



GRASS VALLEY

City Council Regular Meeting, Capital Improvements Authority and Redevelopment "Successor Agency"

Tuesday, April 12, 2022 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

MEETING NOTICE

City Council welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 2nd and 4th Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwdN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL - *The City Council reserves the right to hear items in a different order to accomplish business in the most efficient manner.*

REPORT OUT OF CLOSED SESSION

INTRODUCTIONS AND PRESENTATIONS

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after 5pm will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item. There is a time limitation of three minutes per person for all emailed, voicemail, or in person comments, and only one type of public comment per person. For any items not on the agenda, and within the jurisdiction or interest of the City, please come to the podium at this time. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item is announced. When recognized, please begin by providing your name and address for the record (optional).*

CONSENT ITEMS - *All matters listed under the Consent Calendar are to be considered routine by the City Council and/or Grass Valley Redevelopment Agency and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council and/or Grass Valley Redevelopment Agency votes on the motion to adopt, members of the Council and/or Agency, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action but Council action is required to do so (roll call vote). Unless the Council removes an item from the Consent Calendar for separate discussion, public comments are invited as to the consent calendar as a whole and limited to three minutes per person,*

- [1.](#) Approval of the Regular Meeting Minutes of March 22, 2022.

Recommendation: Council approve minutes as submitted.

- [2.](#) Approval of the Special Meeting Minutes of April 5, 2022.

Recommendation: Council approve minutes as submitted.

- [3.](#) Local Emergency Proclamation (COVID-19)

Recommendation: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency

- [4.](#) Local Emergency Proclamation (Winter Storm of December 27th, 2021)

Recommendation: Winter Storm of December 27th, 2021 proclamation declaring a Local State of Emergency

- [5.](#) Local Emergency Proclamation (Drought Conditions)

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

6. 2021 Annual Street Rehabilitation Project - Final Acceptance

Recommendation: That Council: 1) accept the 2021 Annual Street Rehabilitation Project as complete, and 2) authorize the City Engineer to file a Notice of Completion with the County Recorder.

7. 309 Mill Street Parking Lot Project - Approve Settlement Agreement

Recommendation: That Council 1) approve a Settlement Agreement with Malou Thompson to mitigate concerns related to the Mill St Parking Lot Project, 2) authorize the City Manager to execute the agreement, and 3) authorize the City Engineer to record an easement grant deed for a permanent access easement across the City property at 309 Mill St (APN# 008-410-007)

8. Adopt Resolution No. 2022-17 Declaring Vehicles of the City of Grass Valley Surplus.

Recommendation: that council 1) Adopt Resolution No 2022-17 declaring a police vehicle as surplus and authorize disposition

9. Direction to file annual reports for Landscape and Lighting Districts (LLD) and Benefit Assessment Districts (BAD) for Fiscal Year 2022-23

Recommendation: It is recommended that the City Council adopt five Resolutions (2022-10, 2022-11, 2022-12, 2022-13, 2022-14) directing the filing of annual reports for Landscaping and Lighting Districts (LLD) - Annual Assessment for Fiscal Year 2022-23 and Benefit Assessment Districts (BAD) - Annual Assessments for Fiscal Year 2022-23.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

ADMINISTRATIVE

10. Review of comments sent to Nevada County on the Draft Environmental Impact Report for the Idaho-Maryland Mine Project.

Recommendation: Informational only, no action required.

BRIEF REPORTS BY COUNCIL MEMBERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a meeting of The City Council, scheduled for Tuesday, April 12, 2021 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, April 7, 2022.

Taylor Day, Deputy City Clerk



GRASS VALLEY

City Council Regular Meeting, Capital Improvements Authority and Redevelopment "Successor Agency"

Tuesday, March 22, 2022 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

MINUTES

CALL TO ORDER

Meeting called to order by Mayor Aguilar at 7:02 pm.

PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Mike Walsh Sr.

ROLL CALL

PRESENT

Council Member Bob Branstrom

Council Member Hilary Hodge

Council Member Tom Ivy

Vice Mayor Jan Arbuckle

Mayor Ben Aguilar

AGENDA APPROVAL -

Motion made to approve agenda as submitted by Vice Mayor Arbuckle, Seconded by Council Member Hodge.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

REPORT OUT OF CLOSED SESSION

Nothing to report.

INTRODUCTIONS AND PRESENTATIONS

1. Reserve Police Officers Retirement

Meeting paused for a brief break at 7:23 pm. Meeting resumed at 7:27pm.

PUBLIC COMMENT -

Matthew Coulter had public comment.

CONSENT ITEMS -

Member of the public requested that item number seven, Out of state travel for Vice Mayor, be removed for discussion.

Motion made to approve the consent items and remove item 7 for discussion by Vice Mayor Arbuckle, Seconded by Council Member Hodge.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

2. Approval of the Regular Meeting Minutes of March 8, 2022.

Recommendation: Council approve minutes as submitted.

3. Update to Municipal Code Section 8.16 miscellaneous Fire Control Regulations

Recommendation: 1) That Council approve Ordinance 814 amending the Grass Valley Municipal Code Section 8.16.230 and 8.16.240.

4. Review of 2021 Annual Housing Element Progress Report

Recommendation: Receive and File. No formal action required.

5. Review of 2021 General Plan Annual Progress Report.

Recommendation: Receive and File. No formal action required.

6. Condon Park Parking Improvements Project

Recommendation: That Council 1) authorize a contract amendment in the amount of \$43,750.00 for work associated with construction of a new water line.

7. Adopt Resolution No. 2022-009 Declaring Vehicles of the City of Grass Valley Surplus.

Recommendation: That council 1) Adopt Resolution No 2022-009 Declaring Vehicles as Surplus and Authorizing Disposition of listed equipment.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

8. Authorize travel for Vice Mayor Arbuckle to the National League of Cities (City Summit)

Recommendation: That Council approve travel and related expenses for Vice Mayor Arbuckle to attend the National League of Cities (City Summit).

Tim Kiser, City Manager, gave presentation to council.

Public Comment: Matthew Coulter

Motion made to approve travel and related expenses for Vice Mayor Arbuckle to attend the National League of Cities (City Summit) by Motion made by Council Member Hodge, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

9. Consideration of Pre-Annexation and Development Agreements with Hansen Bros. Enterprises (HBE) and CalMat tied to the recently approved Southern Sphere of Influence Planning and Annexation Project.

Recommendation: That Council conduct the public hearing and approve both agreements.

Tom Last, Community Development Director, gave presentation to the council.
 Russel Frank, Hansen Brothers Legal representation, was available for questions

Public comment: Matthew Coulter

Motion made to conduct the public hearing and approve both agreements subject to approval by city legal council by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

ADMINISTRATIVE

10. Pioneer Community Energy and Community Choice Aggregation for Grass Valley

Recommendation: That Council 1) receive a presentation from Pioneer Community Energy on Community Choice Aggregation (CCA); 2) authorize the City Manager to initiate an Implementation Study for the purposes of further evaluation regarding the possibility of the City joining Pioneer Community Energy's JPA, subject to legal review; 3) authorize the City Manager to sign all documents required to complete the study; and 4) approve the Finance Director to make the necessary budget adjustments and transfers to complete these actions.

Pioneer Electric gave presentation to the council.

Council had questions to clarify some components of the operations of the CCA and Pioneer Electric, and expressed interest in exploring further the different options.

Motion made to 1) receive a presentation from Pioneer Community Energy on Community Choice Aggregation (CCA); 2) authorize the City Manager to initiate an Implementation Study for the purposes of further evaluation regarding the possibility of the City joining Pioneer Community Energy's JPA, subject to legal review; 3) authorize the City Manager to sign all documents required to complete the study; and 4) approve the Finance Director to make the necessary budget adjustments and transfers to complete these actions by Council Member Hodge, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

11. Police Military Equipment Use Policy (AB481)

Recommendation: That Council 1) Review the proposed Police Department military equipment use policy and associated attachments per the requirements of AB-481; and 2) provide direction to staff related to the Police Departments proposed process to comply with AB-481 and/or any other direction related to the policy and use of equipment as outlined in the staff report and attachments

Alex Gammelgard, Police Chief, gave overview to the council.

Public Comment: Matthew Coulter

No formal action required.

BRIEF REPORTS BY COUNCIL MEMBERS

Councilmember Ivy had nothing to report. Councilmember Branstrom attended a 99th birthday party, sierra stages production and a book release party. Councilmember Hodge want to remind everyone to please pick up after pets. Vice Mayor Arbuckle participated in an on the town with Sheriff Moon, attended the Washington DC National League of cities, a small cities council meeting, a REAL meeting, and had the privileges of meeting President Biden. Mayor Aguilar attended a NCTC meeting, the Mayors & Managers meeting, and a LAFCo budget meeting.

ADJOURN

Meeting adjourned at 8:57 pm.



GRASS VALLEY

Special City Council Meeting

Tuesday, April 05, 2022 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

MINUTES

CALL TO ORDER

Meeting called to order at 7:02 PM.

PLEDGE OF ALLEGIANCE

Pledge of led by Mayor Aguilar.

ROLL CALL

PRESENT

Council Member Bob Branstrom

Council Member Hilary Hodge

Council Member Tom Ivy

Vice Mayor Jan Arbuckle

Mayor Ben Aguilar

AGENDA APPROVAL -

Motion made to approve agenda by Vice Mayor Arbuckle, Seconded by Council Member Hodge.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

REPORT OUT OF CLOSED SESSION

Nothing to report.

PUBLIC COMMENT -

None.

CONSENT ITEMS -

Members of the public requested that item number one for discussion.

Motion made to approve consent with removal of item number one for discussion by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Hodge, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar.

