



INTERNAL AFFAIRS COMMITTEE AGENDA

Meeting of December 13, 2011 – 8:00 a.m. to 10:00 a.m.

A Committee of the Chico City Council:
Councilmembers Evans, Holcombe and Chair Walker
Council Chamber Building, 421 Main Street, Conference Room No. 1

REGULAR AGENDA

- A. **Community Garden Proposal from Butte Environmental Council** – The Butte Environmental Council (BEC) is requesting to contract with the City to use an unimproved portion of land across from Hank Marsh Junior High School to create a two acre fenced community garden. If approved, “plots” in the garden will be sub-leased to members and/or organizations of the Chico community. **(Report – John Rucker, Assistant City Manager)**

Recommendation: *The Assistant City Manager recommends that the Internal Affairs Committee approve this proposal and forward it on to the City Council with the recommendation that they direct the City Manager to contract with the Butte Environmental Council to create a two acre community garden on the City property at the intersection of Notre Dame Blvd. and Humboldt Rd. The contract will be for a period of one year with two, one year extension periods.*

- B. **Noise Ordinance Review** - At its meeting of 11/15/11, the City Council referred Police Chief Maloney’s letter requesting an evaluation and possible modification of the City Noise Ordinance to the Internal Affairs Committee. The Committee is being asked to consider the Police Chief’s recommendation to conduct additional community meetings and to bring those results to the Internal Affairs Committee for additional input into the development of a more effective ordinance. Final consideration of any proposed changes would require action by the City Council. **(Report - Michael Maloney, Chief of Police)**
- C. **Business from the Floor** - Members of the public may address the Committee at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.
- D. **Adjournment and Next Meeting** - The meeting will adjourn no later than 10:00 a.m. The next regular Internal Affairs Committee meeting is scheduled for Tuesday, January 10, 2011, at 8:00 a.m. in Conference Rm. No. 1.

Distribution available in the office of the City Clerk

Prepared: 12/8/11
Posted: 12/8/11
Prior to: 5:00 pm

Chico City Clerk’s Office
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(530) 896-7250



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Internal Affairs Committee Agenda Report Meeting Date: 12-13-11

TO: Internal Affairs Committee
FROM: ACM John Rucker
RE: Community Garden Proposal from Butte Environmental Council.

REPORT IN BRIEF:

The Butte Environmental Council (BEC) is requesting to contract with the City to use an unimproved portion of the land across from Hank Marsh Junior High School to create a two-acre fenced community garden. "Plots" in the garden will be sub-leased to members and/or organizations of the Chico community.

Recommendation: The Assistant City Manager recommends that the Internal Affairs Committee approve this proposal and forward it on to the City Council with the recommendation that they direct the City Manager to contract with the BEC to create a two acre community garden on the City property located at the intersection of Notre Dame Blvd. and Humboldt Rd. The contract will be for a period of one year with two, one year extension periods.

FISCAL IMPACT:

There is no fiscal impact as the BEC is designing the program to be self-funding. All expenses for the project will be paid from revenue generated by the leasing of "plots" in the garden. The BEC is requesting this garden as a temporary use and will not place permanent structures on the land. The proposed contract will allow the property to be re-purposed should such need arise in the future.

BACKGROUND:

In August of 2011, Mark Stemen submitted a written request to the City Manager on behalf of the BEC (Attachment A) to have this matter brought before the City Council. In his request, he identified the City owned ten acre parcel of land at the southwest corner of Notre Dame Blvd. and Humboldt Rd. as the location for a community garden. The initial proposal is to use the existing gravel parking area and to erect a fence around a two-acre portion of the land for the garden. The plan is to leave the storm water retention area untouched. If the garden project is successful, they have future plans to request more of the vacant land to develop a universal access playground, more garden area and orchards.

The ten acre parcel is largely unused. There is a portion of the land (outside the requested area) that is used for storm water retention. The land, including the Brown property to the west, is slated for future development as a park. The location is one of two possible locations for a new "aquatic center" in CARD's 2008 master plan (figure PPFs-2, Chico General Plan.)

