

CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (3/01/05) **DATE:** February 9, 2005
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD FEBRUARY 9, 2005

Committee Present

Councilmember Herbert, Chair
Councilmember Holcombe
Councilmember Schwab

Staff Present

City Manager Lando
Director of Public Works McKinley
City Attorney Frank
Community Development Director Baptiste

Management Analyst Herman
Traffic Engineer Mickelson
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 3/01/05:

- A. **Consideration of an Ordinance and Fee Schedule Amendment to Establish a Permit Process and Fee for Placement of Outdoor Planters Within the Central Business District.** At its 11/25/03 meeting, the Internal Affairs Committee considered a request from Rick Tofanelli, owner of Nantucket Home Furnishings, that a permit process be established to allow for the placement of decorative planters on downtown sidewalks. The Committee recommended (3-0) to amend the Chico Municipal Code to implement this action and the City Council approved (7-0) the Committee's recommendation at its 12/16/03 meeting. By memorandum dated 1/20/05, Management Analyst Herman submitted an ordinance which adds Chapter 14.80 to the Chico Municipal Code to establish a permit process and standards for the placement of planters within the central business district. A proposed City of Chico Fee Schedule to establish a fee to cover the City's cost to administer the permit was also forwarded to the Committee for consideration.

Councilmember Schwab was disqualified on this item. City Manager Lando noted staff wanted to make a slight change in the ordinance before being considered. This change would allow for planters to be placed at curbside with Director of Public Works approval. With this change, the ordinance would permit planters adjacent to buildings and at curbside, and would fit nicely with the overall downtown streetscape.

Councilmember Holcombe moved for approval of the permit process as amended, and a fee schedule resolution. Councilmember Herbert seconded the motion.

Recommendation: The Committee recommended approval (2-0, Schwab disqualified) of the permit process, as amended, and fee schedule to allow for outdoor planters within the Central Business District.

- B. **Approval of the Implementation of Traffic Regulation Amendment (TRA) No. 784 Which Removed the Parking along Forest Avenue Between Notre Dame and Raley Boulevards to Improve Public Safety.** At its meeting of 9/08/04, the Committee approved TRA No. 784 which authorized the removal of parking along Forest Avenue between Notre Dame and Raley Boulevards. However, at a subsequent City Council meeting, the Council sent this item back to the Committee for reconsideration after staff had assessed parking and public safety in the area. Field work and evaluation of the parking have recently been completed, resulting in findings that for public safety reasons, the parking along Forest Avenue should be prohibited.

Recommendation: The Committee recommended approval (3-0) of the implementation of Traffic Regulation Amendment (TRA) No. 784 which removed parking along Forest Avenue between Notre Dame and Raley Boulevard.

- C. **Consideration of a Request by Building Industry Association (BIA) Representative Jason Bougie to Amend Chico Municipal Code Chapter 9.38, Entitled "Noise," to Allow Construction Projects to Start at 6:00 a.m. between May 1 and September 30.** The City received a request from Building Industry Association (BIA) representative Mr. Jason Bougie, asking that the Internal Affairs Committee consider amending the Chico Municipal Code to allow construction projects to start at 6:00 a.m. between May 1 and September 30 each year.

Current code does not allow construction noise to begin before 7:00 a.m., Monday through Saturday, and 10:00 a.m. on Sundays and holidays. By memorandum dated 2/1/05, the Community Development Director reported on the impact of amending Chico Municipal Code Chapter 9.38.

Jason Bougie, BIA representative, expressed an interest by local builders in a 6:00 a.m. start time for cement pours and asked if a trial period would be possible. City Manager Lando stated that complaints from citizens come in to the City when construction starts too early. Councilmember Herbert stated the request may be a possibility if there was a way to keep the cement pours away from existing homes. He added a one-year trial period would be a good idea. Councilmember Holcombe asked if it was feasible to have a permit process granted project by project, allowing the City to pull the permits of those contractors that abuse the noise and proximity guidelines.

City Manager Lando asked if there were any suggestions for what a feasible distance away from existing residences would be for early cement pours since most of the new building activity in Chico consists of infill. Community Development Director Baptiste stated the first determination will be to see how far sound travels and then the "distance" could be calculated from that. Dave Wallace, New Urban Builders, interjected that the dividing line may have to be pre-existing construction.