1. United Pentecostal Church - Approve Parcel Map 21PLN-12

Recommendation: That Council 1) approve Parcel Map 21PLN-12, and 2) adopt Resolution 2022-15 accepting an Irrevocable Offer of Dedication along Ridge Road and Ventana Sierra Drive.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

2. Rustic Woods Phase 1 - Approve Final Map 21PLN-44

Recommendation: That Council approve Final Map 21PLN-44 and adopt the attached Resolution 2022-16, formally accepting the public utility easement.

Tim Kiser, City Manager, gave presentation to the council.

Public comment: Thomas Birtchfield, and Wilman Dea.

Motion made to approve Final Map 21PLN-44 and adopt the attached Resolution 2022-16, formally accepting the public utility easement by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

Voting Abstaining: Council Member Hodge

ADMINISTRATIVE

3. City of Grass Valley Strategic Plan Update (last updated April 2020)

Recommendation: That Council 1) receive an update on the Strategic Plan comments to date; 2) receive additional public comments; and 3) provide comments and direction to staff on updating the Grass Valley Strategic Plan.

Tim Kiser, City Manager, gave presentation to the Council.

Councilmembers discussed making the name of the Strategic plan extremely clear for the public, More Breakout group discussions, and having a booth for City hall discussions during public gatherings.

Public comment: Leron who works with animal control requests a new shelter to improve the safety of the public as well as the animals. Ralph Silversteen would like to see a new general plan, the strategic plan address green house gases, Climate change crisis, a Resolution stating the City will not support the Idaho Maryland, having a policy for a percentage of subdivisions required to have affordable housing, and to have the fee schedule adjusted. Johnathan Keen, would like to see the continuation of the wolf creek trail, and have special attention be made to developers to honor the setback of the creeks. Rebecca Haan wanted to put an emphasis on how do you survey your community, and to know who is your demographic. Michael Anderson is a member of Northern Star Broadband Board and believes how to create more jobs and attract young families there needs to be improve the broadband, and would like the city to explore the idea of a municipal build of broadband. Wilman Dea wanted to know how we are tracking our efficiency at addressing homelessness and how does the public seeing what efforts are being made in the efforts of addressing homelessness. Online public comments are attached.

Council took a brief break at 8:03 pm. Council resumed at 8:08 pm.

Council discussion: Councilmember Ivy wants to see more on housin, and having some sort of housing breakout groups. He would like to address short term rental plan, and see a housing market data as a region and the median income of Western Nevada County and the City, and utilize this information to segway into a larger conversations of more technical actions.

Councilmember Branstrom wants to continue what previous councils have set out to achieve. One of his main goals is to make Grass Valley attractive to young families as we can. He would like to see the wolf creek trail enter into North Star property, and supports Councilmember Ivy's want for continued discussion on housing. He thinks that looking into multifamily housing would be beneficial. There is a need to address the broadband issues, and there needs to be a water rights and NID discussion and having a seat at the table with NID. The city should also be preserving our native history prior to the gold rush and be address climate change in anyway that we can. Councilmember Hodge thinks that a scientific surveys needs to be done and there is a need to understand our demographics, she would like t see steps for the fee schedule for the sizes of houses and ADUs, wants to focus on climate change and EROI, finding the funding for broadband, ways to support for the arts, fire and resources with the effects on brush clearing and how it intermingles with our senior population, and eliminating invasive species from future developments. Vice Mayor Arbuckle believes that need to have workshops on housing, meetings with all of the Cities and county to have face to face discussions, define what affordable is, need to have broadband, need to have a modern animal shelter. Mayor Aguilar thinks that attracting young families is crucial, and with additional housings there is an increase need for police and fire and parks, but what will it take to maintain the services that the city is accustomed to. He wants to look at energy and what we can this city do to have energy during PSPS, and water and drought. He thinks that we do need to improve our animal shelter, and need to look at having an ADU and housing workshop. The city needs to have broadband, improve parking downtown, improved walkability and expand our trail system. He also discussed how the City tracks our ability to address homelessness.

No formal action taken.

BRIEF REPORTS BY COUNCIL MEMBERS

Councilmember Ivy attended a meeting for Nevada Union and learned that the trade program at the high school level is having the funding cut from the budget. Councilmember Hodge it attending the ERC meeting on Thursday and they will be having their first in person meeting. Councilmember Branstrom attended the League of California legislation meeting and it is regional photography month and in Grass Valley there are exhibits at Center for the Arts and Courtyard Suits. Vice Mayor Arbuckle attended the GVDA & Chamber Meeting and is pleased to announce on April 23rd there will be the Car Show, and May 21st will be armed forces day. Mayor Aguilar had nothing to report.

ADJOURN

Meeting adjourned at 8:56 pm.

Ben Aguilar, Mayor

Taylor Day, Deputy City Clerk

Taylor Day

From: Itara O'Connell
Sent: Tuesday, April 5, 2022 12:39 PM
To: Public Comments
Subject: ideas

We need a youth center.
Safe location for people w/o housing for tent camping. public toilet and other services.
In patient care center for mentally ill.
Mental health team to take care of people instead of the sheriff.
Thanks.
Itara O'Connell
19960 Sunshine Charlie Dr.
Grass Valley CA 95945

Taylor Day

From: Itara O'Connell
Sent: Monday, April 4, 2022 9:01 PM
To: Public Comments
Subject: Fwd: [Minewatch] Special request from Hillary Hodge - Tuesday at 7pm
Attachments: Untitled

----- Forwarded message -----

From: R Bryars via Minewatch
Date: Sun, Apr 3, 2022 at 9:21 PM
Subject: Re: [Minewatch] Special request from Hillary Hodge - Tuesday at 7pm
To: Ralph Ralph via Minewatch christy hubbard

Cc: CEA Foundation Mine Watch Committee <minewatch@cea-nc.org>

I can't attend, but I'm willing to provide input:

- Walkability. More sidewalks. Alta St, etc
- Trails & sidewalks to schools. Within 1/2 mile of Lyman Gilmore, there should be good sidewalks or trails.
- Low income housing by support of Habitat.
- Active clean up of Brownfields sites to provide land for low income housing.
- More focus on flood prevention by adding retention/detention ponds in areas that are likely to flood. Example is Nevada County Golf Club that needs retention at the Hughes Rd end.
- Smoke free housing. All multifamily housing MUST be smoke free.
- Wolf Creek Trail. From Sutton Way to Alison Ranch Rd. Easements must be obtained. It's OK to have some trail on the streets.
- Trail through Berriman Ranch connecting Wolf Creek Trail with Empire Mine.
- Whiting St Brownfield site should be cleaned up and sold to Habitat.
- Improve sidewalk on both sides of McCourtney from Mill St and Allison Ranch Rd
- Be creative with parking close to town. Section from Hwy 174 to Bennet St could have a parking lane if the freeway bank were cut back.

And there's more.

Ray B
[Sent from Yahoo Mail on Android](#)

On Sun, Apr 3, 2022 at 9:19 AM, Ralph via Minewatch
 <minewatch@cea-nc.org> wrote:

--

Minewatch mailing list
Minewatch@cea-nc.org
http://cea-nc.org/mailman/listinfo/minewatch_cea-nc.org

--

Minewatch mailing list
Minewatch@cea-nc.org
http://cea-nc.org/mailman/listinfo/minewatch_cea-nc.org

Taylor Day

From: Susan Rogers
Sent: Monday, April 4, 2022 6:08 PM
To: Public Comments
Subject: Fwd: Strategic Plan Input

[It is not necessary to read this out loud during the meeting, as long as every Council Member gets a copy in their packet.)

To the GV City Council,

Please be sure include a detailed component for Wildfire Preparedness and Evacuation in the city's updated Strategic Plan. The section should include:

- Support for the development of Firewise Communities within City limits.
- That the City supports and expects awareness and recognition of, and regular communication toward, Firewise Communities within the City limits, from the Fire Department (perhaps the Fire Marshal).
- The Preparedness section of your Plan should mandate that the City Fire Department communicate annually (i.e., every year) no later than March 15, by postal mail to every residential address in the City, to spell out the requirements that must be met by June 1. The outside of the envelope should have printed on it, "June 1 Deadline for Meeting Hazardous Vegetation Clearing Ordinance."

I realize that this level of specificity is generally not appropriate for a Strategic Plan, however previous communications have been very "official" (and in a plain white envelope that's hard to tell who it's even coming from), rather than in a manner that attracts attention and invites compliance. I'm sure County OES and the County graphics department would be happy to consult with the city fire department on effective mailed materials.

- a timeframe for responding in a timely manner to citizen requests (or at minimum, to requests from established Firewise Communities) for neighborhood inspections from the Fire Department, including notifications to non-compliant property owners AND follow-up inspections and citations to those who do not comply with initial courtesy notices.

- some way of coordinating with County efforts for grant funding so that the City can obtain funds for the inspections above. (OR if it would work better, a provision to partner with the County so that County Defensible Space Inspectors can work within City limits, however City requirements are different from County so this idea is unlikely to fly).

Some neighborhoods are desperately in need of help and support in getting people to comply with hazardous vegetation clearing. "Education" doesn't cut it -- we need someone in a uniform to walk the neighborhood, taking notes and issuing courtesy notices about required clearing that, if not performed within a certain timeframe, will result in an ordinance violation notice. I realize this takes money. If nothing else, the Strategic Plan should call for finding the money so this can be done.