The BEC proposal includes the following points:

- BEC is proposing that they be allowed to use the property at no cost.
- No permanent structures will be placed on the property.
- BEC will provide for all costs, administration, insurance and maintenance for the property.
- The property will be surrounded by a 5', chain link fence.
- The garden will include two, 100'x100' agency gardens (for community agencies), 150, 10'x20' individual gardens, a picnic area, a play area, and a 20'x40' pavilion (temporary structure).
- The requested area includes a 208'x416' (two acre) plot of land extending south from the existing gravel parking area (200'x200') that is at the southwest corner of Humboldt Road and Notre Dame Blvd/

(Attachment B).

- The request includes use of the gravel parking area for parking and as a possible site for a farmer's market.
- Outdoor cooking classes and demonstrations may be conducted in the garden.
- No power tools will be allowed to be used in the garden.
- Garden by-laws will prohibit the cultivation of medical marijuana on the site.
- The garden would not interfere with the existing bike path at the East boundary of the requested area.
- Mark Stemen states that BEC would not "stand in the way" if an aquatic center was ready to be built on the property and would only ask assistance in finding a new location for the garden.
- The request is for a 3 year contract with a review period at 18 months. City staff would recommend a one year contract with automatic renewals for two, one year periods along with the 18 month review.
- The City will need to approve the installation of a metered, Cal Water service for the property. BEC will pay for the installation and ongoing costs.
- Applicant intends to work with Hank Marsh Jr. High School and Little Chico Creek Elementary School to provide the potential programming.

DISCUSSION:

This proposed project is in alignment with the Chico General Plan in the following areas:

1. Goal SUS-7: Support local Food Systems;
2. Policy SUS-7.1 (Community Food Systems) –Support a community food system that bolsters the economy, supports local agriculture, promotes healthy lifestyles, and connects Chico residents to local food sources;
3. Action SUS-7.1.1 (Farmers Markets) –Allow farmer's markets to operate on City-owned properties, where consistent with other municipal uses.

As this project's temporary land use is consistent with our general plan, there is good reason to approve it. If the garden is successful, then the promoters wish to use more of the land for playgrounds and further cultivation. When funds become available for a city park to be built on the site, it seems that existing playgrounds could be included (or moved) in the new park's design. Any agricultural uses would, by nature, be easily converted into a park or "aquatic center." It will be interesting to see how much community interest there is in the garden both initially, and (how sustainable such a program will be) over time.

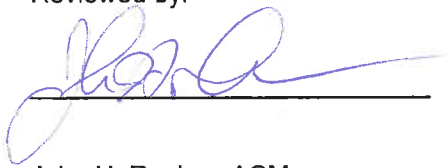
ENVIRONMENTAL REVIEW:

Applicant will be responsible for any costs associated with an environmental review.

PUBLIC CONTACT:

Mark Stemen representing the Butte Environmental Council.

Reviewed by:



John H. Rucker, ACM

Approved by:



David Burkland, City Manager

DISTRIBUTION:

City Clerk (18)

ATTACHMENTS:

- Attachment A - Letter from Mark Stemen to the City of Chico
- Attachment B - Plot map of proposed garden and parking area
- Attachment C - Community Garden rules

FILE:

PS-11-184

August 23, 2011

**Butte
Environmental
Council**



116 W. Second Street, Suite 3
Chico, CA 95928
(530) 891-6424
(530) 891-6426 FAX
www.becnet.org

Activities and Events

Environmental Advocacy
Environmental Education
Groundwater Protection
Endangered Species Faire
Bidwell Park Cleanups
Chico Area Creek Cleanups
Recycling Referrals
Wetlands Preservation

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Nikki Schlaishunt
Administrative Director

Robin Huffman
Advocacy Director

Mary Muchowski
Education & Outreach Coordinator

Maggi Barry
Office Manager / E&O Assistant

Board of Directors

Jim Gregg, Chair
Pamela Posey, Secretary
Mark Stemen, Treasurer
Crystal Durham
Mike McLaughlin
John Scott

Dear Mr. Burkland,

On behalf of the Butte Environmental Council, I would like to address the City of Chico about developing a community garden on a 10-acre plot of city land on the corner of Humboldt and Notre Dame (El Monte). The City purchased the land for a park over twenty years ago, and it is currently being used as storm water retention. While a portion of the land would need to remain open space, the rest of the land could be used as an agricultural park.

