

Gridley City Council – Regular City Council Meeting Agenda

Monday, October 17th, 2016; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

- A. CALL TO ORDER** - Mayor Hall
- B. ROLL CALL** – Recording Secretary
- C. PLEDGE OF ALLEGIANCE** – Council member Draper
- D. INVOCATION** – Bishop Ben Counihan, Church of Jesus Christ, Latter Day Saints
- E. COMMUNITY PARTICIPATION FORUM** - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*
- F. CONSENT AGENDA** - *All items listed under the Consent Agenda are considered routine and acted upon by one motion. Any Council member may request that an item be removed for separate consideration. The City Council may only make minor comments; otherwise the item should be removed from the Consent Agenda and placed as the first item(s) under “Items for Council Consideration”.*
 - 1. Council minutes dated April, 4, 18, May 23, June 27 and October 3, 2016
 - 2. Domestic Violence Awareness Month Proclamation
 - 3. Extra Mile Proclamation
 - 4. City Services Update
- G. OTHER ITEMS FOR COUNCIL CONSIDERATION**
 - 5. Second Reading and Adoption of Ordinance No. 819-2016: An Ordinance of the City Council of the City of Gridley amending Title 8, Chapter 8.10, Property Maintenance, of the Municipal Code related to the quality of life in the City and property maintenance. (Citywide)
 - 6. Introduction and first reading of Ordinance No. 820-2016: An Ordinance of the City Council of the City of Gridley amending Title 17, Chapter 17.40, “Accessory Buildings”, of the Municipal Code related to the location and type of accessory buildings. (Citywide)
 - 7. Introduction and first reading of Ordinance No. 821-2016: An Ordinance Amending Title 17 of the Gridley Municipal Code to Rezone Approximately 14.4 Acres from Residential-Suburban (R-S) to Residential-Suburban/Agricultural Overlay (R-S/A) Zoning Designation to Allow Commercial Agricultural Uses Until the Property is

Developed on the 14.4 Acre Parcel Approved for 43 Single Family Detached Units (TSM 1-07, APN 010-270-121)

8. Approve of Resolution No. 2016-R-034: A Resolution of the City Council of the City of Gridley Amending Fees and Procedures Related to the Maintenance and Safety of the Existing Power Distribution Facility (Citywide)
9. Introduction of the Infill Design Guidelines: Development of design guidelines to provide realistic recommendations for infill development in the City of Gridley.
10. Authorizing the Mayor to sign a 5-year City Engineer Services Contract

H. CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

I. POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

1. Introduction of GHG Reduction Plan	11/07/16
2. Introduction of Title 17 code amendments	11/07/16
3. Cost Allocation/Fee Study Results	11/07/16
4. Adopt Infill Design Guidelines	11/07/16
5. Adopt Ordinance SGC Title 8 code amendment	11/07/16
6. Record Retention Policy	12/05/16
7. Proactive Policing Ordinances	12/05/16
8. Review GHG Reduction Plan	12/05/16
9. Seating of New City Councilmembers	12/05/16
10. Review Development Revised Street Standards	12/05/16
11. Annual Audit	01/16/17
12. Adopt Green House Gas Reduction Plan	01/16/17
13. Adopt Street Standards	01/16/17
14. Adopt remainder of Title 17 code amendments	01/16/17
15. Study Session – Building Code Resp, City vs. State	01/16/17

J. CLOSED SESSION

None

ADJOURNMENT – adjourning to the next regularly scheduled meeting on November 7th, 2016

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 4:00 p.m., October 14th, 2016, in accordance with Government Code Section 54954.2. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency

situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, April 4, 2016; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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*****STUDENT IN GOVERNMENT DAY*****

A. CALL TO ORDER

Mayor Hall called the meeting to order at 6:00 p.m.

B. ROLL CALL

Council Members

Present:

Council

Draper
Borges
Johnson
Hall

Student Counterpart

Schnepel
Kopp
Gibson
Becker
Orozco (Stiles’ counterpart)

Absent:

Stiles

Arriving post roll call:

None

Staff present:

Dean Price, Chief of Police/Interim City Administrator
Tony Galyean, City Attorney
Matt Michaelis, Finance Director
Daryl Dye, Electric Superintendent

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilman Draper

D. COMMUNITY PARTICIPATION FORUM

Sandeep Dhama addressed Council with concerns about the Building Department. He stated they are inconsistent in their inspections and plans are not returned in the time promised.

E. CONSENT CALENDAR

1. Sexual Assault Awareness Month Proclamation – received by Ruth Diaz
2. Acceptance of Employment Agreement for the Positions of Finance Director and Chief of Police

Mayor Hall read and presented the Sexual Assault Awareness Month Proclamation

Motion to approve the Consent Calendar by Councilman Draper, seconded by Councilman Borges

ROLL CALL VOTE

Ayes: Draper, Borges, Johnson, Hall

Motion passed, 4-0

F. ITEMS FOR COUNCIL CONSIDERATION

3. Strategic Growth Council Grant – Infill Development Guidelines
(To be considered first by Student Council members)

The student counterparts to staff discussed the staff report. The purpose of the grant as well as the meaning of ‘infill’ was given. There was discussion among the ‘student council’ as to the desired architecture in certain neighborhoods. After a few questions and brief discussion a motion was made and a roll call vote was taken.

Mayor Hall then presented all participants with a Certificate of Participation for all the students involved.

Council recessed to enjoy refreshments with the participants and their families.

RECEPTION BREAK – MEET/GREET COUNCIL, PARENTS, STUDENTS

Council reconvened to address item #3.

Planning consultant Donna Decker reviewed the staff report, stating that the grant consists of three tasks: Development of a Greenhouse Gas Reduction Plan, Development Code and Public Works Construction Standards Update, and Infill Development Guidelines. The purpose is to bring Title 17 into compliance with the adopted General Plan. She also spoke to the difference between guidelines being either mandatory or guidelines that “encourage” the use.

This was an informational item. No action was taken.

4. Approval of Resolution No. 2016-R-006: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY DESIGNATING THE CRITERIA BY WHICH VOLUNTEERS ARE ELIGIBLE TO RECEIVE WORKER’S COMPENSATION INSURANCE COVERAGE**

Finance Director Matt Michaelis reported that a recent Safety Committee meeting issue was that of what to do about a volunteer who is injured while performing services to the City. He described the different types of volunteers and what the City would be responsible for. After some research, the attached resolution has been drafted which provides more specific direction on what the City will and will not provide to volunteer workers.

Motion to approve Resolution No. 2016-R-006 made by Vice Mayor Johnson, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Borges, Johnson
Abstain: Hall

Motion passed, 3 with 1 abstention

G. VERBAL DEPARTMENT REPORTS

5. Matt Michaelis, Finance Director

Michaelis reported that they have begun the analysis phase of the budget. He hopes to begin budget hearings two weeks after Memorial Day.

6. Donna Decker, Planning Consultant

Decker updated Council on the Daddow Park renovation. Removal of the cedar trees will begin soon. The contract for the gazebo construction will be awarded to Lamon Construction and work will begin the 3rd week of April.

H. COUNCIL COMMITTEE REPORTS

Council member Borges reported on the NCPA teleconference he attended.

I. CLOSED SESSION

7. **Public Employment (GC: 54957 (b)(1))**

Positions: City Administrator
(recruitment update)

8. **Public Employment (GC: 54957)**

Positions: Interim City Administrator, Police Chief, IT Manager, Finance Director, Electric Superintendent, Public Works Director, Recreation Coordinator, Recreation Leader, Recreation Aid I/II, Chief Building Official, Part-time Building Inspector, Administrative Assistant (confidential)

Council came out of closed session with no reportable action.

J. ADJOURNMENT

Council adjourned to the next regular meeting scheduled for April 18, 2016

Paul Eckert, City Clerk

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, April 18, 2016; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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A. CALL TO ORDER

Mayor Hall called the meeting to order at 6:00 p.m.

B. ROLL CALL

Council members

Present:	Draper, Stiles, Borges, Johnson, Hall
Absent:	None
Arriving post roll call:	None

Staff present:

Dean Price, Chief of Police/Interim City Administrator
Tony Galyean, City Attorney
Matt Michaelis, Finance Director
Scott Rolls, City Engineer
Donna Decker, Planning Consultant
Daryl Dye, Electric Superintendent
Chris Haile, Fire Chief
Cindy Townsend, Recreation Assistant

C. PLEDGE OF ALLEGIANCE

The Pledge was led by Councilman Stiles

D. COMMUNITY PARTICIPATION FORUM

Lynn Spencer of the Chamber of Commerce presented a brief update to Council. They had a Red Suspender's Day meeting and they currently have 42 vendors. There will be a Chamber mixer at Bank of the West on April 21 and they are working on an empty building showcase for the month of June.

E. CONSENT CALENDAR

1. Electric Department monthly update, March 2016
2. Fire Department monthly update, March 2016
3. Building Department update, December 2015 thru March 2016
4. Police Department monthly update, March 2016
5. Recreation Department monthly update, March 2016
6. Public Works Department monthly update, March 2016
7. Tree Removal Request – Jim Stowe (informational only)

Councilman Borges asked to pull item #7 for discussion.

Motion to approve Consent Calendar by Councilman Stiles, seconded by Vice Mayor Johnson

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

Councilman Borges stated that Mr. Stowe had contacted him today requesting permission to remove trees along Magnolia Street near his business because they are blocking the view of his sign.

Donna Decker stated this is an informational item only. She reviewed the item stating the application she received noted the reason for removal as being a hazard, there was no mention of Manzanita Car Sales signage being blocked. She also stated that at this point, it is not a Council, Planning Commission or staff decision. It would only be considered to start with by the Planning Commission if Rite Aid was to submit an application to amend their Conditional Use permit and Site Development Plan.

F. ITEMS FOR COUNCIL CONSIDERATION

8. **Approval of Resolution No. 2016-R-007: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY RENAMING THE ANNUAL KIDS FISHING DERBY AS “AUSTIN HARR MEMORIAL KID’S FISHING DAY”**

Cindy Townsend reported that the idea was taken to the Recreation Commission and everyone has agreed the new name is a great way to honor Austin Harr.

Motion to approve Resolution No. 2016-R-007 made by Vice Mayor Johnson, seconded by Council member Borges

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

9. **Approval of Resolution No. 2016-R-008: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY SUPPORTING THE CITY OF LIVE OAK TIGER FUNDING APPLICATION FOR THE LIVE OAK STREETSCAPE PROJECT**

Interim Administrator Price summarized the staff report stating this resolution would be showing our support of the City of Live Oak’s grant application to fund improvements to Hwy 99.

Motion to approve Resolution No. 2016-R-008 by Councilman Stiles, seconded by Councilman Borges

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

10. Status update of the Wastewater Treatment Plant (WWTP) Solar Array

Interim Administrator Price stated the project is about 95% completed. He stated the City is still seeking the Renewable Energy Credits (REC's) for our renewable portfolio standards. The goal is to be online within the next 2-3 weeks.

G. VERBAL DEPARTMENT REPORTS

11. Daryl Dye, Electric Department update

Daryl Dye reported that the generator the City obtained a year and a half ago is up and running as of last Friday. The work on the substation is right on schedule. The contract has been signed with Beale, which has also been in the works for a long time.

12. Donna Decker, Daddow Park Progress Report

Decker stated that the contract was signed today with Lamon Construction and the notice to proceed has been issued. She is looking into a way to memorialize the names that were on the original bricks. She also mentioned that the state has approved the use of any additional funds for improvements at Vierra Park.

H. COUNCIL COMMITTEE REPORTS

Vice Mayor Johnson reported on the Butte County Mosquito and Vector Control District meeting he attended.

Mayor Hall attended the Countywide Homeless Symposium and a program at the Butte County Board of Supervisor's office entitled "Restoring Hope" where Joel Bassett, among others, was recognized for work done in the community.

I. CLOSED SESSION

13. **Public Employment (GC: 54957 (b)(1))**

Positions: City Administrator
(recruitment update)

14. **Public Employment (GC: 54957)**

Positions: Interim City Administrator, Police Chief, IT Manager, Finance Director, Electric Superintendent, Public Works Director, Recreation Coordinator, Recreation Leader, Recreation Aid I/II, Chief Building Official, Part-time Building Inspector, Administrative Assistant (confidential)

Council came out of closed session with no reportable action.

J. ADJOURNMENT - With no further items, Council adjourned to the next regular meeting of May 2.

Paul Eckert, City Clerk

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, May 23, 2016; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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A. CALL TO ORDER

Mayor Hall called the meeting to order at 6:00 p.m.

B. ROLL CALL

Council members

Present: Draper, Stiles, Borges, Johnson, Hall

Absent: None

Arriving post roll call: None

Staff present:

Dean Price, Chief of Police/Interim City Administrator

Tony Galyean, City Attorney

Matt Michaelis, Finance Director

Scott Rolls, City Engineer

Donna Decker, Planning Consultant

Daryl Dye, Electric Superintendent

C. PLEDGE OF ALLEGIANCE

The Pledge was led by Vice Mayor Johnson

D. COMMUNITY PARTICIPATION FORUM

Lynn Spencer, Chamber President, gave a Chamber update stating the success of the Chamber mixer at Bank of the West, Red Suspenders Day and the sale of the bricks to be placed in Daddow Park.

Marti Stiles, 284 Hazel Street, asked about the arrows that were left in the bike lane from a previous event. Chief Price stated that the arrows had been removed.

Tom Berenato, 450 Hazel Street, addressed Council regarding his concern over the 72-hour parking ordinance.

E. CONSENT CALENDAR

1. Electric Department monthly update, April 2016
2. Public Works Department monthly update, April 2016
3. Fire Department monthly update, April 2016
4. Recreation Department monthly update, April 2016
5. Police Department monthly update, April 2016

6. Code Enforcement update monthly update
7. Daddow Park Renovation update

Motion to approve the consent calendar by Councilman Stiles, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

F. ITEMS FOR COUNCIL CONSIDERATION

8. Consideration of Vierra Park Disc Golf Course proposal

This item was postponed to a later date due to last minutes concerns brought forward by staff

9. Approval of Resolution No. 2016-R-007: A Resolution of the City Council of the City of Gridley Authorizing Submittal of Application for Payment Programs and Related Authorizations

Michaelis addressed Council regarding items #9 and #10 concurrently. The California Department of Resources Recycling and Recovery (CalRecycle) administers funding programs to assist organizations with establishing convenient beverage container recycling and litter abatement projects, and to encourage market development and expansion activities for beverage container materials. Gridley is eligible to receive a minimum of \$5,000.

There was no discussion among Council. Motion to approve Resolution No. 2016-R-007 made by Vice Mayor Johnson, seconded by Councilman Stiles.

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

10. Approval of Resolution No. 2016-R-008: A Resolution of the City Council of the City of Gridley Authorizing Submittal of a Regional Payment Program Application as the Regional Lead Participant, Related Authorizations and Identification of Participating Jurisdictions

Motion to approve Resolution No. 2016-R-008 by Vice Mayor Johnson, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

11. Approval of Resolution No. 2016-R-009: A Resolution of the City Council of the City of Gridley Authorizing the Extension of the City's Participation in the Biggs-Gridley Hospital Agency JPA

Michaelis reported that in 2005, the City passed Resolution 2005-R-050 authorizing the City's participation in the Joint Powers Authority (JPA) with the City of Biggs and the County of Butte (representing the unincorporated area within Community Service Area (CSA) #37). This JPA, known as the Biggs-Gridley Hospital Agency, was created to assist with the extension of emergency care to residents within the area comprising CSA #37. On November 7, 2006, residents of the City voted to assess a \$70 per dwelling unit assessment for the benefit of providing hospital services in the community. 2016-17 represents the final year of the 10-year assessment. Therefore, the assessment will discontinue unless another vote is held to continue the assessment. The resolution today extends the participation in the JPA for the next 10 years, which is the framework for the assessment process.

Motion to approve Resolution No. 2016-R-009 with the name change to Orchard Hospital by Councilman Draper, seconded by Vice Mayor Johnson

ROLL CALL VOTE

Ayes: Draper, Borges, Johnson, Hall

Abstain: Stiles

Motion passed, 4 with 1 abstention

12. Approval of Resolution No. 2016-R-010: A Resolution of the City Council of the City of Gridley Authorizing the Finance Director to Invest Funds and Choose an Investment Broker in Accordance with the City's Investment Policy

Michaelis addressed Council, stating that the City has approximately \$8 million in various investment funds, \$7.2 million in LAIF and \$1 million in a Wells Fargo savings account. From a financial statement perspective, this cash represents an "investment asset" and is classified as such on the City's financial statements. This LAIF money is indeed "sitting there" idly, but it by all means serves many purposes. It represents our "cushion," and choosing to spend it down on either special projects or fund deficits without the identification of additional revenues threatens the entire spectrum of our fiscal solvency.

LAIF currently has an interest rate of .29 percent, and our Wells Fargo savings account currently has an interest rate of .43 percent. Annual income from these investments ranges between \$20,000 and \$30,000, depending on what time of year the money is taken out. The City has never had a robust investment program and currently has an opportunity to start one by beginning investing amounts in increments of \$100,000 in short-term, liquid securities which are in accordance with the City's investment policy. He went on to describe the different types of investments, and answered the questions Council had brought up the first time this subject was addressed.

It is recommended that the City Council adopt a Resolution authorizing the Finance Director to begin an investment program as outlined in the staff report and choose a

broker which will enable the City to be in compliance with its investment policy and state law.

After much discussion as to the amount and length of investment desired, motion to approve Resolution No. 2016-R-010 with the removal of the words “and Choose an Investment Broker” and the investment of \$1million in 4 units for 1 year made by Councilman Stiles, seconded by Councilman Borges

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

G. VERBAL DEPARTMENT REPORTS

13. Cindy Townsend – Austin Harr Memorial Kids Fishing Derby update

Interim Administrator Price stated this item will be postponed until a later date.

14. Donna Decker - Daddow Park update/Brick sales

Decker stated that she had returned with answers to Councilman Stiles’ questions regarding who chose the color of the bricks to be used and who will benefit from the sale of the bricks. She provided a handout to Council showing the colors and said she chose them to complement the stonework on the columns and walls. She stated the Chamber of Commerce volunteered to sell the bricks and discussion as to who would benefit from the sales never happened. She stated it seemed like a reasonable option when viewed as a fundraiser to help the Chamber.

Stiles then stated his concern over the legality of a separate entity making a profit on something that would become part of a City asset. Attorney Tony Galyean stated that he would defer to the legal counsel or tax advisors to the Chamber of Commerce as to the legality of the situation.

Decker continued with an update on the progress on the work being done.

H. COUNCIL COMMITTEE REPORTS

Vice Mayor Johnson reported on the Butte County Mosquito and Vector Control District meeting he attended. He stated they will come out and spray if you call and request it.

Mayor Hall reported that he attended the “Career Day” event, two Loan Committee meetings, the Bank of the West Chamber mixer, the open house at the Labor Camp and a meeting with Caltrans.

I. CLOSED SESSION

15. **Public Employment (GC: 54957 (b)(1))**
Position: City Administrator
(recruitment update)

16. **Public Employment (GC: 54957)**
Positions: Interim City Administrator, Police Chief, IT Manager, Finance Director, Electric Superintendent, Public Works Director, Recreation Coordinator, Recreation Leader, Recreation Aid I/II, Chief Building Official, Part-time Building Inspector, Administrative Assistant (confidential)
17. Government Code 54956.9 – Consultation with Legal Counsel to discuss pending litigation – Bill Webb Construction, et al. vs. County of Butte, et al, Butte County Superior Court, Case No. 16CV00186

Council came out of closed session with no reportable action.

J. ADJOURNMENT

Paul Eckert, City Clerk

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, June 27, 2016; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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A. CALL TO ORDER

Mayor Hall called the meeting to order at 6:00 p.m.

B. ROLL CALL

Council members

Present: Draper, Stiles, Borges, Johnson, Hall

Absent: None

Arriving post roll call: None

Staff present:

Dean Price, Chief of Police/Interim City Administrator

Tony Galyean, City Attorney

Matt Michaelis, Finance Director

Donna Decker, Planning Consultant

Daryl Dye, Electric Superintendent

Tony Brownell, Battalion Chief

Mike Hensley, IT Manager

C. PLEDGE OF ALLEGIANCE

The Pledge was led by Councilman Stiles

D. COMMUNITY PARTICIPATION FORUM

Eileen Burke-Trent gave the Council an update on the Chamber of Commerce activities

E. CONSENT CALENDAR

1. Approval of Council minutes dated June 20, 2016
2. Renumber Resolutions 2016-R-007 and 2016-R-008 to 2016-R-014 and 2016-R-015 respectively (numbers duplicated)
3. Informational Report Regarding Benelect

Motion to approve the consent calendar by Councilman Stiles, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

F. PUBLIC HEARING

4. Public Hearing to receive citizen input on Orchard Hospital Special Assessment Tax

Finance Director, Matt Michaelis, briefed Council that in 2005, the City passed Resolution 2005-R-050 authorizing the City's participation in the Joint Powers Authority (JPA) with the City of Biggs and the County of Butte. This JPA, known as the Biggs-Gridley Hospital Agency, was created to assist with the extension of emergency care to residents. On November 7, 2006, residents of the City voted to assess a \$70 per dwelling unit assessment for the benefit of providing hospital services in the community. 2016-17 represents the final year of the 10-year assessment. Therefore, the assessment will discontinue unless another vote is held to continue the assessment. This resolution will simply allow the voters to decide whether to impose the assessment. At the same time it requests the Butte County Board of Supervisors to consolidate the election with the General Statewide Election.

The public hearing was opened and seeing no one present wishing to speak, the hearing was closed.

5. Approve Resolution No. 2016-R-016: A Resolution of the Gridley City Council Calling and Giving Notice of a General Election for City Special Tax Measure (Standby Costs of Providing Emergency Room Services in a Critical Access Hospital (Orchard Hospital)) to be Held November 8, 2016; Requesting the Board of Supervisors of Butte County to Consolidate Said Election with the General Statewide Election; Approving an Increase in the City's Spending Limit, and Setting the Ballot Language

Motion to approve Resolution No. 2016-R-016 by Vice Mayor Johnson, seconded by Councilman Stiles

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

G. ITEMS FOR COUNCIL CONSIDERATION

6. Approval of Resolution No. 2016-R-017: A Resolution of the City Council of the City of Gridley Establishing the 2016-2017 Appropriations Limit for the City of Gridley

Motion to approve Resolution No. 2016-R-017 by Councilman Draper, seconded by Vice Mayor Johnson

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson, Hall

Motion passed, 5-0

7. Approval of Resolution No. 2016-R-018: A Resolution of the City Council of the City of Gridley Adopting a Budget for Fiscal Year 2016-2017

Motion to approve Resolution No. 2016-R-018 by Councilman Draper, seconded by Councilman Stiles

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Hall

Nays: Johnson

Motion passed, 4-1

8. Council Discussion and Determination Regarding Continued Payment of Guardian Building Utilities – Council to Direct Staff

Council directed staff to give a three month notice that as of October 1, 2016, the City would be dissolving its agreement to pay half of the utilities for the Guardian Building.