Thank you,

Susan Rogers

Founding vice chair, Nevada County Coalition of Firewise Communities,
now on the Steering Committee
Coordinator, Glenwood-Maidu-Charlene Firewise Community

Taylor Day

From: Alena Loomis
Sent: Monday, April 4, 2022 3:44 PM
To: Public Comments
Subject: FW: City of Grass Valley Strategic Plan Update

From: Paul Schwartz >
Sent: Monday, April 4, 2022 3:30 PM
To: COGV General Voicemail <COGVGeneralVM@cityofgrassvalley.com>
Subject: City of Grass Valley Strategic Plan Update

Grass Valley City Council and leadership:

The City of Grass Valley Strategic Plan Update includes important objectives and priorities. Well done. One area that needs further thought, discussion, and inclusion is the long term shift in transportation modes that is inevitable. As we seek to reduce our carbon footprint we will eventually come face to face with our auto centric urban and rural planning. Current progressive thinking is to keep the same transportation system and replace gas powered cars with electric. This does not solve the volume of cars on the roads, the high cost and limited space for parking, or the actually full lifecycle cost of battery technology. I suspect the thinking will shift to incremental change and introducing more public modes of transportation including light rail, mono-rail, and high speed rail. Different options and solutions will be proposed to match the intensity of actual demand. I suggest that standardization of design will occur. New transportation modes will develop to link up with the public transportation systems such as electric bicycles, electric ultra light vehicles like golf carts, and Disneyland style people movers. Strategic planning can acknowledge this future by aligning transportation investments with an eye on future repurposing right of ways for higher volumes of bike and light vehicle traffic. In addition, its helpful to identify where light rail stations might be located to interface with local low carbon modes. Parking lots are a rich source of future repurposing for stations and parking the low carbon local vehicle of the future. Many cities around the globe are doing this kind of planning and investments and are seeing the benefits. Workers traveling from urban residential to their workplace are traveling on conventional and electric bikes and having a much smaller parking and carbon footprint. Something to think about as we identify low cost housing locations. There is not going to be one massive shift, it will be incremental and over decades. The better the planning the more successful the outcome. Step one is to move the bikes off the sidewalks and into real bike lanes.

Paul Schwartz

Sent from [Mail](#) for Windows

Taylor Day

From: THOMAS BURCHFIE
Sent: Monday, April 4, 2022 2:33 PM
To: Public Comments
Subject: Voice Mail (52 seconds)
Attachments: audio.mp3

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, my name is Thomas Birchfield. My wife Elizabeth, and I live at 2625 Ridge Rd in Grass Valley. We are calling concerning the Grass Valley City Council agenda title, rustic Woods phase one. We have a couple of concerns regarding flooding issues that are maybe 'cause for some concern in the beginning of this, the commencement of this project, the property is right on the edge of the Nid reservoir is our understanding in our experience at the soil around here is like very shallow like 2 feet deep and we have occasional flooding problems and we were wondering if this project will be of any help in alleviating those problems or will they become worse? We will be at the meeting tomorrow night and we hope to see you then. Bye.

You received a voice mail from [THOMAS BURCHFIE](#).

Thank you for using Transcription! If you don't see a transcript above, it's because the audio quality was not clear enough to transcribe.

[Set Up Voice Mail](#)

Taylor Day

From: WIRELESS CALLER [REDACTED]
Sent: Tuesday, April 5, 2022 7:42 PM
To: Public Comments
Subject: Voice Mail (2 minutes and 16 seconds)
Attachments: audio.mp3

Hello, this is Matthew Coulter commenting on the supposed strategic plan for 2022. And maybe you could add in there emptying the trash cans on Mill Street and picking up the broken glass and picking up the feces that is all over the street from the pigeons, possibly opening the meal. St Elizabeth Daniels Park for the children to be able to use and not the contractors. And on that note, the meetings that you have with your club members, of course everybody is going to agree with your direction. These are all yes, people. They're all on your payroll or will benefit financially from what you guys are screwing up. So why are you surprised that everyone is in agreement, just like the City Council that votes in unison? Things would still pass if it was three to two, but it's always unison. We just lost a huge amount of low income housing at the corner of Brunswick Road and Nevada City Highway. All those cabins, we keep losing large chunks. We lost the house there on Colfax Avenue. The city bought and demolished, which is against the city charter. We continue to talk the talk, but nobody walks the walk as far as fire goes. Memorial Park is a total fire danger. There's piles of dry leaves over there. They were from last year. Last year, all on coal, fax, highway. Public works is over there all day. Putting in one light bulb on a building and they can't clean the leaves off the roof of the Cub Scout and Girl Scout building. It's never been done. There's piles of dry leaves on top of that old, beautiful wood building. So when you guys think you want to make a plan to do something back to the basics, back to the basics. Goes smell Wolf Creek. It's a sewer. Troth. It's towns. In the worst condition. It's been in my entire time. I've been here in over fifty years. Going on 55, it's scary. You guys are insane. Goodnight.

You received a voice mail from [WIRELESS CALLER](#).

Thank you for using Transcription! If you don't see a transcript above, it's because the audio quality was not clear enough to transcribe.

[Set Up Voice Mail](#)



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (COVID-19)

Recommendation: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 4/12/2022

Date Prepared: 4/7/2022

Agenda: Consent

Background Information: On March 5, 2020 the City Manager, acting as the Director of Emergency Services for the City of Grass Valley and the Disaster Council (Vice Mayor Aguilar and Councilmember Arbuckle), declared a local State of Emergency to ensure emergency personnel can obtain equipment and resources in the most timely and effective manner. In accordance with the Emergency Services Act Section 8630 (b) the governing body must ratify the declared emergency within 7 days for it to remain in effect. On March 10, 2020, at the Grass Valley City Council Meeting, the City Council approved Resolution 2020-09, Proclamation of Local Emergency. The City Council shall review, at its regularly scheduled meeting until the local emergency is terminated, the need for continuing the local emergency.

Council Goals/Objectives: Continuance of the proclamation declaring a Local State of Emergency due to prepare against coronavirus COVID-19 executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The changing variants of COVID19 make it very difficult to anticipate the Fiscal Impact moving forward. For FY 2021/22, it appears the impacts will be minimal compared to previous years, but due to the constantly changing impacts of COVID-19 the actual fiscal impact may change.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager

Attachments: None



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Winter Storm of December 27th, 2021)

Recommendation: Winter Storm of December 27th, 2021 proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 4/12/2022

Date Prepared: 4/7/2022

Agenda: Consent

Background Information: Due to conditions of extreme peril to the safety of persons and property have arisen within the City of Grass Valley, caused by the winter storm of December 26 and 27, 2021 which has cut power, downed trees, blocked roads and created other hazards to health and human safety commencing on or about 12:00 midnight on the 26th day of December, 2021, at which time the City Council of the City of Grass Valley was not in session. The city found it necessary to proclaim the existence of a local emergency throughout the city.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact of the December 2021 Storm is being estimated at \$590,000 for City related property and public right of way. Hopefully, about 75% of these cost should be reimbursable due to the County of Nevada and the State of California declaring a State of Emergency for our area.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Drought Conditions)

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 4/12/2022

Date Prepared: 4/7/2022

Agenda: Consent

Background Information: On May 10, 2021, Governor Newsom modified a State of Emergency Proclamation that declared that a State of Emergency to exist in California due to severe drought conditions to include 41 counties, including Nevada County. The Proclamation directed state agencies to partner with local water suppliers to promote conservation through the Save Our Water campaign, a critical resource used by Californians during the 2012-2016 drought. Some municipalities have already adopted mandatory local water-saving requirements, and many more have called for voluntary water use reductions.

Nevada Irrigation District (NID) declared a drought emergency throughout the District's service area on April 28, 2021, which includes portions of the City of Grass Valley, and requested that customers conserve 10 percent of their normal water usage. Both NID and Nevada City have now mandated at least 20% conservation requirements.

On June 22, 2021, City Council approved Resolutions No. 2021-41 declaring a local emergency due to drought conditions and No.2021-42 mandating water conservation. All treated Water Customers are required to reduce water use by 20%.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Water and Wastewater Systems and Underground Infrastructure. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact to the Water Fund should minor, but if the drought continues for several years the impact could be more significant.

Funds Available: N/A

Account #: N/A

Reviewed by: __ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: 2021 Annual Street Rehabilitation Project - Final Acceptance

Recommendation: That Council: 1) accept the 2021 Annual Street Rehabilitation Project as complete, and 2) authorize the City Engineer to file a Notice of Completion with the County Recorder.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 04/12/2022

Date Prepared: 04/07/2022

Agenda: Consent

Background Information: On September 28, 2021, Council authorized the award of a contract for the 2021 Annual Street Rehabilitation Project to JV Lucas Paving Inc. in the amount of \$687,962.00. The project involved pavement grinding, overlay and replacements, utility adjustments, striping and marking on Freeman Lane and La Barr Meadows Road.

All the work has been completed by the contractor with no change orders being issued. Final project costs totaled \$697,518.94.

The Engineering Division has field accepted the work and the contractor has provided the City with a guarantee of work for a period of one year following the date of acceptance of the project. Upon Council's acceptance, Staff will file a Notice of Completion with the County Recorder's Office. If no Stop Notices are received by the City after a period of thirty-five (35) days from the filing date of the Notice, all appropriate bonds will be released to the contractor.

Council Goals/Objectives: The 2021 Annual Street Rehabilitation Project executes portions of work towards achieving/maintaining Strategic Plan - City Infrastructure Investment.

Fiscal Impact: The project was fully funded in the FY 21/22 CIP Budget with a combination of Gas Tax, RMRA and RSTP Funds.

Funds Available: Yes

Account #: 300-406-61330

Reviewed by: City Manager

Attachments: Notice of Completion

RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:

**ENGINEERING DIVISION
CITY OF GRASS VALLEY
125 East Main Street
Grass Valley, CA 95945**

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest or estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is the **City of Grass Valley**.
3. The FULL ADDRESS of the OWNER is **125 East Main Street, Grass Valley, CA 95945**.
4. The nature of the INTEREST or ESTATE of the undersigned is: **FEE**.
5. A work of improvement on the property hereinafter described was COMPLETED: **March 17, 2022**.
6. The work of improvement completed is described as follows: **Pavement rehabilitation on Freeman Lane and Lebarr Meadows Road**.
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: **JV Lucas Paving Inc.**
8. The street address of said property is: **Freeman Lane and Lebarr Meadows Road**.
9. The property on which said work of improvement was completed is in the City of **Grass Valley**, County of **Nevada**, State of California and is described as follows: **Pavement Rehabilitation**.

