consists of 1) a 1.15-acre replacement well and water treatment site located approximately 425 feet east of Tully Road at its intersection with Roeding Road, 2) a 50 foot-wide by 425-foot access road connecting the well site to Tully Road, and 3) an approximately 1,900-foot section of the existing Tully Road connecting the well replacement site to the City's existing Well No. 5, which is also adjacent to Tully Road. The well site, access road and the affected portion of Tully Road are located within the City of Hughson. The well replacement site is approximately 0.5 miles south of Whitmore Avenue and 0.4 miles west of the BNSF railroad. See Figures 1 and 2.

PROJECT DESCRIPTION:

The proposed project involves the replacement of the City of Hughson's Well No. 7 with a new well to be known as Well No. 9 located as described above. Development of the Well No. 9 site will include water treatment equipment, a 1.0 million gallon storage tank and a booster pump, together with required connections to existing City facilities in Tully Road. Proposed water treatment and storage facilities will be connected with the City's existing Well No. 5 via a new pipeline to be installed along Tully Road.

The City's existing Well No. 7, located on Seventh Street near Fox Road, tested over the Maximum Contaminant Level (MCL) for nitrates in 2012 and was taken off-line, as required by the City's water system permit from the California Department of Public Health (CDPH). Well No. 5, located on Tully Road, just south of Whitmore Avenue, had previously been taken off-line due to nitrate and DBCP contamination.

ENVIRONMENTAL DETERMINATION:

The Lead Agency has prepared an Initial Study, attached, 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 project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the project.

BIOLOGICAL RESOURCES MITIGATION MEASURES

1. The City of Hughson shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks and burrowing owls within and near the well replacement site, and along or near the proposed pipeline alignments if construction occurs between February 15 and September 15. If active nests are found, the qualified biologist should determine the need (if any) for restrictions on construction.
2. In the event any trees that need to be removed or trimmed to facilitate the project, they should be felled or trimmed outside of the general bird nesting season (February 1 through August 31), or the City shall have a nesting bird survey conducted immediately prior to tree trimming or removal. If active nests are found, tree felling or trimming should be delayed until the young have fledged.

CULTURAL RESOURCES MITIGATION MEASURES

1. If any subsurface cultural resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified archaeologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery and the City or its contractor shall be responsible for retaining a qualified archaeologist and for implementing recommended mitigation measures.
2. If human remains are encountered at any time during project construction, all construction activity in the vicinity of the encounter shall cease, and the County Coroner and the City of Hughson shall be notified immediately. The Coroner will contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. The City or its contractor shall implement the requirements of the CEQA Guidelines, which detail steps to be taken when human remains are found to be of Native American origin. The City of Hughson or its contractor shall also retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures needed to reduce any potentially significant effects to a less than significant level under CEQA. The City or its contractor shall implement those recommendations.
3. If any paleontological resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery, and the City or its contractor shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures.

Therefore, the Lead Agency proposes to adopt a Mitigated Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.



Thom Clark, Community Development Director

5/3/13
Date

CITY OF HUGHSON, CALIFORNIA
ENVIRONMENTAL CHECKLIST

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
(Public Resources Code 21000-21177)
and the CEQA GUIDELINES
(California Code of Regulations, Title 14,
Division 6, Chapter 3, Sections 15000-15387)

A. GENERAL PROJECT DESCRIPTION:

1. Project Title: City of Hughson, Well No. 7 Replacement Project
2. Project Entitlements: City of Hughson, Approval for Construction

California Department of Public Health, Drinking Water Division, Funding Approval under State Revolving Fund
3. Lead Agency Name and Address: City of Hughson
7018 Pine Street (office)
PO Box 9 (mailing)
Hughson, CA 95326
(209) 883-4054
4. Contact Person and Phone Number: Thom Clark, Community Development Director
(209) 883-4054
5. Project Location: The proposed project site consists of 1) a 1.15-acre replacement well and water treatment site located approximately 425 feet east of Tully Road at its intersection with Roeding Road, 2) a 50 foot-wide by 425-foot access road connecting the well site to Tully Road, and 3) an approximately 1,900-foot section of the existing Tully Road connecting the well replacement site to the City's existing Well No. 5, which is also adjacent to Tully Road. The well site, access road and the affected portion of Tully Road are located within the City of Hughson.

The City of Hughson is located in east-central Stanislaus County, California, approximately 3 miles southeast of the City of Modesto boundary, which is the Stanislaus County seat. The well replacement site is approximately 0.5 miles south of Whitmore Avenue and 0.4 miles west of the BNSF railroad. See Figures 1 and 2.
6. Project Sponsor's Name and Address: Same as Lead Agency

- | | |
|---|--|
| 7. General Plan Designation and Zoning, Well Replacement Site and Vicinity: | General Plan Designation: Industrial
Zoning: I - Industrial |
| 8. Surrounding Land Uses and Setting, Well Replacement Site: | North: Agricultural (hay)
East: Agricultural (hay)
South: Agricultural (orchard)
West: Industrial, agricultural equipment fabrication |
| Pipeline Alignment | Agriculture, transitioning to Industrial with proximity to Whitmore Avenue |
| 9. Other public agencies whose approval is required: | Listed Above |
| 10. Project Details | <p>The proposed project involves the replacement of the City of Hughson's Well No. 7 with a new well to be known as Well No. 9. Development of the Well No. 9 site will include water treatment equipment, a 1.0 million gallon storage tank and booster pump. Proposed water treatment and storage facilities will be connected with the City's existing Well No. 5 via a new pipeline to be installed along Tully Road. See Figures 2 and 3.</p> <p>Existing Well No. 7, located on Seventh Street near Fox Road, tested over the Maximum Contaminant Level (MCL) for nitrates in 2012 and was taken off-line, as required by the City's water system permit from the California Department of Public Health (CDPH). Well No. 5, located on Tully Road, just south of Whitmore Avenue, had previously been taken off-line due to nitrate and DBCP contamination.</p> <p>The City's municipal water system is sourced entirely from groundwater; the system includes six wells, including Well No. 5 and Well No. 7. Both wells need to be replaced in order to meet the City's existing and future water needs, and to provide adequate operational flexibility and reliability. Well No. 5 will be reconstructed at its existing site; this is an exempt activity under CEQA and is not addressed in this document. A new well, to be known as Well No. 9, will be constructed at the proposed site to replace the existing well; the new well, associated treatment equipment, storage tank and a pipeline connecting the two wells are the subject of</p> |

this Initial Study.

The City's existing wells draw from relatively shallow aquifers less than 300 feet in depth, and these wells are or are potentially subject to primary nitrate contamination. Replacement Well No. 9 (and the reconstructed Well No. 5) will draw from deeper aquifers that have arsenic levels that slightly exceed the recently-adopted EPA MCL for arsenic. In addition, some strata in the deeper aquifer are subject to secondary iron and manganese contamination. Well No. 9 site development will include arsenic treatment equipment, which will treat water from both Well No. 9 and Well No. 5. The casings of both wells will prevent water withdrawal from iron and manganese-contaminated strata.

The Well No. 9 replacement will be a 700-foot deep production well; the well will include a 16-inch steel casing, shutter screen perforations at selected water bearing zones, and a 6-inch annular gravel envelope. At completion, the well will be developed and test pumped. Pump test data will be used to design well-related components.

The wellhead and well-related mechanical and electrical equipment, treatment control systems, chemical and lab rooms will be contained within a CMU building. An arsenic treatment system consisting of two pressure filters, backwash tank and recycling system will be located immediately north of the well building. Site development will include an approximately 1.0 million-gallon storage tank and booster pump. The treatment and storage systems will accommodate flows from both Well No. 5 and Well No. 9.

The proposed well, storage tank and booster pump will be connected to the existing municipal water system in Tully Road via a pipeline to be installed within the proposed access road; the access road is located on public right-of-way for the future extension of Roeding Road. Backwash effluent will be discharged to the City sewer system via a pipeline in the same alignment, which will also accommodate other required utility services. Storm drainage from the site will be routed to an on-site retention pond. The proposed access road will be paved to a width of approximately 20 feet. The entire site and access road will be enclosed with chain link fencing and security wire. Proposed well development features are shown on Figure 3.

Raw water from the reconstructed Well No. 5 will be conveyed to the Well No. 9 treatment facility for treatment via an approximately 1,900-foot, 8 to 10-inch pipeline to be installed within the existing paved section of Tully Road.

Produced and treated water will be conveyed from on-site storage via a booster pump to the existing municipal system at Tully Road via a pipeline to be installed within the City-owned access road. Sewage generated on the site, including backwash effluent, will be piped to an existing City sewer line in Tully Road.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be subject to potentially significant environmental effects as a result of this project, as discussed in the following environmental checklist. Proposed mitigation measures would, however, reduce all of these potential effects to a less than significant level.

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

C. 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.

- × 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 pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Thom Clark, Community Development Director
City of Hughson

5/3/13
Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

The foregoing environmental determination is based on the evaluation of the potential environmental effects of the proposed project, as documented in the following checklist and supporting documentation. The checklist has been prepared in accordance with the following requirements:

- 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) "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 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 the analysis(es) 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 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.
- 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

E. ENVIRONMENTAL CHECKLIST & NARRATIVE EXPLANATION

1. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

NARRATIVE EXPLANATION

Environmental Setting

The project vicinity and the aesthetic setting of the project site are dominated by intensive agriculture. Lands in the project vicinity are planted in fruit and nut orchards, although the land immediately north and east of the Well No. 9 site is cultivated land used for hay production. Agricultural lands have inherent aesthetic value as open space.

The property immediately west of the Well No. 9 site is in industrial use, an agricultural processing equipment manufacturing firm, which includes outdoor materials storage. With proximity to the Well No. 5 site, agricultural use transitions to industrial use. There is no residential development in the immediate vicinity of the site.

Views of the Well No. 9 site are available from adjoining agricultural lands, and from Tully Road. However, site views from Tully and Roeding Road, the only public view corridors in the project area, are obscured by industrial development in the foreground area. Views along Tully Road are of adjoining orchards.

There are no distance views or scenic vistas available in the project vicinity. There are no notable scenic resources – unique trees, rock outcroppings, historic buildings – in the project vicinity.

Night lighting in the project area is confined to security lighting in industrial areas adjoining Tully Road. There is no street lighting in the project vicinity.

Environmental Impacts and Mitigation Measures

- a) There are no distance views or scenic vistas available on or near the project site. The project would have no impact on scenic vistas.

- b) The project would not involve any substantial damage to existing scenic resources. No such resources were identified on or near the project site. As noted in subsection "c," the project would not involve any substantial changes to the visual character of the project vicinity.
- c) The project will develop the Well No. 9 site as a municipal well facility, which is inherently industrial in nature. The visual character of the approximately one-acre site will be substantially changed, and the open space value inherent in the site will be eliminated, by the project.

Well No. 9 development will not, however, substantially degrade the existing visual character or quality of the project vicinity. The project will increase the area of industrial development in this largely agricultural area, but this change will not have any substantial effect on views from any public roads, residences or places of concentrated public use. Views of the developed site from Tully and Roeding Roads would be screened by existing industrial development in the foreground. The proposed well was purposely located in an industrial area to mitigate any potential aesthetic impacts.

Construction of the proposed pipeline along Tully Road would not involve any lasting aesthetic changes.

- d) The project will include security lighting on proposed structures within the Well No. 9 site, adding to security lighting already present within in the adjacent industrial use. The project will not involve any other lighting, or create any substantial sources of light or glare.

SOURCES

Simpson, Charles R. Site and vicinity review. March and April, 2013.

2. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts 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:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, 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				X

51104(g))?

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

NARRATIVE EXPLANATION

Environmental Setting

The project is located primarily in an agricultural area. The Well No. 9 site is surrounded on three sides by existing intensive agriculture. Except for the immediately adjoining lands to the north and west, which have been used for hay cultivation, nearby agricultural lands are planted in nut and fruit orchards, including lands along the pipeline section of Tully Road.

The Well No. 9 site was historically in agricultural use. The site has, however, been severed from the larger agricultural holding of which it was a part and has been acquired by the City of Hughson for the proposed project. The Well No. 9 site has been substantially disturbed in conjunction with the drilling of a test well in anticipation of the proposed project.

The Well No. 9 site and vicinity are classified by the California Department of Conservation's Important Farmlands Maps as "Prime Farmland." Natural Resources Conservation Service soil surveys indicate that soils on and near the site are considered "Prime Farmland, if irrigated."

The Well No. 9 site, and lands north of the well site along Tully Road, are located within the city limits of the City of Hughson. These incorporated lands are designated Industrial in the Hughson General Plan and are zoned for industrial use.

There are no Williamson Act contracts applicable to the Well No. 9 site or to other properties within the City of Hughson. The property immediately south of the Well No. 9 site, APN 18-050-007, which is in the unincorporated area, is subject to a Williamson Act contract.

There are no forest lands, or lands designated or zoned for forestry purposes, on or near the project site.

Environmental Impacts and Mitigation Measures

- a) The project will result in the permanent conversion of the 1.15-acre Well No. 9 site from potential agricultural use to a developed site – a municipal potable water well facility. Although the site is a portion of a larger area classified as prime agricultural land, and although soils are suitable for agricultural use, the project site is no longer suitable for agricultural use. The site's potential for agricultural use has been diminished by, 1) severance of the site from a larger agricultural management unit, 2) reduction of the site size to below any recognized threshold for effective agricultural management, 3) acquisition by the City of Hughson, and 4) by disturbance of the site in conjunction with drilling of a

test well.

The project site is, in any event, designated and zoned by the City of Hughson for urban development, which also diminishes the long-term potential of the site and vicinity for agricultural use. As a result, the project would not result in a significant agricultural land conversion effect.

The proposed pipeline to be constructed within the paved section of Tully Road would have no effect on agricultural land.

- b) The project is consistent with existing City of Hughson zoning, which is Industrial. No portion of the project site is zoned for agricultural use. No portion of the site is subject to a Williamson Act contract. Therefore, the project would involve no conflict with agricultural zoning or a Williamson Act contract.
- c,d) The project would not involve any conflicts with or loss of forest land, timber land or lands designated or zoned for these purposes. No such lands exist on or near the project site.
- e) The proposed municipal well would not involve any inherent conflict with or adverse effect on the ongoing use of agricultural land adjacent to or near the project site, and would therefore not contribute directly or indirectly to conversion of off-site farmland.

