

Gridley City Council – Special City Council Meeting Agenda

Thursday, June 22, 2023; 5:30 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.”

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on June 22nd, 2023, via email to csantana@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration.

You may attend via Zoom:

<https://us06web.zoom.us/j/89434966846?pwd=R3FnRWxqNnRGNElVYnZYn1EvTDRvdz09>

Passcode: 289270

Webinar ID: 894 3496 6846

OR

Call-in using one of the following numbers, and the above ID and passcode:

+1 360 209 5623 US

+1 386 347 5053 US

CALL TO ORDER – Vice Mayor Johnson

ROLL CALL

PLEDGE OF ALLEGIANCE – Councilmember Roberts

INVOCATION - None

PROCLAMATIONS - None

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES – None

CONSENT AGENDA - None

ITEMS FOR COUNCIL CONSIDERATION

1. Resolution No. 2023-R-021: A Resolution Approving a Deferred Improvement Agreement for the Required Sunrise Senior Apartments Off-Site Improvements Located At 1470 Hwy 99 and Authorize the City Administrator to Execute it on Behalf of the City Council (APN 024-260-097)

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.*

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.*

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

Finance Policies	7/17/2023
Cost of Services Study Findings and Recommendations	7/17/2023
Budget Study Sessions	6/21-23/2023

CLOSED SESSION – None

ADJOURNMENT – adjourning to the next special meeting on June 22nd, 2023.

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 5: 30 p.m., June 19th, 2023. 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.

City Council Agenda Item #1
Staff Report

Date: June 22, 2023
To: Mayor and City Council
From: Donna Decker, Planning Department

X	Regular
	Special
	Closed
	Emergency

Subject: Resolution Number 2023-R-021: A resolution approving a Deferred Improvement Agreement for the required Sunrise Senior Apartments off-site improvements located at 1470 Hwy 99 and authorize the City Administrator to execute it on behalf of the City Council (APN 024-260-097)

Recommendation

1. Adopt Resolution Number 2023-R-021.

Summary

The City of Gridley is currently in the process of completing agreements and funding mechanisms for the Caltrans Highway 99 State Highway Operation and Protection Program (SHOPP). This project plans to construct curb, gutter, and sidewalk, landscaping, irrigation, and electrical conduit on the east side of State Highway 99 from West Liberty Road to Standish Lane. The construction of the improvements in front of the Sunrise Senior Apartments coincides with the anticipated construction schedule of the SHOPP improvements.

Discussion

The Sunrise Senior Apartment project is underway and nearing completion. They have received their Temporary Certificate of Occupancy and finalizing the few items to obtain the Certificate of Occupancy. A project is required to construct curb, gutter, sidewalk, landscaping and irrigation and enter into agreements to ensure it is well maintained and any damages repaired/replaced. Discussions between the Developer, city staff and consultants and Caltrans agreed that it is beneficial to all parties to have this work completed by Caltrans at the same time the SHOPP project is being construction to maintain uniformity. In light of this, Caltrans has worked diligently to assess what the share of cost for these improvements would be from the Developer and agrees that it is sensible to have the Developer pay Caltrans for the work so it will be seamless in its construction. Any improvements placed by the Developer would be demolished and therefore an unnecessary project expense. The purpose of this agreement is to recognize the responsibility to construct improvements and to allow them to be installed at a later date and to memorialize the funds the Developer will pay the city to transfer to the State for the construction thereof.

Public Notice

A notice was advertised 72 hours in advance of the hearing date, posted at City Hall, made available at the Administration public counter and placed on the city website for review.

Environmental Review

No CEQA review for this action is required.

Financial Impact

There are no direct or indirect costs to the city other than staff time.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with the ongoing effort to be responsive and transparent regarding all financial matters.