City of Grass Valley
Owner

by: _____
Bjorn P. Jones, City Engineer

"I certify under penalty of perjury that the foregoing is true and correct."

(Date and Place)

(Signature)



City of Grass Valley City Council Agenda Action Sheet

Title: 309 Mill Street Parking Lot Project - Approve Settlement Agreement

Recommendation: That Council 1) approve a Settlement Agreement with Malou Thompson to mitigate concerns related to the Mill St Parking Lot Project, 2) authorize the City Manager to execute the agreement, and 3) authorize the City Engineer to record an easement grant deed for a permanent access easement across the City property at 309 Mill St (APN# 008-410-007)

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 04/12/2022

Date Prepared: 04/07/2022

Agenda: Consent

Background Information: On July 27, 2021, City Council denied an appeal by Malou Thompson to the Mill Street Parking Lot Project, a proposed public parking lot on the City's property at 309 Mill St. Since this meeting, Ms. Thompson and the City entered into a tolling agreement to toll the CEQA statutes of limitations and engaged in settlement discussions to resolve Thompson's concerns regarding the impacts of the Project on the neighborhood and on her property at 305 Mill St.

Thompson and the City have negotiated in good faith and reached a settlement agreement, which is attached. The majority of the agreement terms consist of minor adjustments or project additions to reconcile Thompson's concerns. Primarily, the agreement offers a permanent access easement across a corner of the City's property to serve as a connection to Thompson's private driveway.

Staff recommends that Council approve the terms of the settlement agreement, authorize the City Manager to execute the agreement, and authorize the City Engineer to record a easement grant deed for a permanent access easement across City property.

Council Goals/Objectives: Agreement approval executes portions of work tasks towards achieving/maintaining Strategic Goal - Economic Development and Vitality.

Fiscal Impact: Minimal reimbursement costs associated with the installation of a sewer backflow device on the Thompson property will be absorbed from the project budget.

Funds Available: Yes

Account #: 300-406-TBD

Reviewed by: City Manager

Attachments: Settlement Agreement

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

THIS SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS (“Agreement”) is entered into effective on the last date signed below (“Effective Date”), by and between Malou Thompson (collectively, “Thompson”), and the City of Grass Valley (“City”), collectively referred to as “Parties,” on the following facts and circumstances:

RECITALS

A. On June 15, 2021, the City Planning Commission approved Development Review, Use Permit and Variance (19PLN-44) for the City of Grass Valley to develop a 32-space public parking lot and related facilities in the Neighborhood Center-Flex (NC-Flex) Zone, APN 008-410-007 (“Project”).

B. Thompson owns a residential property adjacent to the Project and had submitted objections to the Project and the City’s CEQA (California Environmental Quality Act) compliance during the administrative review of the Project.

C. On July 27, 2021, the City Council denied Petitioner’s appeal of the Planning Commission approval, and on July 28, 2021, the City filed a Notice of Exemption for the Project.

D. The Parties entered into a tolling agreement to toll the CEQA statute of limitations and engaged in settlement discussions to resolve Thompson’s concerns regarding the impacts of the Project on the neighborhood and on her property.

E. Thompson and the City have negotiated in good faith and reached a settlement, the terms of which are set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and in consideration of the mutual promises, covenants and conditions herein made, the Parties hereto agree as follows:

TERMS OF AGREEMENT

1. The City will grade and compact a smooth transition to the existing parking area on the Thompson property as necessary at the same time the City property is graded for Project construction.

2. The City will record an easement deed granting a permanent access easement to Thompson as described in Exhibit A. The permanent easement area will include the sections identified in Exhibit A as “20’ wide access easement” and “added access easement area.”

3. The City will install a standard metal chain link fence with privacy slats along the back of the sidewalk within the City right of way. A 24-ft. wide opening will be left at the location of the existing driveway onto the Thompson property.

4. The City will relocate the proposed solar LED area light 15’ south of the Thompson property line towards the center of the parking lot, as noted on Exhibit A as “new area light location.”

5. The sewer line from the Thompson property across the Project property will be located and inspected by a qualified contractor, and the City will reimburse Thompson for the cost of a back flow preventer and access sweep with cover box in the area of the southeast corner of the Thompson property to facilitate any future maintenance or necessary repairs. The amount of that reimbursement is limited to the invoice from Craig Johnson Plumbing attached hereto as Exhibit B.

6. The City will install a 10-foot access gate to the Thompson property lower driveway. The gate will swing open away from the parking area and into the Thompson property. The City will create a level ground surface during construction of the Project to accommodate smooth opening of the gate.

General Provisions

7. Release of Costs and Attorneys' Fees. Parties hereby release each other from any costs and attorneys' fees incurred related to the matters to which this Agreement applies. Specifically, each party shall bear its own attorneys' fees and costs incurred prior to the Effective Date of this Agreement.

8. Waiver of Claims and Release. For and in consideration of the conditions stated herein, Thompson and the City, and their respective agents, heirs, legal representatives, attorneys, successors, and assigns, hereby irrevocably and unconditionally release, acquit and forever discharge the other Party, and the other Party's officers, employees, consultants, contractors, respective agents, attorneys, successors, and assigns, individually and collectively, from any and all lawsuits, claims, actions, demands, causes of action, damages, costs, fees, and disputes of any kind, nature, and character, known or unknown, past, present or future, which either Party has, or might have, against the other Party, arising out of or in any way connected with the Project and the administrative and environmental review for the Project. Without limiting the foregoing, each Party expressly waives the provisions of California Civil Code section 1542, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

9. Covenant Not to Sue. The Parties hereby agree never to commence, prosecute, or cause to be commenced or prosecuted against each other any action or proceeding based upon the matters to which this Agreement applies.

10. No Admissions. This Agreement does not constitute an admission by either Party. Both Parties are entering into this Agreement to avoid litigation and expense.

11. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties with respect to the subject matter of this Agreement. There are no oral understandings, terms, or conditions, and neither Party has relied upon any representation, express or implied, not contained in this Agreement. All prior negotiations, understandings, terms, or conditions between and among the Parties are deemed merged into this Agreement.

12. Amendments. This Agreement cannot be changed or supplemented orally and may be modified or superseded only by written instrument executed by all Parties.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue for any action to enforce this Agreement will be Nevada County Superior Court.

14. Voluntary Agreement. The Parties represent that they have read this Agreement in full and understand and voluntarily agree to its provisions. The Parties further represent that they have, as of the date of execution of this Agreement, the legal authority and capacity to understand, agree to, and sign this Agreement on their own behalf and on the behalf of any entity for which they sign. The Parties further acknowledge and agree that they have been represented by competent legal counsel at all times relevant to this matter and have had an adequate opportunity to consult with and receive legal advice from said counsel prior to their execution of this Agreement.

15. Advice of Counsel. The Parties declare and represent that they are executing this Agreement with full advice from their respective legal counsel, that they intend that this Agreement shall be complete and shall not be subject to any claim of mistake, that the releases herein express a full and complete release and that, regardless of the adequacy or inadequacy of the consideration, each intends the releases herein to be final and complete. Each party executes this Agreement with the full knowledge that this Agreement covers all possible claims to the fullest extent permitted by law.

16. Binding Effect. This Agreement is for the benefit of all and shall be binding on all Parties and their heirs, successors, and permitted assigns. Thompson's interest in this Agreement shall run with title to the parcel referenced in recital B above. Any other assignment or transfer of Thompson's interest in this Agreement shall require the City's written approval.

17. Notices. All notices or other documents to be provided pursuant to this Agreement shall be personally delivered, mailed, postage prepaid, or sent via nationally-recognized overnight courier as follows:

If notice to Thompson:

Malou Thompson
887 Wells Lane
Oroville, CA 95965
malou887@comcast.net

With a copy to:

Marsha A. Burch
Attorney at Law
131 S. Auburn Street
Grass Valley, CA 95945
mburchlaw@gmail.com

If notice to the City of Grass Valley:

Tim Kiser, City Manager
The City of Grass Valley
125 East Main St.
Grass Valley, CA 95945
Timk@cityofgrassvalley.com

With a copy to:

Michael G. Colantuono, City Attorney
Colantuono, Highsmith & Whatley, PC
420 Sierra College Drive, Suite 140 |
Grass Valley, CA 95945-5091
mcolantuono@chwlaw.us

18. Warranty of Authority to Execute. Each Party hereto represents, warrants, and agrees that any person executing this Agreement has the full right and authority to enter into this Agreement on behalf of that Party and has the full right and authority to execute this Agreement and fully to bind that Party to the terms and obligations of this Agreement.

19. Severability. If any provision of this Agreement is held to be void, voidable, or unenforceable, the remaining portions of this Agreement shall remain in full force and effect.

20. Interpretation. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either Party.

21. Execution in Counterparts; Electronic Signatures. This Agreement may be executed in counterparts, such that the signatures may appear on separate signature pages and shall be deemed effective when all Parties have signed this Agreement or any counterpart thereof. A copy or an original, with all signatures appended together, shall be deemed a fully executed Agreement. Signatures may be given by emailed pdf format file or in other electronic form with the same force as original, wet signatures.

executed Agreement. Signatures may be given by emailed pdf format file or in other electronic form with the same force as original, wet signatures.

22. No Third Party Beneficiaries. The performance of the respective obligations of the Parties are not intended to benefit any other party. Except as provided otherwise, no person not a Party to this Agreement shall have any rights or causes of action against any Party to this Agreement as a result of that Party's performance or non-performance under this Agreement.