Development of the proposed municipal well would contribute indirectly to ongoing urban development within the City of Hughson and contribute thereby to agricultural land conversion in and around the City. Well development would, however, be a minor contributing factor to urban development. The primary influence on urban development in Hughson is the designation and zoning of lands for urban use, and the annexation of such lands into the City, which has already occurred. This would be considered a less than significant effect.

The project would have no effect on potential for conversion of forest land to non-forest use.

SOURCES

California Department of Conservation. Important Farmland Mapping for Stanislaus County. Accessed on-line April 3, 2013 at California Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>

Design, Community, Environment. Hughson 2005 General Plan EIR. Section 4.2, Agricultural Resources. June 30, 2005.

Natural Resources Conservation Service. Custom Soil Survey Report for Eastern Stanislaus Area, California, Hughson Well Site. March 2, 2013.

Stanislaus County Geographic Information Systems. Accessed on-line April 3, 2013 at <http://gis.stancounty.com/giscentral/public/map/esri/flex/parcelfinder/index.jsp#>.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

NARRATIVE EXPLANATION

Environmental Setting

The project is located in east-central Stanislaus County, which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management in the SJVAB under the federal and state Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

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 status of the SJVAB or Stanislaus County with respect to the applicable AAQS are shown in the following table.

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.

SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards ^a	State Standards ^b
Ozone, 1-hour	No federal standard ^f	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme ^e	Nonattainment
PM10	Attainment ^c	Nonattainment
PM2.5	Nonattainment ^d	Nonattainment

Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation	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

^aSee 40 CFR Part 81

^bSee CCR Title 17 Sections 60200-60210

^cOn September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

^dThe SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

^eThough the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010).

^fEffective 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 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 include:

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

Environmental Impacts and Mitigation Measures

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).

- ROG 10 tons/year
- NOx 10 tons/year
- PM10 15 tons/year

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts.

Potential air emissions associated with project construction were modeled using California EEMOD. Potential construction emissions, shown in the following table, would include fugitive dust emissions during site preparation, particulate, ROG and NOx emissions from the operation of construction equipment and evaporative ROG emissions from site paving and application of architectural coatings. The project would not generate any air pollutant emissions that exceed or even approach the established significance thresholds. Therefore, the project's potential air quality impacts will be less than significant.

PROJECT CONSTRUCTION EMISSIONS

Pollutant	Emissions (tons/year)
ROG	0.3
NOx	1.1
PM (Total)	0.1

The project would involve no operations emissions other than occasional emissions from City vehicles and equipment used occasionally to inspect and maintain the project; these emissions would be incidental.

- a) The project will involve not involve any conflict with, or potential to obstruct implementation, of applicable Air Quality Attainment Plans. As discussed, project-related air emissions will consist only of construction emissions, and these emissions will be less than significant.
- b) Project-related air emissions will be minor and short-term and will not contribute to or cause violation of any air quality standard, or contribute to any projected future violation of air quality standards.
- c) The project would result in minor particulate matter emissions, primarily fugitive dust, during construction. Fugitive dust emissions will be controlled through required observance of SJVAPCD Regulation VIII.
- d) The project will not generate any substantial air emissions outside of the project site. There are no sensitive receptors in the project vicinity; the nearest residence is located approximately 600 feet from the Well No. 9 site.
- e) The project will not generate odors.

SOURCES

California Air Resources Board. 2004 Revision to the California State Implementation Plan for Carbon Monoxide – Updated Maintenance Plan for Ten Federal Planning Areas (2004 Update). July 22, 2004.

California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective. April 2005.

San Joaquin Valley Air Pollution Control District (SJVAPCD). Ambient Air Quality Standards and Valley Attainment Status. Web Site Accessed 1-14-13: <http://www.valleyair.org/aqinfo/attainment.htm>.

SJVAPCD. 2007 PM10 Maintenance Plan and Request for Redesignation. September 20, 2007.

SJVAPCD. 2008 PM 2.5 Plan (Annual Standard). Adopted April 30, 2008.

SJVAPCD. 2012 PM2.5 Plan (24-Hour Standard). Adopted December 20, 2012

SJVAPCD. Extreme Ozone Attainment Demonstration Plan, San Joaquin Valley Air Basin Plan Demonstrating Attainment of Federal 1-Hour Ozone Standards. October 8, 2004.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Adversely impact, either directly or through habitat modifications, any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?		X		
b) 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		
c) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
d) 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
e) 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
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				X

NARRATIVE EXPLANATION

Environmental Setting

The biological resources of the project site and vicinity were assessed during the preparation of this Initial Study by Moore Biological Consultants; the biological study included a search of the US Fish and Wildlife special-status species list and the California Natural Diversity Data Base (CNDDDB) and a field survey of the Well No. 9 site and access road. Lands on either side of the proposed pipeline alignment were also inspected for the potential presence of important biological resources. The focus of this work was to identify occurrences, potential occurrences or habitat for special-status plants and wildlife as well as the presence of wetlands or other important biological resources. A copy of the biological study is available for review at the City of Hughson offices.

Plant species noted during the survey were typical of intensively managed agricultural lands in the project vicinity, consisting of orchards and intensively-managed croplands, and ruderal species in areas not subject to farming, such as the proposed access road. The potential for occurrence of special-status plants on or near the well site, and along the proposed pipeline route, was found to be remote.

There are no trees within the Well No. 9 site or access road. Adjacent and nearby lands, and lands along the proposed pipeline route, are developed with orchards or are in urban industrial use. There are large remnant Valley oak trees and ornamental trees in the vicinity of rural residences scattered through agricultural lands in the project area.

Wildlife populating the project area are largely common species associated with the upland vegetation and agricultural use of the area. The hay fields located north and east of the well site, and the Well No. 9 site itself, provide suitable habitat for Swainson's hawk foraging. A large stick nest was noted in a Valley oak on residential property south of the Well No. 9 site. This and other native and ornamental trees in the project area, are potentially suitable for raptor nesting. No ground squirrel activity was noted on or near the Well No. 9 site and access road, or along the proposed pipeline route; these areas are nonetheless potentially suitable habitat for burrowing owl. Potential raptor nesting sites may exist in trees along the pipeline route. No "critical habitat" for any species exists within the project.

The migratory Swainson's hawk is listed by the State of California as a Threatened species. Swainson's hawk are found in the Central Valley primarily during their breeding season (March 1 through September 15). Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grassland, irrigated pasture, hay, and wheat crops. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August. The Migratory Bird Treaty Act and Fish and Game Code of California protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15). The CNDDDB contains records of Swainson's hawk nesting in central Stanislaus County, the nearest being approximately 5 miles north of the site in the vicinity of the Tuolumne River. There are suitable nest trees and foraging habitat for this species in the vicinity of the site.

Burrowing owls are a year-long resident in a variety of grasslands as well as scrub lands that have a low density of trees and shrubs with low growing vegetation; burrowing owls that nest in the Central Valley may winter elsewhere. The primary habitat requirement of the burrowing owl is small mammal burrows, which are used for nesting, although they have been known to dig their own burrows in softer soils. In urban areas, burrowing owls often utilize artificial burrows, including pipes, culverts, and piles of concrete pieces. This semi-colonial owl breeds from March through August, and is most active while hunting during dawn and dusk. The Migratory Bird Treaty Act and Fish and Game Code of California protect burrowing owls year-round, as well as their nests during the nesting season (February 1 through August 31). There is no evidence of small mammal burrowing or burrowing owls on or near the well site and access road. The CNDDDB contains a record of owls approximately 10 miles northwest of the site near Riverbank.

The well site, access road and pipeline route were inspected for blue elderberry shrubs with negative results. The project elements were examined for the presence of Waters of the U.S. and/or wetlands; no such areas were identified.

No habitat conservation plans or related conservation plans apply to the project site or vicinity.

Environmental Impacts and Mitigation Measures

- a) The project would have no effect on critical habitat for any special-status plant or wildlife species. The project would develop approximately one acre of potential Swainson's hawk foraging habitat; this land has, however, been designated for urban industrial use, acquired by the City of Hughson for well development, and subdivided to a size that is no longer suitable for continued agricultural use. Based on the relative size of the parcel and its prior commitment to urban uses, this effect is considered less than significant.

The project has the potential to disturb Swainson's hawk nesting during construction if construction occurs during the nesting period for the species. A pre-construction survey for Swainson's hawk nesting, if construction occurs during the nesting season, and modification of construction activities to avoid interference with nesting activities, would reduce this potential effect to a less than significant level. This is identified as a mitigation measure below.

- b) The project would develop approximately one acre of potential burrowing owl habitat. There is no evidence of burrowing owl in the project vicinity, and this land has been designated for urban industrial use, acquired by the City of Hughson for well development, and subdivided to a size that is no longer suitable for continued agricultural use. Based on the relative size of the parcel and its commitment to urban uses, this effect is considered less than significant.

The project has the potential to disturb burrowing owl nesting during construction if construction occurs during the nesting period. A pre-construction survey for this species, and modification of construction activities to avoid interference with nesting activities, would reduce this potential effect to a less than significant level. This is identified as a mitigation measure below.

- c) There are no riparian habitats or sensitive natural communities located in the vicinity of the project. The project would have no effect in this issue area.
- d) There are no wetlands located in the vicinity of the project. The project would have no effect in this issue area.
- e) The project is not located in a migration area for any species; the project would have no conceivable effect on any fish or wildlife migration that could occur in the area. The project would have no effect in this issue area.
- f) The Hughson Municipal Code includes protections for trees. The project would not, however, remove any trees.
- g) The project would involve no conflict with any adopted conservation plan. No such plans exist for lands in the project area.

BIOLOGICAL RESOURCES MITIGATION MEASURES

1. The City of Hughson shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson’s hawks and burrowing owls within and near the well replacement site, and along or near the proposed pipeline alignments if construction occurs between February 15 and September 15. If active nests are found, the qualified biologist should determine the need (if any) for restrictions on construction.
2. In the event any trees that need to be removed or trimmed to facilitate the project, they should be felled or trimmed outside of the general bird nesting season (February 1 through August 31), or the City shall have a nesting bird survey conducted immediately prior to tree trimming or removal. If active nests are found, tree felling or trimming should be delayed until the young have fledged.

SOURCES

Moore Biological Consultants. Biological Resources Survey of the Well No. 7 Replacement Project. May, 2013.

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource?				X
b) Cause a substantial adverse change in the significance of a unique archaeological resource (i.e., an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it contains information needed to answer important scientific research questions, has a special and particular quality such as being the oldest or best		X		

available example of its type, or is directly associated with a scientifically recognized important prehistoric or historic event or person)?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? X

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

NARRATIVE EXPLANATION

Environmental Setting

The cultural resources of the Well No. 9 site, access road and vicinity were evaluated by the Genesis Society (2013) in an archeological inventory survey. The proposed pipeline along Tully Road was not surveyed, as this facility would be located entirely within the road's existing paved section. The inventory included a record search, consultation with Native American representatives and the Native American Heritage Commission, and a complete-coverage, intensive-level pedestrian field survey.

The project site and vicinity have been the subject of farming throughout the historic period, and with the exception of the adjoining industrial site, up to present. Due to the lack of water resources and topographic features in the immediate vicinity, the area is considered one of moderate archeological sensitivity.

The pre-European occupants of the project area were the Northern Valley Yokuts. The Northern Valley Yokuts lifestyles centered around hunting, fishing and collection of plant foods. Their villages were located on elevated features near streams; the villages were inhabited primarily in the winter as these people seasonally relocated to the Sierra Nevada foothills to take advantage of seasonally-available food supplies. The villages of the Northern Valley Yokuts were comprised of collections of a few to several dozen small structures.

The historic period began with an influx of fur trappers in the early 1800's, followed by the Gold Rush in the years following 1848. Agriculture, railroads and many towns and villages developed during the ensuing decades. Hughson was founded as a township in 1907. The lands that would later become the Township of Hughson were previously the grain ranch owned by Hiram Hughson, who arrived in the region in 1882. Hughson initially purchased 1,000 acres, and gradually expanded his operations to approximately 7,000 acres. The San Joaquin Railroad purchased land from Hughson for their tracks, and the station became known as the Hughson Stop. The San Joaquin Railroad would later be known as the Santa Fe, and in 1909, the Hughson Stop became known as the Santa Fe station. In 1907 Hughson placed his land in the hands of the Hughson Town Company, under the direction of Charles Flack and C.W. Minniear. Combined with lands held by John Tully, the company subdivided the Township, and Hughson was officially established in 1907. Hughson remained a township until December 9th, 1972 when it was incorporated into a City.

The cultural resources record search revealed no records of pre-historic sites on or in the vicinity of the project site. No information was provided by the Native American Heritage Commission or Native American representatives contacted during this

consultation process. No known or potential historic resources have been recorded in the project vicinity.

Genesis' archeological survey of the Well No. 9 site and access road revealed no evidence of pre-historic use. This lack of resources was attributed to the degree of prior disturbance as well as the lack of natural surface water sources. The Genesis survey did not identify any historic period features.

Geological materials underlying the project site and vicinity are the recent (Quaternary) sedimentary deposits of the Modesto Formation. The Modesto Formation has produced paleontological materials. The test well drilled at the project site did not encounter any fossil-bearing strata.

Environmental Impacts and Mitigation Measures

a) The Well No. 9 site is vacant former agricultural land and contains no structures or improvements other than a recently-drilled test well. A cultural resources record search and survey of the project area did not identify any known or potential historical resources on or in the vicinity. The project would have no effect on historical resources.

b,d) A cultural resources record search and survey of the project site did not identify any archaeological resources, no unique archaeological resources, and no evidence of potential human burials within the project site. Based on this information, the project would have no effect on archaeological resources.

Even though archeological resources and human burials were not identified during the record search and field survey, subsurface archeological resources of unknown importance or human burials could be present and potentially disturbed during construction. This could result in significant cultural resources effects. In this event, the significance of archaeological materials, the nature of burials, if any, and the need and options for mitigation in accordance with CEQA must be evaluated by a qualified archaeologist. The following cultural resources mitigation measures outline procedures for this contingency. Implementation of these measures would reduce any potential impacts to a less than significant level.

c) The project site does not contain any known paleontological resources or unique geological features. It is conceivable that well development and excavation associated with the project could unearth paleontological materials of unknown significance. The establishment of procedures to address paleontological discoveries if they should occur will reduce potential effects to a less than significant level. These procedures are set forth in the following mitigation measures.

