



**CITY OF CORNING
SPECIAL CITY COUNCIL
URGENCY ADDITION TO CLOSED SESSION AGENDA
TUESDAY, APRIL 26, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

C. PUBLIC COMMENTS: None.

D. REGULAR AGENDA:

- 1. CONFERENCE WITH LEGAL
COUNSEL – POTENTIAL LITIGATION PURSUANT TO SECTION 54956.9 (d)(4):
Escrow No.: 17686-DM – Claim to proceeds in Escrow.**

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION:

Lisa M. Linnet, City Clerk

POSTED: MONDAY, APRIL 25, 2016



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION MEETING AGENDA**

**TUESDAY, APRIL 26, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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Council:

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Willie Smith
Gary Strack**

Mayor:

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C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

**Agency Negotiator: William May, Labor Relations Consultant
Discussion and Direction on a contingency plan to Contract Police and Fire
Dispatch Services should Measure A not be approved by the Electorate.**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON
CLOSED SESSION:**

Posted: Friday, April 22, 2016



**CITY OF CORNING
CITY COUNCIL MEETING AGENDA
TUESDAY, APRIL 26, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. INVOCATION: Led by Mayor Strack.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PUBLIC COMMENTS:

F. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

1. Presentation of Employee Recognition Awards.

G. BUSINESS FROM THE FLOOR:

H. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience request separate discussion and/or action.

2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.

3. Waive the reading and approve the Minutes of the April 12, 2016 City Council Closed Session and Regular Meeting with any necessary corrections:

4. April 20, 2016 Claim Warrant - \$125,401.87.

5. April 20, 2016 Business License Report.

6. Award Bid for the 2016 Street Paving Project to Northwest Paving, Inc. in the amount of \$170,812.

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

J. PUBLIC HEARINGS AND MEETINGS: None.

K. REGULAR AGENDA:

7. Provide Staff direction regarding the establishment of a Noise Ordinance.

8. Provide Staff direction regarding the establishment of a Mural Ordinance.

L. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

M. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**

N. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Dickison:

Linnet:

Cardenas:

Smith:

Strack:

O. **ADJOURNMENT!:**

Posted: Friday, April 22, 2016

ITEM NO.: F-1
QUARTERLY EMPLOYEE RECOGNITION
April 26, 2016

TO: HONORABLE MAYOR AND COUCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER

SUMMARY:

Quarterly each Department Head submits his/her nomination for "Employee/Volunteer of the Quarter" for their respective department based on how the employee demonstrates excellence in the following areas:

- Teamwork
- Commitment
- Leadership
- Customer Service

The four employees being recognized exhibit all of these qualities. The City is appreciative of their hard work and dedication to the City



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION MEETING MINUTES
TUESDAY, APRIL 12, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All members of the City Council were present.

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

**Agency Negotiator: William May, Labor Relations Consultant
Discussion and Direction on a contingency plan to Contract Police and Fire Dispatch
Services should Measure A not be approved by the Electorate.**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON
CLOSED SESSION: 6:30 p.m.**

Mayor Strack reported that Council met in Closed Session with the City's Labor Negotiator and City Manager and gave them direction.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, APRIL 12, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:36 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All member of the City Council were present.

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. INVOCATION: Led by Tony Cardenas.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

1. **Proclamation – April 10 – 16, 2016 “Week of the Young Child”.** Paula Brown-Almond, Project Director for the Tehama County Department of Education was present to accept the Proclamation.
2. **Proclamation – April 10 – 16, 2016 “Public Safety Telecommunications Week”.** Present to accept the Proclamation were Police Chief Jeremiah Fears and Fire Chief Martin Spannaus. (Police Dispatchers Shelly Keener, Ashley Knight and Kayla Heitland were also present.)
3. **Proclamation – April 2016 “Relay for Life” Month, and April 23, 2016 as “Paint our Town Purple Day”.** Relay Committee Representative Renae Beckly was present to accept the Proclamation.
4. **April 2016 – Child Abuse & Sexual Assault Awareness Month and April 27th as Denim Day in the City of Corning.**

F. BUSINESS FROM THE FLOOR:

A member of the audience asked if the Building Official is a full time Building Official, or is he working with Public Works? It was stated that he is currently busy with building permits and inspections, however when needed and available he will assist the Public Works Department.

A member of the audience addressed the Council regarding the Little League Park at Clark Park; he asked about the status on the new restroom construction. Public Works Director Dawn Grine responded stating that currently Staff is working on several different options; however construction will not begin until sometime around the end of this fiscal year or possibly in July. This person also mentioned that during the middle of a game last week the lights went out, the bleachers have a couple of holes that present a potential liability, and the existing restrooms are not ADA compliant.

Also discussed was the appearance of the City’s downtown business area. Suggestion was made by an audience member to create an Ordinance/Code relating to murals, plywood over windows, maintenance/appearance of business facades, etc. Others asked if we could require owners of businesses/buildings with frontage glass currently covered with plywood to repair/replace the glass; Planning Consultant John Stoufer responded to these questions.

G. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience request separate discussion and/or action.

5. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

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6. Waive the reading and approve with any necessary corrections the Minutes of the March 22, 2016 City Council Meeting.
7. April 6, 2016 Claim Warrant - \$519,672.47.
8. April 6, 2016 Business License Report.
9. March 2016 Wages & Salaries: \$470,380.
10. March 2016 Treasurer's Report.
11. March 2016 City of Corning Wastewater Operations Summary Report.
12. March 2016 Building Permit Valuation Report in the amount of \$1,835,476.52.
13. Adopt Ordinance No. 666, an Ordinance of the City of Corning adding Chapter 9.21 to Title 9 of the Corning Municipal Code relating to regulation of Butane Resale. (Second Reading and Adoption)
14. Adopt Resolution 04-12-2016-01 calling for the Municipal Election and requesting that it be consolidated with the November 2016 Statewide General Election.
15. Waive Recreational Use Fee for a Tournament Fundraiser to be held April 22nd and 23rd benefiting the Westside American Legion Baseball Team.
16. Approve new 5-year Agreement with the Corning Junior Rodeo Association.
17. Approve Services Agreement with Thomas H. Phelps, Landscape Architect for the City of Corning Downtown Rehabilitation and Enhancement Project.
18. Authorize Public Works Director to solicit Bids to furnish labor and install a 60-HP Pump & Motor for the Blackburn Well.

Audience member Sue Henderson requested that Mayor Strack pull Consent Item 16 for discussion.

Councilor Dickison moved to approve Consent Items 5-15 and 17 & 18. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

16. Approve new 5-year Agreement with the Corning Junior Rodeo Association.

Sue Henderson addressed the Council stating that although she signed the Agreement in order to move forward with the Junior Rodeo, she does not agree with some of the Agreement stipulations or the manner in which this was handled. She then elaborated on some of the specific stipulations required in the Agreement.

City Manager Kristina Miller responded to Mrs. Henderson explaining that a "Rodeo" is listed by law as an inherently dangerous sport creating an increased liability to the City; whereas football/baseball, because they are not listed as an inherently dangerous sport, do not create as much of a liability. Attorney Colin Boggner of Burgess and Boggner Law Firm responded to the legal requirements associated with the Agreement.

Councilor Linnet moved for the Mayor and Council to approve a new 5-year Lease Agreement between the City of Corning and the Corning Junior Rodeo Association. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

19. Adopt Resolution 04-12-2016-02 consenting to the inclusion of Properties within the City's jurisdiction in the California "Hero Program" to finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving an Amendment to a certain Joint Powers Agreement related thereto.

City Manager Kristina Miller presented this item explaining the public benefits which, if approved, will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties. She further explained that there are no negative fiscal impacts to the City's General Fund by consenting to the inclusion of properties within the City Limits in the California HERO Program.

Councilor Dickison moved to adopt Resolution 04-12-2016-02 authorizing the City's participation in the California "HERO PROGRAM", which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

20. Approve Agreement for SMARTGOV SaaS Software and associated data migration costs for the Building Department's TRAK IT Program to be funded in the 2016-2017 City Budget; and authorize the City Manager to sign Software Agreement. (Pulled from the Agenda so that Staff can do a further review of the program.)

21. Adopt Resolution No. 04-12-2016-03, a Resolution adopting the City of Corning Bicycle and Pedestrian Transportation Improvement Plan.

Planning Consultant John Stoufer provided a brief project outline and introduced Adrian Engle (Consultant) who provided a more extensive PowerPoint presentation of the proposed Corning Bicycle & Pedestrian Transportation Improvement Plan.

Councilor Linnet moved to adopt Resolution 04-12-2016-03, a Resolution adopting the City of Corning Bicycle and Pedestrian Transportation Improvement Plan. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

22. Adopt Resolution No. 04-12-2016-04, a Resolution of the City Council of the City of Corning Amending the City's Administrative Policy of Collecting a Utility Fee/Deposit for Utility Billing.

City Manager Kristina Miller presented this item stating that on February 8, 2005, the City Council at that time adopted a Policy for the administration of utility billing allowing for fee/deposits of applicants seeking water services via Resolution 02-08-05-01. She then explained the limitations under the California Public Utilities Code which prohibits the City from collecting a utility deposit on an owner applicant receiving utilities unless such decision is based solely on the creditworthiness of applicant as determined by the City. She further explained that the State Code allows the City to collect a utility deposit from a tenant applicant however. She then explained that proposed Resolution 04-12-2016-04 amends Resolution 02-08-05-01 as pertaining to fees/deposits for water services as follows:

Utility Service Received by Owner of the Property to Receive the Utility Service:

- 1) A New Customer owner may be charged a New Customer Fee/Deposit where the City determines that the applicant's creditworthiness reasonably requires the payment of the New Customer Fee/Deposit. Creditworthiness of the New Customer owner is determined as follows:

A new residential applicant will be determined to meet the City's creditworthiness policy and, thus, be relieved from posting a security deposit.

If during the receipt of water service, the New Customer owner has become delinquent in payment of any monthly charge for water service and water services are shut off, City may thereafter charge a Fee/Deposit of \$50.00 to owner payable prior to reconnection. The City deems failure to pay a water service bill before it is made delinquent as an act demonstrative of a lack of creditworthiness. Said deposit will be refunded upon 12 months of on time payments being received without customer receiving a delinquent notice. In the event said deposit remains at the time service is terminated by the customer, the deposit will be applied to the final bill and any balance will then be refunded.

- 2) The New Customer Fee/Deposit is transferable to a new residence or business when a customer moves.