Motion by Mayor Hall, seconded by Councilman Borges

ROLL CALL VOTE

Ayes: Borges, Johnson, Hall

Nays: Draper, Stiles

Motion passed, 3-2

H. VERBAL DEPARTMENT REPORTS

9. Matt Michaelis – Investments

Michaelis updated Council on a previous discussion regarding investments. In that prior discussion, Council directed that a broker not be used to purchase CD's.

Michaelis briefed Council that the brokers are paid by the banks issuing the CD's, not the City.

10. Dean Price/CalFire – Fireworks update

An update was given regarding the type of fireworks that are permitted within the City and the efforts being made to control the sale and use of unpermitted fireworks.

11. Donna Decker – Daddow Park Revitalization Grant update

Decker gave an update on the progress of the Daddow Park renovation.

12. Dean Price – Active Shooter Training

Chief Price reported on the Active Shooter Training tabletop exercise put on by the FBI.

I. COUNCIL COMMITTEE REPORTS

Mayor Hall reported on the Sutter Butte Flood Control Agency meeting he attended.

J. CLOSED SESSION

13. **Conference with legal counsel** regarding existing litigation pursuant to Government Code Section 54956.9(d)(1) – Northern California Power Agency vs. United States of America, Court of Federal Claims, Case No. 14-817C
14. **Public Employment (GC: 54957 (b)(1))**
Position: City Administrator
(Recruitment Conclusion)
15. **Public Employment (GC: 54957)**
Positions: Interim City Administrator, Police Chief, IT Manager, Finance Director, Electric Superintendent, Public Works Director, Recreation Coordinator, Recreation Leader, Recreation Aid I/II, Chief Building Official, Part-time Building Inspector, Administrative Assistant (confidential)
(Restructure and Policy Discussion)
16. **Labor Negotiations – International Brotherhood of Electrical Workers (GC: 54957.6)**
Positions: Community Development Assistant, Senior Accounting Technician, Accounting Technician, Administrative Services Clerk I & II, Transit Operator, Maintenance Supervisor, Senior Maintenance Worker, Maintenance Worker II, Maintenance Worker I, Electrical Supervisor, Senior Electric Line Worker, Electrical Line Worker, Apprentice Line Worker, Customer Service Technician
(Request to Calendar a labor meeting in July 2016)

Council came out of closed session with no reportable action.

K. ADJOURNMENT

With no further items for discussion, Council adjourned to the next meeting on July 5, 2016.

Paul Eckert, City Clerk

Gridley City Council – DRAFT City Council Meeting Minutes

***Amended Agenda**

Monday, October 3rd, 2016; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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A. CALL TO ORDER

Vice Mayor Johnson called the meeting to order at 6:00 p.m.

B. ROLL CALL

Council Members

Present:

Draper, Stiles, Borges, Johnson

Absent:

Hall

Arriving post roll call:

None

Staff present:

Paul Eckert, City Administrator

Tony Galyean, City Attorney

Matt Michaelis, Finance Director

Scott Rolls, City Engineer

Donna Decker, Planning Consultant

Daryl Dye, Electric Superintendent

Dean Price, Chief of Police

Chris Haile, Division Chief

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilman Borges

D. INVOCATION

The invocation was given by John Manganiello of the United Methodist Church

E. COMMUNITY PARTICIPATION FORUM

The forum was opened and seeing no one wishing to speak the forum was closed.

F. CONSENT CALENDAR

1. Council minutes dated March 7, March 21, June 20 and September 19, 2016

2. Fiscal Year 2015 / 2016 Treasurer's Report

3. *City Surplus Vehicles and Equipment

Motion to approve the consent calendar by Councilman Stiles, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson

Motion passed, 4-0

G. OTHER ITEMS FOR COUNCIL CONSIDERATION

4. Second Reading and Adoption of Ordinance No. 818-2016: An Ordinance of the City Council of the City of Gridley, California, Adding Chapter 9.23 Related to Butane Resale Regulations, to Title 9, Public Peace, Morals and Welfare, of the Gridley Municipal Code

Administrator Eckert briefly reviewed the staff report. This being the second reading, there were no questions from Council.

Second reading and adoption of Ordinance No. 818-2016 by Councilman Stiles, seconded by Councilman Draper

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson

Motion passed, 4-0

5. Approval of Resolution No. 2016-R-033: A Resolution of the City Council of the City of Gridley Adopting a Supplemental Budget for Fiscal Year 2015-2016

Finance Director Matt Michaelis reported that this is being brought forth now because of the 15/16 audit being underway. He reviewed a few of the items that have gone over the budgeted amount including consultant and staff time for the Daddow Park renovation. Also, the power purchase costs have been over \$3 million for the past three years in a row, whereas they are generally \$2.5 million or less.

Council asked what the increase in the power purchase was related to. Michaelis stated that his layman's understanding of the power industry is that it is based on the drought. When you are dealing with hydroelectricity and there is a drought, the cost to produce that energy goes up.

Robert Thomas addressed Council and expressed concern with the high amount of his power bill.

Motion to approve Resolution No. 2016-R-033 by Councilman Draper, seconded by Councilman Borges

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Johnson

Motion passed, 4-0

6. Introduction and first reading of Ordinance No. 819-2016: An Ordinance of the City Council of the City of Gridley amending Chapter 8.10, "Property Maintenance", of the Gridley Municipal Code. (Citywide)

Consultant Donna Decker reviewed the staff report, detailing some of the proposed language changes. She provided a handout to Council with new wording that was more to the liking of Planning Commission Chair Thomas as opposed to what was in the staff report. The new wording presented clarified the limits of access by the Code Enforcement Officer.

Planning Commission Chair Robert Thomas addressed Council with his concern that the current language violates the 4th Amendment of the U.S. Constitution.

Motion to approve introduction and first reading with presented changes by Councilman Draper, seconded by Councilman Stiles

ROLL CALL VOTE

Ayes: Draper, Stiles, Borges, Hall

Motion passed, 4-0

7. Introduction and first reading of Ordinance No. 820-2016: An Ordinance of the City Council of the City of Gridley amending Chapter 17.40, "Accessory Buildings", of the Gridley Municipal Code. (Citywide)

Decker explained the changes which included adding definitions, defined yard setbacks and a revision to the need for an applicant to demonstrate the need for a metal container for use in the storage of construction equipment.

Councilman Stiles asked if the new wording addressed containers already existing. Decker stated she could return for the second reading with some additional language to address the existing containers. Council moved, with all in favor, to continue the item to the next meeting so that the additional language could be considered in the first reading.

H. CITY STAFF AND COUNCIL COMMITTEE REPORTS

Councilman Stiles reported on the meeting he attended regarding the Gridley Swimming Pool.

I. POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

1. Engineering Services Agreement	10/17/16
2. Introduction of Infill Design Guidelines	10/17/16
3. Budget Adjustments for FY 2016-17	10/17/16
4. Introduction of GHG Reduction Plan	10/17/16
5. Introduction of Title 17 code amendments	11/07/16
6. Cost Allocation/Fee Study Results	11/07/16
7. Adopt Infill Design Guidelines	11/07/16

8. Adopt Ordinance SGC Title 8 code amendment	11/07/16
9. Adopt Portion of Title 17 Code Amendments	11/07/16
10. Record Retention Policy	12/05/16
11. Adopt remainder of Title 17 code amendments	12/05/16
12. Proactive Policing Ordinances	12/05/16
13. Review GHG Reduction Plan	12/05/16
14. Seating of New City Councilmembers	12/05/16
15. Review Development Revised Street Standards	12/05/16
16. Annual Audit	01/16/17
17. Adopt Green House Gas Reduction Plan	01/16/17
18. Adopt Street Standards	01/16/17
19. Study Session – Building Code Resp, City vs. State	01/16/17

J. CLOSED SESSION

8. **Conference with Legal Counsel to discuss anticipated litigation pursuant to Government Code 54956.9 “Nathan Sharrock vs. City of Gridley”**

Council came out of closed session with no reportable action.

K. ADJOURNMENT

Paul Eckert, City Clerk

Domestic Violence Awareness Month, October 2016

Proclamation

WHEREAS, violence against women and children continues to become more prevalent as a social problem as a result of the imbalance of power due to gender and age; and

WHEREAS, the problem of domestic violence is maintained by social indifference and is not confined to any individual circumstances or groups of people, but across all economic, racial, sexual, and social demographics; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, through the systematic use of physical, emotional, sexual, verbal, and economic control and/or abuse; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting our families, our communities and society as a whole; and

WHEREAS, the prevalence of domestic violence may be diminished by educating and empowering the community to develop and maintain healthy relationships.

NOW, THEREFORE, I, Frank Hall, Mayor of Gridley, in recognition of the important work done by domestic violence programs, do hereby proclaim the month of October 2016 as Domestic Violence Awareness Month and urge all citizens to participate in the scheduled activities and programs sponsored by Catalyst Domestic Violence Services to work towards building healthy relationships and eliminating intimate partner violence.

Frank Hall, Mayor



EXTRA MILE DAY

November 2016 Proclamation

WHEREAS, Gridley, California, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Gridley is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Gridley, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Gridley, acknowledges the mission of Extra Mile America to create 550+ Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2016.

NOW THEREFORE, I, Mayor of Gridley, California, do hereby proclaim November 1, 2016, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Frank Hall, Mayor

City Council Agenda Item #4
Staff Report

Date: October 17, 2016
To: Mayor and City Council
From: Paul Eckert, City Administrator
Subject: City Services Update

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council review and accept the attached City Services Update.

Background and Compliance with City Council Strategic Plan or Budget Goals

The attached Update is provided to the Mayor and City Council in keeping with the Council's commitment to ensure that all members of our community are fully informed of all City activities and initiatives. The Update will soon be shared online at <http://www.gridley.ca.us/>. The Update is also shared timely with all City of Gridley coworkers.

Financial Impact

There are no financial impacts associated with this Agenda item. Council review and acceptance of the City Services Update is consistent with our ongoing efforts to transparently share all City financial and budgetary information.

Attachments:

City Services Update

City of Gridley

To: Mayor Hall and City Councilmembers
From: Paul Eckert, City Administrator
Subject: City Services Weekly Update
Date: October 9, 2016

This Weekly Update is intended to provide useful and timely updates to the Mayor and City Council, Community Members, and City staff. This Update will soon be available online at <http://www.gridley.ca.us>. We regret if we have inadvertently omitted useful items from this report. As always, your input and guidance are appreciated. Please send any response to me directly and do not “copy all.”

City Administrator/City Council/Information Technology

- City staff will participate in County-wide Homeless conversations in Chico this week.
- City Council Strategic Visioning Process – Staff will begin the development of the Strategic Plan in November and hope to conduct City Council Strategic Planning Sessions in January and February. The new 2017-2020 City Council Strategic Plan will be adopted before April 17th.
- Records Retention – Effectively managing City records is a priority throughout our organization. We have organized our City Hall Records Room. We will use the 2000 Records Retention Policy until the City Council reviews and approves a new Policy. Our new Council Agenda “Check List” process has helped ensure the integrity of Council files. All coworkers at City Hall have been asked to organize the files in their respective work areas and the shared areas and to rotate old files into storage. This investment of time should simplify our work and ensure appropriate compliance with record retention and Public Record Request responsibilities.
- City Website – A new City website presence is currently being developed with an intended launch date of November 8th.
- Northern California Power Agency – Considerable effort is being applied to registering the City of Gridley WWTP Solar Array with the Western Electric Coordinating Council (WECC) and the California Energy Commission. Among other benefits, registration will result in financial savings associated with cost effectively meeting State of California Renewable Energy Credits (REC). The transition of various NCPA processes to the new City Administrator are primarily completed.
- Daddow Park – The focus and production of the Contractor, Lamon Construction, has greatly expanded over the past three weeks. We anticipate the Contractor will be mostly finished by October 15th and the City Crews will be able to complete their work before Mid-November.
- New City Councilmember Orientation – Staff continues to develop the thorough and informative orientation process for new Councilmembers. We hope to have each new Councilmember’s orientation prior to the new City Council seating tentatively planned for December 5th. The Orientation Process will include tours of all City facilities.
- Public Safety Lateral Dispatcher interviews were recently conducted. We had three excellent candidates that all passed the oral examination.
- IT Manager Mike Hensley has done an exceptional job in his efforts to investigate the fraud incident for the Biggs Finance Department. This case will be filed for prosecution with the Butte County District Attorney’s Office.

Economic Development

- City Industrial Park - The City recently contracted with TNT Real Estate to market and sell Parcel 2 located in the Industrial Park. We will keep the City Council informed of our progress.

- Business Retention, Expansion, and Attraction (BREA) Program – Staff is developing the BREA Program for Council consideration in December. In the meantime, City staff continue to meet with 3-5 businesses weekly.
- Process Evaluation – As Council expects, staff is currently evaluating our City processes and procedures to ensure that Gridley has efficient and consistent Development Processes and that we are “user friendly” at each level of our organization.
- The City Administrator recently travelled to Sacramento to meet with legislative staff and the Governor’s Economic Development Team. We continue to meet with local retailers and business leaders.

Finance Department and City Bus Service

- The Finance Department is very busy with: financial year end closing; preparation for the annual audit and onsite work of the independent auditors; organization of all work areas and file systems; and employee payroll and benefit changes.
- Customer Service - The Finance Department continues to strive to effectively meet the needs of our customers and provide excellent customer service at all times.
- Expanded Online Payment Options – The enhanced Online Payment System will be implemented in December. We will run a marketing and outreach effort regarding for the new System. We will use our utility bills, website site, use the Chamber, use PD and Rec Facebooks and the local media to promote participation. We have set aggressive participation level objectives. We anticipate efficiencies through reduced customer counter time, late notice postage savings, and reduced costs for meter shut-offs.
- Golden Flyer Bus – We are currently working on enhancements to our Monthly tracking systems.

MONTH	YEAR	DRIVER	PASSENGERS	DAYS OF SERVICE	RIDERS PER DAY	MILEAGE START	MILEAGE END	TOTAL MILES	AVERAGE MILES PER DAY
JANUARY	2016	BROWN	656	20	33	100736	101696	960 & 86 (Pool car) TOTAL: 1046	52
FEBRUARY	2016	BROWN	670	20	37	101697	102797	1100	55
March	2016	BROWN	777	22	35	102798	104001	1203	55
APRIL	2016	BROWN	766	21	36	BUS 104002 CAR 24871	BUS 105160 CAR 24881	1168	56
MAY	2016	BROWN	739 Program riders 529 Fishing Derby Event riders	21	35	BUS 105161 CAR 249001	BUS 106431 CAR 249118	1270 & 117 (Pool car) TOTAL: 1387 Mileage includes Fishing Derby Event	66
JUNE	2016	BROWN	829	22	38	106432	107815	1383	63
JULY	2016	BROWN	729	20	36	107816	108986	1170	59
AUGUST	2016	BROWN	844	23	37	108987	110325	1338	58

Engineering/Planning/Building/Code Enforcement

- Planning Activities - Planning will be very busy during October and November and will bring forward the following items for Council consideration: Introduction of Green House Gases Reduction Plan; Introduction of Title 17 code amendments; Adoption of Infill Design Guidelines; Adoption Title 8 Code Amendments; and Adoption of a portion of Title 17 Code Amendments. December and January will likewise be busy.
- Code Enforcement – Enhancements to our information tracking systems are currently underway. Evaluation of approaches and processes are also underway.

Police Department

- Police Officer Eva Smith has been testifying as a gang expert in a significant gang related case. The Department is fortunate to have dedicated officers to proactive gang enforcement.
- Notable Police Incidents - The car to car gang shooting is solved and the responsible shooter has been arrested. Department personnel had great determination and commitment in solving the case and great courage in apprehending the suspect(s).
- The Gridley Police Explorers had their first bake sale at the Bear and made a profit of \$450. This assists the group with future team building outings and uniform and equipment needs.
- The Department took possession of its newly acquired police canine. There will be a press release, and Council introductions to follow after the dog is further trained.
- The Department initiated its Breast Cancer Awareness campaign for the month of October. All Patrol vehicles will have a pink "Find the Cure" magnet affixed to its chassis. The dispatchers will be wearing specially designed t-shirts supporting the awareness month.
- Dispatcher Laura Carrillo provided a possible lead to the Butte County Sheriff's Office and the Chico State Anthropology Team on a Gridley missing person report that was reported in July 2014. Dispatcher Carrillo provided this lead from her review of a database transmittal on open missing person cases. The investigation team had a discovery of human remains in the Butte County area and were seeking to identify them from any open missing person reports. Dispatcher Carrillo's attentiveness and eye for detail was a significant contribution to the solving of the case.
- The Department provided a Public Safety Announcement (PSA) regarding the "Creepy Clowns Sightings" concern sweeping the nation. In some of the nation's cities, there are persons dressing up in clown costumes and harassing, threatening and intimidating citizens and children. We have not had any local reports to our law enforcement but we are being proactive to allay public concerns.
- Police personnel are completing their online Tactical Communication course this week. Police personnel attended Defensive Tactics training at the Butte Community College Public Safety Center.
- Animal Control continues to provide proactive patrol and compassion for lost/stay animals.

Police Activity	September	Year Total
Adult Arrests	65	593
Juvenile Arrests	1	28
Misdemeanor Arrests	62	540
Felony Arrests	4	81
Felony Crimes Reported	16	141
Misdemeanor Crimes	59	654
Total Police Incidents	1,029	10,202
Battery	7	62
Burglary	6	45
Deceased Person	0	6
Vandalism	7	69
Stolen Vehicle	6	18
Robbery	0	1
Public Intoxication	3	53
Patrol Request	9	117
Medical Aid	6	48
Area Checks	90	797

Pedestrian Checks	32	449
Disturbing the Peace	14	180
Total 911 Calls	282	2,711
Total Accidents	11	76
Name Exchanges	0	6
Total Traffic Citations	83	673
DUI Arrests	2	20
Traffic Stops	139	1,671
Extra Help Hours	189.50	2,595.00
RSVP Hours	13	102

Electric Department

- T-3 Substation Project - Work continues on the T-3 substation project; PG&E is scheduled to be on site on 10-19-16 to perform relay setting confirmations after completion of testing the new substation transformer will be energized for testing.
- KV Maintenance - Crews continue to trim trees in perorations for winter storms.
- Solar installs – A new Net Meter was installed at Continental Athletics for their recently installed solar system. The installed system will offset approximately 80% of their bill.
- Finance Department and City Hall – Electric Department Crews continue to assist with Non-payment shut-offs; completing Meter Read discrepancy reports; and reading Solar Meters.
- City of Biggs – 15 LED street lights were installed in Biggs as part a “street light survey” being performed by Biggs and NCPA to determine which LED lights to replace the current High Pressure Sodium (HPS) street lighting in Biggs.
- Daddow Park – Crews installed streetlight footings and electrical boxes raised to the new grade.

Public Works Department

The Public Works Department Leadership and Crewmembers are responsible for a broad array of important duties including: Water Distribution; Water Production; Sanitary Sewer Collection; the Wastewater Treatment Plant; Street and Sidewalk Maintenance; our Maintenance Districts; Parks Maintenance; City Building and Facility Maintenance. Recent work activity is as follows:

Water Distribution

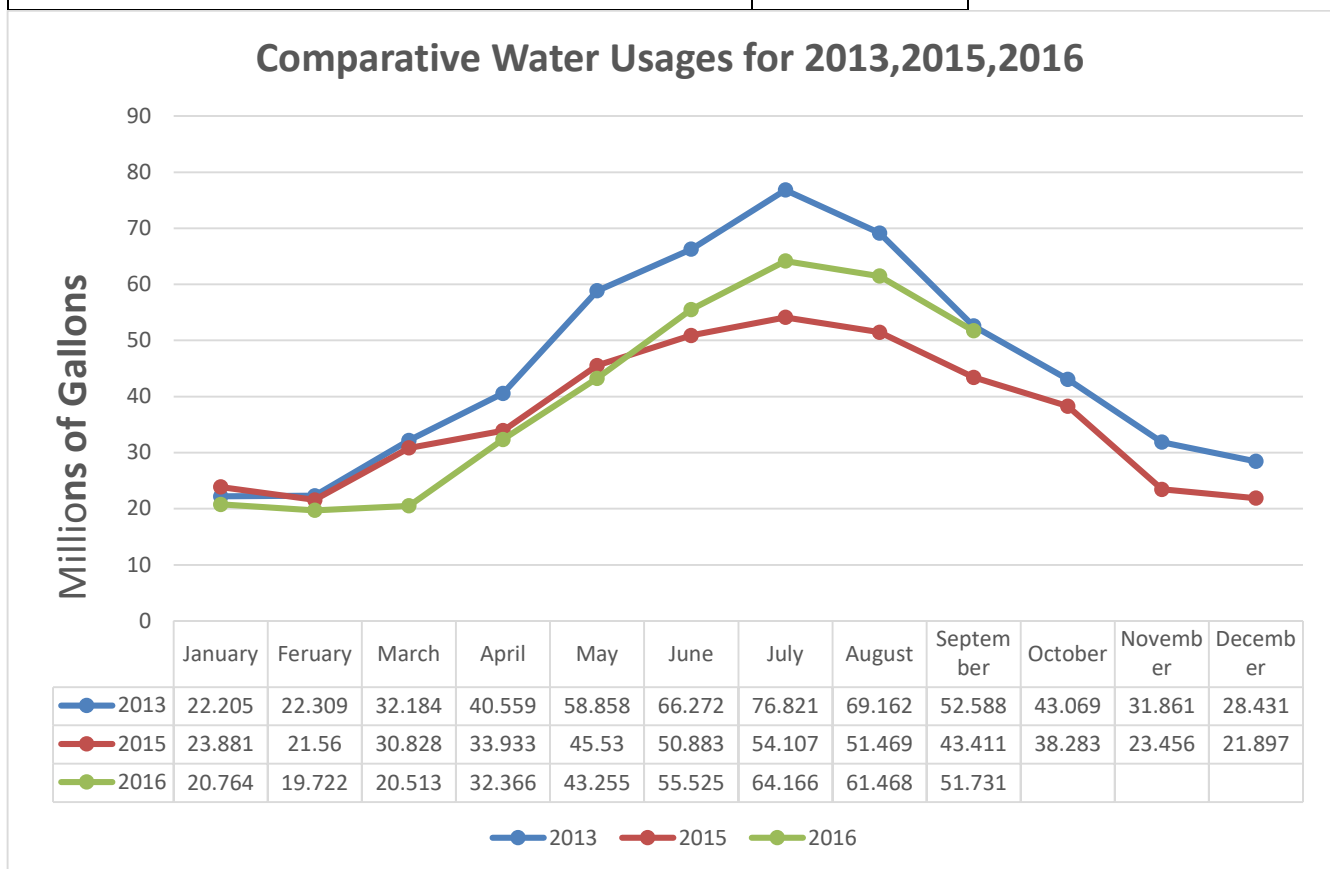
- Water Line Repairs - Crews repaired water leaks at the following locations:
 - 924 Kentucky Street, replaced ball valve
 - 1067 Sage Street, repaired service line
 - Railroad Park, replaced damaged shut-off valve
- Water Meter Reading - Meters that did not read were checked for problems with the ERTS (Encoder Receiver Transmitters). Re-reads were done and repairs to the water meters were made with meters not registering.