CULTURAL RESOURCES MITIGATION MEASURES

1. If any subsurface cultural resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified archaeologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts

to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery and the City or its contractor shall be responsible for retaining a qualified archaeologist and for implementing recommended mitigation measures.

2. If human remains are encountered at any time during project construction, all construction activity in the vicinity of the encounter shall cease, and the County Coroner and the City of Hughson shall be notified immediately. The Coroner will contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. The City or its contractor shall implement the requirements of the CEQA Guidelines, which detail steps to be taken when human remains are found to be of Native American origin. The City of Hughson or its contractor shall also retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures needed to reduce any potentially significant effects to a less than significant level under CEQA. The City or its contractor shall implement those recommendations.
3. If any paleontological resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery, and the City or its contractor shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures.

SOURCES

Genesis Society. Archaeological Inventory Survey, Hughson Well Project. April 25, 2013

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				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 strata or soil that is unstable, or that would become				X

unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? X

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

NARRATIVE EXPLANATION

Environmental Setting

The City of Hughson and the project site are located within the alluvial Great (Central) Valley geomorphic province, which is an approximately 450-mile long, and 50 mile-wide sediment-filled trough flanked on the east and west by the Sierra Nevada and Coast Ranges. Sediment deposits within the Great Valley may exceed 30,000 feet in thickness. Older marine sedimentary deposits are typically overlain by more recent continental sediments.

The project site is located in an upland portion of the Central Valley at an elevation of approximately 115 feet above mean sea level. The topography of the project site and vicinity is relatively flat with a slight downward slope to the west-southwest. Geological materials underlying the project site and vicinity are the recent (Quaternary) sedimentary deposits of the Modesto Formation.

The California Department of Conservation has mapped numerous faults and fault traces in the project region. These faults are concentrated along the western and eastern margins of the Central Valley, including several faults in the Coast Range and foothills with historical activity and additional faults with geologically-recent (Late Quaternary) activity. To the east, several faults have been mapped in the Sierra foothills that have had geologically-recent activity. There are no mapped faults, fault traces or Alquist-Priolo fault zones located in the project vicinity. The project site is not subject to any known faulting or fault rupture hazards.

The Hughson General Plan EIR indicates that the City is located between two seismically-active regions, the Sierra foothills and the Coast Range, and is therefore subject to risk of hazards associated with earthquakes. However, seismic hazards in Hughson are relatively low. The General Plan indicates that potential risks of earthquake-induced land or mud slides are low; no liquefaction hazards have been mapped in the Hughson area. City of Hughson building codes and related engineering requirements, which apply to all new development, are sufficient to minimize potential seismic shaking hazards.

Soils on and near the project site are classified by the USDA Natural Resources Conservation Service as Hanford sandy loam, which is a moderately deep soil over silt deposits. The Hanford soils are very deep and well-drained, and with a relatively low clay content, these soils have a relatively low shrink/swell rating. The depth to groundwater is over 80". These soils are classified as prime. The Hanford mapping units do not include any hydric soils.

Environmental Impacts and Mitigation Measures

- a) The proposed project will not involve any exposure to fault rupture hazards, strong seismic ground shaking hazards, seismically-induced ground failure, including liquefaction, or landslides. There are no known faults – active or inactive – in the project area. The project will be exposed to seismic shaking, but the implementation of adopted building codes, and engineering design of proposed improvements, will minimize the potential for shaking damage. This would be a less than significant effect. No seismic ground failure or landslide potential has been identified in the project area.
- b) The project will involve disturbance of project site soils in conjunction with excavation of subgrades, foundation areas, utility trenches and proposed well development. The project will be subject to National Pollutant Discharge Elimination System (NPDES) requirements for erosion and sediment control, including preparation of a Storm Water Pollution Prevention Plan, erosion control plans and related materials. These existing regulatory requirements, which will be observed by the City, will reduce potential erosion and soil loss impacts to a less than significant level.
- c) The soils underlying the site are not inherently unstable or prone to failure. Application of adopted building codes and engineering design will avoid potential effects in this issue area.
- d) Project site soils are not expansive.
- e) The project does not propose the use of on-site wastewater systems and therefore will not involve any effect in this issue area.

SOURCES

California Department of Conservation. 2010 Fault Activity Map of California. Viewed on-line April 5, 2013 at <http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html>

California Department of Conservation. Geologic Map of the San Francisco – San Jose Quadrangle. Regional Geologic Maps 1:250,000. Viewed on-line April 5, 2013 at http://www.conservation.ca.gov/cgs/information/geologic_mapping/Pages/googlemaps.aspx#regionalseries

Design, Community and Environment. City of Hughson General Plan EIR. Section 4.6 Geology. June 30, 2005.

Natural Resources Conservation Service. Custom Soil Survey Report for Eastern Stanislaus Area, California, Hughson Well Site. March 2, 2013.

7. GREENHOUSE GAS EMISSIONS

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

NARRATIVE EXPLANATION

Environmental Setting

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs that trap heat in the earth's atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a "serious threat to the economic well-being, public health, natural resources and the environment of California." As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO₂), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have have GHG potential that is several times that of CO₂. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State's Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The City of Hughson is developing a local Climate Action Plan (CAP), which aims to reduce GHG emissions. The CAP will address water conservation, energy efficiency and transportation planning measures that would result in greenhouse gas emissions. Hughson's CAP is being developed as a part of a larger effort known as the Stanislaus County Regional Sustainability Toolbox funded by the Strategic Growth Council. In addition, Hughson is also working on a model urban forestry program and a program for mixed-use development in association with the San Joaquin Valley Blueprint Integration Project.

The SJVAPCD adopted a Climate Change Action Plan in 2008, and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

Environmental Impacts and Mitigation Measures

- a) The project will generate greenhouse gases during project construction. These emissions would be minor, temporary and less than significant.

The project would not generate any new greenhouse gas emissions during project operation. Existing indirect emissions associated with energy used for water withdrawal would be replaced by emissions associated with energy used to withdraw water from the replacement well. No substantial increase in energy use or emissions is anticipated.

- b) The project would not involve any known conflict with any adopted plan, policy or regulation for reducing greenhouse gas emissions.

SOURCES

California Air Resources Board. Climate Change Scoping Plan – a framework for change. December 2008.

San Joaquin Valley Air Pollution Control District. Climate Change Action Plan. November 2008.

8. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 airport land use plan or, where such a				X

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?

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? X
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? X
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? X

NARRATIVE EXPLANATION

Environmental Setting

The Well No. 9 site consists of former agricultural land, which is surrounded on three sides by active agricultural land. The parcel immediately west of the site is in industrial use for agricultural equipment fabrication. This site is fenced, and there is no sign that industrial use or any associated contamination has extended onto the adjoining City-owned well site.

The project area is accessed by lightly-used rural roads, which support some seasonal truck traffic. There are no railroads, airports or other major transportation facilities in the project area that could present hazards to or influence safety at the project site.

Existing electrical lines in the project vicinity consist of electrical distribution lines along Tully and Roeding Roads; very high voltage transmission lines that might generate substantial electromagnetic fields (EMFs) are not present in the project area.

Hazardous materials consist of substances that may cause or contribute to serious illness or mortality, or pose a substantial hazard to human health or the environment when they are not treated, stored, transported or disposed properly. Hazardous wastes are hazardous materials that no longer have a practical use. Although not classified strictly as hazardous materials, petroleum products also involve health and environmental contamination concerns.

Under Government Code Section 65962.5, the Department of Toxic Substances Control (DTSC) is required annually to report information related to hazardous waste disposal, and hazardous substance release, sites that require State action to the California Secretary for Resources. This information is known collectively as the "Cortese List," The Cortese List excludes sites where response actions have been completed and no operation or maintenance activities are required.

The Cortese List is contained in the DTSC's Envirostor, an on-line database. Envirostor lists several sites in Stanislaus County. However, none of these sites are located within a mile of the project site.

GeoTracker is an additional on-line database maintained by the State Water Resources Control Board. Geotracker lists waste discharges to land and releases of hazardous substances from underground storage tanks. Geotracker contains data on Leaking

Underground Fuel Tank (LUFT), Cleanup Program Sites (spills, leaks), military underground storage tanks sites, landfills, and underground storage tank permits. There are no listed Geotracker sites on or near the project site.

The project site is not within an airport land use plan area, nor are there public or public-use airports within two miles of the site. There are no airstrips in the project vicinity. The site is not exposed to or a potential contributor to aviation-related hazards.

The project area consists entirely of intensively-managed agricultural land or developed industrial land. There are no wildfire hazards in the project area.

Environmental Impacts and Mitigation Measures

- a) The project will involve transportation to the site and use of common water treatment substances. These materials will be transported in approved shipping containers and handled in accordance with manufacturer's instructions, preventing any significant environmental releases of these materials. As a result, transportation and use of these materials will not involve a significant hazard to the public or environment.
- b) The project would involve the potential for small releases of treatment chemicals as reservoirs are recharged, or as containers are connected. These devices are fitted with shutoff devices that would prevent any large-scale release of treatment chemicals. Additionally, there will be a containment pit built into the chemical storage room. Receptors in the project vicinity are limited to an existing agricultural equipment fabrication facility adjacent to the site. As a result, the project will not involve upset or accident conditions that could result in substantial release of hazardous materials to the environment, or create a significant hazard to the public or the environment.
- c) The project site is not within ¼ mile of an existing school. All lands in the project vicinity are designated for industrial use, and no potential school sites are designated within ¼ mile of the project. Therefore, the project will not involve any hazardous material or waste emission within ¼ mile of an existing or proposed school.
- d) California Department of Toxic Substances Control ENVIROSTOR database lists no sites in the Hughson area of Stanislaus County. As a result, there are no sites on or near the project site that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project would have no effect in this issue area.
- e,f) The project site is not within an airport land use plan area, nor are there public or public-use airports within two miles of the site. The site is not exposed to or a potential contributor to aviation-related hazards. The project would have no effect in this issue area.
- g) The project site is located on City-owned land, which is not on or adjacent to public roads or potential evacuation routes. The project would involve no conceivable effect on any existing emergency response plan or evacuation plan.

- h) The project site and vicinity consists entirely of intensively-managed agricultural land or developed urban land. There are no wildfire hazards in the project area. As a result, the project would not involve any contribution to or exposure to wildland fire hazards.

SOURCES

California Department of Toxic Substances Control. ENVIROSTOR Hazardous Waste and Substances and Sites List. Accessed April 5, 2013 at:
http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,ERAP,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST

State Water Resources Control Board. Geotracker Database. Accessed April 13, 2013 at: <http://geotracker.waterboards.ca.gov/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			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, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?				X
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
i) Inundation by seiche, tsunami, or mudflow?				X

NARRATIVE EXPLANATION

Environmental Setting

There are no natural surface waters on or in the vicinity of the project site. The Tuolumne River is located approximately two mile north of the project site. TID maintains a network of irrigation canals that pass through the Hughson area; there are, however, no TID irrigation canals in the vicinity of the project site.

TID canals provide storm drainage for some of the older urbanized portions of Hughson. Recent and new development in Hughson must be designed to retain and dispose of storm water locally, i.e. on the project site. There are no existing organized storm drainage systems in the project vicinity; developed sites with substantial amounts of impervious area are self-contained with respect to storm drainage. The relatively coarse soils of the project area limit the volume of storm runoff from these largely undeveloped lands.

Only the most northern portions of the Hughson area are within the 100-year floodplain; these areas are located well north of the project, in the vicinity of the Tuolumne River. The project site and vicinity are located at an elevation of approximately 120 feet msl, well above the 100-year floodplain elevation. Portions of Hughson are exposed to flooding from potential failure of Don Pedro Reservoir on the Tuolumne River, which is maintained by the TID. The project site is, however, located just outside the potentially-affected area, as mapped in the Hughson General Plan.

Land development has the potential to contribute to pollution of surface waters via the removal of vegetation, grading, paving and changes in the infiltration characteristics of the project site. Vehicular use of paved areas generates a group of water pollutants known as "urban runoff;" urban runoff pollutants include sediment, oxygen-demanding substances (e.g., organic matter), nutrients (primarily nitrogen and phosphorus), heavy metals, bacteria, oil and grease, and toxic chemicals.

Water pollution generated by storm water runoff is regulated by the federal Clean Water Act, National Pollutant Discharge Elimination System (NPDES), through a general permit system administered by the Central Valley Regional Water Quality Control Board (CVRWQCB). The City of Hughson has adopted and implements a Storm Water Management Plan in fulfillment of the CVRWQCB general permit requirements. Among other things, the City's program requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for any project over one acre in size, the filing of a Notice of Intent (NOI) with the CVRWQCB, and the incorporation of best management practices (BMPs) for construction and post-construction operations. Conformance with the SWMP requirements, including future requirements imposed by this ongoing regulatory program, achieves compliance with the NPDES program and the state general permit, and reduces potential water quality impacts of development to a less than significant level.

The project site is underlain by the Turlock Groundwater Sub-Basin. Groundwater depths in the project area are reported generally to be in the range of 40-50 feet below the ground surface; the test well drilled for the project found groundwater at a depth of 60-70 feet. The project area is considered to have Very High natural recharge potential due to the low slope gradient and porosity of the soils. The Sub-Basin is described as a

complex sequence of overlapping sediments largely deposited and shaped by the Stanislaus and Tuolumne Rivers. The groundwater system consists of a shallower unconfined aquifer and a deeper confined aquifer. Many clay lenses in the basin restrict the downward flow of groundwater and result in semi-confined conditions. Generally, domestic wells are pumping at shallow depths in the unconfined aquifer, while irrigation and municipal wells are pumping from the deeper zones (WRIME, 2007).

In the project vicinity, groundwater resources are stratified into relatively shallow (<300 feet) and deeper aquifers. As documented at City Well No. 5 and Well No. 9, both of which tap the shallow aquifer, the aquifer is subject to high (i.e. exceeding Maximum Contaminant Levels) nitrate and DBCP concentrations; as a result both wells have been taken off-line.