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Councilor Smith moved to approve Resolution 04-12-2016-04, a Resolution of the City Council of the City of Corning amending the City's Administrative Policy of Collecting a Utility Fee/Deposit for Utility Billing. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

23. Direction to Staff regarding a Noise Ordinance.

Mayor Strack introduced this item by title and Mr. Cecil Jones presented his complaint. City Manager Miller stated the City Code does not adequately address or limit noise after hours, construction hours, etc.

Following some discussion, input from the Police Chief regarding enforceable Penal and Vehicle Codes, Council directed the City Manager to research what other jurisdictions are doing to address this issue and report back.

24. Approve Library Commission's recommendation to appropriate Ridell Funds in an amount not to exceed \$1,000 for painting of a wall mural at the Corning Library.

Following confirmation that the proposed mural is an interior children's mural, Councilor Dickison moved to approve the recommendation of the Corning Library Commission to appropriate Ridell Funds in an amount not to exceed \$1,000 for the painting of a Children's Mural on an interior wall of the Corning Library. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

25. Presentation and discussion of City Manager Goals

City Manager Kristina Miller presented her goals for April 2016 through April 2017. It was pointed out that there were two "Goal number 11's".

An audience member stated her concern with the Planning Consultant Contract in regards to CALPERS and limited duration. Councilor Cardenas stated that the City needs to confirm and ensure that both Mr. Stoufer and the City are working within the legal parameters. Another audience member echoed these concerns. Mayor and Council directed the City Manager and City Attorney to research and confirm that any contract for the Planning Consultant conforms to legal parameters.

Councilor Linnet asked about a goal for the Fire Chief to begin negotiations for the Dispatch upgrade. In response it was stated that this item is in reference to goals of the City Manager only.

Councilor Cardenas moved to approve the goals for the City Manager through April 2017. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

26. Presentation and acceptance of the Annual City Audit for Fiscal Year 2014-2015.

City Auditor Don Reynolds, CPA presented the City Audit for fiscal year ending June 30, 2015 for Council acceptance. Councilor Dickison moved to receive and accept the Annual Audit for Fiscal Year ending June 30, 2015. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Dickison: LAFCO Meeting scheduled for tomorrow is cancelled; County is losing their Planner. The Tripartite Board Meeting is next week.

Linnet: Nothing.

Cardenas: Nothing.

Smith: Nothing

Strack: Nothing.

N. ADJOURNMENT!: 8:54 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: April 20, 2016

SUBJECT: Cash Disbursement Detail Report for the
Tuesday April 26, 2016 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 04-18-16	\$	61,496.78
B.	Payroll Disbursements	Ending 04-12-16	\$	36,215.69
C.	Cash Disbursements	Ending 04-20-16	\$	27,689.40
			GRAND TOTAL	<u>\$ 125,401.87</u>

REPORT.: Apr 18 16 Monday
 RUN...: Apr 18 16 Time: 14:35
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 04-16 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
021988	04/08/16	ECH00	ECHOLON TRANSPORTATION GR	-37437.05	.00	-37437.05	15-501-15u	Ck# 021988 Reversed
021989	04/08/16	ECH00	ECHOLON TRANSPORTATION GR	40156.11	.00	40156.11	15-50115*	PROF SVCS-PED TRANS GRANT
021990	04/08/16	QUI02	QUILL CORPORATION	261.14	.00	261.14	4454510	OFFICE SUPPLIES-
				1.31	.00	1.31	4464023	OFFICE SUPPLIES-
				14.29	.00	14.29	4515095	OFFICE SUPPLIES-PW ADMIN
				260.23	.00	260.23	4672897	OFFICE SUPPLIES-FINANCE
				53.73	.00	53.73	4675352	OFFICE SUPPLIES-FINANCE
			Check Total.....	590.70	.00	590.70		
021991	04/11/16	COR13	CORNING VOLUNTEER FIRE	9835.80	.00	9835.80	160411	EQUIP REPLAC-FIRE
				36862.88	.00	36862.88	160411A	EQUIP REPLAC-FIRE
			Check Total.....	46698.68	.00	46698.68		
021992	04/11/16	SUB01	SUBURBAN PROPANE	381.94	.00	381.94	506699	PROPANE-AIRPORT
021993	04/13/16	ACC00	ACCESS INFORMATION MANAGE	138.01	.00	138.01	1392297	EQUIP MAINT-GEN CITY
021994	04/13/16	AIR00	AIRGAS USA, LLC	67.52	.00	67.52	993543486	MAT & SUPPLIES-FIRE
021995	04/13/16	ARA02	ARAMARK UNIFORM SERVICES	64.42	.00	64.42	634410046	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	634424621	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	634439100	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	634453489	MAT & SUPPLIES-BLD MAINT
			Check Total.....	257.68	.00	257.68		
021996	04/13/16	AUT00	AUTO ZONE	52.78	.00	52.78	409568146	VEH OP/MAINT-FIRE
021997	04/13/16	BAS01	BASIC LABORATORY, INC	126.00	.00	126.00	1603416	ProfServices Water Dept
021998	04/13/16	BIG02	BIG VALLEY SANITATION, IN	462.50	.00	462.50	24781	MAT & SUPPLIES-PARKS
021999	04/13/16	CAR12	CARREL'S OFFICE MACHINES	7.72	.00	7.72	141941	MAT & SUPPLIES-LIBRARY
022000	04/13/16	DEP03	DEPT OF TRANS/CAL TRANS	1073.04	.00	1073.04	16005639	Equip.Maint. St&Trf Light
022001	04/13/16	DEP12	DEPT OF JUSTICE	343.00	.00	343.00	156256	PROF SVCS-
022002	04/13/16	FLE01	FLEMING BOOKBINDING CO.	82.22	.00	82.22	23636	BOOKS/PERIODICS-LIBRARY
022003	04/13/16	GUZ00	GUZI-WEST INSPECTION & CO	475.00	.00	475.00	2016-80	PROF SVCS-HOUSING REHAB
022004	04/13/16	HUN03	HUNTERS SERVICES INC.	115.00	.00	115.00	163541	PROF SVCS-HOUSING REHAB
022005	04/13/16	MOR02	RAY MORGAN COMPANY	547.85	.00	547.85	1196965	COMMUNICATIONS-

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
022006	04/13/16	QUI02	QUILL CORPORATION	8.59	.00	8.59	4605327	OFFICE SUPPLIES-
022007	04/13/16	SWR01	SWRCB/AFRS	1207.17	.00	1207.17	LW1006346	REQ PERMITS STATE-WTR
022008	04/18/16	AUT00	AUTO ZONE	3.17	.00	3.17	409569944	VEH OP/MAINT-
				8.37	.00	8.37	409570156	VEH OP/MAINT-
				122.54	.00	122.54	409570391	VEH OP/MAINT-POLICE
				3.47	.00	3.47	409570468	VEH OP/MAINT-
				126.27	.00	126.27	409570581	VEH OP/MAINT-FIRE
			Check Total.....:	263.82	.00	263.82		
022009	04/18/16	BAS01	BASIC LABORATORY, INC	456.00	.00	456.00	1603612	ProfServices Water Dept
				126.00	.00	126.00	1603707	ProfServices Water Dept
			Check Total.....:	582.00	.00	582.00		
022010	04/18/16	COM06	COMCAST	28.92	.00	28.92	160409	COMMUNICATIONS-PW ADMIN
022011	04/18/16	DEF03	DEPT OF TRANS/CAL TRANS	219.58	.00	219.58	SL160701	Equip.Maint. St&Trf Light
022012	04/18/16	GRA02	GRAINGER, W.W., INC	164.22	.00	164.22	907895243	MAT & SUPPLIES-BLD MAINT
022013	04/18/16	LIN01	LINCOLN AQUATICS, INC.	907.64	.00	907.64	SI287379	MAT & SUPPLIES-POOL
022014	04/18/16	NOR14	NORTHWOOD BACKFLOW SERV	825.00	.00	825.00	14375	PROF SVCS-WTR
022015	04/18/16	NOR18	NORTH VALLEY DISTRIBUTING	50.32	.00	50.32	SI202893.	MAT & SUPPLIES-PARKS
022016	04/18/16	NOR31	NORM'S PRINTING	10.70	.00	10.70	016019	OFFICE SUPPLIES-CITY COUN
				390.86	.00	390.86	016040	PRINTING/ADV-POLICE
			Check Total.....:	401.56	.00	401.56		
022017	04/18/16	OFF01	OFFICE DEPOT	467.97	.00	467.97	832876069	OFFICE SUPPLIES-POLICE
022018	04/18/16	PAT02	PATTERSON ELECTRIC, INC.	311.59	.00	311.59	4192	MAT & SUPPLIES-
022019	04/18/16	QUI02	QUILL CORPORATION	54.78	.00	54.78	4744186	OFFICE SUPPLIES-
				32.24	.00	32.24	4746965	OFFICE SUPPLIES-BLD & SAF
			Check Total.....:	87.02	.00	87.02		
022020	04/18/16	SCH01	LES SCHWAB TIRE CENTER	331.00	.00	331.00	611001927	VEH OP/MAINT-POLICE
022021	04/18/16	SHA19	SHASTA SAFETY SUPPLY	101.59	.00	101.59	6198	MAT & SUPPLIES-BLD & SAFE
022022	04/18/16	SWR01	SWRCB/AFRS	1282.00	.00	1282.00	SW0116450	REQ PYMTS STATE-AIRPORT

REPORT.: Apr 18 16 Monday
 RUN...: Apr 18 16 Time: 14:35
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 04-16 Bank Account.: 1020

PAGE: 003
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
022023	04/18/16	UNI102	UNIFORMS, TUXEDOS & MORE	118.09	.00	118.09	144535	BCJI PROGRAM-VOL
Cash Account Total.....:				61496.78	.00	61496.78		
Total Disbursements.....:				61496.78	.00	61496.78		
Cash Account Total.....:				.00	.00	.00		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
7117	04/12/16	BAN03	POLICE OFFICER ASSOC.	325.00	.00	325.00	B60412	POLICE OFFICER ASSOC
7118	04/12/16	BAN06	BANNER BANK	7027.87	.00	7027.87	B60412	HSA DEDUCTIBLE
7119	04/12/16	CAL37	CALIFORNIA STATE DISBURSE	430.61	.00	430.61	B60412	WITHHOLDING ORDER
7120	04/12/16	EDD01	EMPLOYMENT DEVELOPMENT	3740.35	.00	3740.35	B60412	STATE INCOME TAX
				994.01	.00	994.01	1B60412	SDI
			Check Total.....	4734.36	.00	4734.36		
7121	04/12/16	HEA05	HEALTHIEST YOU	36.00	.00	36.00	B60412	HEALTHIEST YOU
7122	04/12/16	ICM01	ICMA RETIREMENT TRUST-457	633.61	.00	633.61	B60412	ICMA DEF. COMP
				182.50	.00	182.50	1B60412	ICMA DEF. COMP ER PD
			Check Total.....	816.11	.00	816.11		
7123	04/12/16	PERS1	PUBLIC EMPLOYEES RETIRE	18965.76	.00	18965.76	1B60412	PERS PAYROLL REMITTANCE
7124	04/12/16	PERS4	Cal Pers 457 Def. Comp	1432.16	.00	1432.16	B60412	PERS DEF. COMP.
				255.00	.00	255.00	1B60412	PERS DEF. COMP. ER P
			Check Total.....	1687.16	.00	1687.16		
7125	04/12/16	VAL06	VALIC	2007.82	.00	2007.82	B60412	AIG VALIC P TAX
				185.00	.00	185.00	1B60412	AIG VALIC P TAX ER P
			Check Total.....	2192.82	.00	2192.82		
			Cash Account Total.....	36215.69	.00	36215.69		
			Total Disbursements.....	36215.69	.00	36215.69		