Well/Water Production

- Routine maintenance included cleaning well houses, lubrication and adjustment if equipment as needed, flushing and cleaning chlorine injection valves and lines to prevent plug ups, and maintenance on fluoride injection systems. September Production data follows below:

Production Well	Volume Pumped	Calc. Fl	Calc. Chl
Eagle Meadows	00.000 M.G.	.00 mg/l	.0000 mg/l
Spruce	17.422 M.G.	.93 mg/l	.2984 mg/l
Wilson	00.000 M.G.	.00 mg/l	.0000 mg/l
Little Ave.	5.855 M.G.	.69mg/l	.3137 mg/l
Liberty	12.844 M.G.	.64 mg/l	.2833 mg/l
Parkside	15.610 M.G.	.70 mg/l	.2634mg/l

September Monthly Production	
Total water pumped to system:	51.731 M.G.
Ave. chlorine residual in the system:	.19 mg/l
Ave. tested fluoride in the system:	.78 mg/l
Lab tested fluoride in the system:	.7 mg/l



Sanitary Sewer Collection System Maintenance

- City residents are being encouraged to call the City before calling a plumber when sewer problems occur. Public Works will then assess the situation to determine if the problem is in the City sewer lines or the responsibility of the resident.
- Sewer mains continue to be routinely checked Tuesdays and Fridays.
- Old Sewer Plant - Clean-up continues.
- Sewer Camera – Crews used our Sewer Line Camera at 915 Cinnamon Teal Court to check connections to final new construction.
- Sewer Line Repairs at 880 Pecan where a damaged sewer lateral was repaired.

- Sewer rodder was run in the alley from Laurel, between Park and Vermont, 275' to north to clear roots plugging a sewer main.
- Hydro-flusher used at Butte View Drive to clear a plug in the main sewer line.

Waste Water Treatment Plant Operations

- Total flow to Sewer Plant – 39.525 MG
- Flow from Butte County Housing Authority - 0.6129 M.G.
- Flow from Septic Haulers: - N/A gallons
- Total Suspended Solids (TSS) – Readings daily at north end of Fairview Dr. and Sewer Plant. Total suspended solids (TSS) analyzer located at north end of Fairview Dr. and the TSS analyzer located at the Treatment plant head works, continue to operate. Readings at the Fairview analyzer (Rio Pluma discharge) are in the 60 - 100 range.
- Sewer Plant Building Maintenance - Main building remodel project continues, ceiling tiles are being replaced, walls are being painted, and floors have been prepped for tile.
- Sewer Plant Landscape Maintenance – annual tree pruning is in progress.
- Boat Ramp - Boat ramp area and bathrooms are cleaned regularly. The entrance gate was recently repaired.
- WWTP System Maintenance - Clean spiral screen-plugged with paper and fabric debris. Percolation Ponds cleaned.
- Solar Plant - The Sewer Plant readings range between 100 - 150.
- Stapleton's (Rio Pluma) is being visited daily to verify compliance with their discharge requirements.
- Mary's Gone Crackers is visited once per week.
- The September plant samples were collected and the results are listed below:

	Influent	Effluent
BOD	213	14
TSS	150	9.0
TDS		447
PH		7.76

Ground Wells	1	2	3
Nitrates	28.1	6.68	3.21
TDS	564	379	233
PH	0.00	0.00	0.00
EC	000	000	000
Coliform	<2	<2	<2

Street and Sidewalk Maintenance

- Paving – Crews paved at the intersection of Spruce Street and West Biggs-Gridley Road, and continue paving on Spruce at Washington. Paving continues on Indiana Street.
- Pothole Patching and Crack Sealing – Crews completed the area on Sycamore from West Biggs-Gridley Road to Virginia, and the 400 Block of Virginia.
- Tree Pruning and Removal - Crews continued pruning trees that were hanging down into streets, and have started pruning in alleys, at various locations. Crew removed a tree at 472 Ohio, and removed a broken branch at 1408 Hazel Street.
- Community Cleaning - Abandoned appliances were picked up for disposal at various alley locations.

- USA's were done at different locations. USA's were marked and called in, stop signs and street signs were repaired at various locations in town.
- Street Sweeping – Street sweeping continues every other week and crews will start sweeping every week approximately mid-October.

Parks Maintenance - Department Work at Daddow Park Project

- Temporary watering system in place for palm trees, trees are watered once per week.
- New trees are being stored at Corp Yard and daily watering by Public Works will continue until park is ready for the trees.
- Crews hauled additional fill dirt to Daddow Park.

Parks Maintenance - Vierra Park

- Water Park is closed for the season.
- Lawn mower was repaired.
- Park maintenance included mowing, spraying weeds, cleaning restrooms, replacing supplies, picking up trash, watering, sprinkler repair and doing park equipment maintenance.

Special Maintenance District Activities - City Crews worked at the Heron Landing, Eagle Meadows, and the Little Ave. maintenance districts spraying, mowing, pruning, and providing overall cleanup.

Building Maintenance and Corporation Yard - Equipment and vehicle maintenance work was performed at the Yard. Corp Yard cleanup and maintenance is on-going.

Safety Training - Safety meetings are held each week at the Corporation Yard.

Recreation Division

- The Division has begun preparation for several upcoming events including the Halloween Carnival, The Gridley Parade of Lights, Breakfast with Santa and Letters to Santa.
- The Division is continuing to hold registration for our 2016/17 Co-Ed Basketball League. The fee is \$65 per child. Registration will be open through October 31st with the season beginning Saturday December 10th. The league is open to all children 1st through 8th grade. All games will be played on Saturdays at the Manzanita Gym.
- The Division is continuing to hold registration for our 2016/17 Gridley Gladiator Wrestling Season. Registration is \$75 per child and will run through January. Practices will begin in early November with meets beginning in early December.
- The Recreation Division along with Victor Community Support Services is providing counseling services for Medical eligible youths. The class focus on offering mental and social services support for local, at risk children. Sessions are held during the week at various times.
- The Recreation Division along with Valley Oaks Children's Service's is offering The Butte County Café Program, which provides education against child abuse and neglect. Meetings began on Friday, August 26st. They run from 5- 8 pm and will continue through the end of May, 2017.
- The Division offers its community center meeting rooms as rentals on evenings and weekends. The rental fee is \$100.00 per room, with an additional refundable \$50.00 cleaning deposit.

Fire Department

- National Fire Prevention Week is coming up the week of October 9th-15th.
- The Fire Department did Fire Prevention and Education Programs for Second and Third Graders at Manzanita School as well as for the students at Kids Castle.
- The Fire Station did station tours for all the Third Graders from Wilson School throughout this week.
- The Crews have been working on gathering all the logistical needs for the 1st Annual Fire Station Open House on October 15th from 10am - 2pm. Everyone is welcome. Additionally, we want to thank Electrical Department and Finance department for their support.
- City Fire Engine 76 returned this week after being loaned to the County and State off and on for the last 23 days.
- Emergency Responses for this week:

Gridley Fire Station 74 - Weekly Emergency Responses	City	County
Medical Aids	12	3
Traffic Collisions	1	3
Structure Fires	1	1
Vegetation Fires	0	2
Vehicle Fires	0	0
Public Assist	2	0
Cover Assignments		3
Other (smoke checks, hazardous conditions, control burns, etc.)	1	2
Technical Rescues	0	0

City Council Formal Calendar

- The City Council will hold its next City Council meeting on October 17th at 6:00 pm at City Hall.
- The Butte County Board of Supervisors Agenda for the 9:00 am meeting on Tuesday, October 11^h in Oroville can be accessed at the following link:
<http://www.buttecounty.net/boardofsupervisors/BoardMeetings.aspx>

Thank you for your ongoing support and guidance.

Respectfully,

Paul

City Council Agenda Item #5
Staff Report

Date: October 17, 2016

To: Mayor and City Council

From: Donna Decker, Planning

Subject: Second reading and adoption of Ordinance No. 819-2016: An Ordinance of the City Council of the City of Gridley amending Title 8, Chapter 8.10, Property Maintenance, of the Municipal Code related to the quality of life in the city and property maintenance. (Citywide)

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Adopt Ordinance No. 819-2016, by title only, and waive the second reading.

Summary

The City of Gridley received a grant from the California Department of Conservation, Sustainable Growth Council, 2011 Sustainable Communities Planning Grant. The purpose of the grant consists of three tasks: Development of a Greenhouse Gas Reduction Plan, Development Code and Public Works Construction Standards Update and, Develop Infill Development Guidelines. This code amendment is a portion of the deliverables under "Development Code". The proposed text amendment addresses property maintenance issues that are related to the work to bring the Gridley Municipal Code into conformity with the adopted 2030 General Plan.

Discussion

On October 3, 2016 the City Council considered the proposed code amendment 819-2016. Staff reported additional new language that could be added to the ordinance to address the concerns related to the authority of the code enforcement officer under Section 8.10.090(B). Staff had the opportunity to discuss the additional language with Mr. Robert Thomas who had expressed significant concern; he confirmed it would be acceptable. The additional language has been added to the ordinance:

For purposes of enforcing the provisions of this Chapter, in the absence of express permission by the property owner or legal occupant to enter into the interior spaces of structures or into or onto areas behind fences, walls and barriers to view, the enforcement officer or his designee shall have the right of entry upon lands which are immediately accessible and/or reasonably viewable from the

public right of way (eg: streets, sidewalks, alley ways, front yards, driveways and entry ways) and which are located outside of closed structures.

Conclusion

Further amendment to the ordinance addresses the concerns related to Section 8.10.090(B). These amendments support the General Plan policies; staff recommends the City Council adopt Ordinance No. 819-2016.

Public Notice

A notice was posted in the Gridley Herald 72 hours prior to the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

Fiscal Impact

No additional fiscal impact is anticipated in the review of projects to comply with the ordinance.

Attachments:

1. Ordinance 819-2016

ATTACHMENT 1

DRAFT

**ORDINANCE AMENDING CHAPTER 8.10, PROPERTY MAINTENANCE, OF
TITLE 8, HEALTH AND SAFETY, OF THE GRIDLEY MUNICIPAL CODE
RELATING TO PROPERTY MAINTENANCE (Citywide)**

WHEREAS, the City of Gridley received a California Sustainable Communities Planning Grant from the State of California, Department of Conservation/Division of Land Resource Protection to help the City bring its Municipal Code into compliance with the 2030 General Plan; and,

WHEREAS, the 2030 General Plan emphasizes opportunity to support the communities vision for a safe, clean, healthy and well-maintained community; and,

WHEREAS, Title 8, Health and Safety, Chapter 8.10, "Property Maintenance" was found to need text amendments reflecting the 2030 General Plan;

WHEREAS, the City Council of the City of Gridley ordains as follows:

SECTION 1: Rescind portions of Ordinance 514-1987 introduced April 20, 1987 and adopted May 4, 1987 and Ordinance 735-2004 introduced August 2, 2004 and adopted August 16, 2004 related to the Title 8, Chapter 8.10, "Property Maintenance"; and replace it with the following:

SECTION 2: Ordinance 819-2015 amending Chapter 8.10, "Property Maintenance", of Title 8 "Health and Safety" of the Gridley Municipal Code amended as follows:

Chapter 8.10 Quality of Life and Property Maintenance

- 8.10.010 Intent
- 8.10.020 Applicability
- 8.10.030 Severability
- 8.10.040 Definitions
- 8.10.050 Prescribed maintenance
- 8.10.060 Nuisance declared
- 8.10.070 Destruction and removal-required
- 8.10.080 Violation- infraction
- 8.10.090 Enforcement officer
- 8.10.100 Authority for abatement and removal
- 8.10.110 Procedure for abatement
- 8.10.120 Assessment of costs against property

8.10.010 Intent

The purpose of this ordinance is to promote the health, safety, and general welfare of the City by helping to create a clean environment for all citizens. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required here in.

8.10.020 Applicability

In order to keep the City of Gridley clean, safe, and ensure a healthy environment, the provisions of this chapter shall apply to all property and structures within the city, including non-residential lands and vacant lots. The minimum requirements and standards for premises, structures, elements, safety from fire, other hazards, and sanitary maintenance are the responsibility of the responsible party, or authorized agent, occupants, tenants, lessees, of existing structures and premises. The responsible party shall ensure all measures are conformed to and timely pay any financial penalties.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between this code and other standards (e.g. California Building Code, Plumbing Code, Electrical Code, Zoning Ordinance), the provisions of the most restrictive shall govern. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted California codes as well as any and all then existing future adopted codes as the case may be by the City for all trades as well as zoning code requirements.

8.10.030 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

8.10.040 Definitions

ANCHORED Secured in a manner that provides positive connection.

APPROVED Acceptable to the code official.

ATTRACTIVE NUISANCE A condition of property creating a hazard which may pose an unreasonable risk of serious bodily harm or death to children and/or potential rescue personnel whether or not minors could assess such risk.

BASEMENT That portion of a building which is partly or completely below grade.

BATHROOM A room equipped for taking a bath or shower also containing a sink and toilet (Refer to Half Bath).

BEDROOM Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BLIGHT EFFECT Action or inaction to cause to decline or decay and ruin.

CONDEMN To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for covering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official or the governing body.

DETACHED A physical disconnection of the components within a structure from one element to another and/or the separation of structures.

DETERIORATION To weaken, lower in quality, character, or value.

DWELLING UNIT A single unit providing complete, independent living facilities for one or more responsible parties, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT That portion of land or property reserved for present or future use by a responsible party or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY The open space on the premises and on adjoining property under the control of the responsible party of such premises.

GARBAGE Waste resulting from the handling, preparation, cooking and consumption of food; discarded material considered rejected or useless; combustible and non-combustible waste materials, including but not limited to the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, wood byproducts, wood shavings, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

HALF BATH A room equipped with a toilet and sink but without fixtures for bathing or showering (Refer to Bathroom)

IMMINENT DANGER Serious risk or exposure to vulnerability or harm including the potential of life-threatening injury or death without warning due to the deterioration of structures and surrounding areas.

INFESTATION The presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

INOPERABLE MOTOR VEHICLE A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

NEGLECT The habitual lack of care and maintenance for a building or structure and its surrounding area.

OCCUPANCY The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

PEST ELIMINATION The control and elimination of insects, rodents or other pests by eliminating their refuge places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC NUISANCE An act, condition or thing which may be injurious to the public health, safety, welfare or morals which interferes with the rights or quiet enjoyment of the public generally and similarly although the harm experienced by individual members of the public may vary in degree or intensity

PUBLIC WAY Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RESPONSIBLE PARTY Any person who has charge, care or control of a structure or premises which is let or offered for occupancy; An individual, corporation, partnership or any other group acting as a unit; Any owner, agent, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any, and the executor or administrator of the estate if ordered to take possession of real property by a court;

ROOMING HOUSE A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

SLEEPING UNIT A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE That which is built or constructed or a portion thereof.

STRUCTURAL ELEMENT Those structural members or assemblies of members or manufactured element, including braces, frames, lugs, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

TENANT A person, corporation, partnership or group, whether or not the legal responsible party of record, occupying a building or portion thereof as a unit.

VENTILATION The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMAN LIKE MANNER Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD An open space on the same lot with a structure.

XERISCAPE A landscaping method that employs drought –resistant plants and special techniques to conserve water.

8.10.050 Prescribed maintenance

- A. It is unlawful for the responsible party or occupant of any lot or premises within the City to maintain thereon any weeds, brush, garbage, grass or material likely to become easily ignited.
- B. It shall be the duty of the responsible party in control of any lot, piece or parcel of land in the City to remove all noxious weeds, vegetation or dry grass and all dead trees, garbage, refuse, unusable or abandoned automobiles or parts thereof, cement, concrete, or foundations from dismantled buildings or buildings in such disrepair as to be a fire hazard, or waste materials of any kind which may endanger or injure neighboring property or the welfare of the residents in the immediate vicinity.
- C. The responsible party in control of any lot within the City shall keep the sidewalks adjoining the same clean and clear of all weeds, dry vegetation or garbage to the outer line street curb adjoining such lots.
- D. It shall be the duty of the responsible party to maintain their property in compliance with the following standards:
 - 1. To be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others that create a blighting effect in the neighborhood, and otherwise adversely affect adjacent properties;

2. To maintain sheds, garages and other outbuildings in a whole condition free of missing boards, broken doors or glass, or other conditions that would allow refuge of rats, animals, or vermin;
3. To maintain buildings so that they are capable of serving the purpose of protecting from the elements (with the exception of buildings not constructed for that purpose such as gazebos, arbors, and the like);
4. To maintain sidewalks adjacent to public rights-of-way and fences in a whole condition, free of conditions that constitute a health or safety hazard or encourage trespassing or otherwise creating a blighting effect in the neighborhood;
5. To maintain shrubs, trees, and other vegetation and landscaping (including xeriscape) on and adjacent to the premises as landscape parkways in such a manner as to prevent health or safety hazards, visual blight, and unhealthy plant materials. Any landscaping materials that are within parkways not maintained shall be rehabilitated or replaced, shall not consist of dead grass or vegetation, but live plant material to preserve the aesthetic and environmental quality of life.

E. No responsible party shall maintain their property or structures in the following condition:

1. Excessive accumulation of animal waste, nor the disposal of such waste in an open ditch or storm drain;
2. Allow animal carcasses to remain exposed after death;
3. Ponds, reservoirs, swimming pools, and other forms of water features shall not contain trash, debris, organic matter, leaves, garbage, or other effluvia, nor allow unmaintained pool water to have brackish, green algae;
4. Holes in or under barriers;
5. Malfunctioning self-closing, self-latching devices, and locks on gates;
6. Trash, garbage, and/or recyclables stored in such a manner as to overflow, be an attraction to rodents, animals, or vermin, or subject to being strewn around property and not in acceptable containers;
7. Storing items in a manner to be hazardous or inviting of theft. These items include, but are not limited to, lumber, boxes, barrels, bottles, cans, ladders, carts, logs, metal, large appliances, and old vehicles.
8. Throw, leave, deposit, or otherwise allow to accumulate on their property any worn out, broken, or worthless items, waste, garbage, trash, debris, refuse or inoperable vehicle and

vehicle parts nor any materials impeding the mowing and maintenance of vegetation, e.g. grass and/or ground cover. Such items include but are not limited to food products, food containers or items that are broken, deteriorated, or in a dismantled condition. This subsection applies to those who rent, lease or own the property who are equally liable as to the maintenance of property.

8.10.060 Nuisance declared.

The City Council hereby declares that all weeds, as described herein, growing upon private or public property in the City and all garbage on such property are public nuisances and are subject to abatement by eradication and/or removal.

8.10.070 Destruction and removal – Required.

It is unlawful for any responsible party owning, occupying, renting, managing or controlling any real property in the City to cause or permit any weeds, brush, or dry vegetation, or to place, cause or permit any garbage or material likely to become easily ignited, to be or remain on such real property in the City or on portions of the streets that adjoin such property.

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property promoting blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance, to create a refuge for rodents and insects and to be injurious to the health, safety and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

8.10.080 Violation -infraction

This Chapter is not the exclusive regulation of property maintenance within the City. It shall supplement and be in addition to the regulatory statutes and ordinances that have been or will be enacted by the City, State, or any other legal entity or agency having jurisdiction. The enforcement officer, has the authority, in the alternative or in conjunction with the enforcement remedies set forth in this Chapter, to issue citations pursuant to Chapter 1.12 and any violation of this Chapter may be punished as an infraction as specified in Chapter 1.08 of this Code. In addition, any violation of this Chapter is hereby declared to be a nuisance. The provisions of this Chapter shall be deemed to be supplemental and not limit any other rights or remedies which the City might have under any provision of law, including the right to abate violations of this Chapter as a nuisance in any fashion allowed under law.

(Ord. 652, 1996)

8.10.090 Enforcement officer

- A.** Any violation of this Chapter may be prosecuted by the enforcement officer. The City Administrator is hereby designated the enforcement officer. In addition to the authority which may be specifically provided in this Chapter, the enforcement officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter. The enforcement officer may appoint and fix the duties of such officers, agents, and employees as deemed necessary to carry out the purposes of this Chapter and may delegate any functions or powers to such officer, agents, and employees.
- B.** For purposes of enforcing the provisions of this Chapter, in the absence of express permission by the property owner or legal occupant to enter into the interior spaces of structures or into or onto areas behind fences, walls and barriers to view, the enforcement officer or his designee shall have the right of entry upon lands which are immediately accessible and/or reasonably viewable from the public right of way (eg: streets, sidewalks, alley ways, front yards, driveways and entry ways) and which are located outside of closed structures.

8.10.100 Authority for abatement and removal

The enforcement officer shall have authority to cause the abatement and removal or correction of any condition of property in violation of this Chapter. The cost of abatement shall become a special assessment against the property in question, which may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency, as provided for ordinary municipal taxes. The procedure for abatement and special assessment of the costs thereof shall be in accordance with Section 8.10.080. The abatement procedure specified in Section 8.10.080 may be used as an alternative to, or in addition to any other regulatory authority of the City, including but not limited to, the prosecution of a violation of this Chapter as an infraction.

8.10.110 Procedure for abatement

- A.** A responsible party charged with a violation under this Chapter and prosecuted under this Section shall be mailed a 10-day preliminary notice of intention to abate any violation of this Chapter as a public nuisance. The notice shall be mailed by registered or certified mail to the responsible party of land on which the violation is found. The notice of intention shall be substantially in the following form:

NOTICE OF INTENTION TO ABATE A PUBLIC NUISANCE

(Name and Address of Responsible party of the Land)

As responsible party shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to (applicable section of Chapter 8.10) has determined that there exists upon said land a public nuisance, pursuant to the provisions of Chapter 8.20 of the Gridley Municipal Code, in that (Describe violation).

You are hereby notified to abate said nuisance within ten (10) days from the date of mailing of this notice and upon your failure to do so, the same will be abated and/or removed by the City and the costs thereof, together with administrative costs, assessed to you as the responsible party of land.

You may submit a sworn statement within such ten (10) day period to City Hall denying responsibility for said nuisance on said land, with your reasons for denial and such statement shall be construed as a request for hearing at which your presence is not required.

You may appear in person at any hearing requested by you or, in lieu thereof, may present a sworn written statement in time for consideration at such hearing.