The aquifer zones proposed for use to provide water for the project range between 300' and 700'. These zones of the deeper aquifer are relatively free of nitrate contamination. Test well data from the project site indicate that nitrate levels below 300' are so low as to be largely undetectable. The proposed zones have arsenic levels exceeding EPA standards, ranging from 15 ppm to 30 ppm. Manganese concentrations are above MCLs in some zones, however, manganese is easily removed using the same treatment process that is proposed for removal of arsenic.

Environmental Impacts and Mitigation Measures

- a) The project would not involve discharges could affect surface water quality, water quality standards or waste discharge requirements. Storm drainage from the proposed well site and access road would be contained in a storm drainage retention system located on the project site. The project will meet all applicable requirements of the Hughson SWMP. The project would not generate any new storm drainage along the Tully Road pipeline route.

The project would generate backwash wastewater, which would be collected and disposed directly to the Hughson sewer system. Backwash wastewater will contain particulate matter (2% - 5% solids) removed during the filtration process and residues of the chemicals used for removal of arsenic and manganese; these chemicals include ferric chloride and polymer coagulant used to settle the backwash water. All coagulants are approved for use in drinking water and will not include constituents that would threaten sewage treatment operations or conceivably lead to a violation of waste discharge requirements for that facility.

- b) The project would involve no net change in existing City demands on the groundwater system. Well No. 9 and Well No. 5 will be replacing water lost to contamination of existing wells, so the project will not be increasing the City's total groundwater use or production. Reduction of City demand on the shallow aquifer would tend to benefit the owners of local shallow wells, and the domestic and agricultural uses that depend on these wells.

The project would not involve a substantial effect on the deeper aquifer. The test well report indicated that about 100 feet of water-producing sands could be tapped by the proposed well, and that a properly constructed and developed well at the site could produce 1,200-1,500 gallons per minute. The well would be operated intermittently in conjunction with other elements of the City of Hughson

groundwater system. Impacts to the deep zone aquifer, such as drawdown, are expected to be minor.

The project is located in an area classified as having Very High natural recharge potential. The project would result in the construction of buildings and paving of the majority of the site and access road, reducing the recharge capacity of the project site. Runoff from the site would, however, be captured in an on-site storm water retention system, which would result in the percolation of captured runoff to the groundwater system. Construction of the Tully Road pipeline would not result in any change in impervious area along this alignment. Due to the small amount of new impervious area, and the capture and percolation of site runoff, the project would not result in any substantial reduction in or interference with existing groundwater recharge.

- c) The project would not result in any substantial alteration of the existing drainage pattern of the site or area, and no substantial erosion or siltation, either on- or off-site. Project construction, including construction of the Tully Road pipeline, would be subject to applicable federal, state and City of Hughson storm water management requirements, including preparation of an SWPPP and installation and maintenance of construction phase erosion and siltation controls. These existing controls would reduce potential water quality impacts to a less than significant level.

After construction, runoff from the developed well site would be contained in an on-site retention basin, preventing any release of sediment from the site. After construction, runoff and erosion conditions along the Tully Road alignment would be unchanged from existing conditions. As a result, potential erosion and sedimentation effects would be less than significant.

- d) As noted in "c," the project would not result in any substantial changes in the drainage pattern of the project area. The well site will be self-contained as to storm drainage. The project would not affect any existing water ways or areas subject to flooding, or cause or increase flooding.
- e) The project would not result in any storm water discharge from the site, or change in runoff from the Tully Road pipeline alignment. No existing or planned storm water drainage systems would be affected by the project.
- f,g, h) The project site is not located in or near floodway or a 100-year flood hazard area, and the project would not construct housing. The project site is not located within areas potentially subject to flooding from levee or dam failure. Therefore, the project would have no effect in these issue areas.

SOURCES

Abney, Cort. Shoreline Engineering. Project Water Engineer.

City of Hughson. Storm Water Management Program for the City of Hughson, Report of Waste Discharge. March 17, 2004.

Design, Community, Environment. Hughson 2005 General Plan EIR. Section 4.8, Hydrology and Water Quality. June 30, 2005.

Marler, Rob. MCR Engineering. Project Engineer.

Schmidt, Kenneth D., and Associates. Letter Report Re: City of Hughson TW-7 (Test Well No. 7). October 23, 2012.

Water Resources & Information Management Engineering (WRIME), Inc. Recharge Characterization for Stanislaus and Tuolumne Rivers Groundwater Basin Association. Memo to Walt Ward, MID and Tom Lutterman, DWR. May 2, 2007.

10. LAND USE AND PLANNING

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

NARRATIVE EXPLANATION

Environmental Setting

The Well No. 9 site consists of undeveloped former agricultural land. The site has been legally divided from the adjacent agricultural ownership and acquired by the City. The site has been substantially disturbed by development of a test well in 2012.

The Well No. 9 site is located in a predominantly agricultural area and is surrounded on three sides by agricultural uses: hay fields on the north and east, and orchards on the south. Lands on either side of the Tully Road pipeline alignment are in orchard use. The property immediately west of the Well No. 9 site has been developed as an industrial facility involved in agricultural equipment fabrication.

There is no existing or planned residential or commercial development in the immediate vicinity of the Well No. 9 site. Lands on either side of the northern portion of the proposed pipeline joining Well No. 9 and Well No. 5 is in industrial use.

The project site and surrounding lands to the west, north and east are located within the City of Hughson. The southern boundary of the Well No. 9 site is the Hughson City Limits and the southern boundary of the Hughson Sphere of Influence (SOI). The Well No. 9 site, the proposed pipeline alignment and surrounding lands within the City limits are designated Industrial in the Hughson General Plan and zoned I-Industrial. The I-

Industrial zone allows development of a range of manufacturing, warehousing and storage uses, including public utility facilities.

Lands to the south of the Well No. 9 site are located in unincorporated Stanislaus County. These lands are designated Agriculture in the Stanislaus County General Plan and are zoned A-2 (General Agriculture).

As discussed in Section 4, Biological Resources, there are no habitat conservation plans or other conservation plans that are applicable to the project site or vicinity.

Environmental Impacts and Mitigation Measures

- a) The project would have no effect on established communities; no such communities exist in the project vicinity. The site and surrounding lands are all designated and zoned for industrial development.
- b) The project would involve no conflict with applicable land use plans or zoning. Proposed facilities are consistent with the City of Hughson general plan. Utility facilities are an allowable use in the I-Industrial zoning district.
- c) The project would not involve any conflict with habitat conservation plans. There are no habitat conservation plans or other conservation plans that are applicable to the project site or vicinity.

SOURCES

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.
 Design, Community & Environment. Hughson Municipal Services Review. June 7, 2005.

11. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource classified MRZ-2 by the State Geologist 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

NARRATIVE EXPLANATION

Environmental Setting

According to the Hughson General Plan EIR, no portion of the Hughson city limits or SOI is designated by the California Department of Conservation as having the potential for

being a significant source of composite materials or industrial minerals. Neither the City nor Stanislaus County has designated important mineral resource recovery areas within the City or Sphere. There are no mining operations on or near the project site or in the vicinity.

Environmental Impacts and Mitigation Measures

- a) The project would not result in the loss of any known mineral resources or lands classified MRZ-2 by the State Geologist, or lands that would otherwise be valuable for mineral resource development. No such lands are located in the project vicinity.
- b) The project would not result in the loss of any locally-important mineral resource recovery site. No such sites are identified in the Hughson or Stanislaus County General Plans.

SOURCES

California Department of Conservation. Oil, Gas and Geothermal Fields in California. 2001.

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

Stanislaus County General Plan. Background Documentation, Chapter III. Conservation.

Stanislaus County General Plan. Conservation / Open Space Element.

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

NARRATIVE EXPLANATION

Environmental Setting

The project site is located in a rural agricultural area but within the City of Hughson boundaries. Existing land uses surrounding the project site are agricultural with the exception of the property to the west, which is used for agricultural equipment fabrication.

The existing ambient noise environment of the project site influenced primarily by traffic on Tully and Roeding Roads. Both of these are relatively low-volume rural roads and do not generate substantial noise, except in the immediate vicinity of the roadway. There are no other transportation noise sources in the project vicinity.

The agricultural equipment fabrication facility adjacent to the Well No. 9 site, and surrounding agricultural lands, generate noise on an intermittent basis. Equipment fabrication work adjacent to the site is conducted primarily within a structure. Noise is generated, intermittently, by materials handling and mobile equipment operation outside the building; noise generated by this use is consistent with the planned industrial use of this area, as well as the existing agricultural use. Agricultural lands generate noise during seasonal tilling, weed control and harvesting operations. These noise sources are also consistent with existing and planned land use in the project vicinity.

There are no noise-sensitive land uses on or in the immediate vicinity of the Well No. 9 site. The nearest residence is located approximately 500 feet south of the well site.

The Hughson General Plan establishes Day-Night Average Noise Level (Ldn) standards for various land uses. For residential uses, Ldn noise levels up to 60 dBA are considered "Normally Acceptable." For industrial uses, Ldn noise levels up to 70 dBA are considered "Normally Acceptable."

The Hughson Noise Ordinance prohibits "unnecessary or unusual noise which unreasonably disturbs the peace and quiet of any zone classified R-A, R-1, R-2, R-3, C-1, C-2 or C-3 which causes discomfort or annoyance" to an average person within those zones, and which is audible without amplification 50 feet or more from the source of the noise. The City enforces the Noise Ordinance from 10:00 p.m. to 7:00 a.m. Monday through Friday, and from 10:00 p.m. to 8:00 a.m. on Saturday, Sunday and holidays."

Environmental Impacts and Mitigation Measures

- a,d) Construction of the project would involve short-term noise associated with the operation of construction equipment, which would have potential noise effects only in the immediate vicinity of the proposed project elements. Equipment noise may range from 85-90 dBA during operation of construction equipment, but construction equipment use on the one-acre site would be intermittent and very short-term in nature.

There are no sensitive receptors in the vicinity of the well site. The agricultural and industrial land uses in the vicinity of the site are not noise-sensitive. The nearest residence is approximately 500 feet from the site and would not be

subject to noise in excess of standards. As a result, noise standards would not be exceeded during construction. Construction noise would not cause any substantial temporary increase in ambient noise levels in the project vicinity.

- b) Project construction and operation would not generate any substantial vibration. There are no sensitive vibration receptors in the project vicinity.
- c) The project would not cause any substantial permanent increase in ambient noise levels in the project vicinity. Pump motors and emergency power supply generate will the most project operational noise. All pump motors will be of similar size and type currently used by the City at other well sites that are located directly adjacent to residential development, and operate without adverse effects. Well pumping noise would be reduced to a less than significant level by enclosure of the well in a concrete block building. Noise from treatment equipment, backwash pump and booster pump operations would not be in conflict with the existing industrial and agricultural use of the area, or the planned future industrial use of the area. Emergency power will be similar to those units currently used at other City well sites. Emergency power units are exercised once monthly for 20-30 minutes during the daytime to ensure proper operation. Otherwise they only run continuously in the event of a power outage. The project would not result in any change in the ambient noise level of the project vicinity.
- e) The project is not located within an airport land use plan, or within 2 miles of a public use airport. The project would not expose people to aircraft operations noise.
- f) The project is not located near a private airstrip and would not expose people to noise generated by airstrips.

SOURCES

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

Rob Marler, MCR Engineering. Project Engineer

13. POPULATION AND HOUSING

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

NARRATIVE EXPLANATION

Environmental Setting

According to the California Department of Finance, the 2012 population of the City of Hughson was 6,799. A total of 2,267 housing units were estimated to exist in the City at that time.

The Hughson 2005 General Plan anticipates population growth over its 20-year life of 2,267 people accommodated in 809 dwelling units. All of this growth would occur on lands designated and zoned for residential, and to a limited extent commercial, purposes. No population growth would be associated with industrial areas in which the project is located.

The general plan also anticipates the infrastructure needs of the planned population, including provision of domestic water service. Planned domestic water facilities include the existing well system and planned well replacement projects.

Environmental Impacts and Mitigation Measures

- a) The project would not involve any direct effect on population growth. The project would neither add nor remove housing units, or have any other direct effect on population.

The project would indirectly contribute to planned population growth in the City of Hughson by maintaining the planned domestic water supply capacity previously provided by Well No. 5 and Well No. 7, which is needed to support planned growth. However, the primary influence on population growth is inherent in the City's general plan, zoning, and infrastructure plans, which together set the agenda for planned population growth in the City. The project's effect on this growth would be less than significant.

- b,c) The well site and access road are presently vacant, and the proposed pipeline alignment is a public road. Project development would not displace any existing population or housing.

SOURCES

California Department of Finance. Report E-5 City/County Population and Housing Estimates. January 1, 2012

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

NARRATIVE EXPLANATION

Environmental Setting

Fire protection in the City of Hughson is provided by Hughson (Volunteer) Fire Protection District. The Hughson fire station is located at 2315 Charles Street in Hughson.

Police protection is provided by Hughson Police Services, a division of the Stanislaus County Sheriff's Department working under contract to the City.

The project site is within the Hughson Unified School District (HUSD). There are no HUSD school facilities in the project vicinity.

Parks and recreation services in the project vicinity are provided by the City of Hughson Parks and Recreation Department. There are no existing or planned park facilities in the vicinity of the project.

Environmental Impacts and Mitigation Measures

- The project would involve a small incremental addition to the responsibilities of the Hughson Fire Protection District, but no significant impact on the District's responsibilities or ability to provide services to the District as a whole.
- The project would involve an incidental addition to the responsibilities of Hughson Police Services, but no significant effect on its overall responsibility or ability to provide police services to the City.
- The project would have no effect on schools. The project would not directly affect any existing school facility, or increase or decrease student populations.
- The project would have no effect on parks or recreation. The project is located in a planned industrial area. The project would not directly affect any existing park facility, or increase or decrease demand for parks or recreation.

SOURCES

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

15. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				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

NARRATIVE EXPLANATION

Environmental Setting

Environmental setting information related to parks and recreation are discussed in Section 14, Public Services.

Environmental Impacts and Mitigation Measures

Impacts on parks were discussed in Section 14, Public Services.