Ten acres provides room for multiple “gardens.” The main garden would be a place for community members to grow their own fruits and vegetables, either in raised beds, or directly in the ground. There is also room for special needs populations and education organizations to have their own gardens. A portion of the site could serve as a fruit tree demonstration orchard, while another area could be dedicated to a universal access playground for the children of gardeners and others. A central pavilion would allow for cooking demonstrations on site, connecting field to fork.

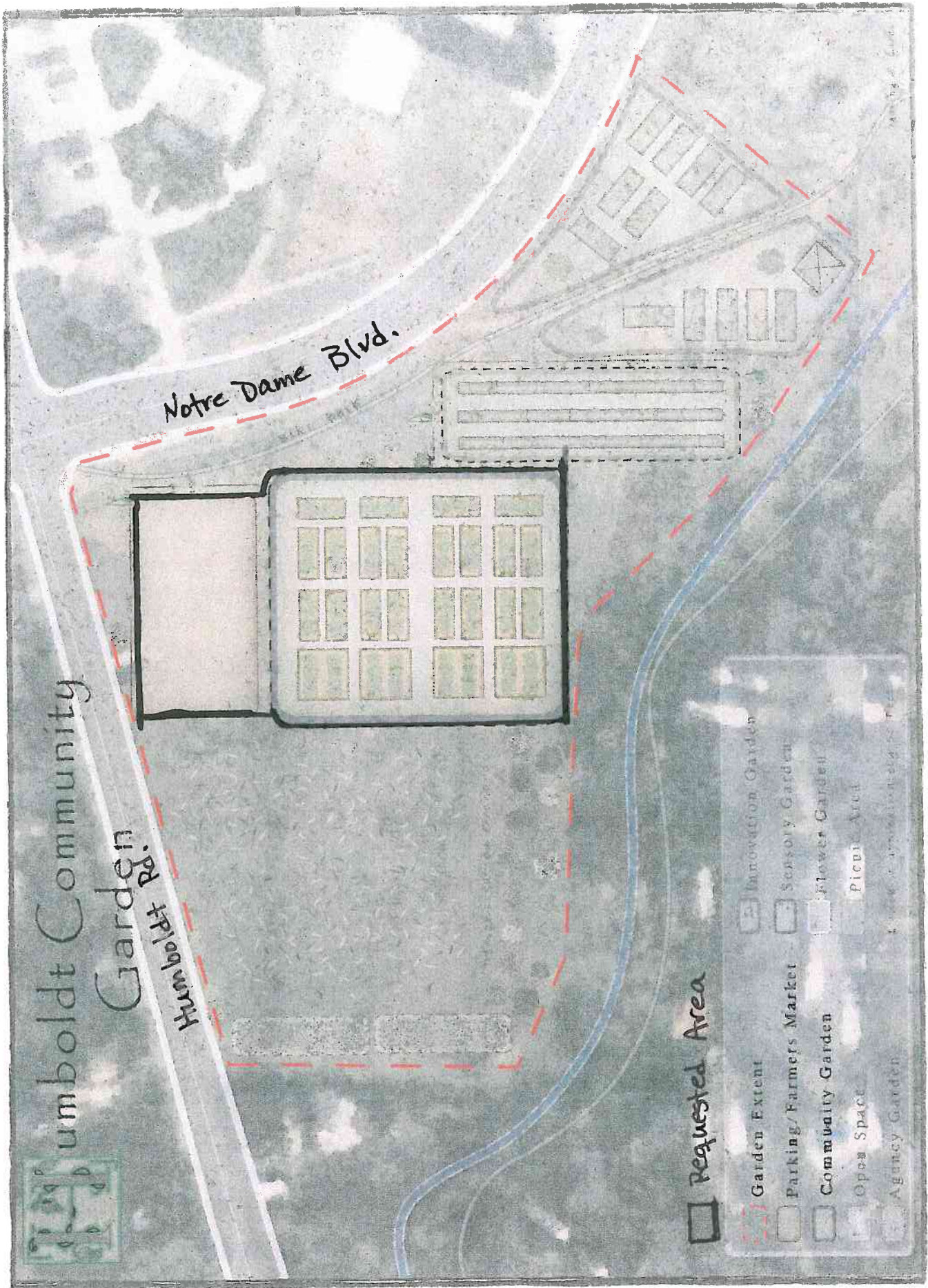
The garden would operate using a typical governance structure. An advisory committee of garden members would over see the garden, and program would operate under the non-profit status of the Butte Environmental Council. BEC would sign a Memorandum of Understanding with the City of Chico, and hold the liability insurance. Individuals and agencies would sign “member” agreements to use the garden. These agreements contain the rules and responsibilities of all parties, and examples are available online from the Community Garden Association of America