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
022024	04/19/16	ATT13	AT&T	763.37	.00	763.37	160411	COMMUNICATIONS-DISPATCH
022025	04/19/16	COR11	CORNING SAFE & LOCK	14.84	.00	14.84	0105	MAT & SUPPLIES-POLICE
022026	04/19/16	LEH03	LEHR AUTO ELECTRIC	1273.05	.00	1273.05	01-123017	VEH REPLAC-POLICE
022027	04/19/16	PGE01	PG&E	23006.36	.00	23006.36	160412	Electricity General City-
022028	04/19/16	WAT02	WATSON, THOMAS J.	257.98	.00	257.98	160418	MAT & SUPPLIES-POLICE
022029	04/20/16	BIC01	BICKLEY'S AIR CONDITIONIN	268.98	.00	268.98	2182	MAT & SUPPLIES-BLD MAINT
022030	04/20/16	OFF01	OFFICE DEPOT	110.95	.00	110.95	834989163	OFFICE SUPPLIES-POLICE
022031	04/20/16	PGE2A	PG&E	66.06	.00	66.06	160415	ELECT-BLUE HERON CT
022032	04/20/16	PRO12	PROMAG ENVIRO	1927.81	.00	1927.81	363382	WATER METER REPLAC-WTR CA

Cash Account Total.....: 27689.40
 Total Disbursements.....: 27689.40
 =====

Date...: Apr 20, 2016
 Time...: 3:21 pm
 Run by: LORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page...: 1
 List...: NEWB
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
BUTLER ENGINEERING G	8837 AIRPORT RD. STE. A	REDDING, CA 96002	BUTLER	KEVIN CIVIL & STRUCTURAL ENG.	04/15/16	(530)222-5211
INFINITY ENERGY	725 SUNRISE AVE STE. 160	ROSEVILLE, CA 95747	SOLOMON	BRYSON CONTRACTOR - ELECTRICAL	04/18/16	(530)870-6446
NORTHERN COUNTIES RO	21975 STONEY CREEK PL	COTTONWOOD, CA 96022	MAGANA	JOEL ROOFING CONTRACTOR	04/20/16	(530)356-0686
PAPAS & CHILAQUILES	1577 SECOND ST	CORNING, CA 96021	ROMO	CLAUDIO FOOD CONCESSION TRAILER	04/11/16	(530)321-0331
POWELL ROOFING, INC	43 NORFIELD AVE. SUITE 4	CHICO, CA 95928	POWELL	BRIAN ROOFING CONTRACTOR	04/13/16	(530)345-5318
SILVIA'S MOBILE TEET	22539 MORAN RD	CORNING, CA 96021	VALDOVINOS	SILVIA TEETH WHITENING	04/07/16	(530)586-2132
STEELES ROOFING	935 NEAL DOW AVE	CHICO, CA 95926	STEELE	MARK ROOFING CONTRACTOR	04/20/16	(530)895-8970

**ITEM NO.: H-6
AWARD BID FOR THE 2016 STREET
PAVING PROJECT TO NORTHWEST
PAVING, INC. FOR A TOTAL AMOUNT OF
\$170,812**

April 26, 2016

**TO: HONORABLE MAYOR AND COUCILMEMBERS
OF THE CITY OF CORNING, CA**

**FROM: KRISTINA MILLER, CITY MANAGER
DAWN GRINE, PUBLIC WORKS DIRECTOR
ED ANDERSON, CITY ENGINEER**



SUMMARY:

On Wednesday, April 20, 2016, the City received and opened nine (9) Formal Bids for the 2016 Street Paving Project. The City received several favorable bids.

The Base Bid is for an asphalt overlay on East Street from Solano Street to North Street.

1. Additive Bid No. 1, Edith Ave/Old Hwy 99W at Solano Street
2. Additive Bid No. 2, Pear Street between South and Walnut Street
3. Additive Bid No. 3, Yolo Street between East and First Streets
4. Additive Bid No. 4, North Street between East and First Streets
5. Additive Bid No. 5, Reinforcing Fabric on East Street

A detailed Bid Summary is attached for Council review.

❖ Northwest Paving, Inc.	\$170,812.00
❖ Sunrise Excavating	\$173,632.02
❖ SNL Group	\$177,612.50
❖ Eagle Paving	\$197,351.14
❖ Jason Abel Const.	\$201,690.50
❖ Stimpel-Wiebelhaus	\$208,544.00
❖ S.T. Rhoades	\$212,634.30
❖ Darren Taylor	\$216,700.50
❖ Knife River	\$228,887.50

FUNDING:

At the March 8, 2016 City Council Meeting, Council authorized the expenditure of carry over funds from previous year's street monies to fund this project. These funds are intended specifically for street maintenance and **cannot** be used within the General Fund.

Fund 109 - Gas Tax	\$50,000
Fund 110 - Gas Tax	\$25,000
Fund 111 - Gas Tax	\$40,000
Fund 108 - RSTIP Funds	\$85,000
Total:	\$200,000

RECOMMENDATION:

THAT THE CITY COUNCIL:

- **Award the Bid for the 2016 Street Paving Project to Northwest Paving, Inc. for a total contract amount of \$170,812 and,**
- **Authorize the City Manager to sign the Contract.**