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e g., sharp curves or dangerous intersections) or incompatible uses (e g, farm				X

equipment)?

e) Result in inadequate emergency access? X

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? X

NARRATIVE EXPLANATION

Environmental Setting

The project site is accessed from Whitmore Road, a County arterial road, via Tully Road; today, Tully is a two-lane local road serving primarily agricultural lands in the project vicinity. The Hughson General Plan designates Tully as a future urban Arterial road.

Average daily traffic on Tully Road reported in the Hughson General Plan was approximately 1,700 vehicles per day (vpd). Existing traffic on Tully is expected to be in the same range as the general plan estimate. Existing traffic is well below the road's existing capacity.

Tully Road is intersected by Roeding Road at the project site. Roeding Road is also a local road with relatively low traffic volumes. Average daily traffic on Roeding Road is estimated at less than 1,000 vpd.

There are no railroads, airports or other major transportation facilities in the vicinity of the project. There is no transit service to or near the site. There are no developed pedestrian or bicycle facilities in the vicinity of the site.

Environmental Impacts and Mitigation Measures

a,b) The project would involve construction traffic to and from the site; however, construction traffic is not expected to involve more than a few truck and light vehicle trips per day. Construction traffic would have no substantial effect on existing traffic levels or the level of service on roadways in the project vicinity.

Project construction in and along Tully Road would involve short-term delays as the roadway is constructed to a single lane; no road closure is anticipated. The contractor will be required to

Project operation would involve occasional visits to the project site for inspection and maintenance of proposed facilities. These trips would have no substantial effect on traffic levels or level of service on project vicinity roads. The project would have no effect on any existing congestion management plan.

c) There are no airports in the project vicinity. The project would have no conceivable effect on air traffic patterns.

d,e,f) The project will involve no change to existing public transportation facilities or emergency access, or to existing or planned transit, bicycle or pedestrian facilities, and therefore no effect in these issue areas.

SOURCES

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

17. UTILITIES AND SERVICE SYSTEMS

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

NARRATIVE EXPLANATION

Environmental Setting

Domestic water, sewage collection, sewage treatment and storm drainage services are provided by the City of Hughson. Existing domestic water and sewer lines are located within the Tully Road alignment at or near the proposed access road to the well site. These lines extend north within the Tully Road paved section, paralleling the proposed pipeline alignment.

Overhead electrical and gas services are provided in Hughson by Turlock Irrigation District and Pacific Gas and Electric, respectively. Telecommunications services are provided by Charter Cable and AT&T. Electrical and telecommunications lines are overhead facilities located along the west side of Tully Road, including the portion of Tully between Well No. 5 and the proposed well site.

Solid waste is collected within the City of Hughson by franchise haulers. Residential wastes are source-separated into green waste, recyclable metals and glass and non-recyclable materials. Commercial and construction wastes are collected by a variety of

permitted haulers. Non-recyclable wastes are transferred to the Stanislaus County Fink Road landfill, which has permitted capacity through 2022-2023.

Environmental Impacts and Mitigation Measures

- a) Backwash of the arsenic removal system project will generate waste water, which will be routed to an existing City of Hughson sewer located in Tully Road at the project site. Backwash wastewater discharge would be minor in volume, and would present no wastewater treatment challenge or threat to the operation of the Hughson wastewater treatment facility. The project would have no effect on wastewater treatment requirements applicable to the City of Hughson.
- b,c) The project does not involve the construction of new wastewater facilities, other than the installation of a wastewater line along the proposed access road and a short section of Tully Road. The project would involve the development of new water treatment facilities, and a storm drainage retention system for the proposed well site, as described in the Project Description. The potential environmental impacts of these project elements are analyzed and evaluated as to their potential significance in the various sections of this Initial Study. No additional environmental effect is identified in this issue area.
- d) The project involves the development of a replacement water supply system for the City of Hughson. The project does not involve and would not generate any new water demand.
- e) As noted in "a," backwash wastewater will not contribute substantial wastewater volumes, or present other challenges, to the City of Hughson wastewater treatment system.
- f) The project would not generate any substantial volume of solid waste and would have no effect on the capacity of waste disposal sites.
- g) The project will comply with any applicable statutes and regulations related to solid waste.

SOURCES

Design, Community & Environment. Hughson 2005 General Plan EIR. June 30, 2005.

Rob Marler, MCR Engineering. Project Engineer.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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

NARRATIVE EXPLANATION

(a) Impacts on Biological and Cultural Resources

Finding (a) is checked as "Less than Significant with Mitigation Incorporated" on the basis of potential biological and cultural resource impacts, described in Sections 4 and 5 respectively. Potentially significant environmental effects were identified in these issue areas, but the potential effects would be reduced to less than significant with mitigation measures that will be incorporated into the project.

(b) Cumulative Project Impacts

As described in this Initial Study, the potential environmental effects of the project generally would either be less than significant or the project would have no impact at all. Where the project involves potentially significant effects, these effects would be reduced to less than significant levels with proposed mitigation measures. Potential environmental effects identified in this Initial Study would not combine to generate any other potentially significant cumulative effects.

The project encompasses all planned improvements to the Hughson domestic water system anticipated in the foreseeable future. Therefore, the project would not involve cumulative effects in conjunction with other similar projects.

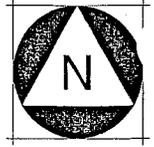
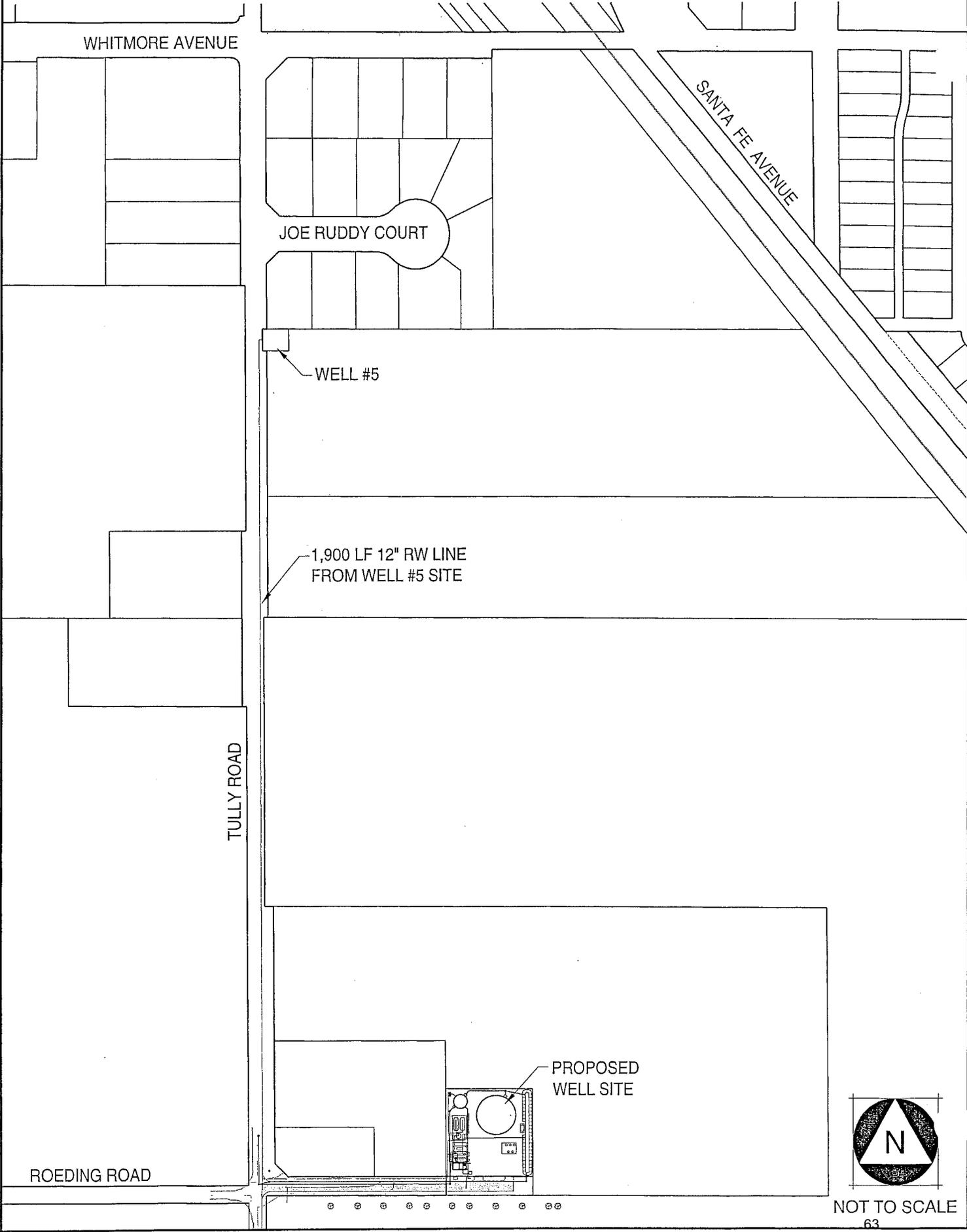
The Hughson 2005 General Plan and the general plan EIR comprehensively account for the potential environmental effects of anticipated urban development in the City of Hughson, including development of the industrial area surrounding the project. The proposed project would contribute to planned development, and the potential environmental effects of the project comprise a small portion of the potential environmental effects of general plan buildout as a whole. The proposed project would

not, however, result in any substantial additional environmental effect beyond the effects identified in the Hughson 2005 General Plan EIR.

(c) Other Substantial Effects on Human Beings

This Initial Study has considered the potential environmental effects of the project in the various issue areas. No other potential adverse effects have been identified.