(date notice mailed)

(Signature line for Enforcement Officer)

If no hearing is requested, an order for abatement may be issued and the costs thereof, assessed against the property, as provided herein. If a request for a hearing is received by the enforcement officer within 10 days of mailing, as provided in subsection A above, an administrative hearing shall be held by the City Administrator or his/her designee on the question of abatement and removal of the public nuisance and the assessment of the administrative costs and the costs of removal of the nuisance against the property on which it is located. The City Administrator shall provide written notice of the time and place of the administrative hearing and shall give at least 10 days notice if the same is served by mail and at least five (5) days notice if the same is responsible party delivered.

The hearing specified in subsection B above shall be held before the City Administrator or his/her designee who shall hear all facts and testimony on the circumstances concerning the public nuisance on the property in question. Technical rules of evidence shall not apply to this hearing. The responsible party charged with a violation may appear in responsible party or may present a sworn written statement prior to the time of the hearing and deny responsibility for public nuisance, stating his reasons for such denial.

The City Administrator shall impose such conditions and take such actions as deemed appropriate under the circumstances to carry out the purposes of this Chapter. He/she may delay the time for

abatement of the public nuisance if, in his/her opinion, the circumstance warrants. At the conclusion of administrative hearing, the City Administrator may find that a public nuisance exists on the property and order the same abated from the property as a public nuisance and disposed of and determine the administrative costs and the costs for removal to be charged against the responsible party of the land and make a special assessment against the property. The order requiring removal shall include the description of the public nuisance.

Any party to a proceeding under this Section may appeal the decision of the City Administrator by filing a written notice of appeal with the City Clerk within five days of the rendering of the decision by the City Administrator. The appeal shall be heard by the City Council which may affirm, amend, or reverse the order and take other action deemed appropriate. The City Clerk shall give written notice of the time and place of the hearing to the appellant. In conducting the hearing, the City Council shall not be limited by the technical rules of evidence.

8.10.120 Assessment of costs against property

If the administrative costs and charges of abatement of the public nuisance that are charged against the responsible party of property, pursuant to this Chapter, are not paid within thirty (30) days from the date of the order or a final disposition of an appeal therefrom, such costs shall become a special assessment against the parcel of property in question, pursuant to Government Code Sections 38773 and 38773.5. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency, as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to this assessment; however, if any real property, to which the cost of abatement relates, has been transferred or conveyed to a bona fide purchaser for value or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of the taxes would become delinquent; then, the cost of abatement shall not result in a lien against the real property, but instead shall be transferred to the unsecured roll for collection. Notices or instruments, relating to the abatement proceeding or special assessment, shall be entitled to recordation.

**

I HEREBY CERTIFY that the foregoing text amendments to Title 8 were approved, and an ordinance was duly introduced at a regular meeting of the City Council of the City of Gridley, California, held on the 3rd day of October, 2016, and adopted on the 17th day of October, 2016, by the following vote:

AYES:	COUNCIL MEMBERS	_____
NOES:	COUNCIL MEMBERS	_____
ABSENT:	COUNCIL MEMBERS	_____
ABSTAIN:	COUNCIL MEMBERS	_____
ATTEST:		APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney

City Council Agenda Item #6
Staff Report

Date: October 17, 2016

To: Mayor and City Council

From: Donna Decker, Planning

Subject: Introduction and first reading of Ordinance No. 820-2016: An Ordinance of the City Council of the City of Gridley amending Title 17, Chapter 17.40, "Accessory Buildings", of the Municipal Code related to the location and type of accessory buildings. (Citywide)

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends the City Council:

1. Continue the item until the following meeting November 7, 2016;

or

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Adopt Ordinance No. 820-2016, by title only, and waive the first reading.

Summary

The City of Gridley received a grant from the California Department of Conservation, Sustainable Growth Council, 2011 Sustainable Communities Planning Grant. The purpose of the grant consists of three tasks: Development of a Greenhouse Gas Reduction Plan, Development Code and Public Works Construction Standards Update and, Develop Infill Development Guidelines. This code amendment is a portion of the deliverables under "Development Code". The proposed text amendment addresses property maintenance issues that are related to the work to bring the Gridley Municipal Code into conformity with the adopted 2030 General Plan.

Discussion

On October 3, 2016 the City Council considered the proposed code amendment 820-2016 supporting the text as presented. The Council requested that staff return to the Planning Commission to have them review whether there should be a date certain when containers that are not consistent with the code should be removed. Two sections, 17.40.100 and 17.40.110 were added with additional language is shown in Attachment 1 and a redline copy in Attachment 2.

Planning Commission

On October 11, 2016 the Planning Commission discussed the additional language and there was general consensus to support the proposal. Chair Thomas requested staff to inventory the number of containers located in Gridley. He believed the number of units existing could impact his consideration of the time to remove them from a six month period to another time frame. The Planning Commission unanimously voted to continue the item until its October 25th public hearing at which time a recommendation could be made to the City Council. In consideration of the discussion, additional language has been added to §17.40.100(C) requiring the removal of containers that are not in conformity to the code.

Conclusion

Further amendment to the ordinance addresses compliance with the General Plan and outlines procedures for accessory structures.

Public Notice

The consideration of this item was continued from the October 3, 2016 City Council meeting. Additionally, a notice was posted in the Gridley Herald 72 hours prior to the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

Fiscal Impact

No additional fiscal impact is anticipated in the review of projects to comply with the ordinance.

Attachments:

1. Ordinance 820-2016
2. Redline copy of ordinance text 820-2016

Chapter 17.40 Accessory Structures

- 17.40.010 Intent
- 17.40.020 Applicability
- 17.40.030 Severability
- 17.40.040 Definitions
- 17.40.050 Connections to main building
- 17.40.060 Location in yard setbacks
- 17.40.070 Locations.
- 17.40.080 Occupancy.
- 17.40.090 Use and Maintenance Standards and Requirements

17.40.010 Intent

The following provisions to control the construction and use of accessory structures on residential, commercial and industrially zoned properties within the City for the preservation and protection of the aesthetic appearance of the community, property values, and the public health, safety and general welfare.

17.40.020 Applicability

In order to keep the City of Gridley clean, safe, and ensure a healthy environment, the provisions of this chapter shall apply to all property and structures within the city, including nonresidential lands and vacant lots. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between this code and other standards, the provisions of the most restrictive shall govern. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the currently adopted California codes for all trades as well as zoning code requirements.

17.40.030 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

17.40.040 Definitions

ACCESSORY STRUCTURE means a structure, metal/other container of any size, or building on the same lot and serving a purpose commonly incidental to the principal use, structure, or building.

DETACHED ACCESSORY STRUCTURE The accessory structure has no wall or portion thereof in common with the primary structure.

ATTACHED ACCESSORY STRUCTURE The accessory building has a wall or portion thereof in common with the primary structure.

METAL/OTHER CONTAINER means any container originally constructed to transport or store large quantities of goods by ship, rail, or truck not exceeding the dimensions of up to 8' x 8' x 40'.

17.40.050 Connection to main building.

Private garages, carports and other accessory buildings may be attached to and have a common wall with the main building or, when located as required by this title, may be connected by a breezeway.

(Ord. 491 (part), 1986).

17.40.060 Location in yard setbacks.

No accessory building shall be erected in any required yard setback except ~~in the R-S zone~~ it may be located five feet from the rear property line within the rear yard setback area.(Ord. 491 (part), 1986).

17.40.070 Location.

No detached accessory building shall be erected within six feet of any other building with the exception of metal shipping/other containers as noted in "C" below. Ord. 491 (part), 1986).

Metal shipping containers may not be located in any zone except R-S, C-1, C-2, M-1, and M-2 with a conditional use permit in accordance with Chapter 17.54. the location of containers within these districts is further restricted:

- A. Containers shall not be located equal to or in front of the leading edge of the home or business closest to the street frontage;
- B. Container may not be placed within the driveway or parking area next to or in front of structures;
- C. Containers shall not be closer than 20 feet from any wall of a structure on the site.
- D. Containers shall not be placed in a location causing disruption to drainage, swales, or other public work improvements.

17.40.080Occupancy

Accessory structures whether attached or detached may not be used for habitable space/living quarters (Ord. 491 (part), 1986.)

17.40.090 Use and Maintenance Standards and Requirements

- A. An accessory structure may not be allowed as the principle use in any allowed zone. No accessory structure shall be allowed to be placed on a vacant site without the primary use first established.
- B. All accessory structures of any size shall be maintained and in good condition, free of obvious deterioration, all exterior surfaces areas painted, doors and windows operable and structurally intact. Repairs shall be made and the integrity of the unit/structure shall be maintained.
- C. Metal Containers shall adhere to the following requirements:
- D. Metal containers where allowed shall be screened from view from any public right-of-way or easement. Any unit located closer than 100 feet from a residential use shall be screened from view. Screening shall consist of the use of materials such as fencing or dense landscaping.
- E. Metal container may not be used as animal habitation in any form.
- F. Metal containers shall not be connected to any utilities.
- G. Metal containers shall be painted the same color as the primary structure. Should the unit be defaced with graffiti, it shall be repainted the same color of the unit, or, the entire unit shall be repainted to be a uniform color. No paint patching will be allowed.
- H. Temporary use of metal containers:
- I. The City Administrator for the City of Gridley or his or her designee may issue a temporary conditional use permit to maintain a metal storage container provided such container is utilized for the storage of construction materials and uses incidental to construction and further provided that such structure is actually used for the storage of construction materials to be utilized on the site where the structure is located. If the location proposed is within the City right-of-way or easements, the applicant shall obtain an encroachment permit.
- J. A temporary use permit may be issued for an original term not to exceed one year (and for a single extension not to exceed six months) only if all of the following criteria are met:

1. The storage container/structure is located on the site where construction is to occur, pursuant to a current and validly issued building permit.
2. At the time of application for a permit, the construction site consists of unimproved property (for purposes of this Section "unimproved" shall refer to property not then improved with buildings or other structures) or previously improved property proposed for redevelopment.
3. The applicant provides all requested information on forms as might be prescribed by the City of Gridley Fire Chief to demonstrate that the requirements for issuance of a permit have been met.
4. The applicant agrees, as a condition of issuance of the permit, to remove the storage container/structure at the earlier of the time the permit expires or construction is complete.
5. An applicant may apply for a temporary conditional use permit for property that has been improved with buildings or other structures to store construction materials for additions or remodel of the existing principal and/or accessory structures. The temporary use permit may be initially granted for a period of 6 months and allow 1 extension for 6 months.
6. For any particular parcel of improved property for which a temporary conditional use permit has been issued, no further permit applications or issuances shall occur for a period of 1 year after issuance of the original permit (by way of example, if a permit is issued pursuant to this Section allowing a storage container on improved property for the storage of construction materials, application may not be made for a new permit, nor shall an additional permit be issued until 1 year have elapsed following the issuance of the original permit. This requirement is intended to limit applications for permits under this Section with respect to improved property and to require applicants to organize their construction projects such that, to the extent storage containers are deemed necessary during construction, such projects occur simultaneously and are not spread out over an extended period of time).

17.40.100 Notification requirements for metal shipping containers

- A. No later than six months from the effective date of this chapter the legal property owner, or the person/s in control of such property, shall submit in writing, to the City, the property's Assessor Parcel Number (APN), the property's legal owner, a "property diagram" illustrating the distances between a container and primary structures, from property lines and conformity to all setback requirements along with definition of successful visual barrier efforts. Any person(s) in control of such property, who is not the property owner, shall

notify the legal property owner/s that the requirements of this section and that they must be met.

- B. Failure on the part of the property owner, or the person/s in control of such property, to notify the City within the time frame set forth herein may result in code enforcement action.
- C. Should a container exist on property that is not allowed as described herein, the container(s) shall be removed from the property within 6 months from the effective date of this chapter.

17.40.110 Removal of metal shipping containers.

- A. All metal shipping containers shall be removed from all property prior to or upon the sale or transfer of residential property if located in zones containers are not allowed in. Failure of the property owner, or individual in control of a property, to remove all containers from a residentially designated property in conformance to this chapter shall be in violation of the Gridley Municipal Code.
- B. It is the responsibility of the residential property owner, that prior to or upon the sale, transfer, or any change in ownership of residential property where a container(s) are located to remove all metal shipping containers from that residential property. Metal shipping containers not removed in accordance with the provisions of this section at the time of sale or transfer shall be, by the authority of this chapter, in violation of this chapter and be subject to removal at a date determined by the City. If the City is required to remove containers, the City will attempt to recover any costs thereof pursuant to the Gridley Municipal Code.

Chapter 17.40 Accessory Structures

- 17.40.010 Intent
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- 17.40.090 Use and Maintenance Standards and Requirements
- 17.40.100 [Notification requirements for metal shipping containers](#)
- 17.40.110 [Removal of metal shipping containers](#)

17.40.010 Intent

The following provisions to control the construction and use of accessory structures on residential, commercial and industrially zoned properties within the City for the preservation and protection of the aesthetic appearance of the community, property values, and the public health, safety and general welfare.

17.40.020 Applicability

In order to keep the City of Gridley clean, safe, and ensure a healthy environment, the provisions of this chapter shall apply to all property and structures within the city, including nonresidential lands and vacant lots. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between this code and other standards, the provisions of the most restrictive shall govern. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the currently adopted California codes for all trades as well as zoning code requirements.

17.40.030 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

17.40.040 Definitions

ACCESSORY STRUCTURE means a structure, metal/other container of any size, or building on the same lot and serving a purpose commonly incidental to the principal use, structure, or building.

DETACHED ACCESSORY STRUCTURE The accessory structure has no wall or portion thereof in common with the primary structure.

ATTACHED ACCESSORY STRUCTURE The accessory building has a wall or portion thereof in common with the primary structure.

METAL/OTHER CONTAINER means any container originally constructed to transport or store large quantities of goods by ship, rail, or truck not exceeding the dimensions of up to 8' x 8' x 40'.

17.40.050 Connection to main building.

Private garages, carports and other accessory buildings may be attached to and have a common wall with the main building or, when located as required by this title, may be connected by a breezeway.

(Ord. 491 (part), 1986).

17.40.060 Location in yard setbacks.

No accessory building shall be erected in any required yard setback except it may be located five feet from the rear property line within the rear yard setback area.(Ord. 491 (part), 1986).

17.40.070 Location.

No detached accessory building shall be erected within six feet of any other building with the exception of metal shipping/other containers as noted in "C" below. Ord. 491 (part), 1986).

Metal shipping containers may not be located in any zone except R-S, C-1, C-2, M-1, and M-2 with a conditional use permit in accordance with Chapter 17.54. the location of containers within these districts is further restricted:

- A. Containers shall not be located equal to or in front of the leading edge of the home or business closest to the street frontage;
- B. Container may not be placed within the driveway or parking area next to or in front of structures;
- C. Containers shall not be closer than 20 feet from any wall of a structure on the site.
- D. Containers shall not be placed in a location causing disruption to drainage, swales, or other public work improvements.

17.40.080Occupancy

Accessory structures whether attached or detached may not be used for habitable space/living quarters (Ord. 491 (part), 1986.)

17.40.090 Use and Maintenance Standards and Requirements

- A. An accessory structure may not be allowed as the principle use in any allowed zone. No accessory structure shall be allowed to be placed on a vacant site without the primary use first established.
- B. All accessory structures of any size shall be maintained and in good condition, free of obvious deterioration, all exterior surfaces areas painted, doors and windows operable and structurally intact. Repairs shall be made and the integrity of the unit/structure shall be maintained.
- C. Metal Containers shall adhere to the following requirements:
- D. Metal containers where allowed shall be screened from view from any public right-of-way or easement. Any unit located closer than 100 feet from a residential use shall be screened from view. Screening shall consist of the use of materials such as fencing or dense landscaping.
- E. Metal container may not be used as animal habitation in any form.
- F. Metal containers shall not be connected to any utilities.
- G. Metal containers shall be painted the same color as the primary structure. Should the unit be defaced with graffiti, it shall be repainted the same color of the unit, or, the entire unit shall be repainted to be a uniform color. No paint patching will be allowed.
- H. Temporary use of metal containers:
- I. The City Administrator for the City of Gridley or his or her designee may issue a temporary conditional use permit to maintain a metal storage container provided such container is utilized for the storage of construction materials and uses incidental to construction and further provided that such structure is actually used for the storage of construction materials to be utilized on the site where the structure is located. If the location proposed is within the City right-of-way or easements, the applicant shall obtain an encroachment permit.
- J. A temporary use permit may be issued for an original term not to exceed one year (and for a single extension not to exceed six months) only if all of the following criteria are met:
 - 1. The storage container/structure is located on the site where construction is to occur, pursuant to a current and validly issued building permit.

2. At the time of application for a permit, the construction site consists of unimproved property (for purposes of this Section "unimproved" shall refer to property not then improved with buildings or other structures) or previously improved property proposed for redevelopment.
3. The applicant provides all requested information on forms as might be prescribed by the City of Gridley Fire Chief to demonstrate that the requirements for issuance of a permit have been met.
4. The applicant agrees, as a condition of issuance of the permit, to remove the storage container/structure at the earlier of the time the permit expires or construction is complete.
5. An applicant may apply for a temporary conditional use permit for property that has been improved with buildings or other structures to store construction materials for additions or remodel of the existing principal and/or accessory structures. The temporary use permit may be initially granted for a period of 6 months and allow 1 extension for 6 months.
6. For any particular parcel of improved property for which a temporary conditional use permit has been issued, no further permit applications or issuances shall occur for a period of 1 year after issuance of the original permit (by way of example, if a permit is issued pursuant to this Section allowing a storage container on improved property for the storage of construction materials, application may not be made for a new permit, nor shall an additional permit be issued until 1 year have elapsed following the issuance of the original permit. This requirement is intended to limit applications for permits under this Section with respect to improved property and to require applicants to organize their construction projects such that, to the extent storage containers are deemed necessary during construction, such projects occur simultaneously and are not spread out over an extended period of time).

17.40.100 Notification requirements for metal shipping containers

- A. No later than six months from the effective date of this chapter the legal property owner, or the person/s in control of such property, shall submit in writing, to the City, the property's Assessor Parcel Number (APN), the property's legal owner, a "property diagram" illustrating the distances between a container and primary structures, from property lines and conformity to all setback requirements along with definition of successful visual barrier efforts. Any person(s) in control of such property, who is not the property owner, shall notify the legal property owner/s that the requirements of this section and that they must be met.

- B. Failure on the part of the property owner, or the person/s in control of such property, to notify the City within the time frame set forth herein may result in code enforcement action.
- C. Should a container exist on property that is not allowed as described herein, the container(s) shall be removed from the property within 6 months from the effective date of this chapter.

17.40.110 Removal of metal shipping containers.

- A. All metal shipping containers shall be removed from all property prior to or upon the sale or transfer of residential property if located in zones containers are not allowed in. Failure of the property owner, or individual in control of a property, to remove all containers from a residentially designated property in conformance to this chapter shall be in violation of the Gridley Municipal Code.
- B. It is the responsibility of the residential property owner, that prior to or upon the sale, transfer, or any change in ownership of residential property where a container(s) are located to remove all metal shipping containers from that residential property. Metal shipping containers not removed in accordance with the provisions of this section at the time of sale or transfer shall be, by the authority of this chapter, in violation of this chapter and be subject to removal at a date determined by the City. If the City is required to remove containers, the City will attempt to recover any costs thereof pursuant to the Gridley Municipal Code.

City Council Agenda Item #7
Staff Report

Date: October 17, 2016

To: Mayor and City Council

From: Donna Decker, Planning

X	Regular
	Special
	Closed
	Emergency

Subject: Introduction and first reading of Ordinance No. 821-2016: Amendment to Title 17 of the City of Gridley Municipal Code to rezone approximately 14.4 acres from Residential-Suburban (R-S) to Residential-Suburban/Agricultural Overlay (R-S/AO) zoning designation to allow commercial agricultural uses until the property is developed on the 14.4 acre parcel approved for 43 single family detached units (TSM 1-07, APN 010-270-121).

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Introduce and Adopt Ordinance No. 821-2016, by title only, and waive the first reading.

Summary

The applicant proposes to add the Agricultural Overlay (AO) zoning designation as a secondary zoning to allow commercial agricultural uses until the property is developed. The property has an approved tentative subdivision map, TSM 1-07, to allow the development of the 14.4 acre parcel with 43 units.

Discussion

The applicant is proposing to utilize the property for commercial agricultural uses and plant an orchard until the market is favorable to continue with the approved residential development. The property was approved for a 43 lot subdivision known as Gridley Unit 1 located at the west quadrant of the City. The Tentative Subdivision Map was approved on February 2, 2009 by City Council Resolution 2009-R-004. Through various extensions granted by the State of California legislation, the map will not expire until February 9, 2017. The applicant plans to submit a request for an extension to maintain the status of the tentative subdivision map approval.

The Agricultural Overlay District was designed to allow land that has not been developed to be farmed commercially. The allowance of the secondary zoning will ensure the property can be utilized and not fallow while the market becomes more favorable for the development to commence. The intent of the code states:

The AO district is intended to be applied as a secondary zoning designation, for purposes of allowing commercial agricultural uses to be conducted on properties that are designated on the general plan and zoning diagrams for eventual residential and/or non-residential urban uses, until those urban uses are actually developed.
(Ord. 698 § II (part), 2000).

The rezone to allow an AO designation is the appropriate process to allow the property to be utilized until such time the market would support the costs to develop the property to residential.

Planning Commission

The proposal to add the AO District overlay was considered by the Planning Commission on October 11, 2016. The Planning Commission supported the request.

Public Notice

A notice was posted in the Gridley Herald 10 days in advance of the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule. The subject site was used as agricultural prior to the adoption of a tentative subdivision map. Temporarily reverting to the existing use does not create unforeseen agricultural impacts.

Fiscal Impact

No additional fiscal impact is anticipated in the review of projects to comply with the ordinance.

Attachments:

1. Ordinance 821-2016
2. Ch. 17.31 Agricultural Overlay District

ORDINANCE AMENDING TITLE 17 OF THE GRIDLEY MUNICIPAL CODE TO REZONE APPROXIMATELY 14.4 ACRES FROM RESIDENTIAL-SUBURBAN (R-S) TO RESIDENTIAL-SUBURBAN/AGRICULTURAL OVERLAY (R-S/AO) ZONING DESIGNATION TO ALLOW COMMERCIAL AGRICULTURAL USES UNTIL THE PROPERTY IS DEVELOPED ON THE 14.4 ACRE PARCEL APPROVED FOR 43 SINGLE FAMILY DETACHED UNITS (TSM 1-07, APN 010-270-121).

WHEREAS, the applicant has requested the City of Gridley approve the rezone of approximately 14.4 acres from Residential-Suburban to Residential-Suburban/Agricultural Overlay District located in a portion of Section 2, T. 17 N., R. 2 E., M.D.B. & M. and as shown as Parcel 1 in Book 178 of Maps at Pages 78-81, inclusive; and,

WHEREAS, the proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule. The proposed overlay zoning does not create a project or create impacts in that agricultural uses were established on the property prior to the application to develop and no new circumstances exist that would impact the site or the surrounding area for the continued use of the property prior to the approval of TSM 1-07; and,

WHEREAS, a duly noticed public hearing was held on October 11, 2016 by the Planning Commission recommending the proposed rezone be forwarded to the City Council for action; and,

WHEREAS, after considering the staff report, public testimony, and the recommendation from the Planning Commission, the City Council determined the proposed rezone was appropriate.