WHEREFORE, the undersigned execute this Agreement as follows:

Dated: March 28, 2022

THOMPSON

By: 

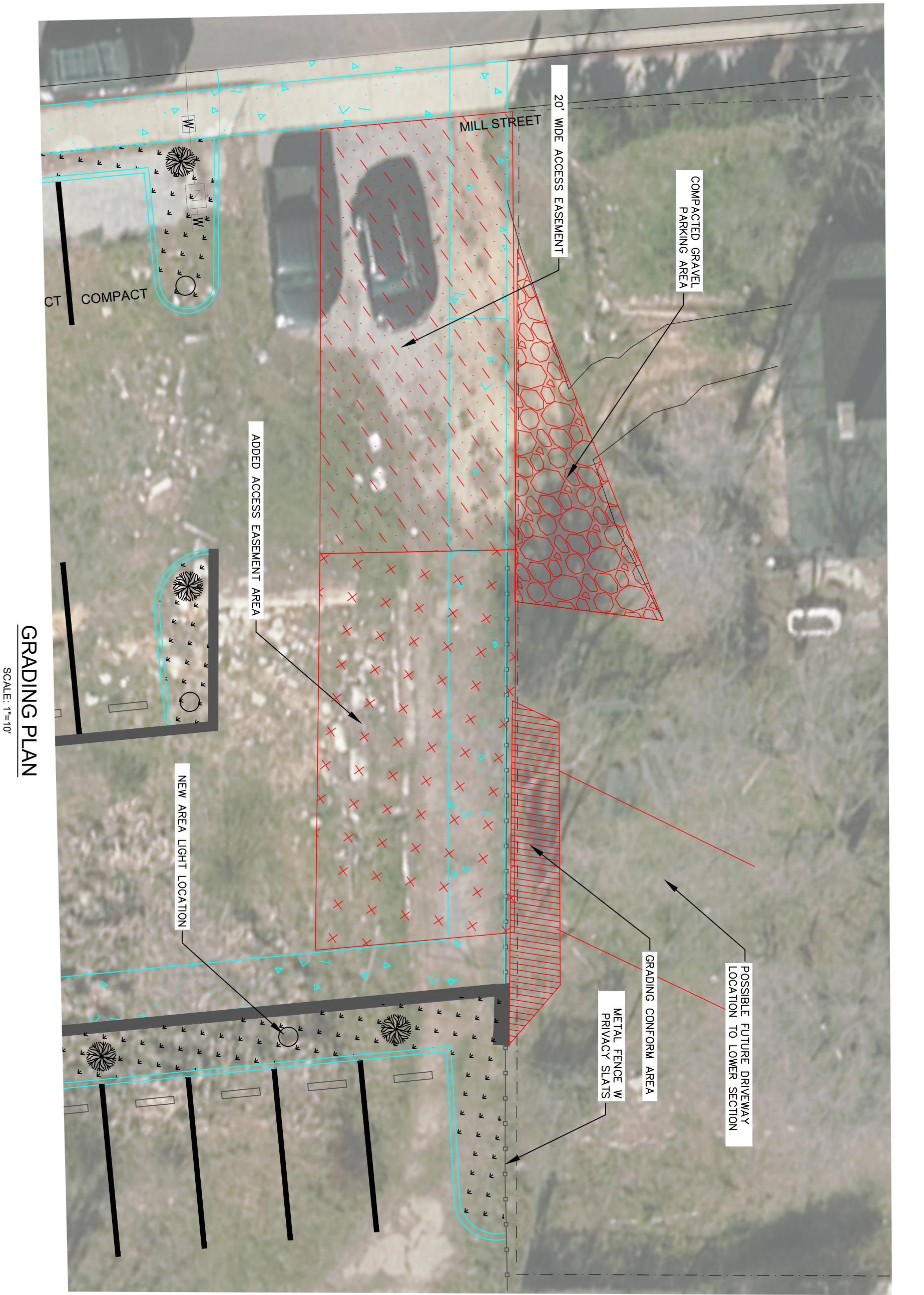
Malou Thompson

Dated: _____, 2022

CITY OF GRASS VALLEY

By: _____

Tim Kiser, City Manager



GRADING PLAN
SCALE: 1"=10'

Exhibit A

Craig Johnson Plumbing, Inc.
PO BOX 748
CEDAR RIDGE, CA 95924
530-274-7275



BILL TO
Malou Thompson 305 Mill St Grass Valley, CA 95945

SHIP TO
Malou Thompson 305 Mill St Grass Valley, CA 95945

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
27127	03/14/2022	\$1,650.00	03/29/2022	Net 15	

SALES REP
MP

ACTIVITY	QTY	RATE	AMOUNT
Services Provided: Labor Dug up 3" main sewer line approx 2' down. Removed 30" of ABS pipe and installed new pop off two way clean out with 3" sewer backflow prevention device with 6" riser and 4" riser for flapper. Used 4 band shielded NH ferrocos set to 80lbs. Ran water through cleanout checked for leaks and proper operations - all good. left sewer box at job ready for inspection	1	1,650.00	1,650.00

BALANCE DUE

\$1,650.00

\$1,650.00
* BAL. DUE PAID IN FULL ON
3/28/22 (MT)

Exhibit B



City of Grass Valley City Council Agenda Action Sheet

Title: Adopt Resolution No. 2022-17 Declaring Vehicles of the City of Grass Valley Surplus.

Recommendation: that council 1) Adopt Resolution No 2022-17 declaring a police vehicle as surplus and authorize disposition

Prepared by: Alex Gammelgard - Chief of Police

Council Meeting Date: 04/12/2022

Date Prepared: 04/06/2022

Agenda: Consent

Background Information: Pursuant to Government Code Section 37350, the City may declare items as surplus. The City of Grass Valley Police Department (GVPD) has a patrol vehicle to be considered surplus in that the engine in the vehicle is no longer serviceable and would require replacement to be placed back in service, at an approximately cost of \$10,000. The GVPD is in possession of a replacement new vehicle (pending upfitting for patrol), thereby allowing the vehicle in question to be taken out of service (surplus). Prior to arranging for auction of the unserviceable vehicle, the Nevada City Police Department (NCPD) inquired as to the availability of any GVPD vehicles that may be serviceable for patrol use. The vehicle in question was shown to NCPD staff and NCPD desires to take possession of the vehicle in order to repair the engine and utilize it for patrol service.

The GVPD Chief and NCPD Chief have come to a verbal agreement on the sale price of the vehicle at \$12,000.00. The fair market value (in running condition), as listed by Kelly Blue Book online is \$21,900. The estimated repair cost for a new engine is approximately \$10,000.

This action accomplishes the goals of GVPD and NCPD in that it efficiently accomplishes the surplus of a used GVPD patrol car while providing an economical and expeditious opportunity for NCPD to acquire a usable (after repair) patrol vehicle provided scarcity of new vehicles on the market. Grass Valley Municipal Code section 3.08.220 allows for the sale of city property for market value and “as is” without warranty, express or implied.

Council Goals/Objectives: The execution of this Resolution achieves Strategic Goal #5- High Performance Government and Quality Services.

Fiscal Impact: Revenues generated by sale of vehicle will offset future vehicles purchases/upfitting costs by the Police Department.

Funds Available: N/A

Account #: 200-201

Reviewed by: ____ City Manager

Attachments: -Resolution 2022-17

RESOLUTION NO. 2022-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DECLARING EQUIPMENT SURPLUS AND AUTHORIZING DISPOSITION OF EQUIPMENT

WHEREAS, The City Council may, pursuant to Government Code Section 37350, from time to time declare as surplus property certain personal property of the City which for reasons of wear and tear, defect or obsolescence deems the item unsafe or no longer useful to the City; and

Whereas, sections 3.08.220 to 3.08.270 of the Grass Valley Municipal Code authorize the disposal of surplus City property; and

WHEREAS, whenever the Council declares such personal property as surplus it may dispose of same when said disposal is for the benefit of the City and its constituents.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. That all of the above recitals are true and correct.
2. That the attached list of equipment is no longer needed for municipal purposes and is hereby considered surplus.

The City Manager is hereby authorized to dispose of the subject equipment in a cost-effective manner.

ADOPTED as a resolution of the City Council of the City of Grass Valley at a regular meeting held on the 5th day of April 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney

Taylor Day, Deputy City Clerk

SURPLUS VEHICLE

Item # 8.

VEHICLE #	YEAR/MAKE/MODEL	LICENSE#	OPERABLE	CONDITION	FUEL
#268	2016 Chevrolet Tahoe	1512051	No	FAIR – 87,849 miles (bad engine)	Unleaded



City of Grass Valley City Council Agenda Action Sheet

Title: Direction to file annual reports for Landscape and Lighting Districts (LLD) and Benefit Assessment Districts (BAD) for Fiscal Year 2022-23

Recommendation: It is recommended that the City Council adopt five Resolutions (2022-10, 2022-11, 2022-12, 2022-13, 2022-14) directing the filing of annual reports for Landscaping and Lighting Districts (LLD) - Annual Assessment for Fiscal Year 2022-23 and Benefit Assessment Districts (BAD) - Annual Assessments for Fiscal Year 2022-23.

Prepared by: Andy Heath

Council Meeting Date: 04/12/2022

Date Prepared: 03/27/2022

Agenda: Consent

Discussion:

In order to continue funding for the maintenance of improvements in the City's landscaping and lighting districts and benefit assessment districts, an annual assessment must be levied and placed on the County of Nevada Tax Roll. The proceeds of the annual landscaping and lighting district assessments pay for maintenance of landscaping and associated structures, landscape related utilities, city administration costs and street lighting costs within the boundaries of the district. The proceeds of the annual benefit assessment districts pay for storm drain maintenance and city administration cost within the boundaries of the district.

Directing the City Engineer to prepare the annual reports is the first step in the process of placing the assessments on the tax rolls.

Council Goals/Objectives: The Landscape & Lighting Districts (LLD) and Benefit Assessment Districts (A.D.) annual assessments supports the Strategic Plan - City Infrastructure Investment by covering costs for community-specific structures and services.

Fiscal Impact: To be determined once the reports are completed.