2016 Street Paving Project
2016-3

Item	Description	QTY	1. Northwest Paving, Inc. Unit Price Bid Amt	2. Sunrise Excavating Unit Price Bid Amt	3. SNL Group Unit Price Bid Amt	4. Eagle Paving Unit Price Bid Amt	5. Jason Abel Const. Unit Price Bid Amt	6. Stimpel-Wiebelhaus Unit Price Bid Amt	7. S.T. Rhoades Unit Price Bid Amt	8. Darren Taylor Unit Price Bid Amt	9. Knife River Unit Price Bid Amt
1	Asphalt Paving Overlay and related work on East Street (between Solano St. and North St.):										
1	Clean Surface/fill holes prior to paving	1	\$1,500.00	\$7,200.00	\$3,800.00	\$2,040.00	\$1,500.00	\$6,992.85	\$5,000.00	\$8,350.00	\$6,200.00
2	2" type "A" asphalt concrete	59920	\$1.10	\$71,304.80	\$1.08	\$64,713.60	\$1.35	\$80,892.00	\$1.21	\$72,503.20	\$1.19
3	Grind existing paving edges at gutter lip	13720	\$0.80	\$6,997.20	\$0.80	\$10,976.00	\$0.55	\$7,546.00	\$0.80	\$10,976.00	\$0.88
4	Remove/raise concrete collars-water valves	3	\$1,000.00	\$400.00	\$400.00	\$1,000.00	\$600.00	\$583.30	\$350.00	\$450.00	\$7,800.00
5	Install pedestrian crosswalk East St. at Solano	1	\$3,300.00	\$3,000.00	\$3,400.00	\$3,150.00	\$3,450.00	\$3,630.00	\$3,000.00	\$3,000.00	\$3,000.00
6	Install "STOP" on East at Solano	1	\$330.00	\$300.00	\$340.00	\$350.00	\$350.00	\$363.00	\$300.00	\$300.00	\$300.00
7	Install skip yellow centerline/East St.	1720	\$1.00	\$1,720.00	\$0.90	\$1,548.00	\$1.462.00	\$1,688.40	\$0.80	\$1,376.00	\$0.80
8	Install "YIELD" on East at North St.	1	\$950.00	\$825.00	\$370.00	\$350.00	\$350.00	\$393.25	\$325.00	\$325.00	\$325.00
	Base Bid Total		\$87,088.00	\$89,003.00	\$46,347.60	\$88,950.80	\$97,708.00	\$108,197.00	\$94,530.20	\$99,457.00	\$99,635.40
	ADDITIVE BID NO. 1: Asphalt Paving Overlay on Old Hwy. 99W at Solano St.										
A1-1	2" type "A" asphalt concrete	6000	\$1.18	\$7,080.00	\$2.13	\$12,780.00	\$3.95	\$23,700.00	\$2.75	\$16,500.00	\$3.15
A1-2	Grind existing paving edges at gutter lip	880	\$0.80	\$704.00	\$1.00	\$880.00	\$6.00	\$5,280.00	\$4.25	\$3,740.00	\$9.00
A1-3	Install pedestrian crosswalk Edith Ave. at S4	1	\$800.00	\$725.00	\$860.00	\$795.00	\$850.00	\$877.25	\$725.00	\$725.00	\$725.00
A1-4	Install solid double yellow centerline	100	\$3.00	\$300.00	\$3.40	\$340.00	\$3.50	\$350.00	\$3.00	\$300.00	\$3.00
A1-5	Install solid white lane	100	\$2.00	\$200.00	\$2.30	\$230.00	\$2.25	\$225.00	\$2.00	\$200.00	\$2.00
A1-6	Install skip single white lane, each side	200	\$1.00	\$200.00	\$0.90	\$180.00	\$1.00	\$200.00	\$0.80	\$160.00	\$0.80
A1-7	Remove/finish/install yellow warning butt	60	\$15.00	\$900.00	\$14.00	\$840.00	\$15.00	\$900.00	\$14.52	\$871.20	\$12.00
A1-8	Traffic Control	1	\$8,000.00	\$2,600.00	\$4,400.00	\$1,500.00	\$1,250.00	\$2,299.15	\$3,000.00	\$2,500.00	\$9,000.00
	Additive Bid No. 1 Total:		\$18,184.00	\$18,285.80	\$19,730.20	\$23,101.20	\$32,780.00	\$17,989.00	\$25,245.00	\$13,065.00	\$37,925.00
	ADDITIVE BID NO. 2: Asphalt Paving Overlay on Pear Street (between South St. and Walnut St.)										
A2-1	Clean Surface/fill holes prior to paving	1	\$1,000.00	\$1,650.00	\$2,000.00	\$1,500.00	\$2,750.00	\$4,554.74	\$3,000.00	\$3,500.00	\$4,000.00
A2-2	2" type "A" asphalt concrete	16320	\$1.18	\$19,257.60	\$1.25	\$20,400.00	\$1.60	\$26,112.00	\$1.75	\$28,560.00	\$1.30
A2-3	Grind existing paving edges at gutter lip	2270	\$0.80	\$1,816.00	\$0.85	\$1,929.50	\$1.47	\$3,336.90	\$1.65	\$3,745.50	\$2.45
A2-4	Remove/raise concrete collars-water valves	1	\$1,000.00	\$400.00	\$300.00	\$1,000.00	\$600.00	\$335.51	\$350.00	\$450.00	\$2,400.00
A2-5	Remove/raise concrete collars-manhole cov	1	\$2,000.00	\$500.00	\$500.00	\$1,000.00	\$800.00	\$473.68	\$350.00	\$650.00	\$4,000.00
A2-6	Install "STOP" marking & bar	1	\$450.00	\$415.00	\$480.00	\$450.00	\$480.00	\$502.15	\$415.00	\$415.00	\$415.00
A2-7	Install 45° white diagonal parking	18	\$45.00	\$810.00	\$43.00	\$774.00	\$50.00	\$900.00	\$43.00	\$774.00	\$43.00
A2-8	Install 45° blue diagonal handicap w/symbols	1	\$600.00	\$500.00	\$565.00	\$550.00	\$600.00	\$605.98	\$500.00	\$500.00	\$500.00
	Additive Bid No. 2 Total:		\$26,933.60	\$26,704.70	\$29,522.50	\$34,685.70	\$33,490.50	\$33,442.00	\$37,694.50	\$29,207.50	\$39,682.50
	ADDITIVE BID NO. 3: Asphalt Paving Overlay on Yolo St. (between First St. and East St.)										
A3-1	2" type "A" asphalt concrete	13440	\$1.18	\$15,859.20	\$1.20	\$16,128.00	\$1.20	\$16,128.00	\$1.70	\$22,848.00	\$1.30
A3-2	Grind existing paving edges at gutter lip	2432	\$0.80	\$1,945.60	\$1.00	\$2,432.00	\$1.47	\$3,575.04	\$0.89	\$2,164.48	\$1.75
A3-3	Install pedestrian crosswalk/East at First	1	\$600.00	\$550.00	\$630.00	\$600.00	\$600.00	\$665.12	\$550.00	\$550.00	\$550.00
	Additive Bid No. 3 Total:		\$18,404.80	\$19,563.12	\$19,190.00	\$26,485.44	\$18,065.60	\$22,462.00	\$27,654.00	\$19,846.00	\$24,774.00
	ADDITIVE BID NO. 4: Asphalt Paving Overlay on North St. (between First St. and East St.)										
A4-1	2" type "A" asphalt concrete	7200	\$1.18	\$8,496.00	\$1.20	\$8,640.00	\$1.20	\$8,640.00	\$2.00	\$14,400.00	\$1.80
A4-2	Grind existing paving edges at gutter lip	400	\$0.80	\$320.00	\$1.00	\$400.00	\$0.55	\$220.00	\$4.25	\$1,700.00	\$6.50
A4-3	Install "SCHOOL XING ZONE"/North St	1	\$600.00	\$525.00	\$600.00	\$580.00	\$600.00	\$636.00	\$525.00	\$525.00	\$525.00
	Additive Bid No. 4 Total:		\$9,416.00	\$9,889.00	\$9,640.00	\$16,628.00	\$9,460.00	\$14,480.00	\$16,625.00	\$10,185.00	\$16,085.00
	ADDITIVE BID NO. 5: (Reinforcing fabric on East St.)										
A5.1	Furnish/install reinforcing fabric on East St.	59920	\$0.18	\$10,785.60	\$0.22	\$13,182.40	\$0.17	\$10,186.40	\$0.18	\$10,785.60	\$0.18
	Total Bid with Additives		\$170,812.00	\$173,632.02	\$177,612.50	\$197,351.14	\$201,690.50	\$208,544.00	\$212,634.30	\$216,700.50	\$228,887.50

**ITEM NO.: K-7
PROVIDE STAFF DIRECTION REGARDING
THE ESTABLISHMENT OF A NOISE
ORDINANCE**

April 26, 2016

TO: HONORABLE MAYOR AND COUCLMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER

SUMMARY:

Noise Ordinances are municipal laws which limit the allowable noise level(s) at different times of days for different zoning areas (i.e Residential, Commercial and Industrial). The maximum allowable noise levels are typically higher during daytime hours and lower during nighttime hours. The Corning Police Department currently enforces California Penal Code Section 415(2) and the California Vehicle Code Section 27007. The City Municipal Code currently does not regulate noise to adequately address quiet hours. After review of Noise Ordinances in two surrounding Cities and discussion with Police Chief Fears it appears the existing statutory authority suffices.

BACKGROUND:

Penal Code Section 415(2) states a person shall be punished by imprisonment in the county jail for a period of not more than ninety days, a fine of not more than four hundred dollars (\$400) or both for maliciously and willfully disturbing another person by loud and unreasonable noise. There must be malicious intent. California Vehicle Code Section 27007 states, "no driver of a vehicle shall operate or permit the operation of, any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated upon a highway, unless that system is being operated to request assistance or warn of a hazardous situation." Highway is defined under California Vehicle Code section 360 as "a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street."

The City received a noise complaint from City resident, Cecil Jones. I directed Police Chief Jeremiah Fears to follow-up with Mr. Jones. Chief Fears discussed California Penal Code Section 415(2) and the California Vehicle Code Section 27007 with Mr. Jones. Mr. Jones agreed to call the Corning Police Department when there is a noise issue. He understands to issue a citation under Penal Code Section 415(2) the complainant must sign the citation. Mr. Fears also directed his staff to increase patrol of the area of concern.

In discussing the complaint with other residents, it has come to my attention there is a city-wide noise issue both from vehicles and residences. The Corning Municipal Code currently does not regulate noise to adequately address quiet hours. At the April 12, 2016 City Council meeting, the City Council directed Staff to research Noise Ordinances adopted in other communities and provide a brief report for the Council to consider.

Below is a summary of noise regulations established in the Cities of Chico and Redding:

- State purpose is to control unnecessary, excessive and annoying noise
- Define unreasonable noise
- Establish noise measurement methods
- Establish exterior noise limits during certain hours (e.g. residential noise levels are limited to 45 hourly L_{eq} /dB from 10:00 P.M to 7:00 A.M) in residential, commercial, and public zones
- Prohibit certain acts such as loading and unloading, construction or demolition, and domestic power tool use during certain hours.

- Establish limits for stationary and mobile (vehicles and bicycles) sources
- Establish exemptions for emergency work and situations, warning devices, occasional permitted outdoor gatherings/special events, churches and similar organizations, solid waste collection, public works construction projects, public utility facilities, and Federal and State preempted activities.
- Establish noise performance standards
- Establish enforcement procedures (by citizen complaint for stationary sources) and penalties/fines (e.g. \$250 for first offense and up to \$1,000 for third offense)

A quick search did not unveil Noise Ordinances for Shasta and Tehama Counties and the Cities of Red Bluff and Orland. In these instances the General Plan Noise Element addresses noise for existing problem areas and new uses within its goals, policies, and implementation measures. Implementation measures identified in the Noise Element in the Corning General Plan (attached) do not address complaints from vehicles as presented. This being said, in discussion with Police Chief Fears he does not feel the City needs to adopt further noise regulations as the existing Penal Code Section 415(2) and California Vehicle Code Section 27007 give the Police Department the necessary enforcement authority. At this time I do not feel further action is necessary.

RECOMMENDATION:

THAT THE CITY COUNCIL:

- Provide direction to Staff as to how to proceed.

Chapter 9.38

NOISE

Section:

- 9.38.010 Declaration of policy.**
- 9.38.015 Application and enforcement of chapter.**
- 9.38.020 Definitions.**
- 9.38.030 Residential property noise limits.**
- 9.38.040 Commercial and industrial property noise limits.**
- 9.38.050 Public property noise limits.**
- 9.38.052 General noise regulations.**
- 9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.**
- 9.38.056 Noise from vehicles and bicycles.**
- 9.38.060 Categorical exemptions.**
- 9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.**
- 9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.**
- 9.38.090 Appeal.**
- 9.38.100 Enforcement.**
- 9.38.130 Violations - Penalties.**
- 9.38.140 Violations - Additional remedies - Injunction.**

9.38.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Chico require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to regulate and control the adverse effect of such noises on citizens under any conditions of use, especially those conditions of use which have the most severe impact upon the auditory senses of any person. (Prior code §28.1 (Ord. 1106 (part)))

9.38.015 Application and enforcement of chapter.

- A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.
- B. This chapter shall only be enforced after a citizen complaint has been received except section 9.38.056 regarding noise from vehicles and bicycles which may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer. (Ord. 1961; Ord. 2195, Ord. 2414)

9.38.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. Bicycle. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- B. dB. "dB" means decibel as herein defined.
- C. dBA. "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."
- D. Decibel. "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).
- E. Emergency response activities. "Emergency response activities" means activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
- F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound-level-meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

- H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice, machine, animal, or device, or any combination thereof, that is so loud, unnecessary, excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood, unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes discomfort or annoyance to any reasonable person of normal sensitivity residing or working in the area.
- I. Property Plane. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.
- J. Vehicle. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Prior code §28.2 (Ord. 1106 (part); Ord. 2195, Ord. 2414)

9.38.030 Residential property noise limits.

- A. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds, at any point outside of the property plane, seventy (70) dBA between the hours of seven a.m. and nine p.m. or sixty (60) dBA between the hours of nine p.m. and seven a.m.
- B. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or

devices or any combination of same, on multifamily residential property, a noise level more than sixty (60) dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located .

(Prior code §28.3 (Ord. 1106 (part), Ord. 1707 §1); Ord. 2195)

9.38.040 Commercial and industrial property noise limits.

No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds seventy (70) dBA.

(Prior code §28.4 (Ord. 1106 (part), Ord. 1707 §2); Ord. 2195)

9.38.050 Public property noise limits.

Except as otherwise provided in this chapter, no person shall produce, suffer or allow to be produced on public property, by human voice, machine, animal, or device, or any combination of same, a noise level that exceeds sixty (60) dBA at a distance of 25 feet or more from the source.