LOCATION MAP

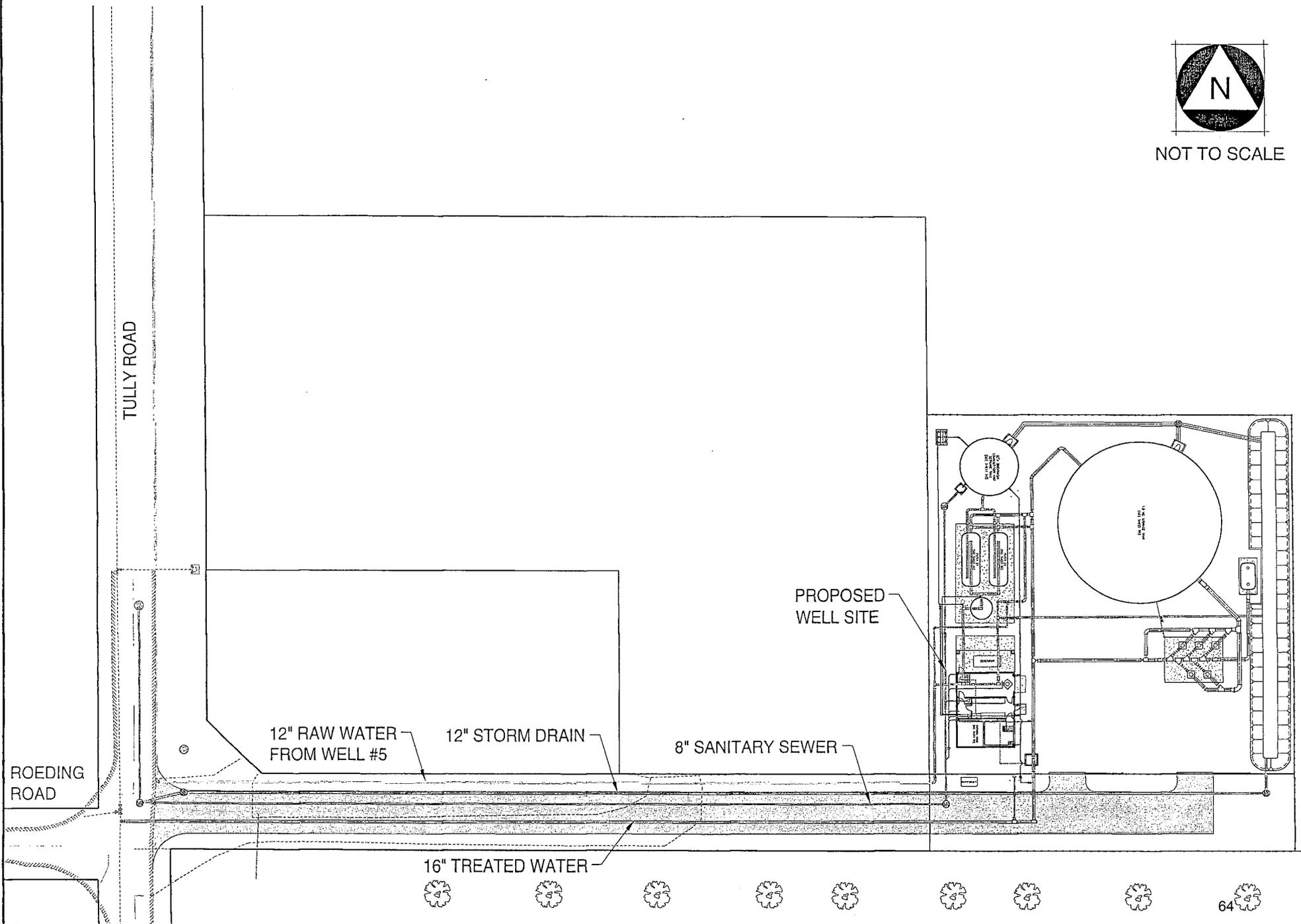


NOT TO SCALE
63

PIPE ALIGNMENT MAP



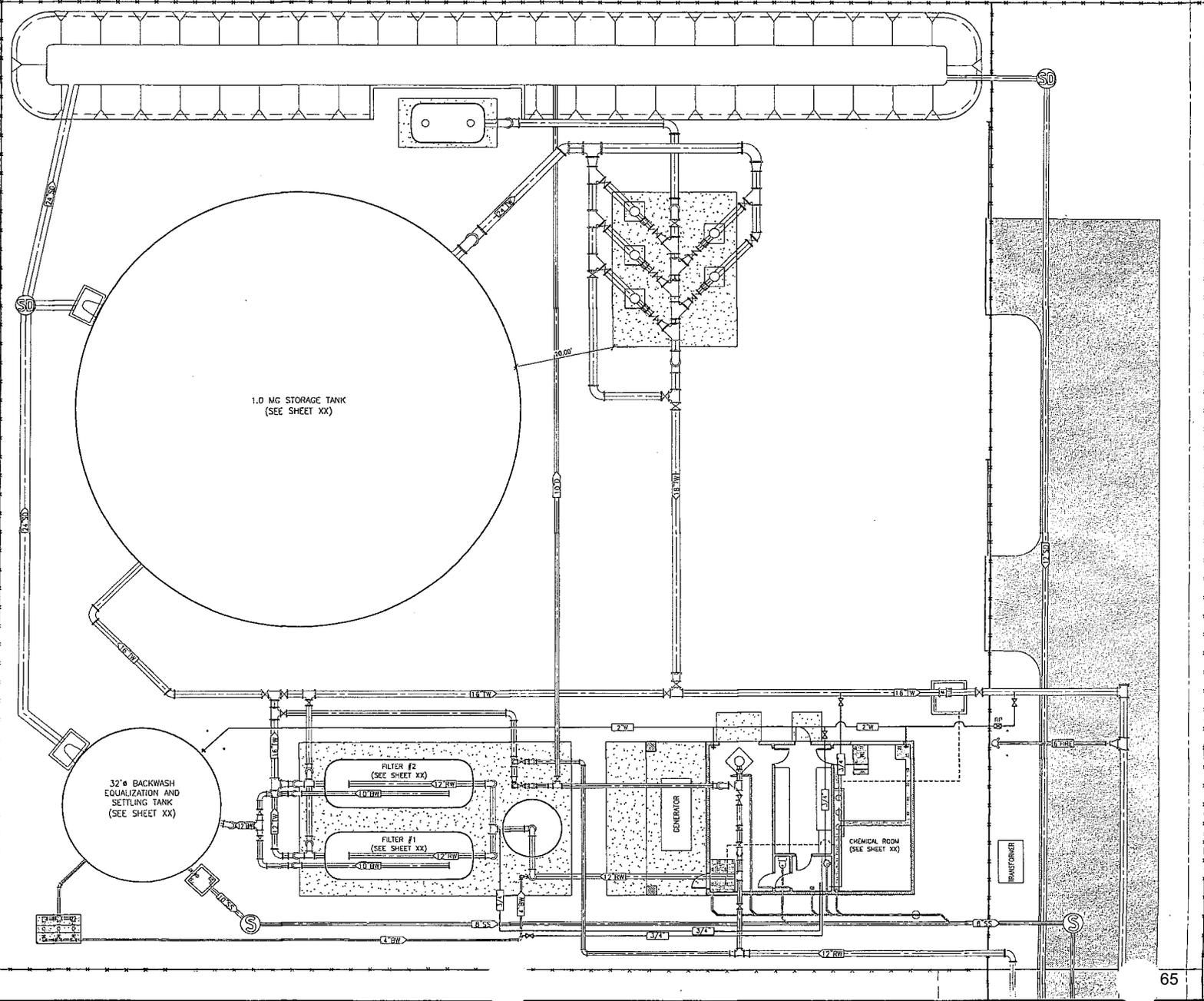
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WELL SITE PLAN



NOT TO SCALE



ADDENDUM

TO THE

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION
WELL NO. 7 REPLACEMENT PROJECT
CITY OF HUGHSON, CALIFORNIA

ADMINISTRATIVE DRAFT #1

JUNE 12, 2013

CITY OF HUGHSON
7018 Pine Street (office)
PO Box 9 (mailing)
Hughson, CA 95326
(209) 883-4054

INTRODUCTION

The City of Hughson proposes the replacement of existing domestic water Well No. 7 with a new well to be known as Well No. 9. Development of the Well No. 9 site, located east of Tully Road at Roeding Road, will include the well, water treatment equipment, a 1.0 million gallon storage tank, and a booster pump. Proposed water treatment and storage facilities will be connected with the City's Well No. 5, which is located approximately 1,900 feet north of the proposed new well site, via a new pipeline to be installed along Tully Road.

The City of Hughson prepared an Initial Study / Mitigated Negative Declaration in accordance with the requirements of the California Environmental Quality Act, and on the basis of the Initial Study, a proposed Negative Declaration (Public Review Draft IS/MND) was prepared and circulated for public and agency review from May 7 to June 6, 2013. With one exception, no substantive comments on the IS/MND were received during the review period. The City Council is expected to adopt the IS/MND at its June 24, 2013 meeting.

A comment letter was received from the California Department of Public Health (CDPH), which is the State funding agency for the proposed project. CDPH requested that an addendum to the IS/MND be prepared that addresses the potential environmental effects of the City's proposed reconstruction of its existing Well No. 5. Reconstruction of Well No. 5 was identified as a related project in the IS/MND, but its environmental impacts were not addressed. This addendum has been prepared in response to the CDPH request.

This document is an Addendum to the Well No. 7 IS/MND, which is attached and is hereby incorporated by reference. A copy of the IS/MND may be reviewed at the Hughson city offices, 7018 Pine Street, Hughson, CA. The addendum contains revisions to the IS/MND including an addition to the Project Description addressing the Well No. 5 reconstruction and consideration of the environmental effects of that project. The revisions made in this addendum consist entirely of minor changes. The Revised IS/MND, which consists of the Public Review IS/MND plus this Addendum, does not identify any new or substantially more severe environmental effects, and does not identify the need for new or more effective mitigation measures, than were identified in the Public Review Draft IS/MND.

CEQA PROVISIONS RELATED TO THE ADDENDUM

When a Negative Declaration has been prepared, and changes to the project or its circumstances require revisions to the Negative Declaration, CEQA offers options to streamline the subsequent environmental review. When the revisions to the Negative Declaration are minor, and the revisions would not involve new significant effects or an increase in the severity of effects, then an Addendum to the Negative Declaration can be prepared.

CEQA Guidelines Section 15164 provides that an addendum may be used to make "minor technical changes or additions" that are necessary to assure that the previous IS/MND is "adequate under CEQA," provided that no new important "issues about the significant effects on the environment" are raised (CEQA Guidelines § 15164). The provisions of Section 15164 are outlined below.

- (a) (Refers only to EIRs)
- (b) An addendum to an adopted negative declaration may be prepared if only minor changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

CHANGES IN PROPOSED PROJECT AND/OR ITS CIRCUMSTANCES

The Well No. 7 Replacement Project is described in detail in the Public Review Draft IS/MND, which is incorporated into this Addendum by reference. Changes to the IS/MND Project Description consist of the addition to the Description of the proposed reconstruction of the City's existing Well No. 5.

The City of Hughson's domestic water supply is drawn from a set of six groundwater wells, two of which – Wells No. 7 and No. 5 - have been taken off-line due to contamination problems. Well No. 7 is proposed to be replaced at a new site, east of Tully Road at Roeding Road, with a new Well No. 9. The City also proposes to reconstruct Well No. 5 at its existing site, adjacent to Tully Road, 1,900 feet north of proposed Well No. 9. Well reconstruction would involve drilling a new and deeper well shaft at the existing developed well site, the installation of new casing and connection of the new well to existing wellhead facilities.

Reconstruction of Well No. 5, considered alone, is exempt from CEQA consideration under CEQA Guidelines Section 15302 Replacement or Reconstruction. However, because well reconstruction is part of the larger Well No. 7 Replacement Project considered in the IS/MND, and to avoid any concern regarding piece-mealing, this project element is hereby treated in the Revised IS/MND.

The addition of this otherwise categorically-exempt project element is not considered a major change in the IS/MND Project Description. As discussed in more detail below, this change would not involve potential for new or more severe environmental effects than were addressed in the Public Review Draft IS/MND.

The City of Hughson has not identified any changes in the circumstances of the project, as revised, that would involve potential for new or more severe environmental effects. The City has not identified any new information related to the project that would involve potential for new or more severe environmental effects.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT

The City of Hughson has considered the potential environmental effects of adding the Well No. 5 reconstruction to the proposed Well No. 7 Replacement Project with the following results:

Aesthetics. The Well No. 5 reconstruction would involve no changes in visual resources at or near the well site.

Agriculture. The Well No. 5 reconstruction would occur on a developed site and would involve no effect on agriculture.

Air Quality. The Well No. 5 reconstruction would not involve any substantial construction emissions or cause any long-term changes in air emissions.

Biological Resources. The Well No. 5 reconstruction would occur on a developed and predominantly paved site and would involve no effect on biological resources.

Cultural Resources. The Well No. 5 reconstruction would occur on a developed and predominantly paved site and would involve no effect on cultural resources.

Geology and Soils. The Well No. 5 reconstruction would involve no substantial new soil disturbance, potential for soil erosion or potentially geologic hazard effects.

Global Climate Change. Other than very minor construction emissions of greenhouse gases, the project would not involve any effect on greenhouse gas emissions or global climate change.

Hazards. The Well No. 5 site is paved and developed. Reconstruction of the existing well at this site would not involve any known potential for environmental release or worker exposure to hazardous materials or waste.

Hydrology and Water Quality. The Well No. 5 project would involve an incidental change to an existing developed site and would involve no surface hydrology or water quality effects. The reconstructed well would continue groundwater withdrawals from Well No. 5, and the reconstructed well would be installed in accordance with stringent State drinking water standards with no adverse effect on groundwater quality.

Land Use. Reconstruction of Well No. 5 would not involve any change in the land use of the existing well site or surrounding areas.

Minerals. The Well No. 5 reconstruction would occur on an urbanized site and would involve no effect on mineral resources.

Noise. The Well No. 5 reconstruction would involve short-term and minor construction noise increases within an existing industrial area. Construction noise would not result in a significant noise effect on sensitive receptors. The reconstructed well would not involve any change in existing ambient noise levels in the project vicinity.

Population and Housing. The Well No. 5 reconstruction would not have any effect on existing housing or population.

Public Services. The Well No. 5 reconstruction would occur entirely on private land that is already developed. The project would not involve any increase in demands for public services or interfere with existing patterns of service delivery.

Transportation. The Well No. 5 reconstruction would occur entirely on private land adjacent to Tully, a developed public street. The project would not involve any significant construction or post-construction traffic, or other transportation, impacts.

Utilities. The Well No. 5 reconstruction would involve a beneficial effect on the Hughson domestic water system and no effect on other utilities.

Mandatory Findings of Significance. The Well No. 5 reconstruction would have no effect in any of the resource categories considered in an Initial Study, and no effect on biological and

cultural resources. As a result, the potential environmental effects of the Well No. 5 project would not combine with environmental effects identified in the Public Review Draft IS/MND to generate any other potentially significant cumulative effects. There are no known projects with which the Well No. 5 reconstruction could combine to produce significant cumulative impacts. The Well No. 5 project would not add to the potential environmental effects of buildout of the Hughson 2005 General Plan as identified in the Hughson 2005 General Plan EIR.

As documented above, the revised project would not involve any new or substantially more severe environmental effects than were identified in the Public Review Draft IS/MND.

FINDING

Based on the analysis in this document, and the document incorporated by reference, the revised project will not involve: 1) substantial changes to the project, 2) substantial changes in the circumstances of the project or 3) new information of substantial importance that would result in new significant environmental effects or a substantial increase in the severity of significant effects described in the Public Review Draft IS/MND. Therefore, it is appropriate for the City of Hughson to adopt this Addendum to the Initial Study/ Mitigated Negative Declaration for the Well No. 7 Replacement Project.

MITIGATION MONITORING/REPORTING PROGRAM
WELL NO. 7 REPLACEMENT PROJECT
CITY OF HUGHSON, CALIFORNIA

June 12, 2013

The Well No. 7 Replacement Project includes the construction of a new well, water treatment equipment, storage immediately east of Tully Road at Roeding Road. The City's existing Well No. 5 will also be reconstructed, and the two wells will be connected by an approximately 1,900-foot pipeline in Tully Road allowing water produced at Well No. 5 to be treated at the proposed replacement well site.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared, circulated for public review and revised to incorporate an addendum addressing the Well No. 5 reconstruction project. The IS/MND, including the addendum, is expected to be adopted by the Hughson City Council on June 24, 2013.

The adopted IS/MND includes the mitigation measures listed on the following pages, and all of these mitigation measures will be implemented in conjunction with the project. Implementation of the mitigation measures will occur primarily through their incorporation into or attachment to the project plans, specifications and conditions of approval. Responsibility for monitoring of these requirements will be the responsibility of the City's contractor under the direction of the Community Development Director. The Community Development Director will periodically review project compliance with these measures, advise the contractor of any substantial shortfall in implementation and direct any necessary correction.

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING	TIMING OF IMPLEMENTATION
BIOLOGICAL RESOURCES	1. The City of Hughson shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks and burrowing owls within and near the well replacement site, and along or near the proposed pipeline alignments if construction occurs between February 15 and September 15. If active nests are found, the qualified biologist should determine the need (if any) for restrictions on construction.	Contractor	Community Development Director	Prior to construction
	2. In the event any trees that need to be removed or trimmed to facilitate the project, they should be felled or trimmed outside of the general bird nesting season (February 1 through August 31), or the City shall have a nesting bird survey conducted immediately prior to tree trimming or removal. If active nests are found, tree felling or trimming should be delayed until the young have fledged.	Contractor	Community Development Director	Prior to or during construction
CULTURAL RESOURCES	1. If any subsurface cultural resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified archaeologist examines the materials, determines their significance, and recommends mitigation measures that would	Contractor	Community Development Director	During construction

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING	TIMING OF IMPLEMENTATION
	<p>reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery and the City or its contractor shall be responsible for retaining a qualified archaeologist and for implementing recommended mitigation measures.</p>			
	<p>2. If human remains are encountered at any time during project construction, all construction activity in the vicinity of the encounter shall cease, and the County Coroner and the City of Hughson shall be notified immediately. The Coroner will contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. The City or its contractor shall implement the requirements of the CEQA Guidelines, which detail steps to be taken when human remains are found to be of Native American origin. The City of Hughson or its contractor shall also retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures needed to reduce any potentially significant effects to a less than significant level under CEQA. The City or its contractor shall implement those recommendations.</p>	Contractor	Community Development Director	During construction

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING	TIMING OF IMPLEMENTATION
3.	<p>If any paleontological resources are encountered during project construction, all construction activity in the vicinity of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Hughson shall be immediately notified of the discovery, and the City or its contractor shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures.</p>	Contractor	Community Development Director	During construction



CITY OF HUGHSON AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: June 24, 2013
Presented By: Dominique Spinale, Management Analyst
Subject: Rate Increase Request for Refuse, Recyclables, Yard Waste and Transportation Service from Waste Management, Inc.