Funds Available: NA

Account #: NA

Reviewed by: City Manager

Attachments:

Resolutions (5)

RESOLUTION NO. 2022 - 10

RESOLUTION DIRECTING FILING OF ANNUAL REPORT
PURSUANT TO THE BENEFIT ASSESSMENT ACT
OF 1982 ASSESSMENT DISTRICT NO. 2003-1
(Morgan Ranch Unit 7)

The City Council of the City of Grass Valley resolves:

Bjorn Jones, P.E., the person designated by this Council as the Engineer of Work for Benefit Assessment District No. 2003-1, is hereby directed to file an annual report for Fiscal Year 2022-23 in accordance with the provisions of the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter referred to as the "1982 Act")

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

RESOLUTION NO. 2022-11

RESOLUTION DIRECTING FILING OF ANNUAL REPORT
PURSUANT TO THE BENEFIT ASSESSMENT ACT
OF 1982 ASSESSMENT DISTRICT NO. 2010-1
(Morgan Ranch West)

The City Council of the City of Grass Valley resolves:

Bjorn Jones, P.E., the person designated by this Council as the Engineer of Work for Benefit Assessment District No. 2010-1, is hereby directed to file an annual report for Fiscal Year 2022-23 in accordance with the provisions of the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter referred to as the "1982 Act")

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

RESOLUTION NO. 2022-12

RESOLUTION DIRECTING FILING OF ANNUAL REPORT
PURSUANT TO THE BENEFIT ASSESSMENT ACT
OF 1982 ASSESSMENT DISTRICT NO. 2016-1
(Ridge Meadows)

The City Council of the City of Grass Valley resolves:

Bjorn Jones, P.E., the person designated by this Council as the Engineer of Work for Benefit Assessment District No. 2016-1, is hereby directed to file an annual report for Fiscal Year 2022-23 in accordance with the provisions of the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter referred to as the "1982 Act")

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

RESOLUTION NO. 2022-13

RESOLUTION DIRECTING FILING OF ANNUAL REPORT
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT
OF 1972 ASSESSMENT DISTRICT NO. 1988-1
(Commercial Landscaping and Lighting District -
Whispering Pines and Litton Business Park)

The City Council of the City of Grass Valley resolves:

1. Bjorn Jones, P.E., the person designated by this Council as the Engineer of Work for Assessment District No. 1988-1, is hereby directed to file an annual report for Fiscal Year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

RESOLUTION NO. 2022 - 14

RESOLUTION DIRECTING FILING OF ANNUAL REPORT
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT
OF 1972 ASSESSMENT DISTRICT NO. 1988-2
(Residential Landscaping and Lighting District – Morgan Ranch, Ventana Sierra,
Scotia Pines, Morgan Ranch West and Ridge Meadows)

The City Council of the City of Grass Valley resolves:

1. Bjorn Jones, P.E., the person designated by this Council as the Engineer of Work for Assessment District No. 1988-2, is hereby directed to file an annual report for Fiscal Year 2022-23 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney



City of Grass Valley City Council Agenda Action Sheet

Title: Review of comments sent to Nevada County on the Draft Environmental Impact Report for the Idaho-Maryland Mine Project.

Recommendation: Informational only, no action required.

Prepared by: Thomas Last, Community Development Director

Council Meeting Date: 4/12/2022

Date Prepared: 4/5/2022

Agenda: Administrative

Background Information: On July 13, 2021, the City Council authorized a Professional Services Agreement with Harvey Consulting Group to provide peer review of a Draft Environmental Impact Report (DEIR) for Idaho-Maryland Mine project being processed by Nevada County. The County released the DEIR for public comments on January 4, 2022. Attached is the comment letter sent to Nevada County on March 30, 2022. As noted on the first page of the letter, the review and comments were completed by City Staff and several experts in specific environmental disciplines. Staff and the lead consultant will review the key comments at the Council meeting and be available for any questions. Since Nevada County is the lead agency on this EIR and the proposed mining project, no actions are required by the City Council.

Council Goals/Objectives: This action implements the goals and projects in the Strategic Plan associated with improving livability and verse, sustainable economy.

Fiscal Impact: The City Council previously authorized funds to assist City staff in this effort.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager

Attachments: 1. March 30, 2022, letter to Nevada County Planning



CITY OF GRASS VALLEY
Community Development Department
 Thomas Last, Community Development Director
 125 East Main Street
 Grass Valley, CA 95945

Building Division
 530-274-4340
Planning Division
 530-274-4330
 530-274-4399 fax

Date: March 30, 2022

Matt Kelley, Senior Planner
 Nevada County Planning Department
 950 Maidu Avenue, Suite 170
 Nevada City, CA 95959-7902
 Phone: 530-265-1423
 Email: Idaho.MMEIR@co.nevada.ca.us

**RE: COMMENTS ON THE IDAHO-MARYLAND MINE PROJECT DRAFT
 ENVIRONMENTAL IMPACT REPORT (DECEMBER 2021) (SCH# 2020070378),
 NEVADA COUNTY, CALIFORNIA**

Dear Mr. Kelley:

The City of Grass Valley has completed review of the Draft Environmental Impact Report (DEIR) for the Idaho-Maryland Mine Project (IMMP) and prepared the following comments. In summary, the DEIR is extraordinarily long (over 1,000 pages not including technical appendices), and much of its contents are very thorough. In addition to my review, the City was assisted in its review by Dr. Jeff Harvey, Ph.D., Principal & Senior Scientist with the Harvey Consulting Group for CEQA adequacy, Project Description, Hydrology and Alternatives topics. Paul Miller, Principal and Senior Air Quality and Noise Analyst, and Dan Jones, Senior Air Quality and Noise Analyst with The RCG Group for the Air Quality, Greenhouse Gas Emissions, Health Risks and Noise topics, and John Kain, AICP, Principal and Senior Transportation Planner, and Marlie Whiteman, P.E., Senior Transportation Engineer, with Urban Crossroads, Inc. for the Transportation and Vehicle Miles Travelled topics.

As detailed in our comments below, key aspects of this proposed 80-year mining and industrial development project – including air quality, greenhouse gases and traffic, and consideration of alternatives that may reduce or avoid potentially significant impacts to the City and surrounding County areas – are not accurately or adequately assessed. Corrections needed to these analyses are very likely to conclude with findings of greater impact levels than are now reported, and therefore a need for additional mitigation measures, and/or consideration of other project alternatives. This letter highlights technical inadequacies of the DEIR based on the CEQA statute, CEQA Guidelines and published court decisions interpreting CEQA.

CHAPTER 3: PROJECT DESCRIPTION

- PD-1) The applicant's request for an 80-year permit is extraordinary and makes this truly a multi-generational project. It is reasonable to expect that a lot is going to change in 80 years, possibly including mining methods, regulatory standards, market demand for gold, transportation methods and more. The County needs to consider a shorter permit time period, with an ability to renew the permit based upon an updated environmental review that reflects conditions and standards decades in the future. We suggest 30-years maximum permit period, which is still a major commitment to a single large industrial use. In addition, the County should consider a condition of approval requiring an Adaptive Management Process under which the project gets reviewed periodically (every 10 years), with additional environmental compliance and mitigation requirements added to the permit conditions as needed.
- PD-2) Likewise, the size of the project needs to be reconsidered. The 1,000 tons per day goal may be optimal for the applicant, but it is not optimal for the community as it requires off-site hauling through community areas and the City in 20 to 25 ton trucks from 6:00 AM to 10:00 PM seven days per week for 80 years. We recommend a cap of 500 tons per day or less, and no nighttime hauling activity. This would reduce truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and the volume of residual material to be disposed of by half – a very significant reduction in the impacts of this proposed industrial operation.
- PD-3) The proposed hauling operations need to clearly note that this part of the operation will include the loading, dumping, spreading, and compacting of waste materials. (See related comment in the Noise section below). Page 3-40 of the DEIR states "Hauling and dumping of engineered fill at the Centennial Industrial Site would occur between 6:00 AM – 10:00 PM." The hauling and dumping of engineered fill are construction activities that are intended to create industrial development pads rather than a mining activity, and as such, should be limited to the construction hours of the City's Noise Ordinance (prohibits construction noise between the hours of 7 pm and 7 am, or on Sundays) and should discuss how this proposed plan affects the goals of the Safety and Noise Elements of the County's General Plan, rather than just mentioning it on page 3-2.
- PD-4) The County may also consider splitting the Centennial Site operations off as a separate project and conduct environmental review and permitting independently. If the engineered fill can be used for deep mine backfill or transported to local and regional markets for use in construction projects (DEIR, page 3-26), the backfill at the Centennial Industrial Site does not need to be a component of the mining operation.

- PD-5) On page 3-18 in the discussion of the water treatment process and system it is noted that monitoring reports are required to be submitted quarterly. Please include the timing intervals for monitoring samples to be obtained. We suggest that at a minimum sampling should be done monthly for at least the first year, and quarterly thereafter if the first-year results demonstrate compliance with the maximum daily effluent limitations.
- PD-6) On page 3-19 in the third paragraph of the discussion of Mine Development (Tunneling) it is stated that the underground transport of barren rock will be done using electric or diesel-powered load/haul/dump vehicles. We suggest that the County should require all such vehicles to be electric-powered so that diesel exhaust emissions underground are eliminated.
- PD-7) On page 3-19 in the second paragraph of the discussion of Gold Mineralization Production, it is stated that 50 percent of mineralization would be returned to the underground mine as backfill, and the remainder would be used as engineered fill. This is not for the life of the project, as the engineered fill process only extends an estimated 5 to 12 years for the Centennial and Brunswick sites. Please describe what happens to the additional 50 percent (over 150,000 tons per year) for the tens of decades after the engineered fill is completed.
- PD-8) On page 3-21 in the second paragraph of the discussion of the ventilation exhaust system and underground support systems, please confirm that these include back-up generators and an alarm system in the event of a power outage.
- PD-9) Starting on page 3-26 in the discussion of Engineered Fill Transport, it is stated that engineered fill would be stored at the Brunswick site and/or transported to local and regional construction markets. Like gold, the market for engineered fill can fluctuate substantially over periods of years. There needs to some defined maximum volume that can be stored at the Brunswick site, the storage method described, and a discussion of what happens when “local and regional construction markets” have low demand for these fill materials for a prolonged period of time.
- PD-10) On page 3-28 in the first paragraph of the discussion of explosives, it is stated that the explosives supplier will have a “sufficient” insurance policy. Please define the term “sufficient” in this context and provide details regarding the events that will be covered so the sufficiency of the insurance may be accurately assessed.
- PD-11) On page 3-33 in the first paragraph of the discussion of the Potable Water Pipeline, please confirm that the pipeline construction and extensions to willing residents will occur prior to the commencement of dewatering of the mine.