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

SECTION 1: The City Council finds the rezone is consistent with the 2030 General Plan and CEQA.

SECTION 2: Approves the rezone of Parcel 1 in Book 178 of Maps at Pages 78-81, TSM 01-07, APN 010-270-121 located in a portion of Section 2, T. 17 N., R. 2 E., M.D.B. & M., consisting of approximately 14.4 acres from Residential-Suburban to Residential-Suburban/Agricultural Overlay District.

SECTION 3: Except as modified above, all present conditions of the approved TSM 01-07 development plans and designs remain in full force and effect.

SECTION 4: The Zoning Map of the City of Gridley on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended, in accordance with the herein description and Exhibit A.

SECTION 5: This ordinance shall be effective thirty (30) days after its passage and adoption.

I HEREBY CERTIFY that the foregoing text amendments to Title 17 were approved, and an ordinance was duly introduced at a regular meeting of the City Council of the City of Gridley, California, held on the 17th day of October, 2016, by the following vote:

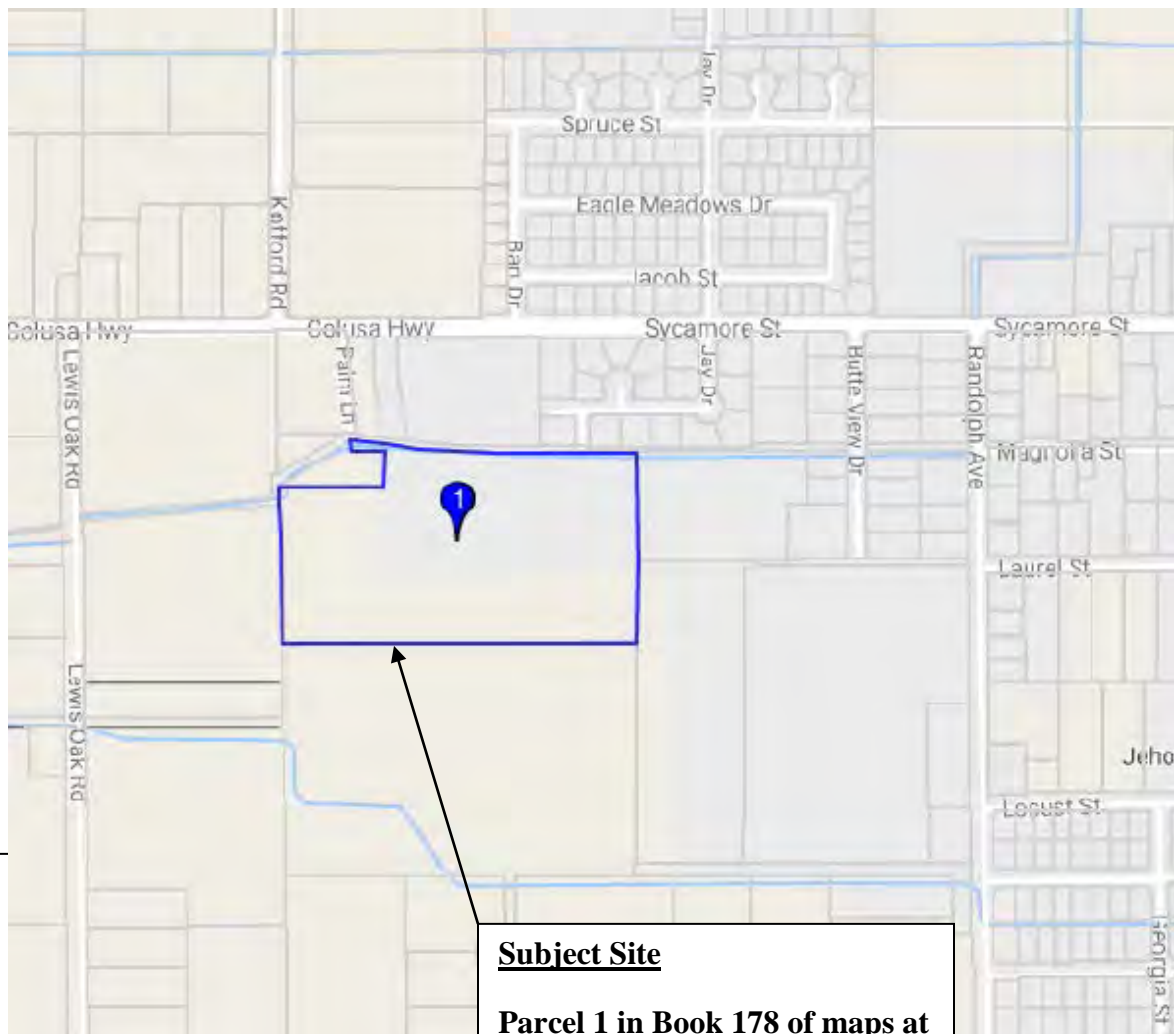
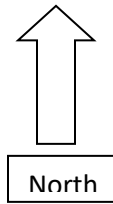
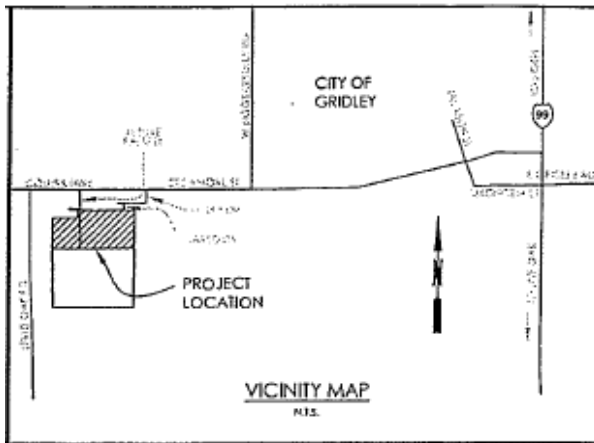
AYES:	COUNCIL MEMBERS	_____
NOES:	COUNCIL MEMBERS	_____
ABSENT:	COUNCIL MEMBERS	_____
ABSTAIN:	COUNCIL MEMBERS	_____
ATTEST:		APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney



Subject Site

**Parcel 1 in Book 178 of maps at
Pages 78-81. APN 010-270-121**

Chapter 17.31 AO AGRICULTURAL OVERLAY DISTRICT

17.31.010 Intent.

17.31.020 Application of the AO district.

17.31.030 AO district regulations modify or supersede primary zoning district regulations.

17.31.040 Permitted principal uses.

17.31.050 Accessory uses.

17.31.060 Conditional uses.

17.31.070 Fence requirements.

17.31.080 Sign requirements.

17.31.090 Fee waiver.

17.31.010 Intent.

In a rural area characterized by intensive commercial agricultural production, some commercial agricultural uses can be conducted within an urbanizing farm community with minimal adverse impact on adjacent non-agricultural uses. The AO district is intended to be applied as a secondary zoning designation, for purposes of allowing commercial agricultural uses to be conducted on properties that are designated on the general plan and zoning diagrams for eventual residential and/or non-residential urban uses, until those urban uses are actually developed.

(Ord. 698 § II (part), 2000).

17.31.020 Application of the AO district.

A. The AO district may be applied as a secondary zoning designation to properties on which no habitable structures have been constructed, or to those portions of a partially developed property that do not exceed an average density of two (2) residences (or the habitable, non-agricultural equivalent thereof) per five (5) gross acres.

B. The minimum gross area in an AO district shall be five (5) acres.

(Ord. 698 § II (part), 2000).

17.31.030 AO district regulations modify or supersede primary zoning district regulations.

For properties having the secondary AO zoning designation, permitted uses include only those allowed in the AO district. Uses allowed in the primary district may be established upon removal of the AO district pursuant to the zoning amendment procedure described in Chapter 17.58 of this title.

(Ord. 698 § II (part), 2000).

17.31.040 Permitted principal uses.

Permitted principal uses in the agricultural overlay district shall be as follows:

A. Commercial production agriculture, including growing of field crops, orchards, seed crops, and orchard stock.

B. One single-family dwelling per lot. A mobile or other manufactured structure may be installed in lieu of a conventional single-family home, provided it meets all of the following:

1. The structure is a mobile or other manufactured home as defined in this title; and
2. It is placed on a foundation system pursuant to Section 18551 of the Health and Safety Code; and
3. It was not manufactured more than ten (10) years prior to the date of application for a permit to install it on the property.

(Ord. 698 § II (part), 2000).

17.31.050 Accessory uses.

Accessory uses may include any non-residential use that complies with the following criteria:

A. It is customarily appurtenant to permitted uses but is not one of the uses that requires approval of a use permit pursuant to section 17.31.060 of this chapter; and

B. It does not occupy more than five percent (5%) of the gross area of the AO district.

(Ord. 698 § II (part), 2000).

17.31.060 Conditional uses.

The following uses may be permitted in an agricultural overlay zone upon approval of a use permit:

- A. Second dwelling units, pursuant to Chapter 17.42 of this title.
- B. Construction of permanent habitable structures for non-residential uses.
- C. Construction of permanent non-habitable structures greater than 1,000 square feet.
- D. Greenhouses.
- E. Use of structures or equipment for hulling, drying, or otherwise processing the commodities produced on the site.
- F. Keeping of livestock for personal recreational or educational purposes, excluding commercial raising of livestock.
- G. Wholesale and/or retail sales of commodities produced on the site, provided the use is operated as an integral part of the principal use and does not comprise a separate business or activity.

(Ord. 698 § II (part), 2000).

17.31.070 Fence requirements.

The general provisions of Chapter 17.36 shall apply. For purposes of fence regulations, the AO district is a non-residential district.

(Ord. 698 § II (part), 2000).

17.31.080 Sign requirements.

The general provisions of Chapter 17.36 shall apply.

(Ord. 698 § II (part), 2000).

17.31.090 Fee waiver.

There shall be no fee applied to an application for this Agricultural Overlay Zone.

(Ord. 698 § II (part), 2000)

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City Council Agenda Item #8
Staff Report

Date: October 17, 2016

To: Mayor and City Council

From: Paul Eckert, City Administrator

Subject: Approval of Resolution No. 2016-R-034 amending the City of Gridley Master Fee Schedule establishing an electrical infrastructure metering fee related to existing power distribution facility maintenance. (Citywide)

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Adopt Resolution No. 2016-R-034.

Background

The City of Gridley has been supportive of residential, commercial, and industrial sites adding site specific solar equipment and metering to offset their individual costs for electric power. The result of increased solar applications has resulted in an unforeseen impact to the City's ability to effectively maintain its electric distribution facilities. Additionally, the City buys power back from the solar user at more than two times the cost the City can purchase it from elsewhere. Adopting this resolution will safeguard the ability of the City to continue providing a well maintained and safe electric distribution network required to provide electrical power when solar facilities are not working due to weather and time of year.

The City is required to maintain and provide an electrical distribution system for all users including solar. As an increase in solar users occurs, there is a fund decrease that is impacting the City in the maintenance of the system. Allowing the City to establish a metering fee, reduce the buy-back costs and not enter into agreements that disallows the capture of REC's that we need to then purchase is a more fiscally responsible management of the City's resources ensuring a safe distribution system now and into the future.

The proposed metering fee is proposed to offset the costs the city has in maintaining its electric distribution system and to normalize the buy-back costs of power that the City currently pays. Both of these have a significant impact to the City's funds that are required to ensure fiscal management and responsibility to all of its consumers.

The City's system is required to be fully operational even when solar users cannot utilize their systems. The proposed metering fee would establish a flat rate for customers requesting solar use:

- Residential \$20/mo
- Commercial/Industrial \$40/mo

These fees are synonymous to PG & E flat rate as well. The issue of having adequate funding to maintain electrical distribution systems in light of reduced revenue when solar users go on-line is affecting every city in the state.

A related issue compromising the electric fund is the existing cost to the city to buy back power from its solar users. Currently the City purchases power within a range of \$0.04-\$0.08 per kW. The city then buys back solar power nearly two times that cost at \$0.16-\$0.19/kW. This expense is impacting the city's fiscal responsibility to its consumers overall. The proposed resolution would provide the following:

- Limit the amount of buy back cost to equal what the city can purchase power elsewhere for; and,
- Establish a metering fee for solar users to compensate the need to maintain the electrical distribution facilities it needs when solar use is unavailable.

What are other cities doing?

Staff researched what other cities are doing to offset these same costs. PG & E developed a flat rate to its solar customers as noted in the proposal noted above. Other cities offset the usage and buy-back as a fluctuating number of kW per month that a fee is then attached to. This process could be time consumptive to our already over-burdened staff to calculate these kW variations for billing. Staff believes it to be in the City's best interest to simplify the process and introduce a flat fee similar to PG & E where the customer has a known expense each month. Staff also proposes a date certain that existing users will be required to pay the metering fee and be limited to the newer buy-back rates. The City currently has the following solar customers:

- Residential solar: 42
- Commercial Solar: 5
- Industrial Solar: 2

There are approximately 8-12 new requests for residential solar and 1-2 commercial/industrial solar. Although the City is nearing its 500kW mark of required solar for this community, there will be additional future requests as well. Staff proposes to contact all the solar users and notify them of the new rates they will need to start paying within a 6-month time. There will be notifications:

- After the resolution is adopted;
- 3 months from the date of adoption; and,
- 1 week prior to the 6-month time line as a reminder.

Staff is also recommending that the City no longer enter into power agreements with solar

users.

Public Notice

A notice was posted in the Gridley Herald 72 hours prior to the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

Fiscal Impact

The City will recover costs to ensure the maintenance of its electric distribution facilities, will no longer lose funds from the buy-back program, and may reduce the number and then costs for the REC's that we need to purchase to meet our State requirements.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with the City Council's strategic vision of sound financial management practices.

Attachments:

Resolution 2016-R-034

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY
AMENDING FEES AND PROCEDURES RELATED TO THE MAINTENANCE AND
SAFETY OF THE EXISTING POWER DISTRIBUTION FACILITY (CITYWIDE)**

WHEREAS, the City of Gridley encourages and supports the installation of passive energy systems as an additional source of power in the City for its use and the use of its residential, commercial and industrial end-users; and,

WHEREAS, the City has the responsibility to maintain all of its electric distribution facilities in optimum working order to ensure continuous power flow and delivery to its users whether or not the additional passive energy systems are available to the user; and,

WHEREAS, the City of Gridley is required to be fiscally responsive and not overburden any one end-user in the system; and,

WHEREAS, the revenue requirement is the amount of revenue to be recovered in rates or service fees in order to maintain such electric distribution systems; and,

WHEREAS, the City has had a policy of purchasing over production of power from passive systems at a cost near or greater than twice what power could be purchased for creating a negative fiscal impact to the City decreasing its ability to maintain its systems; and,

WHEREAS, agreements between passive energy system users and the City creates such loss to capture needed Renewable Energy Certificates (REC) required by the State of California that the City must then purchase at higher rates creating a negative fiscal impact; and,

WHEREAS, the Gridley Municipal Code requires a resolution by the City Council to modify such fees, rates, charges, and procedures for electric use within the City of Gridley.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gridley hereby resolves as follows:

Section 1: The City Council hereby establishes a metering fee to recover funds necessary to ensure the maintenance of the electric distribution facilities that may or may not be used by passive energy uses within the City of Gridley:

- Residential \$20.00/month
- Commercial/Industrial \$40.00/month

Section 2: The City Council hereby determines its fiscal responsibility to direct that the buy-back purchase of excess power from passive energy systems from any user within the City shall not be greater than the cost the City may be able to purchase elsewhere at the time the excess power is available to the City for purchase;

Section 3: The City Council hereby directs existing passive energy users are responsible to pay their fair share and shall be notified of their responsibility to pay the

established metering fee in Section 1 above, after 6 months from the effective date of this resolution; and,

Section 4: The City Council hereby directs no additional power agreements with passive power users within the City for residential, commercial, and/or industrial use shall be put into place unless approved by the City Administrator thus allowing the City to receive any and all Renewal Energy Certificates available from the installation of such facilities citywide.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular City Council meeting of the City of Gridley held on the 17th day of October , 2016 by the following vote:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ATTEST: APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney

City Council Agenda Item #9
Staff Report

Date: October 17, 2016
To: Mayor and City Council
From: Donna Decker, Planning

X	Regular
	Special
	Closed
	Emergency

Subject: Introduction of the Infill Design Guidelines: Development of design guidelines to provide realistic recommendations for infill development in the City of Gridley.

Recommendation

City staff respectfully recommends the City Council review and provide comment.

Summary

The City of Gridley received a grant from the California Department of Conservation, Sustainable Growth Council, 2011 Sustainable Communities Planning Grant. The purpose of the grant consists of three tasks: Development of a Greenhouse Gas Reduction Plan, Development Code and Public Works Construction Standards Update and, Develop Infill Development Guidelines.

Discussion

The Infill Design Guidelines are an integral part of the implementation of the General Plan by establishing design guidelines for properties that will eventually be developed in mature neighborhoods and commercial areas. The guidelines will return to the City Council for adoption after review by both the Planning Commission and City Council through the month of October, 2016.

Planning Commission

The Planning Commission reviewed the proposed Infill Design Guidelines on October 11, 2016. The Commissioners reviewed and provided the following comments:

1. There was concern that some of the language had a negative effect related to the wide right-of-way found in the City;
2. More language was needed throughout the document related to how the infill design guidelines could reference the importance of the cultural and entertainment in the Downtown;
3. Unclear how better signage should be provided as an opportunity on Highway 99;
4. Ensure that the design guidelines are not restrictive in meeting energy efficiency in construction;
5. Consider ways to have Development Impact and other fees reduced to encourage infill development;

6. Supportive of the idea of Small lot Subdivision to re-legalize the non-conforming lots in the City allowing smaller lots, the potential for smaller lots to create more diversity in housing to meet the community's needs; and,
7. Create more pedestrian friendly amenities along the Highway 99 corridor when infill development is considered.

The Infill Design Guidelines will return to the Planning Commission on October 25, 2016 with additional text amendments based upon the comments received October 11, 2016 and the comments received by the City Council on November 7, 2016.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

Fiscal Impact


The City would be able to recover reimbursement for infrastructure that has been in place for some time as infill sites are developed.

Attachments:

1. Infill Design Guidelines

City of Gridley Infill Design Guidelines





ACKNOWLEDGEMENTS

CITY COUNCIL

Frank Hall, Mayor
Bruce Johnson, Vice-Mayor
Owen Stiles
Jeff Draper
Ray Borges

PLANNING COMMISSION

Robert Thomas, Chair
Robert Wise, Vice-Chair
Shirley O'Brien
Maria Espino
Ishrat Aziz-Khan

City Administrator

Paul Eckert

Prepared by
Donna Decker
DES

December, 2016

TABLE OF CONTENTS

1 INTRODUCTION

1.1 Infill Development	3
1.2 Relationship to the General Plan	4
1.3 Growth Strategy	5
1.4 Gridley Community Context	6
1.5 Infill Opportunities	12
1.6 Infill Challenges	12

2 GOALS & OBJECTIVES

2.1 Objectives	17
2.2 Infill Development Form	22
2.3 Definitions	23

3 COMMUNITY CHARACTER

3.1 Design Construct.....	28
3.2 Neighborhood Compatibility	29
3.3 Multi-Modal Access, & Connectivity	31
3.4 Buffers & Screening	33
3.5 Infrastructure	36
3.6 Parking Measures.....	37

4 DESIGN GUIDELINES

4.1 General Information.....	40
4.2 Plan Application Submittal Information	40
4.3 Design Criteria	41

FIGURES & TABLES

Figure 1-1: Gridley Community Character Districts	
Table 1: Infill Opportunity Sites.....	



CHAPTER 1 INTRODUCTION



This chapter introduces Infill Design Guidelines, including the opportunities and benefits of infill development as a strategy to enhance the quality of life and community character in Gridley.



1.1 INFILL DEVELOPMENT

Infill Development comprises a broad array of development consisting of residential, non-residential, new construction, reuse and/or rehabilitation of existing structures occurring on sites scattered throughout the city's developed area. Infill can be either a small scale or a large scale project depending upon the land area available for development¹.

Benefits of infill development include:

- Ability to use sites that have existing infrastructure available;
- Sites close to existing services;
- Transit ridership opportunity;
- Close to commercial services;
- Near to public spaces
- Abuts existing development providing variation in design elements
- Multi-modal opportunity for walking, bicycling, and transit use.

Infill development capitalizes on existing infrastructure and services in the community, minimizing the need for constructing new infrastructure to serve development and allowing finite city resources to be steered to other priorities. Infill growth also allows the community to use public services (schools, libraries, and emergency services [fire, police]) more efficiently, as generally, these services are already present in the community and do not require new facilities to serve infill uses.

Infill Development Design Guidelines implement the City's General Plan vision to grow within its urban service boundaries; prevent the premature conversion of agricultural and open space lands; and efficiently use limited resources to enhance the overall quality of life in the Gridley community. Infill development has been identified in the General Plan as a key growth strategy to maximize the use of existing infrastructure, before building on greenfield sites.

1.2 RELATIONSHIP TO THE GENERAL PLAN

The 2030 General Plan promotes infill and more compact development in the City as a growth strategy to use finite resources more wisely, reduce household transportation costs, and promote economic development and job creation.

Some of the goals and policies of the General Plan to optimize land use development are:

- *To achieve orderly, managed urban growth with a compact development pattern with high quality and efficient public infrastructure and services.*
- *To encourage compact development patterns that use land more efficiently and place homes in closer proximity to shopping, services, schools, employment, and other destinations.*
- *New development should minimize the amount of land required to meet parking and circulation needs.*
- *New development proposed in residentially zoned districts will work towards common accessible park, recreation, and open space in exchange for smaller yard areas.*
- *Buildings in new development should be built close to the sidewalk and front property line.*
- *Accommodate a variety and full range of housing types.*
- *Support a mixed use Downtown containing civic, cultural, entertainment, shopping, commercial, professional and residential uses.*

1.3 GROWTH STRATEGY

Infill development supports “restricted” growth strategy and enhances the character and function of existing communities. Growth is supported first within areas having infrastructure to support it, thus slowing greenbelt development into undeveloped outlying areas.

Successful infill development also restores the spatial continuity of the built environment, strengthens existing neighborhoods, introduces compatible uses and buildings that complement the historic context of creating a sense of place.

RESPONDS TO COMMUNITY NEEDS

Infill development best serves communities when it can fulfill unmet community needs. In Gridley, there is demand for more housing for an increasing population which is not satisfied by the current housing market along all economic strata. There is also a great demand for smaller single-family homes on smaller lots for changing households whether they do not need, or do not wish to maintain larger homes on larger lots. A mix of well-designed owner and rental housing, unit sizes, and prices (i.e., market and non-market units) is targeted through the General Plan goals and policies to serve the community needs now and into the future.