Approved By: _____

Background:

On May 31, 2013, the City of Hughson received a letter from Waste Management Inc, requesting that it consider a rate increase in Fiscal Year 2013-2014 for refuse, recycling, yard waste, and transportation services. The rate increase includes a Consumer Price Index (CPI) rate adjustment and fuel costs. The CPI is based on the San Francisco-Oakland-San Jose area (not seasonally adjusted). The City's Franchise Agreement with Waste Management allows the provider the opportunity to make an annual presentation to the City Council to discuss the proposed rates and the reasoning behind the requested rate increases.

As discussed in their request, Waste Management is proposing a total rate adjustment of 2.639% to account for the increase to the Consumer Price Index (CPI) of 2.45% and the increase to fuel costs of 0.189%.

The purpose of this item is to receive additional information from Waste Management representatives and for the City Council to discuss with Staff whether they are interested in scheduling a Public Hearing to consider the proposed rate increases. If the Council agrees to schedule the hearing, the City Clerk will publish a Notice in the Hughson Chronicle for July 2, setting the public hearing date of July 22.

Fiscal Impact:

The current rates and the new rates are within this Staff Report labeled Attachment "A". The revenue generated and collected from Fiscal Years 2009-2010 through 2012-2013 are as follows:

July 2009- June 2010	\$ 363,267.78
July 2010- June 2011	\$ 363,258.77

July 2011- June 2012	\$ 374,169.72
July 2012- December 2012	\$ 196,479.54 (6 months)
January 2013- June 2013	Not available

Monthly Garbage Billing Breakdowns

The chart below is a breakdown of the residential community, the number of customers, and the total amount billed for the sizes of carts described. The last column has added the requested rate increase of 2.639%.

<i>DESCRIPTION</i>	<i># OF CUSTOMERS</i>	<i>AMOUNT</i>	<i>2.64% Increase</i>
RESIDENTIAL(15) 64 MOBILE HOMES	1	\$ 285.45	\$ 7.54
DUPLEX 2 @ R1	1	\$ 20.16	\$ 0.53
DUPLEX 2 @ R2	6	\$ 252.30	\$ 6.66
(2) 96 GAL & (6) 64 GAL	1	\$ 193.99	\$ 5.12
MANLEY APARTMENTS	1	\$ 171.27	\$ 4.52
RESIDENTIAL SPECIAL RATE 35 GAL	19	\$ 191.52	\$ 5.06
64 GAL	1177	\$ 24,870.01	\$ 656.57
96 GAL	139	\$ 4,675.96	\$ 123.45
35 GAL	240	\$ 4,476.00	\$ 118.17
RESIDENTIAL 96 GAL & 64 GAL	1	\$ 52.29	\$ 1.38
(2) 64 GAL CAN	3	\$ 126.15	\$ 3.33
SR RATE 35 GAL	61	\$ 1,022.36	\$ 26.99
SR RATE 64 GAL	110	\$ 2,092.20	\$ 55.23
SR RATE 96 GAL	6	\$ 181.68	\$ 4.80
TOTAL	1766	\$ 38,611.34	\$ 1,019.34
			\$ 39,630.68

The additional monthly increase of the amount collected would be \$1,019.34 per month, totaling an additional \$12,232.08 per year. The City bills for residential garbage only. Waste Management bills commercial garbage directly. The City continues to receive 8% of the Franchise Fees annually.

Staff Recommendation:

Staff recommends reviewing and discussing Waste Management's request for rate increases and authorizing staff to set a Public Hearing for public comment if desired.



Winton Disposal

730 Industry Way
Atwater, CA 95301
(209) 358-1145
(209) 358-5382 Fax

May 31, 2013

Mr. Mike Harden
Interim City Manager
City of Hughson
P.O. Box 9
Hughson, CA 95326

RE: ANNUAL RATE INCREASE REQUEST FOR REFUSE, RECYCLABLES, YARD WASTE, AND TRANSPORTATION SERVICES.

Dear Mr. Harden,

Waste Management does hereby respectfully request a rate increase for refuse, recycling, yard waste, and transportation services, pursuant to the terms of our existing Agreement.

Paragraph 25 (a) and (b) of the Agreement between the City of Hughson and Waste Management states that the rates established shall be reviewed annually during the month of June, and if appropriate, adjusted effective July 1...In it's determination of any appropriate rate adjustments the City Council may consider, but not be limited to the change in the Consumer Price Index (CPI) and/or any other indices deemed appropriate for the past twelve (12) months, and/or any extraordinary increases of decreases in cost of equipment, insurance, fuel, federal, state and/or local government taxes, fee assessments, or other special costs.

The CPI rate adjustment that we are requesting for 2013-2014 is 2.639%. This adjustment is for CPI of 2.45% and fuel cost of 0.189%.

Attached for your review, please find the CPI index, fuel cost and all 2013-2014 Rate Schedules.

I would like the opportunity to meet with you to review our request. I can be reached at (209) 358-1145 office or (209) 495-7412 cell.

Sincerely,

A handwritten signature in black ink that reads 'Julie Hernandez'. The signature is written in a cursive style.

Julie Hernandez
District Manager
Enclosures

CC: Alex Oseguera, Area Vice President and Manager
Thomas A. Sanchez, Area Director of Business Development



CITY OF HUGHSON
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2014

5/15/2013

FUEL	CPI%
0.189%	2.45%

STANDARD SERVICE	Current Rates Effective 11/01/2011	Fuel	CPI \$	New Rates Effective 07/01/2013
<u>1. 35 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$18.65	\$0.04	\$0.46	\$19.15
2 Waste Carts	\$37.18	\$0.07	\$0.91	\$38.16
3 Waste Carts	\$56.89	\$0.11	\$1.39	\$58.39
<u>2. 64 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$21.13	\$0.04	\$0.52	\$21.69
2 Waste Carts	\$42.05	\$0.08	\$1.03	\$43.16
3 Waste Carts	\$63.43	\$0.12	\$1.55	\$65.10
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$33.64	\$0.06	\$0.82	\$34.52
2 Waste Carts	\$67.13	\$0.13	\$1.64	\$68.90
3 Waste Carts	\$100.12	\$0.19	\$2.45	\$102.76
<u>4. INITIAL AND ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
First and Second Recycling Cart				
Third and Each Additional Cart	\$11.91	\$0.02	\$0.29	\$12.22
<u>5. INITIAL AND ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
First, Second and Third Yard and Garden Cart				
Fourth and Each Additional Yard and Garden C	\$11.91	\$0.02	\$0.29	\$12.22
PHYSICALLY IMPAIRED / SENIOR RATES ***				
<u>1. 35 GALLON WASTE CART 1X PER WEEK</u>				
35 Gallon Service as of 09/21/01 - Grandfather	\$10.08	\$0.02	\$0.25	\$10.35
1 Waste Cart	\$16.76	\$0.03	\$0.41	\$17.20
2 Waste Carts	\$33.46	\$0.06	\$0.82	\$34.34
3 Waste Carts	\$51.21	\$0.10	\$1.25	\$52.56
<u>2. 64 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$19.02	\$0.04	\$0.47	\$19.53
2 Waste Carts	\$37.84	\$0.07	\$0.93	\$38.84
3 Waste Carts	\$57.09	\$0.11	\$1.40	\$58.60
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$30.28	\$0.06	\$0.74	\$31.08
2 Waste Carts	\$60.41	\$0.11	\$1.48	\$62.00
3 Waste Carts	\$90.60	\$0.17	\$2.22	\$92.99
<u>4. INITIAL AND ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
First and Second Recycling Cart				
Third and Each Additional Cart	\$10.72	\$0.02	\$0.26	\$11.00
<u>5. INITIAL AND ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
First, Second and Third Yard and Garden Cart				
Fourth and Each Additional Yard and Garden C	\$10.72	\$0.02	\$0.26	\$11.00
ADDITIONAL CHARGES				
<u>1. ACTIVATION FEE</u>				
Residential, new customers	\$15.59	\$0.00	\$0.38	\$15.97

*** Any customer who achieves this status, or becomes a new customer at this status, will be entitled to a



CITY OF HUGHSON

CONTAINER RATES

EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2014

5/15/2013

FUEL	CPI%
0.189%	2.45%

# OF CONTAINERS	Effective 11/01/2011 Per Month	Fuel	CPI\$	New Rates Effective 07/01/2013 Per Month
<u>2 Cu. Yd Bin</u>				
1x a week	\$98.58	\$0.19	\$2.42	\$101.19
2x a week	\$179.51	\$0.34	\$4.40	\$184.25
3x a week	\$260.67	\$0.49	\$6.39	\$267.55
4x a week	\$342.42	\$0.65	\$8.39	\$351.46
5x a week	\$422.28	\$0.80	\$10.35	\$433.43
<u>3 Cu. Yd Bin</u>				
1x a week	\$140.65	\$0.27	\$3.45	\$144.37
2x a week	\$262.95	\$0.50	\$6.44	\$269.89
3x a week	\$383.43	\$0.72	\$9.39	\$393.54
4x a week	\$472.85	\$0.89	\$11.58	\$485.32
5x a week	\$629.00	\$1.19	\$15.41	\$645.60
<u>4 Cu. Yd Bin</u>				
1x a week	\$194.49	\$0.37	\$4.77	\$199.63
2x a week	\$346.42	\$0.65	\$8.49	\$355.56
3x a week	\$506.15	\$0.96	\$12.40	\$519.51
4x a week	\$603.16	\$1.14	\$14.78	\$619.08
5x a week	\$835.75	\$1.58	\$20.48	\$857.81
<u>6 Cu. Yd Bin</u>				
1x a week	\$293.08	\$0.55	\$7.18	\$300.81
2x a week	\$562.09	\$1.06	\$13.77	\$576.92

ADDITIONAL CHARGES

ACTIVATION FEE

Commercial, new customers	\$26.55	\$0.00	\$0.65	\$27.20
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CITY OF HUGHSON
 20 TO 40 CUBIC YARD BOXES
 EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2014

5/15/2013

PERMANENT HIGH FREQUENCY ROLL-OFF RATES	Current Rate Effective 11/01/2011	FUEL	CPI%	New Rtae Effective 7/1/2013
		0.189%	2.45%	
1. 20 yard drop box	\$120.58	\$0.23	\$2.95	\$123.76
2. 26/27 yard drop box	\$120.58	\$0.23	\$2.95	\$123.76
3. 30 yard drop box	\$167.13	\$0.32	\$4.09	\$171.54
4. 40 yard drop box	\$167.13	\$0.32	\$4.09	\$171.54
Dump Fee charged to customer				
<u>ADDITIONAL CHARGES</u>				
1. Per day charge after 21 days inactivity	\$10.39	\$0.00	\$0.25	\$10.64



**CITY OF HUGHSON
RATE ADJUSTMENT FACTOR CALCULATION - 2013**

5/15/2013

Index Point Change		
Current Year CPI	Feb-13	242.677
<u>Minus</u> Prior Year CPI	Feb-12	236.880
Equals	Index Point Change	5.797

Percent Change	
Index Point Change	5.797
Divided by Prior Year CPI	2.45%

Consumer Price Index - All Urban Consumers

Series Id: CUURA422SA0,CUUSA422SA0

Not Seasonally Adjusted

Area: San Francisco-Oakland-San Jose, CA

Item: All items

Base Period:

.xls

.xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2002		191.3		193		193.2		193.5		194.3		193.2	193	192.3	193.7
2003		197.7		197.3		196.3		196.3		196.3		195.3	196.4	196.8	196.1
2004		198.1		198.3		199		198.7		200.3		199.5	198.8	198.2	199.5
2005		201.2		202.5		201.2		203		205.9		203.4	202.7	201.5	203.9
2006		207.1		208.9		209.1		210.7		211		210.4	209.2	207.9	210.6
2007		213.688		215.842		216.123		216.24		217.949		218.485	216.048	214.736	217.361
2008		219.612		222.074		225.181		225.411		225.824		218.528	222.767	221.73	223.804
2009		222.166		223.854		225.692		225.801		226.051		224.239	224.395	223.305	225.484
2010		226.145		227.697		228.11		227.954		228.107		227.658	227.469	226.994	227.944
2011		229.981		234.121		233.646		234.608		235.331		234.327	233.39	232.082	234.698
2012		236.88		238.985		239.806		241.17		242.834		239.533	239.65	238.099	241.201
2013		242.677													



**CITY OF HUGHSON
EXTRAORDINARY COST ADJUSTMENT CALCULATION**

2013 Fuel Calculation	
YE June 2011 Fuel Expense	<u>\$62,084.00</u>
~~ Fuel 2/2013	\$4.33
~~ Fuel 2/2012	<u>\$4.25</u>
Difference	<u>\$0.07</u>
% Increase	1.74%
 Estimated 2013 Fuel Expense Increase	 \$1,080.26
** <u>07/11-06/12 Revenue for City of Hughson</u>	<u>\$558,747.00</u>
CPI for 2013	2.45%
Estimated Revenue	<u>\$ 572,436</u>
 % Needed	 0.189%