(Prior code §28.5 (Ord. 1106 (part), Ord. 1499 §1, Ord. 1707 §3); Ord. 2195)

9.38.052 General noise regulations.

- A. This section contains an entirely separate and independent method of determining whether a violation of this chapter has occurred. No person shall willfully or negligently make, produce, suffer, or allow to be produced, at any time, any unreasonable noise. Enforcement of this section shall not require the use of a sound level meter.
- B. A violation of this section shall be proven by reference to one or more of the following criteria:
1. The volume or loudness of the noise (measured by the distance away from the source at which the noise can be clearly heard);
 2. The pitch or frequency of the noise;
 3. Whether the nature of the noise is usual or unusual;
 4. Whether the origin of the noise is natural (i.e., not caused or produced by a person or persons) or unnatural;
 5. The tonal or rhythmic quality of the noise;
 6. Whether the noise is recurrent, intermittent, or constant;
 7. Whether the noise is from a commercial or noncommercial activity;
 8. If the noise is from a commercial activity, whether the particular use is permitted in the area, and whether the noise could be reasonably expected to derive from the use;
 9. Whether the noise is a necessary attribute of a particular use (i.e., routine solid waste collection or a properly functioning mechanical device);
 10. The proximity of the noise to residential sleeping facilities;
 11. The proximity of the noise to offices or places of work;
 12. The number of persons affected, or the density of inhabitation of the area;
 13. The nature or zoning of the area within which the noise emanates or in which the impact of the noise occurs;
 14. The amount and type of background noise, if any;
 15. The time of the day or night the noise occurs (indicating the relationship of the noise to the normal activities that occur at a given time);
 16. The day of the week; and
 17. The duration of the noise.

(Ord. 2195)

9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.

- A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer shall give a verbal or written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- B. Notwithstanding the above, an enforcement officer is not required to issue a warning and may issue a citation for a violation of section 9.38.030, 9.38.050 or 9.38.052 under any of the following circumstances:
1. The enforcement officer has received two or more distinct citizen complaints of unreasonable noise regarding the same location, activities or circumstances; or
 2. The noise occurs between the following hours:
 - a. 10:00 p.m. Sunday and 7:00 a.m. Monday;
 - b. 10:00 p.m. Monday and 7:00 a.m. Tuesday;
 - c. 10:00 p.m. Tuesday and 7:00 a.m. Wednesday;
 - d. 10:00 p.m. Wednesday and 7:00 a.m. Thursday;
 - e. 10:00 p.m. Thursday and 7:00 a.m. Friday; or
 - f. 12:01 a.m. and 7:00 a.m. on Saturday and Sunday.
- C. If, during the 180-day period following the issuance of warning pursuant to paragraph A above, another citizen complaint concerning unreasonable noise at the same location is received, the complaining citizen may be asked to fill out and sign a statement form stating the manner in which the citizen was disturbed and agreeing to appear as a witness at trial. If the enforcement officer thereafter corroborates the assertion of the complainant that section 9.38.030, 9.38.050 or 9.38.052 was or continues to be violated within the 180-day period, either by obtaining a signed statement form so stating from an individual residing at an address different from that of the complainant or by perceiving activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer may issue a citation to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- D. A warning issued pursuant to paragraph A above shall be binding upon all existing residents of the property subject to the warning but shall not be binding upon future residents not residing on the property at the time the warning is issued.
- E. If no other individual can be found to whom a citation can be issued for the second or continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331)(Ord. 2434, §1)

9.38.056 Noise from vehicles and bicycles.

- A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is

audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

- B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.
- C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

(Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414)

9.38.060 Categorical exemptions.

The following activities or sources of noise are exempt from the provisions of this chapter:

- A. Alarms and Warning Devices. Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.
- B. Construction and Alteration of Structures. Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:
 - 1. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.
 - 2. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.
- C. Emergency Response Activities. Noise from emergency response activities.
- D. Special Events at Which No Mechanical or Amplifying Equipment is Employed. Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.
- E. Audio Equipment Used by Public Safety Officers. Noise from audio equipment used or operated by public safety officers in the performance of their duties.

(Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195)

9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.

- A. A conditional noise permit may be granted to temporarily exempt a particular source of noise from one or more provisions of this chapter if the applicant can show that, notwithstanding the application of all available noise abatement techniques, the immediate compliance by the applicant with one or more requirements of this chapter would be impractical or unreasonable. The term of a noise permit shall not exceed six months, provided that the term may be renewed upon a further showing of good cause and that any extension is

conditioned upon a schedule of compliance with the requirements of this chapter, including the details of methods to effectuate that compliance.

- B. Applications for a conditional noise permit shall be made to the department assigned by the city manager to process such permits upon a form provided therefor. Such application shall be processed in the following manner:
1. The city manager or the assigned department is empowered to deny any such application.
 2. The city manager of the assigned department is empowered to approve an application subject to such conditions or limitations deemed advisable, taking into consideration the purpose and intent of this chapter, which approval shall be submitted to the city council at its next regular meeting. If the council does not reject the conditional approval by the city manager or the assigned department, then following the council meeting, the city manager or the assigned department will issue to the applicant the proposed conditional noise permit.
- C. This section shall apply to public agencies, including the city. However, the city manager or assigned department may issue a conditional noise permit to a public agency upon good cause shown and without referral to the city council if the proposed activity subject to the permit involves public health, safety, welfare or benefit.

(Prior code §28.7 (Ord. 1106 (part), Ord. 1499 §3); Ord. 2195)

9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.

- A. The public works director may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits imposed by this chapter if the director determines that:
1. The event is of interest to a substantial number of persons residing in the city;
 2. The event is open to all persons residing in the city, subject only to the payment of a reasonable fee, if any, by those persons attending the event; and
 3. Compliance with this chapter would unreasonably interfere with the conduct of the event.
- B. Applications for a permit under this section shall be filed with the director at least 14 days prior to the date the special event is to take place. Such application shall be in the form prescribed by the director and shall contain the name of the person or persons sponsoring the event, a description of the event, the date and times the event is scheduled to take place, and such other information as may be required by the director.
- C. Following the filing of an application for a permit under this section, the director shall issue a permit granting such exemption if the director finds that such special event complies with all the requirements of this section. However, in approving and issuing such permit the director may impose reasonable conditions on the conduct of the special event, including limitations on the dates and times during which the event may take place, limitations on the level of noise produced at the event which shall not be more stringent than the limitations on noise produced on public property hereinbefore provided by this chapter, and a requirement that the permittee take reasonable measures as may be prescribed by the director to mitigate the adverse effect of the noise produced at the event.

(Prior code §28.8, Ord. 1106 (part), Ord. 1499 §4, Ord. 2054, Ord. 2136 §3, Ord. 2195, Ord. 2364 §99, Ord. 2439 §73)

9.38.090 Appeal.

Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter, except a decision to issue an administrative or criminal citation, may appeal the decision of any such officer to the city council in accordance with the provisions of Chapter 2.80 of this code.

(Prior code §28.9 (Ord. 1106 (part)), Ord. 2004 §9, Ord. 2195)

9.38.100 Enforcement.

The city manager shall assign to an appropriate department or departments the duty of enforcing this chapter, and such departments are empowered to issue administrative or criminal citations for violations.

(Prior code §28.10 (Ord. 1106 (part)), Ord. 2195)

9.38.130 Violations - Penalties.

Any person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be punished by a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense. These minimum fines include the base fine and any and all fines, fees and assessments imposed by the Butte County Superior Court. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195) (Ord. 2434 §2)

9.38.140 Violation - Additional remedies - Injunction.

As an additional remedy, any violation of the provisions of this chapter is hereby declared to be a public nuisance and the city attorney is authorized to file an action to abate such nuisance in a court of appropriate jurisdiction in the manner provided by law.

(Prior code §28.14 (Ord. 1106 (part), Ord. 1707 §5))

18.40.100 - Noise standards.

- A. Purpose. The purpose of this chapter is to:
1. Control unnecessary, excessive and annoying noise;
 2. Protect the public health, safety and welfare;
 3. Declare that creating, maintaining or causing noise in excess of the limits prescribed by this chapter is a public nuisance and shall be punishable as such.
- B. General Noise Regulations. Notwithstanding any other provision of this chapter and in addition thereto, it is unlawful for any person to willfully or negligently make or continue or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.
- C. Factors of Determination. The factors which will be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:
1. The sound level of the alleged objectionable noise;
 2. The sound level of the ambient noise;
 3. The nature and zoning of the area within which the noise emanates;
 4. The time of day or night the noise occurs;
 5. Whether the noise is continuous, recurrent or intermittent.
- D. Noise Measurement. Noise shall be measured utilizing the hourly energy-equivalent noise level (L_{eq}).
- E. Noise Limits. The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to streets and the type of area land uses. The maximum sound levels shall be determined as follows:
1. Exterior Noise Limits.
 - a. The noise standards for the various categories of land use as set forth in Schedule 18.40.100-A, unless otherwise specifically indicated, shall apply to all such property within a designated zone. No person shall operate or cause to be operated, any source of sound at any location within the incorporated city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any other property, either incorporated or unincorporated, to exceed the noise standard for that land use specified in Schedule 18.40.100-A.
 - b. If the measured ambient level is above that permissible, the allowable noise exposure standard shall be increased to reflect the actual ambient noise level.
Schedule 18.40.100-A describes the noise standard for emanations from any source as measured on adjacent properties:

Schedule 18.40.100-A: Exterior Noise Standards

5. Public Works Construction Projects. Street, utility and similar construction projects undertaken by or under contract to the city of Redding, county of Shasta or state of California or a public utility regulated by the California Public Utilities Commission.
6. Public Utility Facilities. Facilities including, but not limited to, sixty-cycle electric power transformers and related equipment, sewer lift stations, municipal wells and pumping stations.
- I. Federal and State Preempted Activities. Any other activity shall be exempt from the provisions of this chapter to the extent regulation thereof has been preempted by state or federal laws.

(Ord. 2343 § 2 (part), 2005)

18.40.110 - Performance standards—Citywide.