- PD-12) On page 3-42 in the discussion of Mine Rescue and Emergency Response, please confirm that the mine-rescue team will be a part of the mining workforce on site.
- PD-13) On page 3-42 in the discussion of the Reclamation Plan, (and in Table 3-10 on page 3-46) the County should require that reclamation include demolition and removal of the above ground facilities and structures, subject to review if the buildings are inspected and determined to be of commercial value. These facilities and structures will be decades old at the time of reclamation and are unlikely to be in a condition that supports unknowable post-mining industrial uses of the property.
- PD-14) On page 3-52 in Table 3-11, a fact check: we believe that the RWQCB rather than the SWRCB Division of Water Rights has jurisdiction for all six of the permits listed for those agencies.

CHAPTER 4.3: AIR QUALITY AND GREENHOUSE GAS EMISSIONS

- AQ-1) The DEIR and Health Risk Assessment lack details of sensitive receptors that were considered for evaluating potential localized health impacts from the project. Page 4.3-11 of the DEIR states “At the Brunswick Industrial Site, rural residences are located to the north, west, east, and south. The nearest residence is north of East Bennett Road, approximately 100 feet from the Brunswick Industrial.” Page 4.3-79 of the DEIR states “The maximally exposed receptor was estimated to be the nearest existing residence, which is north of the Brunswick Industrial Site.” However, there is no map, figure, or other detailed information showing the sensitive receptors that were considered for evaluating potential localized health impacts from the Project in the DEIR or in the Air Quality and Greenhouse Gas Emissions Analysis Technical Report (Dudek, 2020). This information should be added in the Recirculated Draft EIR.
- AQ-2) The analysis of whether the project would result in wasteful, inefficient, or unnecessary use of energy is inadequate. CEQA Guidelines Section 15126.2, regarding the discussion of energy impacts, states: “*This analysis should include the project’s energy use for all project phases and components, including transportation-related energy, during construction and operation.*” The discussion of Impact 4.3-4 (beginning on page 4.3-86) of the DEIR does not disclose the estimated fuel usage (gasoline and diesel) from mobile sources (off-road equipment and on-road transportation sources) associated with construction and operation of the Project. This information should be included to disclose the scale of the Project’s usage of petroleum fuel sources. (See *Ukiah Citizens for Safety First v. City of Ukiah*, (2016) 248 Cal.App.4th 256). The discussion of Impact 4.3-4 should be enhanced to discuss whether this amount of energy usage would be considered wasteful, inefficient, or unnecessary.

- AQ-3) The analysis of whether the project would conflict with a State or local plan for renewable energy or energy efficiency is inadequate. Page 4.3-88 of the DEIR states that the Project would consume approximately 50,000 MWh annually during the 80-year operational life of the Project. Page 4.3-88 of the DEIR states that the Project would be served primarily by grid-supplied electricity, except under conditions when emergency power is required, and standby diesel generators would be used.

According to the Nevada County Energy Action Plan (EAP), Nevada County's total consumption in 2017 was approximately 344,000 MWh.¹ The Project's annual energy use would represent an increase of approximately 15 percent in County-wide electricity usage for a single industrial use. As noted on Page 4.3-40 of the DEIR, *"One of the central goals of the EAP is to reduce the projected annual grid supplied electricity use in 2035 by 51 percent...compared to a baseline from the year 2005."* The Project would result in a substantial long-term increase in grid supplied electricity consumption in the County which conflicts with the Nevada County EAP. This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact.

- AQ-4) The cumulative energy use impact discussed in 4.3-9 (Page 4.3-102) of the DEIR is difficult to differentiate from the project-level energy analyses (Impacts 4.3-4 and 4.3-5). The impact heading and significance determination statements are written as if they are discussing project-level impacts. The discussion needs to be enhanced to describe the potential cumulative energy use impacts of the Project when viewed together with the energy use of past, present, and reasonably foreseeable future projects.

- AQ-5) The DEIR lacks mitigation measures for project operations. Page 4.3-67 of the DEIR states *"According to the NSAQMD, unmitigated project generated emissions of ROG NO_x and PM₁₀ that are greater than zero are potentially significant and require mitigation."* Table 4.3-17 (Maximum Unmitigated Daily Project Emissions) notes that all operational phases of the Project would be potentially significant for ROG, NO_x and PM₁₀ and Page 4.3-70 of the DEIR states *"As shown in Table 4.3-17, daily unmitigated emissions of ROG, NO_x and PM₁₀ would be potentially significant (Level A or B) according to the NSAQMD significance criteria; therefore, mitigation is required."*

However, no mitigation measures were implemented for the operational phases of the Project. The NSAQMD states in their *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects (Guidelines)* that *"The lead agency should contact the District office to discuss the mitigations before the lead agency*

¹ Nevada County Energy Action Plan, Accepted by Board of Supervisors 5-0 February 12th, 2019, accessed at: <https://www.mynevadacounty.com/DocumentCenter/View/35183/Nevada-County-Energy-Action-Plan>

commits to a final mitigation plan for each project.” Since the Idaho-Mine Project is not a typical land use project for which the *Guidelines* are intended for and no mitigation measures from the *Guidelines* are applicable to the operational phases of the Project, the NSAQMD should have been (and should be) consulted to discuss mitigation measures that could be applicable to Project operation. The DEIR does not cite any correspondence with the NSAQMD. Thus, it is unclear if the Project will implement mitigation required to reduce potentially significant operational air quality impacts to less than a significant level or require a statement of overriding considerations.

- AQ-6) The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in “Significant New Information” per Section 15088.5 of the CEQA Guidelines.

CHAPTER 4.8: HYDROLOGY AND STORMWATER

- HS-1) The City of Grass Valley is concerned about stormwater flows in the South Fork of Wolf Creek channel that extends through the City and has very limited capacity under baseline conditions. In the discussion of surface water runoff beginning on page 4.8-69, it states: *“The proposed detention basins would hold back the peak flows and release the water at a lower rate and at a later time than currently occurs from those site areas. As a result, the project would reduce peak storm flows in both Wolf Creek and South Fork Wolf Creek.”* This conclusion is based upon a preliminary hydrology assessment and a peer review of that assessment and appears to have been well done. The potential stormwater impact is recognized as significant, and the mitigation measure 4.8-3 (page 4.8-76) is formulated to reduce the potential to “less than significant”. The measure requires development of a “Final Drainage Report” which shall be submitted to the Nevada County Planning Department and “...shall demonstrate that the on-site storm drain systems are sized such that site runoff (in addition to treated mine discharge for the Brunswick Industrial Site) under the post-development condition will not exceed predevelopment levels in the downstream channel(s) during the design storm events.” Due to the importance of this issue to the City, and the significance of this potential impact, we request the County add a requirement for the Final Drainage Report to also be submitted to the City’s Engineer for review and comment.

CHAPTER 4.9 LAND USE

- LU -1) The DEIR fails to acknowledge the applicable City’s General Plan as required by Nevada County General Plan Land Use Policies 1.8.1, 1.8.3, 1.8.5, and 1.8.6., and needs to acknowledge that the proposed project is located within the City’s adopted Sphere of Influence. The DEIR, which mentions the County’s General Plan on page 3-2, should have discussed and analyzed the above-noted policies and the City’s General Plan to determine whether those County policies will conflict with, or result in significant land use impacts on, the City.

CHAPTER 4.10: NOISE AND VIBRATION

- NV-1) The noise and vibration mitigation measures lack timing. Mitigation Measure 4.10-4 lacks specific timing requirements for implementation. Mitigation Measure 4.10-4 should be revised to include timing for implementation and require the Ground Vibration Monitoring Program to be developed prior to operation of the mine. The Ground Vibration Monitoring Program should require seismographs to be placed in accordance with the recommendations of the Blasting Report prepared by Precision Blasting Services (i.e., different requirements for different blasting depths). Furthermore, the results of the Ground Vibration Monitoring Program should be required to be submitted to the Nevada County Planning Department for review in a timely manner, reasonable to the County and applicant, to allow for adjustments in project conditions of approval, if warranted by the monitoring data.
- NV-2) A Recirculated DEIR needs to acknowledge that the hauling operations will include loading and dumping of trucks, and the spreading and compacting of this material. Those are standard construction operations that are tied to the proposed development of pad sites for future industrial use and would occur well beyond standard construction operational hours in most communities and be in violation with the City's noise ordinance that prohibits construction activities that generate significant noise between the hours of 7 pm and 7 am, or on Sundays within 500 feet of a residential zone. Although there are no residential zones within 500 feet of the Centennial site, there are homes in the area and the loading and unloading of material will generate noise. A Recirculated DEIR needs to address any potential conflict with the County's General Plan Safety and Noise Element adopted in October 2014 and the City's Noise Ordinance to adequately address the noise levels to be generated by the full hauling operations. The DEIR needs to fully disclose that the Centennial site operations and site preparation will occur well beyond any typical construction operation and likewise the resulting long-term noise impacts.
- NV-3) A five or more years-long operation that is active seven days a week and 16+ hours a day cannot be reasonably dismissed as a "temporary noise impact" as it is in section 4.10-1 and on page 4.10-32. It is only short term relative to the requested 80-year mining permit. These noises will reverberate through the adjacent valleys and hills every day and for many years when other construction activities are not allowed or limited. The impacts must be articulated and mitigated
- NV-4) Table 4.10-6 is listing Leq values as Lmax and vice versa, for Baseline Ambient Conditions for the Nighttime Column.