California No 2 Diesel
Retail Sales by All
Sellers (Dollars per
Gallon)

rdler.ashx?n=pet&s=emd_epd2d_pte_sca_dpg&f=m

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1995							\$1.27	\$1.27	\$1.29	\$1.31	\$1.31	\$1.32
1996	\$1.32	\$1.28	\$1.28	\$1.53	\$1.62	\$1.53	\$1.47	\$1.44	\$1.47	\$1.49	\$1.47	\$1.43
1997	\$1.43	\$1.51	\$1.48	\$1.49	\$1.38	\$1.30	\$1.27	\$1.34	\$1.36	\$1.35	\$1.39	\$1.34
1998	\$1.29	\$1.23	\$1.17	\$1.22	\$1.22	\$1.16	\$1.16	\$1.16	\$1.17	\$1.17	\$1.17	\$1.12
1999	\$1.11	\$1.10	\$1.24	\$1.40	\$1.31	\$1.39	\$1.42	\$1.47	\$1.40	\$1.39	\$1.47	\$1.45
2000	\$1.51	\$1.54	\$1.63	\$1.57	\$1.52	\$1.51	\$1.58	\$1.71	\$1.94	\$1.90	\$1.88	\$1.82
2001	\$1.66	\$1.62	\$1.59	\$1.61	\$1.61	\$1.61	\$1.56	\$1.51	\$1.65	\$1.48	\$1.38	\$1.27
2002	\$1.27	\$1.29	\$1.39	\$1.44	\$1.41	\$1.43	\$1.43	\$1.48	\$1.60	\$1.56	\$1.53	\$1.52
2003	\$1.58	\$1.73	\$1.82	\$1.65	\$1.54	\$1.58	\$1.64	\$1.73	\$1.66	\$1.62	\$1.64	\$1.68
2004	\$1.68	\$1.81	\$1.90	\$2.17	\$2.28	\$2.06	\$2.10	\$2.13	\$2.16	\$2.36	\$2.35	\$2.14
2005	\$2.06	\$2.24	\$2.46	\$2.59	\$2.45	\$2.47	\$2.58	\$2.95	\$3.13	\$3.16	\$2.67	\$2.50
2006	\$2.63	\$2.70	\$2.74	\$2.93	\$3.22	\$3.19	\$3.10	\$3.19	\$3.05	\$2.72	\$2.68	\$2.91
2007	\$2.80	\$2.89	\$2.89	\$2.99	\$2.96	\$3.02	\$3.12	\$3.05	\$3.02	\$3.27	\$3.61	\$3.48
2008	\$3.42	\$3.49	\$4.01	\$4.27	\$4.67	\$4.97	\$4.97	\$4.54	\$4.09	\$3.57	\$2.83	\$2.35
2009	\$2.30	\$2.26	\$2.14	\$2.34	\$2.35	\$2.70	\$2.73	\$2.85	\$2.84	\$2.86	\$2.96	\$2.91
2010	\$3.00	\$2.94	\$3.06	\$3.21	\$3.21	\$3.10	\$3.12	\$3.16	\$3.14	\$3.21	\$3.31	\$3.41
2011	\$3.56	\$3.80	\$4.19	\$4.40	\$4.36	\$4.21	\$4.11	\$4.01	\$4.06	\$4.06	\$4.25	\$4.10
2012	\$4.10	\$4.25	\$4.47	\$4.42	\$4.32	\$4.03	\$3.92	\$4.24	\$4.46	\$4.38	\$4.17	\$4.08
2013	\$4.08	\$4.33	\$4.25	\$4.13								



CITY OF HUGHSON AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: June 24, 2013
Presented By: Raul L. Mendez, City Manager
Subject: Discuss and Provide Direction to Staff Regarding the Business Incubator Program and Possible Amendments to the Program.

Approved By: _____

Background:

On July 25, 2011, the City Council approved the creation of the Hughson Small Business Incubator Program at the City Hall Annex Building and directed staff to finalize related lease agreements and other draft documents. The Council also adopted Resolution No. 2011-052 authoring the City Manager to enter into a Memorandum of Understanding with the Stanislaus Economic Development and Workforce Alliance (Alliance) for assistance with economic development services including support for implementation of the Small Business Incubator Program.

A business incubator is defined as “an organization designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services and networking connections.”

On October 10, 2011, the City Council approved the lease agreement for the participants of the Small Business Incubator Program. The agreement was utilized on May 28, 2012 to execute a lease with the Hughson Chamber of Commerce to occupy the reception area in the City Hall Annex Building.

Since creation of the Hughson Small Business Incubator Program, there have been few discussions with potential businesses interested in participation in the program. To increase the probability of success for potential tenants in the Hughson Small Business Incubator a selection process was developed by City staff:

1. Applicants will be referred to the Alliance Small Business Development Center (SBDC) to determine if an applicant qualifies for admission to the Hughson Small Business Incubator.
2. Selection Criteria
 - a. The company must be a start up or fledgling business usually less than two years old. An older business might be considered if there has been a major change in market, products or ownership.
 - b. The company must have a complete business and financial plan endorsed by the Alliance Small Business Development Center.
 - c. There must be a stated intent to remain in Stanislaus County.
 - d. The company must demonstrate a sufficient capital or revenue stream to cover operating expenses and cost of goods for a minimum of six months.
 - e. There must be potential to create employment.
 - f. Willingness to conduct business in an open, collaborative, and cooperative fashion to include the coaching and consulting requirements of the incubator through the Alliance Small Business Development Center.
3. The SBDC recommends qualified businesses to the Hughson Economic Development Committee (EDC).
4. The EDC then reviews qualified applicants and decides whether or not to confirm the recommendation from the SBDC.

Given the status of the Hughson Small Business Incubator Program, it was requested that the City Council revisit the current program structure for discussion and possible amendments if warranted. The goal is to ensure that the program is adequately set up to accommodate future requests for participation as well as the foster a high probability of success for potential tenants.

Recommendation:

- 1) Discuss the current Hughson Small Business Incubator Program.
- 2) Consider possible amendments to the Hughson Small Business Incubator Program to make it a more effective economic development tool.



CITY OF HUGHSON AGENDA ITEM NO. 6.4

SECTION 6: NEW BUSINESS

Meeting Date: June 24, 2013
Presented By: Dominique Spinale, Management Analyst/City Clerk
Subject: PG&E Pipeline Project
Desired Action: Consider approving two easement agreements with PG&E and authorize the Public Works Director to execute the agreements.

Approved By: _____

Background:

At a past Council meeting, a representative with PG&E spoke to the Council about the large pipeline project that would come into the City of Hughson. As a part of the project, PG&E is requesting two easements through City property. One is a temporary easement and one is a permanent easement.

The graphic of the easements is attached. Staff forwarded the easement agreements to the City Attorney for review. The temporary easement agreement remains unchanged; however Director Clark and the City Attorney's Office have amended the language in the permanent easement. The amendments made, while substantive in nature, are considered standard enough that both City Staff and Legal Staff do not believe PG&E will object to the revisions made to the agreements.

The changes in the permanent easement agreement include language specifically prohibiting PG&E from cutting down the oleanders located in the easement because they act as a sight and sound barrier to the nearby commercial district, requirement to provide notice prior to any work within the easement area, and the requirement to carry insurance. Director Clark also negotiated the ability to expand the existing storm drainage basin across the easement to a depth of 3 feet, as well as increasing the price for acquisition of the permanent easement from \$1,000 to \$10,000.

Staff Recommendation:

Consider approving two easement agreements with PG&E and authorize the Public Works Director to execute the agreements.

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).

Computed on Full Value of Property Conveyed, or

Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD 2204-10-0075

EASEMENT DEED

(01-13-031) 03 13 1
DFM 7222-01 Replacement
MP 1.07-11.16

CITY OF HUGHSON, a California Municipal Corporation

hereinafter called Grantor, in consideration of value paid by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the receipt whereof is hereby acknowledged, hereby grants to Grantee the right at any time, and from time to time, to excavate for, install, replace (of the initial or any other size), maintain and use such pipe lines as Grantee shall from time to time elect for conveying gas, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe lines, and such underground wires, cables, conduits, appliances, fixtures and appurtenances, as Grantee shall from time to time elect for communication purposes, together with adequate protection therefor, and also a right of way, within the hereinafter described easement area lying within Grantor's lands which are situated in the City of Hughson, County of Stanislaus, State of California, and are described as follows:

(APN 018-042-068)

The lands described in EXHIBIT A attached hereto and made a part hereof.

The aforesaid easement area is described as follows:

The easement area described in EXHIBIT A and shown on EXHIBIT B attached hereto and made a part hereof.

Grantor further grants to Grantee:

(a) the right of ingress to and egress from said easement area over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands;

(b) the right, from time to time, to trim any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations;

(c) the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the installation and replacement of said facilities;

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said easement area; and

(e) the right to mark the location of said easement area by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use Grantor shall make of said easement area.

Grantee hereby covenants and agrees:

(a) to provide Grantor notice at least fifteen (15) days prior to starting any work authorized by this easement deed. In the event of an emergency requiring repair or replacement, Grantee shall give Grantor such notice as is reasonable under the circumstances;

(b) Grantee shall carry out all construction, installation, replacement, repair, maintenance, and excavation expeditiously and continuously, in such a manner so as to minimize the disruption, inconvenience and impact to the area of the easement and shall take all reasonable actions to that end;

(c) After completion of any work authorized by this easement deed over and across the easement area, Grantee shall restore the property and all improvements on the property to the condition immediately before such work, which shall include, without limitation, the obligation to grade, backfill any excavations made by Grantee on said easement area and repair any damage it shall do to Grantor's private roads or lanes on said easement area, and plant and replace any landscaping and landscape irrigation devices, as necessary.

(d) not to fence said easement area;

(e) to maintain, or cause its contractors to maintain, such insurance to protect Grantor from claims set forth below that arise out of, or result from, Grantee's work or operations under this easement:

- i. Workers Compensation Insurance as required by statute.
- ii. Commercial General Liability Insurance protecting against claims for personal injury, death and property damage in a minimum amount of Two Million Dollars (\$2,000,000) per occurrence and in annual aggregate.

All insurance shall be issued by an insurer licensed to do business in the State of California and shall have an acceptable rating from either A.M. Best Company, Demotech, Inc. or Standard and Poor's, Inc.

(f) to indemnify Grantor against any loss and damage which shall be caused by any wrongful or negligent act or omission of Grantee or of its agents or employees in the course of their employment, provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

Grantor's lands are currently used as a storm water retention basin. Grantor reserves the right to grade the easement area for the purpose of enlarging, improving or reconstructing the storm water retention basin. In the event Grantor shall make any excavation on said lands pursuant to this grant, Grantor agrees to provide Grantee with sufficient notice for plan review and under no circumstances shall the depth of cover within the easement area be reduced by more than 3 feet without Grantee's written approval.

Grantor further reserves the right to use said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted; provided that Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or plant any trees or vines, or construct associated supporting structures, within ten feet of the centerline(s) of the pipeline(s), or diminish or substantially add to the ground cover over said facilities, or construct any fences that will interfere with the maintenance and operation of said facilities except as specifically written herein.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

****** Signatures contained on next page******

Dated _____, 20_____.

CITY OF HUGHSON, a California
Municipal Corporation

By _____

Name & Title

By _____

Name & Title

adopted

I hereby certify that a resolution was

on the ___ day of _____, 2013, by the

authorizing the foregoing grant of easement.

By _____

Title _____

Area 4, San Joaquin Valley Region, Fresno Division
Land Service Office: Walnut Creek
Operating Department: Gas Transmission
USGS location T.04S. R.10E., MDBM Sec 9, SE4 of SE4
FERC License Number(s): NA
PG&E Drawing Number(s): NA
PLAT NO. 3237E5
LD of any affected documents: NA
LD of any Cross-referenced documents: NA
TYPE OF INTEREST: 5,6,52,53
SBE Parcel Number: NA
(For Quitclaims, % being quitclaimed) NA
Order # or PM #: 30940034
JCN: 01-13-031
County: Stanislaus
Utility Notice Numbers: NA
851 Approval Application No. NA Decision NA
Prepared By: Joaquin Lopez
Checked By: Greg Rice
Revision Number:

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD 2204-10-0075

EASEMENT DEED

(01-13-031) 03 13 1
DFM 7222-01 Replacement
MP 1.07-11.16

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(APN 018-042-068)

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(a) the right of ingress to and egress from said easement area over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands;

(b) the right, from time to time, to trim any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations;

(c) the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the installation and replacement of said facilities;

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said easement area; and

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(b) Grantee shall carry out all construction, installation, replacement, repair, maintenance, and excavation expeditiously and continuously, in such a manner so as to minimize the disruption, inconvenience and impact to the area of the easement and shall take all reasonable actions to that end;

(c) After completion of any work authorized by this easement deed over and across the easement area, Grantee shall restore the property and all improvements on the property to the condition immediately before such work, which shall include, without limitation, the obligation to grade, backfill any excavations made by Grantee on said easement area and repair any damage it shall do to Grantor's private roads or lanes on said easement area, and plant and replace any landscaping and landscape irrigation devices, as necessary.

(d) ~~(a)~~ not to fence said easement area;

~~(b) to promptly backfill any excavations made by it on said easement area and repair any damage it shall do to Grantor's private roads or lanes on said lands; and~~

(e) to maintain, or cause its contractors to maintain, such insurance to protect Grantor from claims set forth below that arise out of, or result from, Grantee's work or operations under this easement:

- i. Workers Compensation Insurance as required by statute.
- ii. Commercial General Liability Insurance protecting against claims for personal injury, death and property damage in a minimum amount of Two Million Dollars (\$2,000,000) per occurrence and in annual aggregate.

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Grantor further reserves the right to use said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted; provided that Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or plant any trees or vines, or construct associated supporting structures, within ten feet of the centerline(s) of the pipeline(s), or diminish or substantially add to the ground cover over said facilities, or construct any fences that will interfere with the maintenance and operation of said facilities except as specifically written herein.

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*** Signatures contained on next page***

Dated _____, 20_____.

CITY OF HUGHSON, a California
Municipal Corporation

By _____

Name & Title

By _____

Name & Title

adopted

I hereby certify that a resolution was
on the ___ day of _____, 2013, by the

authorizing the foregoing grant of easement.

By _____

Title _____

Area 4, San Joaquin Valley Region, Fresno Division
Land Service Office: Walnut Creek
Operating Department: Gas Transmission
USGS location T.04S. R.10E., MDBM Sec 9, SE4 of SE4
FERC License Number(s): NA
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LD of any affected documents: NA
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TYPE OF INTEREST: 5,6,52,53
SBE Parcel Number: NA
(For Quitclaims, % being quitclaimed) NA
Order # or PM #: 30940034
JCN: 01-13-031
County: Stanislaus
Utility Notice Numbers: NA
851 Approval Application No. NA Decision NA
Prepared By: Joaquin Lopez
Checked By: Greg Rice
Revision Number:

Summary report:	
Litéra® Change-Pro TDC 7.5.0.15 Document comparison done on 6/21/2013 4:55:24 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://worksite2/imanage/784617/1	
Modified DMS: iw://worksite2/imanage/784617/2	
Changes:	
<u>Add</u>	23
Delete	5
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<u>Move To</u>	2
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format Changes	0
Total Changes:	32