The initial plans for the “Humboldt Community Gardens” would be to start with a two-acre plot surrounded by a five-foot high chain link fence. That size space would be enough for approximately 150 10’x20’ individual garden plots, two 100’x100’ “agency” gardens, a picnic area, a play area, and a 20’x40’ pavilion. The garden would be set back 200’ from Humboldt Ave to allow for off-street parking in front of the garden. (That area is already heavily compacted gravel).

I look forward to the opportunity to present this idea to the City of Chico

Mark Stemen

mstemen@csuchico.edu (530) 520-2442



HUMBOLDT COMMUNITY GARDEN RULES

1. The garden should be a safe place for the community, children, and other gardeners. Do not bring anything that will compromise the safety of the garden.
2. Ensuring enjoyable gardening experience for all of the garden community is the primary goal of these rules and responsibilities. For this reason, observe the rules of the garden, and be a good neighbor.
3. The garden's executive committee or steering committee has the duty of enforcing rules and making decisions for the garden between annual meetings of all gardeners. They have authority to resolve conflicts, including refusing a plot to a gardener or dismissing a current gardener.
4. Please check the bulletin board for a map showing where your plot is, as well as information concerning the garden - problems, classes, information, notices. Feel free to post information you have and leave messages for other gardeners there.
5. Teach your children to respect others' plots and not to waste water.
6. Unresolved issues or disputes between gardeners will be referred to the coordinators or garden board.
7. Each person must apply each year for a plot but returning gardeners will be given first preference and permitted to keep the same plot if they wish. The number of plots per gardener may be limited according to demand.
8. You are responsible for your own plot and _____ hours of volunteer work (contributing to the upkeep of the whole garden.)
9. If you are unable to care for your plot for a time because of illness or vacation, ask a fellow gardener or the coordinator for help with weeding and harvesting.
10. Generally visit your plot at least once each week.
11. If you decide not to use your plot, please contact the registrar so it may be reassigned to someone on the waiting list. If there is no evidence of activity at your plot by _____, it will be reassigned. There are no refunds on plot fees paid.
12. If your plot is overgrown with weeds, you will receive a warning. After one week of no action, your plot may be mowed and reassigned.
13. Biodegradable mulch such as compost, leaves, straw, and hay are encouraged.

Carpet mulch is not allowed. Remove any non organic mulch by closing day. No wood chips as mulch. They do not biodegrade quickly. Black plastic is allowed, but must be removed at the end of the season.

14. Please do not plant mint, catnip, Jerusalem artichokes, comfrey or raspberries.
15. Keep tall plants such as corn or sunflowers at the center of your plot so they do not shade your neighbors plants.
16. Keep vines and visitors out of neighboring plots.
17. If you have a surplus of vegetables or fruits, please contact a nearby food pantry to donate.
18. Do not pick from your neighbor's garden even if you think they have neglected their plot.
19. The garden is not available for commercial use; don't sell your produce.
20. Keep plot boundaries weeded and trash-free. If you are on a pathway, you are responsible to care for 1/2 of the pathway between you and your neighbor. Keep plot edges and fencing free of weeds that will go to seed. Don't put rocks and sticks in paths. Take them to the rock-and-stick area.
21. Compost made from leaves should be available at your garden. Weeds and diseased plants should be put in plant refuse piles – not on the compost pile.
22. If you use the garden's tools, please return them to the storage area when done.
23. Plant refuse piles are set up for weeds and diseased plants. Please use these designated areas. No trash in the piles, please. Please do not add kitchen scraps to the plant refuse piles because they are likely to draw animals.
24. Pack your trash back home to dispose of properly.
25. Stakes that mark your plot's corners and have your plot number and name must be left in place all season.
26. Never use any herbicides (weedkillers), and pesticides are discouraged and prohibited at many community gardens. Keep pest-control products and containers away from children. Butte County Chico Extension at 891-2754 can give safe pest-control advice.
27. No pets in the garden.