IMPROVED IMAGE OF A PLACE

Well designed, high-quality construction injects new energy to established communities. New construction or rehabilitation of existing structures motivate neighbors to update their properties and support improved property values over time, without compromising the unique character of the community.

BETTER MULTI-MODAL ACCESS

Infill developments can improve community access and walkability by replacing vacant or underutilized sites with land uses and destinations that people can walk to, such as retail shops, services, and public facilities. New housing can be designed to integrate into the larger neighborhood context. Often, infill developments are accompanied by public improvements to adjoining sidewalks, trails, or other streetscape features that also improve community access in the neighborhood.

1.4 GRIDLEY COMMUNITY CONTEXT

The following provides an overview of the existing characteristics that support and define each of the City's districts. Figure 1-2 provides a snapshot summary of the existing conditions within each of these character districts.

DOWNTOWN GRIDLEY

Downtown Gridley is approximately one-quarter mile west of Highway 99. The Union Pacific Railroad bisects the Downtown in a north-south direction. This area includes single- and multi-family residences, parks, retail and commercial services, offices, civic, and industrial uses. Gridley's historic Downtown Core within Downtown includes the six-block area bound by Spruce Street, Virginia Street, Sycamore Street, and Vermont Street. However, there are areas outside the historic core that share similar characteristics, and where expansion of the urban design character in the Downtown Core would be appropriate. This includes areas between RD 833 Lateral E7-A on the north, Jackson Street on the east, the southern boundary of Manuel Vierra Park on the south, and Indiana Street on the west.

Within the Downtown Core, there is a consistent and small block size of approximately 250 feet by 350 feet that is both walkable and bike-able from existing residential areas. Lot depths and sizes are irregular in the Downtown district, depending on the land use. Alleys in the Downtown Core provide loading and service delivery.

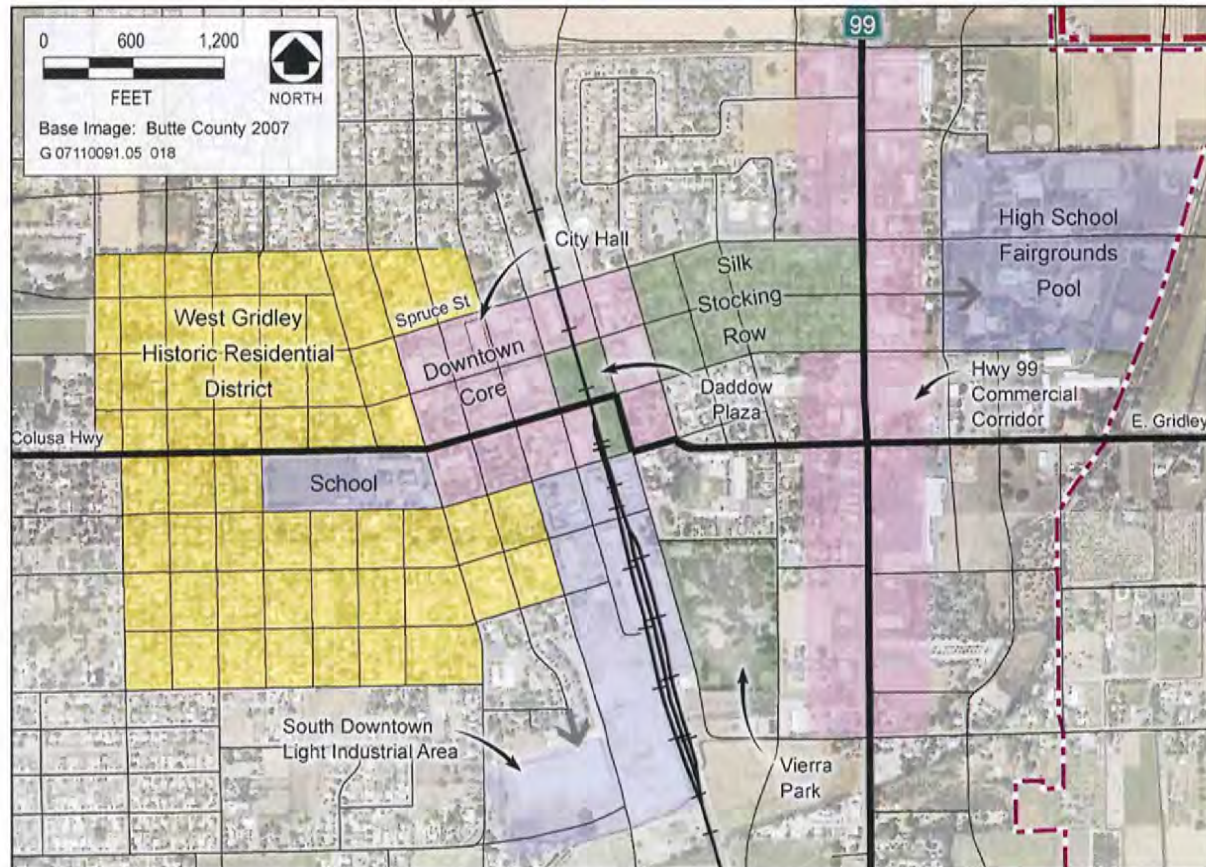
Two-story brick buildings, reminiscent of traditional 19th-century architecture, contribute to the charm and sense of place Downtown. Prominent architectural elements Downtown include covered arcades, false fronts on single-story commercial buildings, and parapets on commercial and mixed-use buildings. Architectural styles range from neo-Renaissance and Baroque styles to European Art Nouveau styles. The rice mill and other agriculture-related buildings in Downtown along the railroad tracks are a reminder of the City's heritage, as a valley agricultural downtown with streets and buildings laid out next to the railroad main line.



Two-story historic brick buildings, exhibiting traditional 19th century architecture, contribute to the sense of place in Downtown Gridley.



Consistent landscape treatment has been used to distinguish Downtown Gridley from the rest of the City. The Downtown Commercial Core has an urban streetscape pattern that consists of buildings built to the edge of the sidewalk, regularly spaced street trees, landscaped bulb-outs at intersections, street furniture, including decorative light fixtures and trash bins, and on-street parking, in parallel and diagonal configurations.



Key areas of Gridley, including the City's historical residential neighborhoods (shown in yellow and green) are denoted in the diagram above.

Figure 1-1: Gridley Community Character Districts

Downtown is the social and cultural heart of Gridley. It serves as a place for the community to meet, gather, and hold special events. Downtown consists of many historic buildings, including locally-owned businesses and agricultural-related structures that line the railroad tracks. Downtown possesses a pedestrian-friendly streetscape, with short walkable blocks consisting of wide sidewalks, tree-lined streets with landscaped and potted planters, and angled on-street parking that contributes to the "small town," rural character of Gridley.

Land Uses

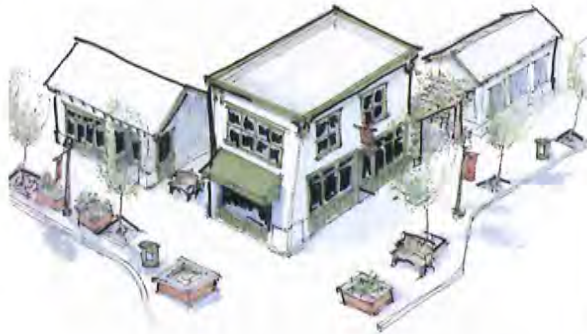
- Commercial retail, office, restaurants, and service uses (i.e., financial institutions, day care centers, personal services)
- Industrial uses and structures
- Civic uses, i.e., City Hall, Fire Station, post office, and a theater
- Parks, schools, and open space

Issues

- Wide roadways and vacant sites in the Downtown commercial core used as parking lots
- Continuation of streetscape improvements needed, south of the commercial core
- Challenging vacant and underused properties, particularly the industrial properties, located adjacent to the railroad tracks

Opportunities

- Enhance the pedestrian quality of the Downtown, with guidelines that support pedestrian-scaled architecture, streetscape improvements, and pedestrian amenities, consistent with the existing character of Downtown.
- Continue urban streetscape improvements in the Downtown Core to provide more on-street parking and bicycle and pedestrian connections.
- Enhance the visibility of Downtown with better gateway signage from Highway 99.
- Promote more vertical mixed-use development, with retail and common spaces on the ground floor and residential and office uses and reuse of older industrial buildings.
- Encourage outdoor dining opportunities.
- Improvements in the Downtown Commercial Core are encouraged to be extended to other areas of the Downtown district



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Urban streetscape development examples suitable for the Downtown district.



Landscaping, site furnishings, lighting, and canopies present a pedestrian scale that is comfortable and inviting



Streets in Gridley Downtown Core are characterized with buildings built to the edge of the sidewalk, landscaped bulb-outs, and on-street parking

HISTORIC NEIGHBORHOODS

The Historic Neighborhoods district encompasses the stable residential neighborhood areas, with historic 19th and early 20th century residential architecture, that surround the Downtown. This district is bounded between Bridgeford Avenue and Ford Avenue on the north, Little Avenue on the south, West Biggs-Gridley Road and Randolph Avenue on the west, and Highway 99 on the east. The Historic Neighborhoods district is mostly comprised of single-family homes, as well as



duplexes and multi-family residential dwellings. Corner stores, churches, schools, parks, institutional, and other uses are mixed in with the neighborhood areas.



Architectural styles in this district vary from one- and two-story Victorian styles, as seen in the neighborhoods east of the railroad tracks to rural, agricultural, single story architecture, with small porches and street-facing garages. Most properties in these neighborhoods have

landscaped front yards and some form of fencing (i.e., wooden picket, ranch-style, hedge row, chain link, and etc.). These neighborhoods are landscaped with mature shade trees, turf grass, and flowering plants.

The residential neighborhoods that surround Downtown consist of short, walkable blocks (of approximately 330 feet by 430 feet) and mature street trees. Lot sizes in this district generally average in the range from 5,500 square feet to 7,000 square feet. The presence of sidewalks varies in this district. East of Downtown, sidewalks are provided on both sides of the street. West of the tracks, particularly along the peripheral edges of the district, sidewalks are provided only on one side of the street. On-street parking is generally available on both sides of the street and bike routes are shared with vehicular traffic on neighborhood streets.



The Historic Neighborhoods district consists of a mix of one- and two-story homes in a variety of architectural styles.

The Historic Neighborhoods district includes well-established and largely built-out residential neighborhoods. This area is characterized by a mix of different styles, designs, and housing types; and tree-lined streets with sidewalks and on-street parking.

The oldest neighborhoods in the City are centered on both sides the Downtown Core. Much of this area, including the historic residential neighborhoods, west of the tracks and the Silk Stocking Row, east of the Downtown Core (see figure below), were designed on a street grid with short, walkable blocks and shallow setbacks.

The walkable street grid pattern, diverse architecture, and quaint streets add to the small town charm in Gridley. The pedestrian scale of these neighborhoods should be preserved with improved connections between neighborhoods and public places.

Land Uses

- Variety of single-family, duplex, triplex, and multi-family residential uses
- Corner stores and small businesses
- Schools, churches, parks, and other public-institutional uses

Issues

- Older infrastructure, including sidewalks and roads in need of repair
- Street grid was not maintained in newer development

Opportunities

- Improved connections to Downtown, schools, parks, bike trails, and Highway 99.
- Small-scale businesses, live-work, and mixed-use development, intermixed with residential areas.



Infill example (home on the left) designed to respect the scale and features of adjacent homes in the Historic Neighborhoods district.



Small scale commercial development is encouraged within the City.

HIGHWAY 99 CORRIDOR

Most of Gridley's larger-scale commercial uses and services have located along Highway 99, the main north and south access into the City. In addition to serving as a critical regional and local travel route, the highway frontage presents the first visual impression of the City for travelers coming into the City.

Generally, auto-oriented commercial uses and community serving uses line the Highway 99 corridor. These uses vary from larger auto-sale outlets and hardware stores to smaller grocery and retail stores. Residential and civic land uses adjoin these commercial properties.

While a few blocks, such as those adjacent to Sycamore Street and Spruce Street, have a more pedestrian-scale, most blocks along the corridor are developed with long block lengths that range from 1,000-2,000 feet. Parcels along the Highway are relative deep and average around 225 feet, compared to the depth of residential parcels, which are approximately 100 feet deep.

Development along Highway 99 is mostly one-story, matchbox-style commercial development, generally from the 1960s and 1970s and set back from the highway, with a single or multiple rows of surface parking spaces in front of the buildings; although, more contemporary development can also be found along the corridor. Street trees and landscaping are limited on Highway 99, including no landscape medians and no buffer between the generally narrow sidewalks along the highway and vehicular travel lanes. Wide travel lanes and extensive curb-cuts for convenient business access contribute to the unsafe pedestrian environment along the highway.

The Highway 99 corridor creates the first impression into the City. Infill development on the Highway 99 corridor will enhance it as a gateway into the City.

Land Uses

- Commercial retail and services
- Auto-oriented services
- Civic uses
- Multi-family residential
- Mixed use

Issues

- Lack of landscaping
- Lack of pedestrian connectivity



Larger-scale, community serving commercial development along Highway 99 is designed to cater to traffic along the corridor.



Opportunities

- Use transportation financing to improve the image, multimodal access, and safety of the highway corridor, including street, streetscape, and gateway improvements.
- Design Highway 99 as an active, more pedestrian-friendly area, with trees, high quality architecture, and street furniture.
- Promote high quality development.
- Improve connections between commercial areas and adjacent residential streets.



Infill development concept for Highway 99

Source: Visitor Development Action Plan, 2007

1.5 INFILL OPPORTUNITIES

The City of Gridley completed a land inventory analysis for properties available and appropriately zoned for residential development including all residential densities. They are also located in areas that are zoned commercial and may present additional opportunity as well (Refer to Figure XX). The infill sites represent an opportunity for exciting new residential and mixed use development supporting Gridley in its future growth. All of the sites inventoried can be served by City services; infrastructure is in place or in close proximity. The zoning designations for the sites include:

R-S	Residential Suburban	3 du/ac
R-1	Single Family Residential	4 du/ac
R-2	Duplex Residential	8 du/ac
R-3	Multiple Family Residential	15 du/ac
C-1	Restricted Commercial	#/use permit
C-2	General Commercial	#/use permit
M-1	Light Industrial	#/use permit

1.6 INFILL CHALLENGES

Infill development continues to be successful for communities on all levels; however, there are challenges for communities to overcome. Sometimes these challenges are perception only. There are generally six obstacles for successful infill to occur²:

1. Infill projects may cost more to build than raw land;
2. Policy makers may overlook the cost savings strategy to the public;
3. Community resistance to developing sites that have been vacant and unoccupied with proposals of low quality construction;
4. Developers fear low marketability;
5. Financial barriers from lenders; and,
6. Continued use segregation instead of compatible mixed use development.

Table 1
Sites Available for Residential, Mixed Use, Commercial Infill Development

Site No.	Assessor's Parcel Number	Existing General Plan	Zoning	Allowable Density	Parcel Acreage	Unit Capacity	Existing Use	Location	Income	Infrastructure Capacity	Environmental Constraints
1	010-200-041	C	C-2	8	1.05	8	Vacant	Hwy 99 S. Cherry St.	EL/V/L/L	Yes	No
2	010-240-034	C	C-2	8	1.67	13	Vacant/Business Parking	Hwy 99 x Vista Del Rio	EL/V/L/L	Yes	No
3	010-250-026	P	PQP ¹	15	5	60*	Vacant	Ford Ave	EL/V/L/L	Yes	No
4	010-250-014	C	C-1	6*	1.5	6	Church (0.5 ac to north available)	Ford Ave	EL/V/L/L	Yes	No
5	010-250-030	RHD	R-3	15	1.09	12*	Vacant	Ford Ave	EL/V/L/L	Yes	No
6	010-250-031	RHD	R-3	15	1.09	12*	Vacant	Ford Ave	EL/V/L/L	Yes	No
7	021-240-025	I	M-1**	20	15	300	Vacant	Ptn of 23.64ac/Hwy 99	EL/V/L/L	Yes	No
8	024-020-007	RMD	R-2	8	3.36	26	Vacant	Hwy 99 S Morrison Slough	EL/V/L/L	Yes	No
9	024-020-008	RMD	R-2	8	5.43	43	Vacant	Hwy 99 S Morrison Slough	EL/V/L/L	Yes	No
10	024-070-036	C	C-2	12*	1.05	12	Vacant	Hwy 99 S. Obermeyer	EL/V/L/L	Yes	No
11	024-260-044	C	C-2**	10	17.32	150	Vacant	Hwy 99 x Gridley Biggs Rd	EL/V/L/L	Yes	No
12	024-260-079	RHD	R-3*	15	1.98	24	Vacant SFR; not in use	Hwy 99	EL/V/L/L	Yes	No
13	024-270-004	C	C-2	8	1.62	12	Vacant; Ag use-orchard	Hwy 99 N. Sheldon Ave	EL/V/L/L	Yes	No
Total number of unit capacity for moderate and above moderate income housing						678					
Total number of units required per RHNA for extremely low, very low, and low income housing						<457>					
Excess buildable unit capacity						221					

- ¹ Site would need to be rezoned from PQP to R-3
* Represents realistic capacity at 12 du/ac based on the location of the parcel
** Requires a conditional use permit
*** The deficit for moderate and above moderate income units is met utilizing Units approved or under construction depicting the number of lots available

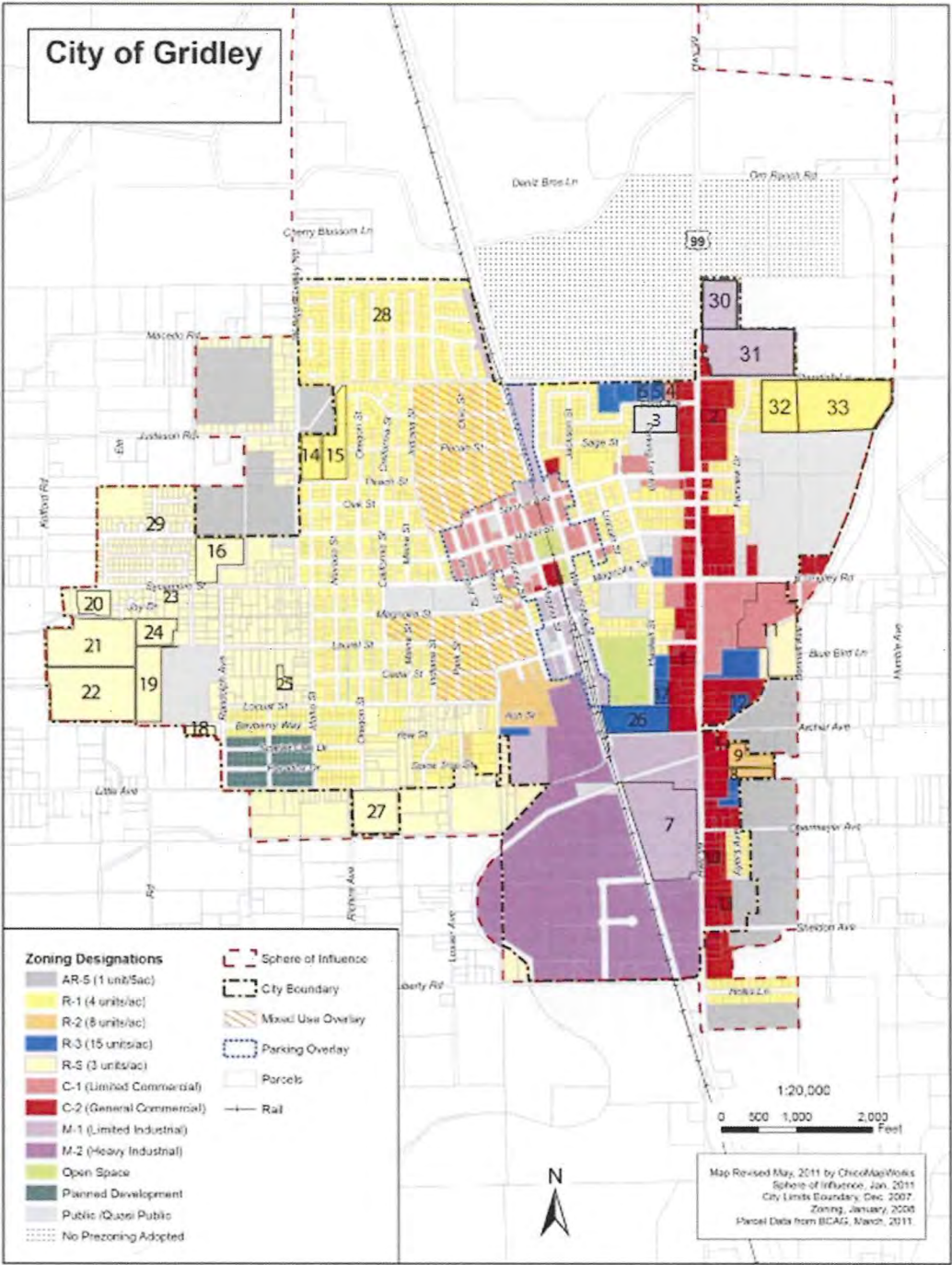


Table 1
Sites Available for Residential, Mixed Use, Commercial Infill Development

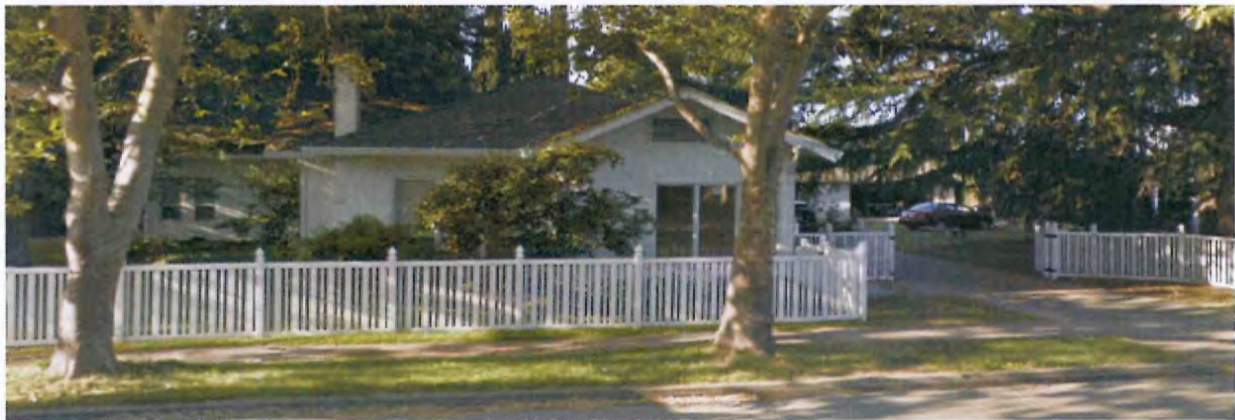
Site No.	Assessor's Parcel Number	Existing General Plan	Zoning	Allowable Density	Parcel Acreage	Unit Capacity	Existing Use	Location	Income	Infrastructure Capacity	Environmental Constraints
14	009-260-022,-024,-025	RLD	R-1	4	3.94	15	Vacant	Valley Oaks Ests	M/AM	Yes	No
15	009-260-026,-027,-028,-029	RLD	R-1	4	7.36	29	Vacant	Pecan St	M/AM	Yes	No
16	009-290-066	RVLD	R-S	3	10.2	31	Vacant	Sycamore St	M/AM	Yes	No
17	010-200-043	RHD	R-3	15	1.48	22	Vacant	Haskell St/Qumar Est	M/AM	Yes	No
18	010-270-051	RVLD	R-S	3	1.34	4	Vacant	W of Bayberry St	M/AM	Yes	No
19	010-270-076	RVLD	R-S	3	8.41	25	Vacant	Elder Ests/Laurel St	M/AM	Yes	No
20	010-270-120	RVLD	R-S	3	4.4	13	Vacant	Dusa Ests Dev.	M/AM	Yes	No
21	010-270-121	RVLD	R-S	3	16.63	50	Vacant	Butte Country Homes Unit 1	M/AM	Yes	No
22	010-270-122	RVLD	R-S	3	19.51	70	Vacant	Butte Country Homes Unit 2	M/AM	Yes	No
23	010-290-002	RLD	R-1	3	0.78	3	Vacant	Sycamore St	M/AM	Yes	No
24	010-290-041	RVLD	R-S	3	4.42	13	Vacant	W of Laurel St	M/AM	Yes	No
25	010-310-057	RVLD	R-S	3	1.32	4	Vacant	Laurel x Cedar	M/AM	Yes	No
26	021-110-039	RHD	R-3	15	6	90	Vacant	Btw Haskell x Hwy 99	M/AM	Yes	No
27	021-250-008	RVLD	R-S	3	8.81	28	Vacant	Steffan Ests Dev	M/AM	Yes	No
28	Multiple lots	RLD	R-1	4	n/a	32	Vacant	Heron Landing	M/AM	Yes	No
29	Multiple lots	RLD	R-1	4	n/a	78	Vacant	Eagle Meadows	M/AM	Yes	No
30	025-200-118	I	M-1**	8	9.81	78	Vacant	Hwy 99, east side	M/AM	Yes	No
31	025-260-008	I	M-1**	8	17.54	140	Vacant	Hwy 99 east sode	M/AM	Yes	No
32	025-200-053	RLD	R-1	4	7.46	29.84	Vacant/Sport field	Hwy 99 east side	M/AM	Yes	No
33	025-*200-054	RLD	R-1	4	18.5	74	Vacant/Sport field	Hwy 99 east side	M/AM	Yes	No
Total number of unit capacity for moderate and above moderate income housing						828					
Total number of units required per RHNA for housing moderate and above moderate housing						<600>					
Excess buildable unit capacity						228					

* Represents realistic capacity at 12 du/ac based on the location of the parcel
** Requires a conditional use permit
*** The deficit for moderate and above moderate income units is met utilizing Units approved or under construction depicting the number of lots available

The property identified in Table 1 are not exhaustive in locating infill development opportunities. These parcels represent lands available to construct housing to meet the General Plan Housing Element requirements.