The following performance standards shall apply to all use classifications in all zoning districts:

- A. Noise. No use shall create noise levels which exceed the standards of Section 18.40.100 of this chapter.
 1. Director May Require Acoustic Study. For new uses that, in the opinion of the director, may not meet the standards of the noise element, the director may require that an acoustical analysis be prepared. The analysis shall, at a minimum, conform to the following standards:
 - a. Analysis shall be prepared by a qualified person experienced in the fields of environmental noiseassessment and architectural acoustics.
 - b. Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.
 - c. Existing and projected noise levels shall be estimated in terms of L_{eq} and L_{dn} or CNEL. Levels shall be compared to the existing ambient noiselevels.
 - d. Mitigation shall be recommended, giving preference to site planning and design rather thannoise barriers, where feasible.
 - e. Noise exposure after the prescribed mitigation measures have been implemented shall be estimated.
 2. Noise Attenuation Measures. The approving authority may require the incorporation into a project of anynoise-attenuation measures deemed necessary to ensure that noise standards are not exceeded, including, but not limited to, noise walls exceeding maximum height limits and minimum setbacks of the zoning district.
- B. Vibration. No use, activity or process shall produce vibrations that are perceptible without instruments at one or more property lines of a site.
- C. Odors. No use, process or activity shall produce objectionable odors detectable by a reasonable person that are perceptible without instruments at the property lines of an "R" district.
- D. Hazardous and Extremely Hazardous Materials. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations, the California Fire and Building Codes, and any other applicable laws.
- E. Heat and Humidity. Uses, activities and processes shall not produce any emissions of heat or humidity at the property line that cause material distress, discomfort or injury to a reasonable person.
- F. Electromagnetic Interference. Uses, activities and processes shall not cause electromagnetic interference with normal radio, television or telephone reception in "R" districts or with the function of other electronic equipment beyond the property line of the site on which they are situated.

(Ord. 2343 § 2 (part), 2005)

FS-(5) Identify geographical areas or population groups experiencing noticeable crime victimization in order to improve effectiveness of crime prevention efforts and commit resources, as appropriate, to these areas for assistance.

HAZARDOUS MATERIALS

Goal Reduce and control the adverse effects of hazardous materials on the public's health, safety and welfare.

Objectives

HM-1 Protect life and property from contact with hazardous materials through site design and land use regulations and storage and transportation standards.

HM-2 Protect life and property in the event of the accidental release of hazardous materials through emergency preparedness planning.

Policies

HM-a The City shall maintain an emergency preparedness plan for hazardous materials.

Implementation Measures

HM-(1) Promote greater community awareness and preparedness by working with business associations, homeowners' associations, community groups and utilities.

HM-(2) Coordinate emergency drills with all affected operating departments including, local and County Fire, Law Enforcement, Public Services, Public Works, Finance, and Emergency Medical Services.

HM-(3) Design critical public facilities to remain operative during emergencies.

NOISE

Goal Minimize excessive, objectionable or harmful noise impacting existing and future residents and land uses.

Objectives

N-1 Protect noise sensitive areas through regulation of new noise-generating development.

N-2 Protect noise sensitive new development from existing and future noise generators by regulations encouraging each to locate within compatible noise environments.

N-3 Protect established noise-generating development from noise sensitive new development.

Policies

N-a New development shall use appropriate site planning and building design to reduce undesirable noise impacts. The noise sensitivity of land uses as established in *Table N-1* shall be used in the location of new development, preparation of general plan amendments and specific plans.

The interpretive guidelines in Table N-1 shall not be applied mechanically, but with the degree of flexibility required in each case to achieve a sound and feasible land use decision. However, in no case shall a residential land use be located where the existing noise environment, combined with the measured or calculated noise reduction of the type of structure under consideration, makes it impossible to maintain an interior noise environment at or below 45dBA CNEL.

TABLE N-1			
NOISE SENSITIVITY STANDARDS			
New Land Use	Outdoor Activity Area - Ldn	Interior Activity Area- Ldn/Peak Hour Leq¹	Notes
All Residential	60-65	45	2,3,4
Transient Lodging	65	45	5
Hospitals & Nursing Homes	60	45	6
Theaters & Auditoriums	-	35	
Churches, Meeting Halls, Schools, Libraries, etc.	60	40	
Office Buildings	65	45	7
Commercial Buildings	65	50	7
Playgrounds, Parks, etc.	70	-	
Industrial Facilities	65	50	7
Notes:			
1. For traffic noise Ldn and peak-hour Leq values are estimated to be approximately similar. Interior noise level standards are applied within noise-sensitive areas of the various land uses, with windows and doors in the closed positions.			
2. Outdoor activity areas for single-family residential uses are defined as back yards. For large parcels or residences with no clearly defined outdoor activity area, the standard shall be applicable within a 100 foot radius of the residence.			
3. For multi-family residential uses, the exterior noise level standard shall be applied at the common outdoor recreation area, such as at pools, play areas or tennis courts. Where such areas are not provided, the standards shall be applied at individual patios and balconies of the development.			
4. Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.			
5. Outdoor activity areas of transient lodging facilities include swimming pool and picnic areas.			
6. Hospitals are often noise-generating uses. The exterior noise level standards for hospitals are applicable only at clearly identified areas designated for outdoor relaxation by either hospital staff or patients.			
7. Only the exterior spaces of these uses designated for employee or customer relaxation have any degree of sensitivity to noise.			

N-b The planning and design of improvements in the circulation systems shall consider their noise impacts on adjacent land uses and shall include measures to mitigate significant noise impacts.

N-c Adhere to the “Corning Municipal Airport Master Plan Land Use Compatibility Guidelines” with respect to access, land uses, noise and safety measures. Coordinate with the Tehama County Airport Land Use Commission regarding projects that may impact, or may be impacted, by airport operations.

Implementation Measures

N-(1) Where noise mitigation measures are anticipated to be needed based on a review of a project, require that project applicants secure the services of a qualified acoustical engineer to perform a detailed technical study and to advance mitigation measures.

N-(2) Where site conditions permit, require noise buffers along the California Northern Railroad for all new adjoining developments that are subject to unacceptable noise levels.

- N-(3) Site-specific railroad noise studies shall be prepared for noise sensitive development projects anticipated to be affected by railroad noise.
- N-(4) Control noise at the source through use of insulation, berms, building design and orientation, buffer yards, staggered operating hours, and other techniques; where necessary, use noise barriers to attenuate noise to acceptable levels; require that barriers are landscaped to reduce negative visual impacts on the community.
- N-(5) Encourage noise attenuation programs that avoid visible sound walls, where practical. Open space, parking, accessory buildings, frontage roads, and landscaping can be used to buffer development from noise.
- N-(6) The maximum noise exposure from Corning Municipal Airport operations that shall be considered normally acceptable for residential areas is 60 dBA CNEL.
- N-(7) Request Caltrans to provide freeway sound walls adjacent to residential areas where existing noise levels exceed 65 dB, consistent with State standards and Caltrans' priorities for community noise abatement.

F. COMMUNITY DEVELOPMENT

LAND USE

Goal Promote a development pattern which will accommodate, consistent with the other objectives of the Plan, the growth which will be experienced during the planning period (2014-2034), and as such period is extended by future revisions of the Plan.

Objectives

- LU-1 Guide development in a pattern that will provide opportunities for present and future residents to enjoy the variety of living environments, which currently exist, which are served by the full range of urban services.
- LU-2 Guide development in a pattern that will minimize land use conflicts between adjacent land uses.
- LU-3 Guide development in a pattern that will establish an acceptable balance between public facility and service costs and public revenues derived from new development.
- LU-4 Fashion a development pattern whose implementation mechanisms such as zoning, subdivision, and other regulations, explicitly define a relationship between public and private expectations and responsibilities concerning land use that is based on the following principles:
 - Public programs shall recognize both the expectations of individual property owners to be able to use their lands as they desire and the responsibility of government to provide a regulatory climate, which does not impede reasonable private expectations.
 - Property owners shall recognize public programs emphasizing that land be used in a responsible manner that does not adversely affect either adjacent property owners or the community values of the citizens of the City.

**ITEM NO.: K-8
DIRECTION TO STAFF REGARDING THE
ESTABLISHMENT OF A MURAL
ORDINANCE**

April 26, 2016

TO: HONORABLE MAYOR AND COUCLMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



SUMMARY:

Mural Ordinances allow for the creation of new original art murals on private and public property. The City currently does not have a Mural Ordinance regulating the placement of murals within the City. Some residents within the City appreciate the murals while others do not. At the April 12, 2016 City Council meeting, and prior via email, the City received complaints about recent murals painted on commercial buildings along Solano Street and a request to pursue an Ordinance limiting murals within the City. City Staff reviewed Mural Ordinances in Portland, Los Angeles, Denver, and Visalia. The City of Redding regulates murals through its sign regulations. The City should not regulate the type of art as that would be a violation of First Amendment Rights, but it could place design standards.

BACKGROUND:

As a result of complaints received via email and in person at the April 12, 2016 City Council meeting, Staff have been reviewing Mural Ordinances in other communities. Smaller Cities, such as the City of Corning often did not have Mural Ordinances in place. The Cities of Chico, Red Bluff, Redding, and Orland do not have Mural Ordinances. The City of Redding regulates murals through its sign regulations (Attachment 1). The City of Portland has the most extensive mural regulations (Attachment 2). Mural Ordinances from Los Angeles, Denver, and Visalia (Attachment 3) were also reviewed. Some required a permit for the mural to be processed through the Planning or Arts Commission. Most limited murals on designated historical buildings. The design standards placed no limitation on the type of art, but limited the following:

- Size
- Location: Whether the mural can be on street-facing or non-street facing walls
- Could not affect visibility
- The number of walls that may be covered with a mural on any one building
- Whether the murals can be placed on walls made of stone or unpainted brick
- Whether the murals can be painted on or obscure architectural features such as windows, doors, pilasters, cornices, window door or other building trim, feature bands, and other recessed or projecting features.
- The number of murals per building wall
- Minimum duration of the mural to prevent murals from becoming off-site advertising

Some jurisdictions required an informational neighborhood meeting and associated noticing of the meeting. The neighborhood meeting provides a setting for a mural permit applicant and neighborhood residents to review a proposed mural in an informal manner, to enable community input into the process of the creation of the mural, and to allow neighborhood residents to share any concerns concerning the proposed mural with the permit applicant prior to the creation of the mural. The discussion at the meeting is advisory only and was not binding on the applicant.

Structural review under certain circumstances is required. Permit inspections required documenting the site, mural size, location, and mural image for consistency. Some Ordinances require maintenance of the mural and defined a process to alter the mural. The Ordinances addressed enforcement procedures, which in our case would fall within the responsibilities of the Building Official and/or the Planning Director. All Ordinances established an application process and in some instances adopted mural permit fees.

RECOMMENDATION:

THAT THE CITY COUNCIL:

- Provide direction to Staff as to how to proceed.