28. Do not drive into the garden area.

29. THE CULTIVATION OF MEDICAL MARIJUANA
IS PROHIBITED.



Internal Affairs Agenda Report

Meeting Date: December 13, 2011

TO: Internal Affairs Committee
FROM: Mike Maloney, Chief of Police
RE: Noise Ordinance and Police response to Noise Related Incidents

REPORT IN BRIEF:

Following recent discussions at meetings of the Police Community Advisory Board, it was the consensus of the Board that a letter should be written to the City Council asking that an evaluation and modification of the City Noise Ordinance be conducted. A letter was prepared and submitted by the Chief of Police and the Advisory Board chair. The letter was received by Council in "Reports and Communications" on November 15, 2011, and the Council voted to refer the matter to Internal Affairs.

Recommendation:

At today's meeting, the Police Department staff will provide an overview of the noise issue and identify issues related to developing a more effective ordinance. Following the initial discussion with the Internal Affairs Committee and further community meetings, staff will bring the issue back to the Internal Affairs Committee with a recommendation for Council consideration.

FISCAL IMPACT:

It is not anticipated that a revision of the Chico Municipal Code sections that relate to noise will have any fiscal impact.

BACKGROUND:

Several years ago, Chapter 9.38 of the Chico Municipal Code was modified to require the issuance of a written warning by enforcement officers prior to the issuance of an actual citation for an alleged noise violation. Thereafter, if an additional alleged violation occurs within 72 hours, and a subsequent complaint is received, an officer may issue a citation. Violations of the Chico Municipal Code under this particular chapter are infractions. As such, they are typically considered lower priority matters for the Police Department, which is the primary enforcing department for these violations. It is the position of the PD staff that the requirement for a written warning, along with the associated tracking requirements, makes the ordinance in its current configuration cumbersome and difficult to utilize. Consequently, citations for noise violations under the provisions of the Chico Municipal Code are not frequently issued.

At the September, 2011 meeting of the Police Community Advisory Board, which was held in an "avenues" neighborhood and very well attended, a discussion took place regarding noise issues in residential neighborhoods and enforcement of the municipal code. The Board and the Chief agreed to make a formal presentation regarding noise issues and enforcement of the Municipal Code at the October, 2011 meeting. At the October meeting, PD staff over-viewed how PD prioritizes and handles noise related calls. Specifically, it was noted that there are some inherent difficulties with the ordinance in its current form that make it a challenge for the PD to use it efficiently and effectively in mitigating noise related problems. Following another spirited discussion with citizens in this also well attended meeting, the Board developed a consensus and agreed that it was appropriate for the Chief and the Board Chair to prepare and direct a letter to the City Council asking that the noise ordinance be revisited and modified to make it easier for the police to utilize in responding to noise calls.

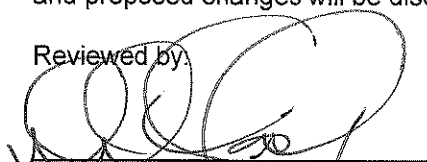
DISCUSSION:

At this point, PD staff intends to facilitate discussion about the noise ordinance and noise related issues throughout the community over the next several weeks. Such discussions are planned to include multiple meetings which will allow the college-student-aged population ample opportunity to be heard and involved, as well as the residents of neighborhoods throughout the City. Thereafter, PD staff intends to work with the City Attorney's office to develop proposed modifications to the current City noise ordinance which will make it easier to use by enforcement staff while preserving a degree of fairness and reasonableness for citizens.

PUBLIC CONTACT:

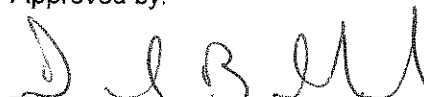
PD staff will utilize the "CPD E-Blast List" to communicate with members of the public who have thus far been party to the discussion regarding the noise ordinance. As various public meetings are scheduled over the next few weeks, PD staff intends to avail itself of its relationships with various community groups, university and college groups and neighborhood groups and the local media to provide notice of meetings where the noise ordinance and proposed changes will be discussed.

Reviewed by:



Mike Maloney, Chief of Police

Approved by:



David Burkland, City Manager

DISTRIBUTION:

City Clerk (16)
City Attorney