Additional commercial property exists along the Highway 99 corridor and the Industrial Park.

CHAPTER 2 GOALS & OBJECTIVES



CHAPTER SUMMARY:

This chapter presents the goals and objectives of infill design and the implementation of guidelines.

2.1 OBJECTIVES

The Infill Design Guidelines (Guidelines) are intended to achieve a number of objectives that have been articulated through the needs of the City, Smart Growth Policies, the 2030 General Plan and the development industry.

The objectives provide direction for the implementation of the Guidelines. They are relevant to both the City as a whole and to the neighborhoods in which infill projects occur. It is intended that the application of the Guidelines will contribute to the achievement of these objectives as well as the fundamental goals of pursuing residential, commercial, and mixed use infill. These goals are:

1. To contribute to the existing mature neighborhood that is livable and adaptable.
2. To foster residential infill that contributes to ongoing neighborhood renewal and revitalization.
3. To encourage infill that contributes to the social, economic, and environmental sustainability of mature neighborhoods and to the overall sustainability of the City.

The Residential Infill Guidelines are intended to provide a consistent set of planning and design guidelines that will contribute to the achievement of the goals and objectives detailed.

The City objectives work towards infill being compatible with mature neighborhoods, ensure a timely permit process, support resident's needs to have flexibility in the use and development of their property.

CITY

OBJECTIVES

1. To contribute to the creation of livable mature neighborhoods through residential infill by:
 - a. Developing animated and secure streets and open spaces;
 - b. Promoting high quality development, building materials, and design;
 - c. Providing for the inclusion of on-site and off-site amenities;
2. To reduce delays in the review of applications for residential infill due to conflict and a lack of clear policy direction.
3. To strive to secure community support and acceptance for residential intensification in mature neighborhoods:
 - a. By minimizing traffic and parking impacts that may result from intensification;
 - b. By ensuring that infill is compatible in terms of scale and architecture with existing and adjacent development.
4. To make more efficient use of existing infrastructure and community facilities.
5. To contribute to the physical renewal and revitalization of older neighborhoods through:
 - a. New and/or upgraded infrastructure, including storm and sanitary sewer, roads, lanes and sidewalks, boulevard landscaping and lighting;
 - b. Additional amenities such as green space, recreational facilities, and landscaping.
6. To achieve housing forms that contribute in the long term to:
 - a. Increased housing choice in neighborhoods;
 - b. An increased supply of housing for all economic needs.

NEIGHBORHOOD

Neighborhood objectives include a need to create infill projects that appear as a part of the mature development around it, provide a variety of housing sizes to meet the needs of the community, and to allow a diversity of design that fits within an existing neighborhood. Filling in vacant lots in neighborhoods will also support the success of existing schools.

1. To maintain a balanced mix of housing within each neighborhood and to distribute density amongst mature neighborhoods.
2. To protect the neighborhood stability.
3. To develop safe public streets for children to and from school.
4. To minimize vehicular traffic and parking impacts that may result from intensification.
5. To use infill as an opportunity for the community by:
 - a. To secure improvements to neighborhood infrastructure.
 - b. Improving involvement in infill development process,
 - c. Improving community interaction.
6. To use residential infill as a way of improving levels of service and amenities through:
 - a. Gaining commercial retail services;
 - b. Making improved transit service viable; and,
 - c. Developing additional park and recreation facilities.
7. To provide additional housing opportunities that:
 - a. Allow seniors to “age in place” in their communities;
 - b. Make more homes available for families; and,
 - c. Provide more affordable housing.
8. To retain existing, good housing stock which provides affordable and family housing, or replace it with an equivalent amount of housing which is equally affordable.

The development community—those investing into existing neighborhoods -- have objectives centered around the time required to process application and the costs of development.

DEVELOPMENT COMMUNITY

OBJECTIVES

1. To provide certainty on what infill development will be permitted in order to facilitate the identification of infill opportunities and the approval of planning applications.
2. To recognize the challenges inherent in the development economics of residential infill projects.
3. To provide flexibility in the regulation of residential infill projects to deal with the context within which projects occur by developing infill guidelines that:
 - a. Can be applied universally but will cover a range of situations; and,
 - b. Are performance based guidelines rather than detailed regulations.
4. To recognize that some older neighborhoods are already more intensively zoned and developed.
5. To ensure that any requirements to provide for family housing or other forms of housing reflect the market demand for that housing.
6. That the City provide incentives to the industry to include particular amenities or to build in particular areas (for example, reduce parking requirements to encourage the construction of high rise residential at transit stations).

2.2 INFILL DEVELOPMENT FORM

There are many different forms infill development can take:

Single Family Detached:

- Single Family detached unit fitting into the existing Surrounding area

Second Units:

- Detached single family unit no larger than 1,200 square feet
- Attached unit over a garage
- Attached unit to primary unit

Small Scale Multi-Family Units:

a. Duplex Units:

- Side by side units
- Up and down units

b. Three and Four Plex Units:

- Two story units

c. Row Housing:

- Single story attached
- Two story attached

Mixed Use Units:

- Multiple use areas or structures

Small Lot Subdivision

- Acceptance of existing non-conforming lots
- Ability to subdivide into smaller lots within the City Core area
 - 2,500 sf to 4,000 sf

2.3 DEFINITIONS

There are many different forms infill development can take:

Single Family Detached:

- A home, house, or dwelling unit designed for residential occupancy with one or several rooms connected together constituting separate, independent housekeeping quarters containing independent cooking and sleeping facilities occupied by a family or families who may or may not be related, and may be either an owner(s) or renter(s).

Second Unit:

- A home, house, or dwelling unit that is separate from a primary single family detached home on one lot which includes a maximum of 1,200 square feet and is occupied by a family or families, who may or may not be related, and may be either an owner(s) or renter(s) with provisions for living, sleeping, eating, cooking and sanitation (not including tents or recreational vehicles).
- A second dwelling unit may be attached to the primary dwelling unit but may not be larger than 30% of the habitable floor area of the primary unit.
- A second dwelling unit may be attached to a detached garage or constructed above an existing detached or attached garage.

Small Scale Multi-Family Units:

- Duplex:
Two dwelling units attached together with a common wall or floor each with living, sleeping, eating, cooking and sanitation designed for use by one or more families, related or not, in each dwelling unit.
 - Side by side: a duplex attached together with a vertical wall separating each unit
 - Up and down: a duplex attached together with a horizontal floor or ceiling separating each unit.
- Three and Four Plex Units:
Three or four dwelling units attached vertically or horizontally having single story units or two story units attached and are designed to generally appear similar to a very large home.

- Row housing:
Multiple dwelling units either single or two story units connected at a vertical wall with five or more units each having independent with living, sleeping, eating, cooking and sanitation facilities designed for use by one or more families, related or not, in each dwelling unit.

Mixed Use Units:

- The use of a building, set of buildings or a neighborhood in close proximity on a single or multiple parcels for more than one use providing connectivity to commercial, retail, residential, industrial or open space use utilizing both vertical and horizontal or detachment as separation.

Small Lot Subdivision

- The land division of an existing lot reducing the required minimum lot size, yard setback, parking, and street setback and frontage requirements allowing flexibility in an existing neighborhood allowing smaller homes attached or detached compatible within the neighborhood context providing opportunity for more space efficient compact homes implemented by ordinance.

CHAPTER 3 COMMUNITY CHARACTER



This chapter identifies the design criteria for site planning, streetscape/landscape, multi-modal access, loading and parking, and building design to support the unique needs of the community.



3.1 DESIGN CONSTRUCT

The integration of the best design concepts to support infill development and ensure the harmonious relationship of new development within existing community districts will help facilitate and streamline the implementation process. The design criteria outlined below are organized by compatibility, transportation, streetscape enhancement, infrastructure and parking:

1. **Neighborhood Compatibility.** Infill developments should be integrated into the community. Critical to the successful integration of infill development is compatibility with adjacent buildings and uses, building form, massing, and design and relationship to the street.
2. **Multi-modal Access, Connectivity, and Streetscape Improvements.** A livable community supports a balanced mix of transportation modes (for pedestrians, bicyclists, and automobiles) that contribute to a sense of place and identity in the community. Infill projects should be designed to improve community connectivity by integrating with existing circulation networks, including roadways, sidewalks, and bicycle paths.
3. **Buffers and Screening.** Two major transportation corridors, Highway 99 and the Union Pacific Railroad, bisect the community. New infill sites, particularly those adjacent to these features may require buffers to transportation and related noise.
4. **Infrastructure and Energy Conservation Design.** City services and infrastructure may need to be upgraded which can provide opportunities to integrate energy conserving design features. Landscaping, stormwater management design features, water conservation devices, and parking lot shading help reduce long-term operational costs associated with new development.
5. **Parking Measures.** Infill developments are often rendered infeasible due to parking standards. The infill design guidelines will provide flexible design approaches to off-street parking requirements

3.2 NEIGHBORHOOD COMPATIBILITY

Each district has unique characteristics. Infill development, building renovation and/or repurposing should support the quality of design; the criteria for the design characteristics and vision are described below.

Design Intent

Compatibility with urban development in existing mature neighborhoods in terms of building orientation, land use adjacencies, and harmony with existing architecture, building form, and setbacks can support the successful integration of infill projects into an existing community.

District Identity

- Infill development should be designed to reinforce the community's design vision for each district and contribute to its identity and urban design concepts. This includes the scale, orientation, and setback of buildings and use of architectural styles and treatments.
- Infill development should contribute to improvements in the surrounding community through the provision of open space, interconnected walkways or trails, adjoining other open space or trail networks and the provision of small parks, plazas, or other similar features.
- The preservation, restoration, and renovation of historic buildings are encouraged in Gridley. Property owners should work with the City to identify funding and other incentives that can be used to improve historic buildings in the context of reuse and redevelopment in a way that preserves their integrity.



Site and Land Use Compatibility

- When possible, high-density or medium-density housing types (e.g., apartments, townhomes, clustered multi-family units, lofts, live-work, duplex, and triplex buildings) should be used to help transition development intensity, particularly between the commercial uses on Highway 99 and existing single-family residential neighborhoods.
- Multi-family projects that provide neighborhood transition shall not be walled off from the surrounding neighborhood, but relate to its surroundings with multiple pedestrian and street connections.
- New infill development should be designed to ensure the security and privacy of adjoining properties by:
- Orienting windows and entrances towards the street or public spaces to ensure "eyes on street" and maintain surveillance of public areas while activating common community spaces;



New infill should be oriented to provide "eyes on the street" (or in the case in the image, on public open space)

- Building frontage in infill development Downtown and along Highway 99 is encouraged with zero-foot or reduced setbacks that allow buildings to be built to the edge of the sidewalk. However, building insets are encouraged to support outdoor activity space and pedestrian amenities, such as seating or outdoor dining areas, corner plazas, or other public spaces.

- Respecting the privacy of neighboring properties by providing appropriate screening between private yards and areas

Building Form and Massing

- Buildings on infill sites should include pedestrian-scaled design features that ensure a pedestrian scale along the street and should be stepped down to respect the scale and height of surrounding development, when greater than the height of adjacent development by two or more stories exist.
- Infill sites within the Historic Residential district should use a similar rhythm of horizontal and vertical architectural features, setbacks, and compatible architectural styles and landscape approaches to existing developments along the street.
- In the Downtown and Historic Residential districts, where traditional design features are emphasized, new or renovated development should use building styles, scale, and massing detail, including similar design ratios for fenestration details (i.e., the placement, height, and width of doors and windows) similar to adjacent or nearby buildings.



To support pedestrian activity, building massing should be stepped down along the street.



New infill in the Historic Residential district should apply a similar development pattern and compatible architectural styles as other existing homes in the neighborhood.

- Architectural design and construction materials, (wood, stone, brick, architectural metals, etc.)

should be chosen to ensure resulting buildings are of high quality and compatible to existing building styles and scales in the vicinity of the project site.

- New multi-family housing or residential subdivisions should include diverse unit sizes, floor plans, colors, and building materials. Garages serving these units should be deemphasized along the street, over other home features, such as porches, stoops, entrances, and windows.

3.3 MULTI-MODAL ACCESS, CONNECTIVITY, AND STREETSCAPE DESIGN

Design intent

Infill developments should be designed to help fill gaps in multi-modal access and connectivity, where a nexus exists with the development of infill sites.



with the existing circulation networks and help improve connectivity and access in the community.

Improve Connectivity

- Maximize the potential for access and connectivity between adjacent properties.
- New infill development should be designed to integrate with the existing circulation networks in the community.



The Highway 99 street frontage should be landscaped and designed to enhance pedestrian connectivity along the corridor.

Highway 99 Corridor

- When siting new retail, office or civic buildings, provide pedestrian and bicycle entries to the site from the side streets rather than the primary vehicular street frontage or highway especially when adjacent to residential neighborhoods.

- Street frontage along Highway 99 should be adequately landscaped, shaded with street trees, and designed to enhance pedestrian connectivity along the corridor.
- Limit curb cuts by using shared vehicular access driveways and shared parking lots for two or more adjacent properties, when feasible.
- Adjoining commercial uses should share service areas, when feasible.
- Limit curb-cuts, particularly along Highway 99, and provide secondary entries and exits from side streets, where feasible, to improve the safety and walkability of the corridor from the surrounding residential community. However, this guideline should only apply when secondary access does not negatively impact adjacent neighborhoods. Reduction of curb cuts can also help improve level of service standards, without the need to expand roadways.
- New development adjacent to the envisioned gateways into the Downtown, along Spruce and Hazel Street should be designed with a landscape character that complements the Gridley archway and Downtown entryway signage.

Downtown

- Outdoor plazas, seating areas, and other pedestrian-oriented activities are encouraged along pedestrian paths and sidewalks at key destinations and should be designed to integrate with streetscape improvements and themes in the Downtown Core.
- Street furnishings and signage should be compatible with the historic character and landscape themes and materials, prevalent in the Downtown Core.
- Pedestrian and bicycle safety, convenience, and comfort should be prioritized in the Downtown district.



Outdoor plazas, seating areas, and other outdoor pedestrian features are encouraged along pedestrian paths and sidewalks.



3.4 BUFFERS & SCREENING

Property available for infill development is located throughout the City near transportation corridors such as:

- Near or adjacent to Highway 99;
- Near or adjacent to the Union Pacific Railroad corridor; and,
- Near or adjacent to primary truck routes through the Downtown core area and surrounding historic residential neighborhoods.

Design solutions for addressing transportation noise are needed to ensure new development complies with noise standards as well as supporting an aesthetically pleasing and comfortable environment.

Infill properties adjacent to residential neighborhoods should pay careful attention to methods visual and noise barriers near loading, services, and utility areas.

Transportation Noise Buffer

- Commercial development or mixed-use buildings, placed along Highway 99 or a major arterial street can serve as a buffer to street noise for internal outdoor spaces, such as private residential yards and public courtyards. They may also serve as a development buffer for noise-sensitive receptors, such as homes, hospitals, and senior facilities.
- Within vertical mixed-use buildings, residential units and offices are encouraged to be located on upper floors, to abate some of the traffic noise on the street.
- While orienting building functions, consider putting the living areas and kitchens fronting higher noise-generating sources, e.g., Highway 99, and the railroad tracks, as a buffer to areas that require quieter functions (e.g. sleeping areas).
- Acoustical treatment of building façades and acoustical glazing (through use of thicker glass or increased air space between panes) can be used to reduce interior noise.
- Noise transmitted through walls can be reduced by increasing wall mass (using stucco or brick in lieu of wood siding), isolating wall members by the use of double or staggered stud walls, or mounting interior walls on resilient channels. Noise control of exterior doorways can be provided by using solid-core doors and acoustically sealing door perimeters.



Surface parking should be screened with landscaping and low walls.

Source: Streetscape Design Plan for Highway 99, 2002

- Vegetation can be used to acoustically “soften” the intervening ground between a noise source and a receiver, increasing the ground absorption of the sound. Planting trees and shrubs provides aesthetic and psychological relief, when it comes to separating from noise-generating sources.

Visual Screening

- Infill development should be designed to screen vehicle headlights from parked cars or loading trucks from adjoining properties with landscaping, fencing, or other design features.
- In existing development, surface parking along the highway should be screened with landscaping, wrought iron fencing, and low walls to enhance the character and appearance of Highway 99, to form a street wall along the corridor, over time.
- Where feasible, to screen loading and parking areas use the following strategies:
 - Plant hedges.
 - Provide wood fencing or masonry wall as a backdrop for vegetated cover.
 - Maximize loading area access from side streets or alleys to avoid vehicular conflicts on highway volume roadway, especially on Highway 99.
- Consider use of enclosed loading areas, which can also double as parking spaces during non-loading periods, to maximize site utilization, while screening loading areas from adjacent uses.
- Industrial properties adjacent to any land use, and commercial properties adjacent to residential properties, should provide fencing and landscape treatments, such as large trees or high hedges or rows of shrubs along the edge of the property line to separate and screen activities on-site, such as, parking and loading functions.



Parking, loading, and service areas should be screened, as suggested by the design approaches shown in the above images.



3.5 INFRASTRUCTURE AND ENERGY CONSERVATION DESIGN

Design intent

Infill developments in existing neighborhoods are sometimes challenged by outdated and inadequate infrastructure. This can become an additional financial burden to property owners or developers. More natural drainage solutions to treat stormwater run-off should be integrated into the site and landscape areas of new development, to help reduce the load on storm drainage systems. With upfront planning in targeted infill areas, the City can initiate a demonstration project that sets an example for creative best management practices for managing stormwater run-off.

- Existing mature trees and other significant natural features on-site should be preserved and incorporated into the landscape design, to the extent feasible.
- Planting of native and drought tolerant trees and plants, appropriate to the climate in Gridley are encouraged when these do not conflict with existing landscape development on-site.
- Native, low water use groundcovers and ornamental plants are encouraged as alternatives to the use of turf grass.
- Low Impact Design (LID) techniques, such as filter strips and vegetated swales within parking lots and landscaped areas, are encouraged, when feasible. Drought-tolerant native species, such as spike rush grass works well in infiltration areas.
- Direct roof run-off to bio-retention planters and landscape strips, whenever feasible.
- Disconnect sidewalks from housing with landscaping to support local infiltration on-site and places for shade trees to provide shade to development.



Natural attributes of the landscape should be integrated into the site design.



Example stormwater management treatment features, which have been incorporated in surface parking lots.



Creation of permeable hard surfacing filters water into the ground removing it from storm drainage systems



3.6 PARKING MEASURES

Another common challenge for infill development is reconciling the need for viable development yield with parking requirements, designed for typical suburban large-lot developments, rather than for small infill sites or type of users and may not account for available on-street parking.

Design Guidelines

- Consider the availability of on-street parking spaces to reduce parking required on-site, devoting these area to development, instead.
- Angled on-street parking is encouraged to be extended on wide Downtown streets, to accommodate the parking demands in the district.
- Surface parking Downtown should be provided as shared public parking and located at the periphery of the Downtown core or adjacent to underutilized property along the railroad tracks. Parking areas should be clearly marked with paint and signage, to be visible to drivers.
- Surface parking for new development, particularly along Highway 99, should be distributed into smaller parking area, when possible, and/or clustered on-site and located behind buildings along the highway frontage.
- When locating projects adjacent to other land uses, consider employing shared parking to reduce the negative impact of required parking spaces on individual sites.
- Promote parking areas for alternatives to single-occupancy vehicles, such as motorcycle and bicycle parking and encouraging carpool parking to accommodate maximum efficiency of the site and reducing the overall footprint of the parking area.
- When feasible and the market demand permits, consider accommodating parking in structured parking areas to reduce the surface parking footprint and make the land available for development.
- Parking lot should be provided with shade trees to reduce the urban heat island effect during warm summer months.