Attachments:

- 1.) Resolution No. 2023-R-021
- 2.) Deferred Improvement Agreement

A RESOLUTION APPROVING A DEFERRED IMPROVEMENT AGREEMENT FOR THE REQUIRED SUNRISE SENIOR APARTMENTS OFF-SITE IMPROVEMENTS LOCATED AT 1470 HWY 99 AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE IT ON BEHALF OF THE CITY COUNCIL (APN 024-260-097)

WHEREAS, all new developments are required to construct off-site improvements consisting of but not limited to curb, gutter, sidewalk, landscaping, and irrigation located in areas of the City of Gridley where no street improvements exist including State Route 99; and,

WHEREAS, the Developer has requested a deferment of the required off-site improvements in order to obtain a final Certificate of Occupancy; and,

WHEREAS, the Developer, Pacific West Builders, Inc and/or its partners, does acknowledge the responsibility for the design and cost is to be borne by them in the future, and further requests the city to allow them to pay for the installation of the improvements to be installed by the State of California, Department of Transportation as a part of the State of California "State Highway Operations and Protection Program" (SHOPP); and,

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Gridley authorizes the City Administrator to execute a Deferred Improvement Agreement between the City of Gridley and Pacific West Builders Street, Inc./partners in order to obtain a Certificate of Occupancy who will pay \$56,000 to the city to transfer to the State of California as an in-lieu payment for said improvements to be constructed by the SHOP project, State of California.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a special meeting held on the 22th day of June, 2023 by the following vote:

AYES: AGENCY MEMBERS

NOES: AGENCY MEMBERS

ABSTAIN: AGENCY MEMBERS

ABSENT: AGENCY MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Michael Farr, Mayor

made for future installation thereof.

City and Owner now desire to enter into an agreement to make such required improvements in the future so that construction can proceed.

CITY AND OWNER THEREFORE AGREE AS FOLLOWS:

1. The Owner shall pay the sum of **Fifty-six Thousand Dollars** (\$56,000) to the city of Gridley as an in-lieu payment for off-site improvements consisting of but not limited to curb, gutter, sidewalk, landscaping, and irrigation. This sum shall be immediately paid upon execution of this agreement payable to the City of Gridley.
2. The City accepts the in-lieu payment for said infrastructure based upon the Engineer's Opinion of Cost also agreed upon and determined by the State of California Department of Transportation SHOPP Project Manager.
3. The terms and conditions of this agreement shall be binding upon the parties hereto and their heirs, representatives, assigns, lessees, and successors in interest, and the duties and responsibilities under this agreement shall be a burden upon and shall run with the land described in Exhibit "A" hereto; City and Owner agree that a copy of this agreement, with all exhibits attached, will be recorded with the County Recorder of Butte County to give constructive notice of its terms.
4. The City agrees that should the improvements not be constructed as anticipated by the SHOPP project, the city will not request more funds from the Owner.
5. All costs of any litigation caused by the default by Owner of the terms and conditions of this agreement, including reasonable attorney's fees shall be paid by Owner, and same shall become a lien upon the real property described in Exhibit "A" hereto.

- 6. This Agreement gives the City the right **at any time** to commence work for the construction of the improvements by the State of California Department of Transportation SHOPP upon the giving of a thirty (30) day notice to Sunrise Senior Apartment on-site manager.
- 7. Finally, Owner is encouraged to contact a qualified real estate agent, attorney, or other person of appropriate qualifications and expertise to advise them regarding the potential impact of this Agreement on the value and/or marketability of their property or to, in any other respect, counsel them regarding the consequences of signing this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement at Gridley, California, on _____, 20_____.

First Party

Second Party

CITY OF GRIDLEY

PACIFIC WEST BUILDIERS

By: _____
 Cliff Wagner
 City Administrator

By: _____
 Print Name: _____
 Title: _____

APPROVED AS TO FORM:

By: _____
 Anthony Galyean
 City Attorney

Signature by Second Party to be notarized.

EXHIBIT "A"

Legal
Description

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF GRIDLEY, COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

XXXX

Project Engineer

EXHIBIT "B"

Description of Deferred Street Frontage Improvements

1. Off-site improvement plans shall provide: 1) Topographic map identifying all existing utilities, street grades, edge of pavement and all existing features, 2) Demolition Plan depicting any existing features that will be removed or relocated, 3) Proposed grading plan showing grading and drainage and road improvements and widening, 4) Plan and profile drawings depicting curb and gutter and utility location, depth and grades, and, 5) All construction details for a complete job. Plans shall be provided by a Registered Civil Engineer, stamped and signed and submitted for review and approval by the City of Gridley prior to the commencement of construction.
2. Construct street frontage improvements including approximately curb and gutter, sidewalk, landscaping and irrigation.
3. Improvements shall comply with the State of California Construction Standard Specifications.