Attachment 1
City of Redding Mural Sign Standards

Wall Murals and Supergraphic Wall Signs. Where permitted, wall murals and supergraphic wall signs shall meet the area limitations for the district where they are located and the following regulations:

1. Murals shall be regarded as a work of art, and supergraphic wall signs shall be pleasing to the eye. The mural or graphic shall demonstrate artistic quality or theme as opposed to direct or indirect illustrative advertising;
2. When bands of color or lines use the wall, building facade, or parapet as either figure or ground, then the entire surface of these areas shall be included as part of the sign or mural area;
3. Any advertising message type, company name, logo, etc., outside the viewing field of the mural shall not exceed twenty square feet in area;
4. Murals shall not be placed on decorative block or brick walls;
5. Approval of the mural shall take into consideration the visual effect of the mural on adjoining properties and the overall architecture of the building. The colors and materials used shall be reasonably harmonious with those in the area;
6. Murals shall be limited to a maximum of one per wall on any one building;
7. The proportional relationship of wall signs to the wall shall be based on the maximum square footage or percent of wall and window coverage of Schedule 18.42.030B, whichever is more restrictive. Wall signs requiring permits shall be in the form of an administrative sign permit. The director may require a site development permit if the sign could have an aesthetic impact or be controversial.

Attachment 2
City of Portland, Oregon Title 4 Permitting Original Art Murals

City of Portland

Bureau of Development Services

1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201
Telephone: (503) 823-7300 Fax: (503) 823-3018

Administrative Rule

Permitting Original Art Murals

I. Intent and Purpose

The purpose and intent of this rule is to describe the permitting process for Original Art murals within the City of Portland.

II. Definitions

A. Alteration: Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minimal changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural (i.e. very minor and unintended deviations from the original image, colors or materials occurring when the Permitted Original Art Mural is repaired due to the passage of time or as a result of vandalism such as graffiti) shall not constitute "alteration" of the Permitted Original Art Mural within the meaning of this section.

B. Central City: Properties located within the Central City Plan District, as identified on Map 510-1 in *Title 33, Planning and Zoning*.

C. Conservation District: A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in *Title 33, Planning and Zoning*.

D. Design Overlay Zones: Properties that have a "d" (Design Overlay) designation on the City's official Zoning Maps, as regulated by *Title 33, Planning and Zoning*.

E. Director: The Director of Bureau of Development Services.

F. Grade: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

G. Historic District: A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in *Title 33, Planning and Zoning*.

H. Non Street-Facing Wall: Walls of a structure that are at an angle of more than 45 degrees from a street.

I. Original Art Mural: A hand-produced, two-dimensional work of visual art as defined in Title 4. All references to "murals" in this rule mean Original Art Mural.

J. Permitted Original Art Mural. An Original Art Mural for which a permit has been issued by the City of Portland pursuant to Title 4.

K. Street: A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this rule, street does not include alleys, or rail rights-of-way that do not allow for motor vehicle access.

L. Street-Facing Wall: All the wall planes of the structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line.

III. Permit Application

No person, firm or corporation may commence a mural installation on a site without first obtaining a mural permit as provided in this section. Murals without an approved mural permit are considered signs and are regulated by *Title 32, Signs and Related Regulations*.

The applicant must submit an application for a mural permit to the Director for review. The applicant may not commence any mural installation before the Director has approved the requested permit. A separate application is required for each mural on a site.

General application requirements. Application for a mural permit must be made in writing on forms furnished by the Director. Three copies of the application form and required submittal items shall be provided. The application must contain the general information specified in Section A, below.

A. Required Materials

1. Completed "Original Art Mural" application form, including all appropriate signatures.
2. Building elevation drawn to scale, and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - a. the façade on which the mural is proposed;
 - b. the location of existing and proposed murals;
 - c. the mural dimensions;
 - d. the height of the mural above grade; and
 - e. the building eave/cornice and roof line.
3. Site plan drawn to scale and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - a. Property lines;
 - b. building location and façade on which the mural will be located;
 - c. names of streets that abut site; and
 - d. north arrow.
4. If in a Design Overlay Zone or on a building that is identified as noncontributing to the historic significance of a Historic District or Conservation District, provide sufficient architectural detail (including plan views, elevations, details, photographs, and/or any other material necessary) to demonstrate that the mural can meet the standards of Section IV of these rules.
5. Written description of the type of mural (painted, mosaic, etc) and details showing how the mural is affixed to the wall surface.
6. Application Fee.

The application is a binding contract between the applicant and the city.

An application will not be accepted until it is complete, meaning that all elements of the application have been completed in full with appropriate signatures in all locations and all applicable fees have been paid.

Application will be approved after the public meeting required by Paragraph B, below, has been held and all applicable requirements have been met.

B. Neighborhood Contact

1. Purpose of the Neighborhood Contact process. The purposes of Permitted Original Art Murals include public access to original works of art; community participation in the creation of original works of art; and community building through the presence of and identification with original works of art. In furtherance of these purposes, the Neighborhood Contact process provides a setting for a mural permit applicant and neighborhood residents to review a proposed mural in an informal manner, to enable community input into the process of the creation of the mural, and to allow neighborhood residents to share any concerns concerning the proposed mural with the permit applicant prior to the creation of the mural. The discussion at the meeting is advisory only and is not binding on the applicant.

2. When the Neighborhood Contact is required. The Neighborhood Contact is required before a mural permit is issued by the City. Materials and the permit number are required for the Neighborhood Contact are obtained from the Development Services Center. Therefore, it is recommended the Neighborhood Contact is completed after an applicant submits a mural permit application to the City.

3. Requirements. The requirements for Neighborhood Contact are:

a. Open meeting. The applicant must schedule a meeting to discuss the mural proposal with interested persons at a location within the boundaries of the neighborhood association in which the mural is proposed; if in an unclaimed area, the meeting must be held within the boundaries of the closest neighborhood association.

The meeting shall not be held in locations where any person attending the meetings would face discrimination on the basis of race, religion, color, sexual orientation, gender identity, age, disability, legal citizenship, national origin, income, or political affiliation. The meeting shall be held in a location accessible to people with disabilities, and the meeting shall be held during evening or weekend hours, but in no case between the hours of 10:00 pm and 7:00 am.

The mural permit will not be issued until the open meeting has been held.

b. Mailed notice of the open meeting. The applicant must send a letter to the neighborhood association and district coalition announcing the meeting not less than 21 calendar days prior to the meeting date. If the mural proposal is in an unclaimed area, the applicant must notify the closest neighborhood association. The letter must describe the mural proposal and list the meeting location, date, and time. The letter must also include a site plan and building elevation or photograph showing the location and size of the proposed mural. A sample letter can be obtained at the Development Services Center.

The mural permit will not be issued until the applicant provides a copy of the letter with proof of mailing provided by the Post Office.

c. Posted notice of the open meeting. The applicant must post a notice of the meeting no less than 21 calendar days prior to the meeting date at the site of the proposed mural in a visible location. Posting boards are obtained at the time of permit application submittal at the Development Services Center. The posted notice shall contain:

- (1) Applicant's name;
- (2) Applicant's telephone number;
- (3) Mural permit number;
- (4) Date, time and place of the meeting; and
- (5) Building elevation showing the mural.

A notice shall be posted at the street frontage of the proposed mural site, but not located in the public right-of-way.

d. Additional correspondence. The above notification process is mandatory. The applicant may elect to communicate further with the neighborhood and interested parties through a communication medium that is most convenient for all parties. However, communication through these channels is not required.

IV. Design Standards

Murals in all locations are encouraged to meet these standards. However, where the mural is located in a Design Overlay Zone, or on a building that is identified as noncontributing to the historic significance of a Historic District or Conservation District, the following standards must be met:

A. Location of Mural on the Building

Murals are permitted on the following building walls:

1. Central City. Within the Central City Plan District, murals are permitted only on non street-facing walls and street-facing walls that are more than 20 feet from a street lot line.

2. All other areas. Murals are permitted on any wall.

B. Qualifying Wall Surfaces for Murals.

1. Murals are permitted only on the flat planes of walls.

2. Murals are not allowed on walls made of stone, or unpainted brick.

3. Murals are permitted only on walls that have not had a specific material, color or texture reviewed and approved through Design Review or Historic Resource Review unless a new Design Review or Historic Resource Review has allowed the mural to change the originally approved color, texture, or material.

3. Mural areas will not be painted on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

C. Number of Mural Permits per building wall.

Only one mural permit may be obtained per wall.

D. Mural Size and Materials.

1. The top of the mural may be no higher than the floor level of the third floor for projects on buildings greater than two stories.

2. Minimum size for a mural area is 32 square feet.

E. Hierarchy of Regulations.

1. Any ground floor window area requirements triggered at any time for the portion of a building displaying a mural will require the removal of the mural.

2. If a mural installation includes any changes to a building that would otherwise require Design Review or Historic Resource Review as described in Title 33, those changes must be approved through Design Review or Historic Resource Review prior to approval of the mural permit. Examples include a new wall material, lighting, extensions of the mural above the existing height of the building, electrical changes, etc.

V. Approval of Mural Application

An application for a mural permit will be reviewed for compliance with the requirements of Title 4 and these administrative rules. The mural application will be approved once the reviewer has ensured that all provisions of Title 4 and these administrative rules has been met. The review is a non-discretionary administrative review. Decisions on the application are made by the Director and are final. Exceptions to the requirements of Title 4 or these rules are prohibited. The review will be done according to general operating procedures of the Bureau of Development Services and the City.

A. Structural Review

Structural Review is required for all murals except for murals described in either paragraph 1 or 2, below:

1. Murals that are painted or tiled directly on a building wall do not require structural review.

2. Murals with any element that weighs less than 7 pounds per square foot, or in total weigh less than 400 pounds, and are attached to the building wall in one of the following methods do not require structural review.

a. Continuously along two opposing sides of the mural for the full dimension of the mural; or

b. At each corner of the mural, and at intervals no greater than 18 inches along the entire perimeter of the mural.

For murals that are affixed to the building wall in separate panels, the requirements in subparagraph a or b, above, apply to each panel.

B. Actions of the Director

Where the Director finds that a proposed mural does not comply with Title 4 and these administrative rules, the Director must either require revisions to the proposal, require additional reviews or deny the application.

C. Suspension or Revocation

The Director may suspend or revoke a permit issued under the provisions of Title 4 and these administrative rules. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked when:

1. The permit is issued in error;
2. The permit is issued on the basis of incorrect information supplied by the applicant; or
3. The permit is issued in violation of any of the provisions of Title 4 or these administrative rules.

VI. Inspections and Expiration of Permit

A. Inspections

The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection. The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of the mural code and these rules. At least one photo to be kept on file to document the site, mural size, mural location and mural image consistency. The photo or photos may be taken by the inspector, or provided to the inspector by the applicant.