The example above shows a combination of a public garage and angled on-street parking to serve the parking demand for Downtown.



Consider providing motorcycle and bicycle parking, in addition to, and as an alternative to convenient vehicular parking.

CHAPTER 4 DESIGN GUIDELINES



CHAPTER SUMMARY:

This chapter describes the minimum standards for the design of residential, commercial, and mixed use infill development.



4.1 GENERAL INFORMATION

The following design guidelines are intended to define the minimum standards for infill development:

- Single family detached
- Second units
- Small scale multi-family
 - Duplex
 - Three and Four plex units
- Row housing
- Mixed use development
- Small lot subdivision

These guidelines apply to all new development in established neighborhoods on infill parcels. Infill parcels are parcels that have either been bypassed, are vacant, and/or are parcels that are largely surrounded by urban uses.

Overall, design measures should include variations of the building footprints with indentations, projections and offsets. Exterior walls should utilize a variety of materials, colors, fenestration and features such as balconies, bay windows, verandas and entryways and varied roof forms with slopes, ridges and valleys.

When more than one structure is being developed or a mixed use row development and/or reuse of existing structures, repetitive visual exterior treatments will not be supported.

The following guidelines shall be incorporated, to the extent feasible, into each proposed project, unless determined by the City to be inappropriate in the context of the existing surroundings.

While these guidelines are intended to provide some flexibility, all other applicable city policies, ordinances, and regulations shall be complied with.

4.2 PLAN APPLICATION SUBMITTAL INFORMATION

- | | | |
|---|--------------------------|--|
| • Property lines & easements | • Legal description | • Address |
| • APN Number | • Sidewalk(s) | • Drive approach |
| • Utility pole(s)/fire hydrant(s) | • Setbacks (dimensioned) | • Building height |
| • North arrow and scale | • Lot area | • Building materials |
| • Proposed building area (include all buildings, delineated by first and second floors) | • Proposed lot coverage | • Existing and proposed improvements (i.e. paving, curb, gutter & sidewalk dimensioned to the center line of |

The following shall also be provided in order to help evaluate the proposed design to existing conditions:

- Color photographs of the subject property and the immediate surrounding area taken from each property line. Each photograph shall be clearly labeled (i.e. location and orientation).
- Itemized list of building materials to be used for the project (i.e. roofing, siding, etc.).

4.3 DESIGN CRITERIA

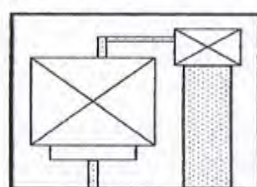
1. Entrances/Front Porches

- a. The main entrance (i.e. front door) shall be visible from the public right-of-way and shall have an easily identified address.
- b. All porches shall be consistent with the style of the proposed home and the neighborhood.
- c. For parcels greater than 25 feet in width, the porch shall have a minimum dimension of eight feet (width) by six feet (depth).
- d. For parcels 25 feet in width or less, no porch is required.
- e. Vertical supports (i.e. posts, columns) shall be architecturally compatible with the building and shall be no less than six inches in dimension/diameter. For craftsman style architecture, the lower four feet of the base shall be no less than 12 square inches.

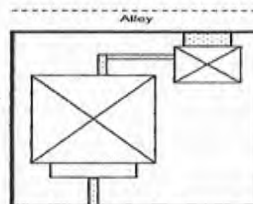
2. Pedestrian and Vehicular Access/Garages

- a. Garages shall not dominate the streetscape.
- b. Should the proposed garage be attached, it shall be recessed a minimum of five feet from main structure. Should a porch be provided the garage shall be recessed a minimum five feet from the vertical support closest to the front property line (see Figure 2).
- c. On a block where there is a prevailing pattern of residences that access their garage via an alley, new homes shall be required to access their garage from the alley unless otherwise approved by the Director (see Figure 2).

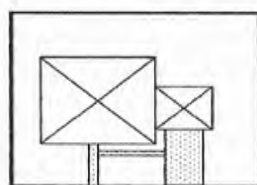
- d. Should the garage be accessed via the alley and no driveway approach/driveway is provided from the front yard, a pedestrian walkway shall be provided from the public right-of-way (i.e. street) to the residence. Pedestrian paths shall be delineated by stamped concrete, paving stones, brick, flagstone, or other paving material to clearly demarcate the path. Identify path and material on the plan .
- e. Garages shall be similar to the home in terms of design, materials and color.
- f. The width of the garage doors (should the garage be attached to the residence) when facing the street are as follows:
 - Should a lot be 60 feet or greater in width, the maximum width of the garage door shall not exceed 50 percent of the total width of the structure.
 - For lots less than 50 feet in width, the allowable maximum visible garage door shall not be greater than 20 feet in width, unless otherwise approved by the Director.
- g. On corner parcels, drive approaches shall be placed the furthest distance possible from the intersection.



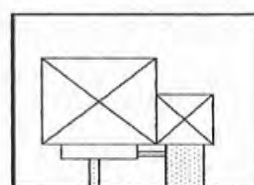
Detached garage accessed from street



Detached garage accessed from alley

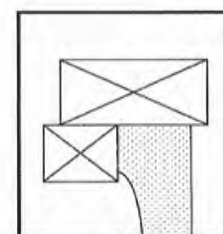


Attached garage, recessed from primary structure



Attached garage, recessed from the porch

- h. Side entry garages (i.e. swing, side loading, etc.) and tandem garages (i.e. one behind the other, however no more than two cars may be parked behind one another) are encouraged. Side entry garages shall not be counted towards the garage door widths described above and shall have walls with decorative features facing the public right-of-way



Side entry garage

- a. If a carport is proposed it shall be similar to the house in terms of design, materials and color and shall include the following:
 - Roof pitch shall be compatible to home; no or low pitch carports shall be reviewed and approved via an administrative permit.
 - Supports shall be at least six inches in diameter.

3. Visual Image

- a. More than one roof gable or hip must be visible from the public right-of-way.
- b. Roof-mounted mechanical equipment shall be located below the roof ridge line and shall not be visible from the public right-of-way or shall be placed on the ground outside of required side yard setbacks.
- c. Include color and materials schedule on elevations. A minimum of two colors shall be provided.
- d. Exterior lighting fixtures shall be complementary to the architectural style of the house and shall be depicted on elevation plans.
- e. There shall be a minimum of two windows facing the public right-of-way. Credit for up to one of the required windows may be given for decorative windows on doors, garage doors and/or dormers.
- f. There shall be no "blank" walls. All sides shall contain design features and variation.
- g. Roof mounted vents shall be painted to match the color of the roof.
- h. Fascia boards shall be a minimum of two inches by eight inches.

4. Landscaping

- a. Landscaping shall be installed in all front yards prior to final occupancy. Depict landscaping, both existing and proposed on site plan.
- b. A minimum of 25 percent of all front yards (excluding driveways) shall be developed with planter areas other than turf. These areas shall contain shrubs, plants, flowers, ground cover, etc. Depict on the site plan.
- c. All single family residences must provide a minimum of one medium size trees (30 to 60 feet at maturity and a minimum of 15-gallon). Depict trees, including species, on the plan.
- d. Should there be an existing park strip, the City shall be contacted for the genus and species of tree to plant. Parkways are required to be maintained by the property

owner. Should the landscaping die the property owner is responsible for the replacement of all vegetation.

- e. All new single family residences shall provide automatic irrigation systems for the front yard. Depict on the site plan *or* separate landscape plan.
- f. All yards shall comply with the water efficient landscape standards in accordance with the Gridley Municipal Code.

5. Fencing

- a. Should a fence be proposed, it shall be constructed of one of the following materials (depict location and material on the plan).
 - Wood
 - Wrought iron
 - Masonry
 - Stucco
 - Vinyl
 - Other materials, as approved by the City
- b. Fence height and location shall comply with the Gridley Municipal Code.
- c. Chain link fences shall not be visible from the public right-of-way.

6. Menu of features (note: each home must incorporate a minimum of five features from the following list)

- a. Vinyl, wood, and/or rock and brick veneer siding
- b. Garage doors with decorative features (including windows)
- c. Side entry (i.e. swing) garages or tandem garages. Under this scenario, the garage door shall be perpendicular with the public right-of-way.
- d. Window types and styles consistent with the neighborhood
- e. Decorative windows - sidelights, fan windows, bay windows, single and double hung windows
- f. Window trim – polyfoam with stucco, shutters, wood and shall not be flush with the pane of the home (minimum of one inch by four inches)
- g. Decorative attic vents
- h. Decorative front doors
- i. Dormers, cornices, etc.
- j. Porches
- k. Decorative columns
- l. A pedestrian walkway from the public right-of-way (i.e. street) to the residence. Pedestrian paths shall be delineated by stamped concrete, paving stones, brick, flagstone, or other paving material (other than a conventional concrete or painted walkway) to clearly demarcate the path and to provide a safe walking area. Identify path material on the plan.
- m. A decorative driveway made of stamped concrete, paving stones, brick, flagstone, or other paving material (other than conventional concrete driveways or painted driveways).
- a. Rain gutters.

City Council Agenda Item #10
Staff Report

Date: October 17, 2016
To: Mayor and City Council
From: Paul Eckert, City Administrator
Subject: City Engineer Services Contract

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council review and authorize the Mayor to sign the attached City Engineer Services Contract.

Background

As the Council is aware, the City implemented a City Engineering Services Solicitation in August and September of this year. Generally, periodic solicitation of Engineering Services is required in order to be eligible for State and Federal funding for infrastructure funding. It appears the City of Gridley had not solicited services for many decades.

The City issued the Request for Qualifications in late August with a due date of September 16th. Four firms submitted responses. Two firms were selected to interview: Rolls, Anderson, Rolls; and Bennett Engineering. Bennett Engineering was the unanimous selection due largely to their breadth of municipal experience service, very positive record, and strong track record of success obtaining funding from various State and Federal agencies.

Bennett Engineering provides engineering services to several agencies in Butte County, including the City of Biggs. Bennett is highly regarded by area cities and the Butte County Association of Governments and by local Caltrans staff. While the primary Bennett offices are in Roseville, Trin Campos, the designated Gridley City Engineer, would office out of Yuba City. The proposed fees are in line with current costs.

If the Council were to award the contract to Bennett Engineering, the proposed transition plan would generally include the following process. It's important to note that the City of Biggs went through a seamless and successful transition after they selected Bennett Engineering.

- Meet with City Council and Staff Leadership to confirm integration/communication plan: staff meetings, activity status reports, priorities for City Engineering tasks, on-going activities, etc.
- Obtain City Engineer files & records: current project files, past project as-built/records, Water System test reports, WWTP State permit & reports, and street pavement condition surveys.
- Meet with Public Works lead/supervisor for summary of on-going projects and issues.

- Meet with Water system PW operator and review current operations, regulatory compliance, & CIP
- Meet with WWTP system PW operator and review current operations, regulatory compliance, & CIP
- Meet with City Planner for summary of ongoing site developments, planning studies, and issues.
- Review & update Caltrans agreements/forms as required for project delivery and expenditure reimbursement on State & Federal funded transportation projects (Master Agreements, City DBE plan, City ADA plan, Quality Assurance Program, etc.)

Financial Impact

Bennett Engineering provides reduced City engineering service costs of \$120 per hour. The rate contrasts to the RAR rate of \$105. City staff, including the Finance Director, strongly believe the increased efficiency and the increase of State and Federal grant funds will more than offset the hourly cost difference.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is largely in response to the City Council's very clear directive to significantly enhance local public infrastructure, including streets and sidewalks.

Attachments:

- 1) Contract for Engineering Services

Exhibit A – Engineering Scope of Services and Exhibit B – Rate Schedule are being provided in hard copy.

**CITY OF GRIDLEY PROFESSIONAL SERVICES AGREEMENT
FOR
CITY ENGINEERING SERVICES**

This Agreement is entered into this 17th day of October, 2016, by and between the City of Gridley, a California municipal corporation ("City"), and Bennett Engineering Services, a California "S" corporation ("Consultant").

RECITALS

A. Consultant desires to perform and assume responsibility for the provision of professional city engineering consultant services required by the City on the terms and conditions set forth in this Agreement.

B. Consultant has presented a proposal for such services to the City, the scope of work of which is attached hereto and incorporated herein as Exhibit "A," and is duly licensed, qualified and experienced to perform those services.

C. Consultant agrees it has satisfied itself by its own investigation and research regarding the conditions affecting the work to be done and labor and materials needed, and that its decision to execute this Agreement is based on such independent investigation and research.

D. City desires to engage Consultant to render such services as set forth in this Agreement.

AGREEMENT

1. SCOPE AND TERM OF SERVICES.

1.1 General Scope of Services. Consultant promises and agrees to furnish to the City all labor, materials, tools, equipment, services and incidental and customary work necessary to fully and adequately supply the necessary professional city engineering consultant services ("Services"). The Services are more particularly described in Exhibit "A."

1.2 Term of Services. This Agreement shall be effective as of December 1, 2016 and shall end on November 30, 2021, unless terminated pursuant to Section 9 of this Agreement or unless extended by written amendment.

2. FEES AND PAYMENTS.

2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "B."

2.2 Payment of Compensation. Consultant shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Consultant. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within forty-five (45) days of receiving such statement, review the statement and pay all approved charges thereon.

3. CHANGES.

3.1 The Parties may, from time to time, request changes in the scope of the Services of Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of Consultant's compensation and/or changes in the schedule must be authorized in advance by the City in writing. Mutually agreed changes shall be incorporated in written amendments to the Agreement.

4. RESPONSIBILITIES OF CONSULTANT.

4.1 Independent Contractor; Control and Payment of Subordinates. Consultant enters into this Agreement as an independent contractor and not as an employee of the City. Consultant shall have no power or authority by this Agreement to bind the City in any respect. Nothing in this Agreement shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by the Consultant are employees, agents, contractors or subcontractors of the Consultant and not of the City. The City shall not be obligated in any way to pay any wage claims or other claims made against Consultant by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this Agreement.

4.2 Conformance to Applicable Requirements. All work prepared by Consultant shall be subject to the approval of City.

4.3 Project Manager. The Consultant shall designate a project manager who at all times shall represent the Consultant before the City on all matters relating to this Agreement. The project manager shall continue in such capacity unless and until he or she is removed at the request of the City, is no longer employed by Consultant or replaced with the written approval of the City which shall not be unreasonably withheld.

4.4 Coordination of Services. Consultant agrees to work closely with City staff in the performance of Services and shall be available to City staff, consultants and other staff at all reasonable times. City agrees to work closely with Consultant's staff in the performance of Services and shall be available to Consultant's staff at all reasonable times.

4.5 Warranty. Consultant agrees and represents that it is qualified to properly provide the Services set forth in Exhibit "A" in a manner which is consistent with the generally accepted standards of Consultant's profession. Consultant further represents and agrees that it will perform said Services in a legally adequate manner in conformance with applicable federal, state and local laws and guidelines.

4.6 Interest in Contract. Consultant covenants that neither it, nor any of its employees, agents, contractors, subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Contract, nor any other interest which would conflict in any manner or degree with the performance of its services hereunder.

Consultant shall make all disclosures required by the City's conflict of interest code in accordance with the category designated by the City, unless the City Manager determines in writing that Consultant's duties are more limited in scope than is warranted by the category designated by the City code and that a narrower disclosure category should apply. Consultant also agrees to make disclosure in compliance with the City conflict of interest code if, at any time after the execution of this agreement, City determines and notifies Consultant in writing that Consultant's duties under this agreement warrant greater disclosure by Consultant than was originally contemplated. Consultant shall make disclosures in the time, place and manner set forth in the conflict of interest code and as directed by the City.

5. INSURANCE.

5.1 Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this section. In addition, Consultant shall not allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the City that the subconsultant has secured all insurance required under this section.

5.2 Types of Required Coverages. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder and without limiting the indemnity provisions of the Agreement, the Consultant in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement, the following policies of insurance.

5.2.1 Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 0001, with minimum limits of at least \$1,000,000 per occurrence. Defense costs shall be paid in addition to the limits.

The policy shall contain no endorsements or provisions limiting coverage for (1) products and completed operations; (2) contractual liability; (3) third party action over claims; or (4) cross liability exclusion for claims or suits by one insured against another.

5.2.2 Automobile Liability: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 0001 covering "Any Auto" (Symbol I) with minimum limits of \$1,000,000 each accident.

5.2.3 Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than \$1,000,000 per accident for bodily injury and disease.

5.2.4 Professional Liability: Professional Liability insurance for errors and omissions with minimum limits of \$1,000,000. Covered Professional Services shall specifically include all work to be performed under the Agreement.

If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Agreement.

5.3 Endorsements.

5.3.1 The policy or policies of insurance required by Sections 5.2.1 Commercial General Liability and 5.2.2 Automobile Liability shall be endorsed to provide the following:

5.3.1.1 Additional Insured: The indemnified parties shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement. Additional Insured Endorsements shall not (1) be restricted to "ongoing operations"; (2) exclude "contractual liability"; (3) restrict coverage to "sole" liability of Consultant; or (4) contain any other exclusions contrary to the Agreement.

5.3.1.2 Primary Insurance and Non-Contributing Insurance: This insurance shall be primary and any other insurance, deductible, or self-insurance maintained by the indemnified parties shall not contribute with this primary insurance.

5.3.1.3 Severability: In the event of one insured, whether named or additional, incurs liability to any other of the insureds, whether named or additional, the policy shall cover the insured against whom claim is or may be made in the same manner as if separate policies had been issued to each insured, except that the limits of insurance shall not be increased thereby.

5.3.1.4 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.3.1.5 Duties: Any failure by the named insured to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the indemnified parties.

5.3.1.6 Applicability: That the coverage provided therein shall apply to the obligations assumed by the Consultant under the indemnity provisions of the Agreement, unless the policy or policies contain a blanket form of contractual liability coverage.

5.3.2 The policy or policies of insurance required by Section 5.2.3 Workers' Compensation shall be endorsed, as follows:

5.3.2.1 Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties.

5.3.2.2 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.3.3 The policy or policies of insurance required by Section 5.2.4 Professional Liability shall be endorsed, as follows:

5.3.3.1 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.4 Deductible. Any deductible or self-insured retention must be approved in writing by the City and shall protect the indemnified parties in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

5.5 Evidence of Insurance. The Consultant, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates and endorsements on forms approved by the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

5.6 Failure to Maintain Coverage. Consultant agrees to suspend and cease all operations hereunder during such period of time if the required insurance coverage is not in effect and evidence of insurance has not been furnished to the City. The City shall have the right to withhold any payment due Consultant until Consultant has fully complied with the insurance provisions of this Agreement.

In the event that the Consultant's operations are suspended for failure to maintain required insurance coverage, the Consultant shall not be entitled to an extension of time for completion of the Work because of production lost during suspension.

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

5.8 Insurance for Subconsultants. All subconsultants shall be included as additional insureds under the Consultant's policies, or the Consultant shall be responsible for causing subconsultants to purchase the appropriate insurance in compliance with the terms of this Agreement, including adding the City as an Additional Insured to the subconsultant's policies.

6. OWNERSHIP OF MATERIALS AND CONFIDENTIALITY.

6.1 Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify, reuse or sublicense any and all copyrights, designs and other intellectual property embodied in plans, specifications, studies, drawings, estimates and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data").

Consultant shall require all subconsultants to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subconsultant prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City.

City shall not be limited in any way in its use or modification of the Documents and Data at any time, provided that any such use or modification not within the purposes intended by this Agreement shall be at City's sole risk.

6.2 Confidentiality. All Documents & Data are confidential and Consultant agrees that they shall not be made available to any individual or organization without the prior written approval of the City, except by court order.

7. ACCOUNTING RECORDS.

7.1 Maintenance and Inspection. Consultant shall maintain and make available for inspection by the City and its auditor's accurate records of all its costs, disbursements and receipts with respect to any work under this Agreement. Such inspections may be made during regular office hours at any time until one (1) year after the final payments under this Agreement are made to the Consultant.

8. SUBCONTRACTING.

8.1 Prior Approval Required. Consultant shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

9. TERMINATION OF AGREEMENT.

9.1 Grounds for Termination. City may, by written notice to Consultant, terminate all or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been adequately rendered to City, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

9.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Consultant to provide all finished or unfinished Documents and Data and other information of any kind prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such document and other information within fifteen (15) days of the request.

9.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

10. GENERAL PROVISIONS.

10.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

City:

City of Gridley
685 Kentucky Street
Gridley, CA 95948
Attn: Paul Eckert, City Administrator

Consultant:

Bennett Engineering Services
1082 Sunrise Avenue, Suite 100
Roseville, CA 95661
Attn: Orin Bennett, PE, President

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

10.2 Indemnification. To the fullest extent permitted by law, Consultant shall indemnify and hold the City, its elected officials, officers, employees, agents and volunteers free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss,

damage or injury, in law or equity, to property or persons, including wrongful death, in any manner to the extent caused by the sole negligence, recklessness or willful misconduct of Consultant, its officials, officers, employees, agents, subcontractors and subconsultants, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses, except such loss or damage which was caused by the active negligence, sole negligence, or willful misconduct of the City.

Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its elected officials, officers, employees, agents or volunteers.

10.3 Laws and Regulations. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules, regulations and ordinances in any manner affecting the performance of the Project or the Services, including without limitation City business license requirements and all Cal/OSHA requirements, and shall give all notices required by law.

10.4 Prohibited Interests. Consultant covenants that neither it, nor any of its employees, agents, contractors or subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Agreement, nor any other interest which would conflict in any manner or degree with the performance of the Services hereunder.

10.5 Prevailing Wages. Consultant is aware of the requirements of California Labor Code section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are subject to the Prevailing Wage Laws, Consultant agrees to fully comply with such Prevailing Wage Laws.

10.6 Equal Opportunity Employment. Consultant shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation.

10.7 Labor Certification. By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

10.8 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to reasonable attorneys' fees and all other costs of such action.

10.9 Assignment or Transfer. Consultant shall not assign or transfer any interest in this Agreement whether by assignment or novation, without the prior written consent of the City, which will not be unreasonably withheld. Provided, however, that claims for money due or to become due Consultant from the City under this Agreement may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer, whether voluntary or involuntary, shall be furnished promptly to the City.

10.10 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the Parties.

10.11 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

10.12 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

10.13 Entire Agreement. This Agreement constitutes the entire agreement between the Parties relative to the Services specified herein. There are no understandings, agreements, conditions, representations, warranties or promises with respect to this Agreement, except those contained in or referred to in the writing.

10.14 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Butte County.

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

10.16 Interpretation. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party.

10.17 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

10.18 Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind each respective Party.

10.19 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

10.20 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF GRIDLEY

BENNETT ENGINEERING SERVICES

By: _____
Frank Hall
Mayor

By: _____
Orin Bennett, PE
President

Attest:

By: _____
Paul Eckert
City Clerk

Approved as to Form:

By: _____
Anthony E. Galyean
City Attorney