CHAPTER 4.12 TRANSPORTATION

EIR TRAFFIC SECTION COMMENTS

- T-1) **Figure 4.12-4 and related LOS analysis / tables** incorporate stop signs on Idaho Maryland Road that don't exist (intersection 20) – these are also included in the LOS analysis. Please update the figures in the EIR and TIA, along with the LOS analysis and related tables.
- T-2) **Vehicle Miles Traveled Standard of Significance** (page 4.12-27) indicates that VMT impact may be considered less than significant if the Project total weekday VMT / Service Population is equal to or less than 14.3 percent below the subarea mean under baseline conditions and the Project is consistent with the jurisdiction's General Plan. Grass Valley was used as the subarea, which has a Home-Based VMT per worker of 18.6. The 18.6 Grass Valley VMT standard (Table 4.12-4) appears to be sourced from Table A-3 of the Senate Bill 743 Vehicle Miles Traveled Implementation (Fehr & Peers, July 6, 2020). However, the Home-Based Attraction VMT per Employee presented in Table A-4 of the same document which addresses "issues with trip lengths for trips with origins or destinations outside the model" and other known trip issues is 13.1 for Grass Valley. Because the 13.1 value addresses trip issues, please update the standard to reflect this value.
- T-3) **Table 4.12-8** presents Project Trip Generation which includes automobiles and trucks but does not reflect passenger car equivalents (PCEs). To represent the impact that large trucks, buses and recreational vehicles have on traffic flow; trucks should be converted into PCEs. By their size alone, these vehicles occupy the same space as two or more passenger cars. In addition, the time it takes for them to accelerate and decelerate is also much longer than for passenger cars and varies depending on the type of vehicle and number of axles, particularly when considering the topography of the roads proposed for the haul route. Typical PCE factors are 1.5 for 2-axle trucks, 2.0 for 3-axle trucks and 3.0 for 4+-axle trucks. Please update trip generation to reflect truck PCEs.
- T-4) The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in "Significant New Information" and are very likely to identify "A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." per Section 15088.5 of the CEQA Guidelines.
- T-5) Page 4.12-35: The Existing Plus Approved Projects Conditions assumption fails to mention two approved projects in the City. The City approved Loma Rica Specific Plan amendments in 2019 and the Dorsey Marketplace project in 2020, well before

the release of the NOP. The City specifically noted these projects in its March 18, 2020, letter to Nevada County (copy attached), and again requests these projects to be included and taken into consideration.

- T-6) There is no mention within the Cumulative Impacts chapter or any traffic analysis of the City's General Plan Circulation Element's planned new road on the Centennial site that would connect Bennett and Idaho-Maryland Road. The City has requested this issue be addressed in multiple letters to the County (copies attached). This road connection is highly likely to change the impact conclusions in Impact 4.12-9.

TIA COMMENTS

- TIA-1) **Table 11** of the TIA references daily trips (maximum and average) but does not indicate any truck to automobile equivalency (passenger car equivalent) factors to represent the trucks heavy vehicle effect on the roadway system. Truck traffic should be adjusted to PCEs (or otherwise fully represented) for analysis purposes.

- TIA-2) Please convert trucks to PCEs for LOS analysis OR update heavy vehicle factors. Heavy vehicle percentages in the LOS worksheets indicate 2% to 5% heavy vehicles (most are 2%). The *appendix page labeled HCM 6th Signalized Intersection Summary MITIG8 Cumulative plus Project PM Peak 14: E. Bennett Rd/Brunswick Rd* includes 2% Heavy Vehicle factor. However, Section XI (Acceleration on Grade) states that along Brunswick Road:

"Trucks currently account for about 6% of all traffic between SR 49 and SR 174, with the truck traffic increasing to about 9% between Whispering Pines Lane and E. Bennett Road. Trucks also account for about 8% of traffic along Whispering Pines Lane. "

- TIA-3) **Tables 14A, 14B, 17A, 17B, 20A, 20B, 23A, 23B, 26A, 26B** should be updated to reflect LOS analysis results with trucks fully represented.

- TIA-4) **Tables 15A, 15B, 18A, 18B, 21A, 21B, 24A, 24B, 27A, 27B:** should be updated to reflect queuing analysis once trucks are fully represented. The TIA indicates "It is assumed that one additional vehicle (25') can store in the available left or right turn taper and this occurs at six locations". Overflow trucks may be significantly longer than 25' – please update to fully account for trucks.

- TIA-5) **Section II.4 Findings/Results of the TIA** indicates the Project generated VMT result is 14.7 for 2012 Base Year and 13.9 for 2035 Future Year. The TIA states that because 13.9 is less than the 18.6 average for Grass Valley, there is no VMT impact. However, VMT impacts are calculated on baseline conditions.

Interpolation between 14.7 for 2012 and 13.9 for 2035 indicates the Project generated VMT would be 14.4 in 2020. The Grass Valley VMT/SP is 13.1 (a reduction of 14.3% results in a threshold of 11.2). The interpolated 2020 VMT/SP of 14.4 is more than the threshold and an impact is found. Please update the VMT findings.

- TIA-6) *Maps such as Figure 4.12-1* of the EIR / Figure 3 of the TIA should be corrected/adjusted (ramps are missing). For example, the off ramp at intersection 9 is missing, as is the on-ramp at intersection 5. In addition, Bennett Street is misspelled.
- TIA-7) For the *intersection graphics such as Figure 4.12-2* which make up the bulk of the traffic figures, please clarify the orientation of street intersections. For example, at intersection 20, it appears that Idaho Maryland Road (the east/west street) is listed first, but at intersection 21, Sutton Way (the north/south street) is listed first.

CHAPTER 6: ALTERNATIVES ANALYSIS

- ALT-1) The City understands that the formulation of alternatives must consider the applicant's goals and objectives for the project, but that consideration is limited as explained in the CEQA Guidelines Section 15126.6[b]:

“Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. (Emphasis added.)

In this case, the applicant's objective that the project's production rate should be 1,000 tons per day is a speculatively large number chosen by the applicant based upon estimates of recoverable gold that could be extracted over an 80-year time period. The County has no obligation to maximize production, and particularly if it can only be accomplished by decades of significant effects on the local community related to truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and a huge volume of disposed residual material. Because of this, the obvious environmentally superior alternative is the Reduced Throughput alternative with a production rate of 500 tons per day, which is still a very significant mining project, and would substantially lessen the significant effects of the project. The assumption that this alternative would result in an extension of the project's operations timeframe to “between 130-160 years” is unsubstantiated and is based entirely upon an assumption the mine can only be financially feasible if it

allows full development of the underground resources – an assumption for which there is no evidence in the record.

- ALT-2) As noted in Project Description comments above, the applicant's objective that the project's permit term needs to be 80-years is extreme, and unprecedented in California. The County has no obligation to maximize the permit term due to the applicant's estimate of project feasibility recoverable gold to be extracted over 80-years. This is particularly so due to the nature and magnitude of significant effects on the local community related to truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and the volume of residual material to be generated and disposed. In this case, an obvious alternative to consider is a Reduced Throughput and Thirty-Year Permit alternative, which is still a very significant mining project, and would substantially lessen the long-term significant effects of the project.
- ALT-3) The assessment of alternatives 2 (Expansion of Brunswick Fill Pile) and 3 (Expansion of Centennial Fill Pile) is entirely predicated upon the assumption that the 1,000 tons per day objective needs to be attained, leading to conclusions that are inadequate and conclusory in nature. There is no support for the extraordinary expansion of fill piles. There is no need to expand the fill piles to the detriment of the benefits of the engineered fill if, as described elsewhere in the EIR, the materials can be used as backfill for the mine, and or transported "for use in local and regional construction markets" (DEIR, page 3-26).
- ALT-4) Page 6-3 aesthetics is listed as a less than significant impact, but on page 6-7, aesthetics is listed as a significant and unavoidable impact that cannot be fully mitigated, requiring the County to adopt a statement of overriding considerations if the project is to be approved.

CONCLUSIONS

- C-1) Collectively, the inadequacies identified in our review support our conclusion that rather than simply responding to comments, the County needs to substantially revise these analyses to repair the deficiencies, and prepare a Recirculated Draft EIR pursuant to CEQA Guidelines §15088.5, which states in part (applicable text in bold italics):

15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.*

As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) *A new significant environmental impact would result from the project* or from a new mitigation measure proposed to be implemented.
- (2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.*
- (4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.* (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

[Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.]

The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in significant new information” per Section 15088.5 of the CEQA Guidelines, are likely to findings of a substantial increase in the severity of an environmental impact. The Recirculated DEIR should give serious consideration to a much shorter permit timeframe, reduced throughput, and with a condition of approval requiring an Adaptive Management Process under which the project gets reviewed periodically (every 10 years), with additional environmental compliance and mitigation requirements added to the permit conditions as needed. It should also consider treating the Centennial site backfill as a distinct project independent of the mining project.

We appreciate your serious consideration of our comments. As I am sure you are aware, this a very significant project that has the potential to affect the City of Grass Valley and the surrounding community in Nevada County through the end of this century. Please don’t hesitate to call me if you have any questions or need additional information.

Sincerely.



Thomas Last

Community Development Director
City of Grass Valley

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Attachments:

- A. Referenced City letters sent to the County regarding the IMMP
- B. Technical Review Team Resumes