Structural inspections shall be completed in conjunction with any separate permits and shall verify the applicable requirements from the applicable codes.

The Director may conduct inspections whenever it is necessary to enforce any provision of these administrative rules or Title 4, to determine compliance with these administrative rules or Title 4, or whenever the Director has reasonable cause to believe any violation of these administrative rules or Title 4 may exist.

B. Expiration of Permit.

If no inspection approval has taken place within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.

C. Extensions of Permit.

The Director may extend a permit for one period of twelve months upon finding that the applicant was unable to commence or continue work for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit is void. A permit may be extended only once under the standards of this subparagraph.

D. Renewal of Expired Permits.

A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. A permit may be renewed only once. No permit that has been expired for more than six months may be renewed.

VII. Minimum Duration of a Permitted Mural

The mural, as approved by permit, shall be maintained without alteration for a minimum of five years. The approved mural permit does not expire so long as there is not a modification to the approved mural size, location, and image.

VIII. Maintenance of a Permitted Mural

Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction.

Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.

IX. Alterations to a Permitted Mural

A. Alterations to the mural within the first five years of the date of completion.

Permitted murals may be altered within the first five years of the date of completion under the following circumstances:

1. The building on which mural is located is sold; or
2. The building or property is substantially remodeled or altered in way that precludes continuance of mural.

Alterations must be approved by obtaining a new permit through the process described in Section III of these Administrative Rules. Alterations for reasons other than the circumstances described above are not permitted and are considered a violation of the mural permit approval.

B. Alterations to the mural following the first five years of the date of completion.

Alterations of the mural following the first five years of the date of completion are allowed, but must be approved by obtaining a new permit through the process described in Section III of these Administrative Rules.

X. Removal of a Permitted Mural

A. Removal of the mural within the first five years of the date of completion.

Permitted murals may be removed within the first five years of date of completion under the following circumstances:

1. The building on which mural is located is sold; or
2. The building or property is substantially remodeled or altered in way that precludes continuance of mural.

Removal of the permitted mural for reasons other than the circumstances described above precludes approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.

Prior to mural removal the applicant must notify the Bureau of Development Services with a letter stating intent to remove the mural and an explanation of the circumstances necessitating the removal.

B. Removal of the mural after the first five years of the date of completion.

Permitted murals may be removed after the first five years of the date of completion. No letter of intent is necessary before removal of the mural.

C. Removal of materials associated with the mural.

Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

XI. Enforcement

A. Violations.

It is unlawful to violate any provisions of this Rule. This applies to any person undertaking an application for a mural permit, to the building tenant or owner of the mural site. For the ease of reference in this section, all of these persons are referred to by the term "operator."

B. Notice of violations.

The Director must give written notice of any violation of this Rule to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Responsibility for enforcement.

The regulations of this Rule may be enforced by the Director pursuant to Chapter 3.30 and Title 22 of the City Code.

**Attachment 3
CITY OF VISALIA
MURAL GUIDELINES AND PROCEDURES**

INTRODUCTION:

Murals are considered signs and, as such, are governed by the City's sign ordinance found in Chapter 17.48 of the Visalia Municipal Code ("VMC"). Murals require the issuance of a permit from the City pursuant to VMC §17.48.030. Murals which are non-commercial, contain no advertising copy and which do not function as an advertisement are allowed, subject to review by the Mural Panel and final approval by the City Council (VMC §17.48.040(S)). These guidelines are provided to assist mural applicants through the process prior to presentation to City Council.

PURPOSE: To define the process used by groups or individuals ("applicants") who desire to install murals in Visalia public places. The City of Visalia understands the importance of art in public places and the role that murals play in preserving our culture, conveying the history of our community, beautifying the city and advancing the arts. These guidelines will provide direction to applicants wishing to install murals in public places.

DEFINITIONS:

"Parks Commission" means the Visalia Parks and Recreation Commission which is responsible for City of Visalia Parks.

"Planning Commission" means that Visalia Planning Commission responsible for approving variances in the sign ordinance.

"Public places" means places within the City limits of Visalia, which are visible to the public.

"Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a particular business, product, service, cause, place or brand.

"Commercial Element" means art that by virtue of its location or proximity to a business may serve a minimal commercial purpose. If that art were in a different location, it would be considered pure art and not commercial in nature.

"Mural" means a sign as defined in VMC Chapter 17.48. It is also generally described as a picture or representation, in any type of medium, on an exterior surface of a building, structure, fence or garden wall.

"Mural Panel" means a group of individuals approved by the City Manager to review applications to place murals in public places prior to presentation to Council. Mural Panel will be comprised of one (1) representative from the Arts Consortium, one (1) representative from Arts Visalia, and one (1) representative appointed by the Mayor. In all cases, the person appointed should have no involvement/conflict of interest with the mural under consideration. The representatives will be appointed by the Chair of these organizations and the Mayor upon the receipt of a Mural Application.

"Preliminary Approval" means the application has been accepted, found to be in good order and complete and the proposed mural is deemed appropriate by the mural panel.

GENERAL GUIDELINES:

1. The emphasis of the murals will be on "artistic expression" and must not include an advertisement or be commercial in nature. This will in no way limit or restrict the artist's right to include speech and/or artistic expression in a mural that is not commercial as defined above. All murals must comply with City ordinances that prohibit indecency or obscenity in public.
2. Murals shall not contain copy, lettering, symbols or references directly to the promotion of any product, business, brand, organization, service, cause or place. Murals may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction. For those mural applications that may contain limited commercial elements, the Mural Panel will ask the question – "If the business on which the mural is located were to move, would the mural still be good quality art and something the

community would want to remain?" If so, the mural is not considered commercial speech or advertisement but rather pure art.

3. Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to promote a business, brand, organization, service, cause or place, it shall meet all requirements of the City of Visalia sign ordinance. If the proposed mural is determined to be commercial in nature and is therefore deemed by the Mural Panel to be a form of advertisement, the Mural Application will be referred to the City of Visalia Planning Department for a variance in the sign ordinance. That application will then follow their process for review and approval.

4. Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness. The artist's signature shall not be more than 1% of the mural.

5. Temporary Murals will receive, as is reasonably practicable, expedited review by the Mural Panel. Temporary murals shall be required to comply with the provisions of these guidelines, and will be removed no later than one year after completed. After one year, if there is a desire for the mural to remain in place, the owner will resubmit a mural application and follow the standard process as outlined herein.

6. Mural artists will be required to demonstrate their ability and experience to create high quality, well designed and well executed murals and/or art. The artist must provide the Mural Panel a portfolio of work that is reflective of the style of the proposed mural. This will be used to help determine whether the artist will be able to uphold the standards for quality art within the City of Visalia. For those artists without a portfolio of work, the Mural Panel will consider other presented forms of art that demonstrate an ability to create a quality mural.

7. New murals erected without receiving proper approval and that did not go through the Mural Application and Approval Process, will be required to retroactively go through the Process. Property owners will have 30 days after receiving notification to submit a mural application after which the mural will be deemed a sign and subject to all permitting requirements of VMC 17.48. The retroactive mural applications will be required to comply with all Mural Guidelines and must receive City Council approval. Murals that fail to be approved will be removed within 30 days after the denial at the property owners expense.

APPLICATION AND APPROVAL PROCESS:

STEP 1: Muralist(s) must obtain an application from the Visalia City Manager's office at 425 E. Oak Ave. or online at www.ci.visalia.ca.us. The time required to process a mural application will vary but will be a maximum of 90 days from application submittal. The application will provide information to the City regarding location, size, concept and content of the mural, type of paint/media, owner of the building where the mural will be located, artist(s), dates of application, individuals who will be responsible for maintenance. The application must be signed by the individual/group proposing to place the mural, as well as the property owner where the mural will be placed and submitted to the City Manager or his/her designee along with a 1:12 scale [1"=1 ft.-0"] sketch, rendering or photo of the proposed mural.

STEP 2: The application and mural rendering must be reviewed and approved by the Mural Panel and the owner of the property where the mural is proposed to be placed. The review will be conducted to assure compliance with local ordinances and regulations, these guidelines, and the ability of the artist(s) proposing the mural to produce a quality mural. If the mural receives preliminary approval, it will move forward in the process.

Any mural that is to be installed in or on a community center or park, except Convention Center, must, in addition to review by the Mural Panel, be reviewed by the Parks Commission prior to submission to the Visalia City Council for final approval.

STEP 3: After receiving preliminary approval, the artist will then be required to provide for review their portfolio of work that is reflective of the proposed mural. The Mural Panel will use the portfolio of work to help determine whether the artist has the technical skill and ability to produce a quality mural within the City of Visalia. If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide evidence of artistic talent that satisfies the Mural Panel as to the skill and ability of the artist to create a mural that is of good quality.

STEP 4: After review and acceptance of the artist's body of work, the Mural Panel will make a recommendation to the City Council for approval of the mural application which is the final approval step.

MURAL AGREEMENT:

Following approval by the Mural Panel, whether the mural will be placed on public or private property, the property owner and applicant(s) will be required to provide to the City Manager, or his/her designee, evidence of a proposed agreement which identifies the terms and conditions under which the mural will be applied. These terms and conditions include, but are not limited to:

- A. Specifications regarding the mural (location, size, concept and content of the mural, type of paint/media);
- B. Application for Encroachment Permit if necessary;
- C. Identification of ownership of the mural image and use thereof;
- D. Expected timeframe for completion;
- E. Long term mural maintenance;
- F. Circumstances under which the mural may be removed by the City and/or property owner (i.e. lack of maintenance or in disrepair);
- G. Proof of Liability Insurance;
- H. Landscape removal and replacement or protection, if any; The proposed agreement will be provided to the Mural Panel and will be submitted to City Council along with the recommendation of the Mural Panel and, if necessary, the Park Commission.

APPEAL TO CITY COUNCIL:

In the event the Mural Panel and/or the Park Commission determines the proposed mural does not comply with the parameters of these guidelines or other City ordinances and regulations, and therefore determines to withhold its approval, applicant(s) may apply for a variance as authorized by VMC section 17.48.040(P) and outlined in VMC section 17.48.110.

FINAL INSPECTION AND ACCEPTANCE:

The City reserves the right to inspect the mural during installation and upon completion to ensure that the final product is in compliance with the approved mural application. Should it be found that the mural is not in compliance, the artist and property owner will be notified and given 30 days to remedy the situation. Should the property owner and/or artist fail to make the necessary corrections, the mural will be deemed out of compliance and will be removed at the expense of the property owner and/or artist.

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