Recommendation: The Committee recommended (3-0) amending Chico Municipal Code Chapter 9.38 to allow for a 6:00 a.m. start time for cement pours only. The distance away from existing residential homes for the 6:00 a.m. cement pour is to be determined by staff and clearly stated in the Code. This code amendment will be reviewed after one year.

Adjournment and Next Meeting. The Committee adjourned at 8:35 a.m. The next meeting is scheduled for Wednesday, March 9, 2005, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (17)
Director of Public Works
ADPW Alexander
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Assistant Community Development Director
Chief of Police
Fire Chief

CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (Mtg. of 4/05/05) **DATE:** March 10, 2005
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD MARCH 9, 2005

Committee Present

Councilmember Herbert, Chair
Councilmember Holcombe
Councilmember Schwab

Staff Present

Sr. Assistant City Manager Dunlap
Director of Public Works McKinley
City Attorney Frank
Assistant City Manager Jones
Community Development Director Baptiste

Park Director Beardsley
Planning Director Seidler
Fire Prevention Officer Myers
Management Analyst Herman
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 4/05/05:

- A. **Consideration of Termination of Agreement with the Department of Water Resources for the Maintenance of Little Chico Creek.** By memorandum dated 2/23/05, the Director of Public Works recommended the termination of the City's agreement with the State Department of Water Resources (DWR) for the maintenance of Little Chico Creek (LCC). The 1971 agreement obligates the City to maintain those portions of LCC located within the city limits, however, a majority of LCC is privately owned westerly of SHR99. The Sacramento and San Joaquin Drainage District obtained access easements over such private property, but these easements were never assigned to the City. Therefore, the City does not have legal access rights or easements to enter such private property to perform maintenance. Also, because of environmental regulations created since 1971, mechanical maintenance is not allowed when water is present in the waterways, and due to urbanization, water is present in LCC year-round.

Director of Public Works McKinley stated that DWR wanted the City to maintain LCC but could not define the City's responsibility for maintenance except for "snagging and clearing" of the creek. He added that the Park Department is currently applying for a grant for arundo removal, and he sees this as an opportunity to engage volunteers, property owners, and City crews to begin taking steps towards an overall plan for maintenance of the creek. Councilmember Holcombe questioned who would be responsible for maintenance of the creek if the agreement was terminated. City Attorney Frank responded that maintenance responsibilities would revert back to DWR. Jeff Mott, LCC Watershed Group and Susan Strachan, Big Chico Creek Watershed Coordinator spoke on this item. Councilmember Holcombe made a motion to give DWR notice of intent to terminate the agreement along with simultaneously requesting establishment of a cooperative process on issues relating to maintenance of LCC with DWR, any non-profit agencies affected, and property owners. Councilmember Schwab seconded the motion.

Recommendation: The Committee recommended (3-0) giving DWR notice of intent to terminate the agreement along with simultaneously requesting establishment of a cooperative process on issues relating to maintenance of Little Chico Creek with DWR, any non-profit agencies affected, and property owners.

- B. **Consideration of an Amendment to the Chico Municipal Code Regarding Placement and Storage of Trash and Recycling Containers Within the Central Business District.** City staff has received complaints regarding trash and recycling containers being permanently placed out for collection and not removed after collection by businesses within the Central Business District. The Chico Municipal Code (CMC) currently does not provide authority to restrict this activity if the businesses have daily collection service. By memorandum dated 2/23/05, Management Analyst Herman submitted a draft ordinance which would amend Section 8.12.085 of the CMC to limit the time in which trash and recycling containers can be set out for collection within the Central Business District to no earlier than 5:00 p.m. on the day before the day of collection and until 9:00 a.m. on the day of collection.

Councilmember Schwab was disqualified on this item. Katrina Davis, Executive Director of the Downtown Chico Business Association (DCBA) stated the DCBA was supportive of amending this ordinance. City Attorney Frank asked for clarification on the Central Business District, stating the streets designated on this draft ordinance were different than a prior ordinance. Councilmember Holcombe made a motion to amend the CMC limiting the time containers could be set out for collection conditioned upon clarifying the definition of the Central Business District. Councilmember Herbert seconded the motion.

Recommendation: The Committee recommended (2-0, Schwab disqualified) amending CMC section 8.12.085 which limits the time trash and recycling containers can be set out for collection, conditioned upon clarifying the definition of the Central Business District in the ordinance.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 4/05/05:

- C. **Discussion of the Potential Development of Properties Presently Located Within the Unincorporated Area of Butte County in the Vicinity of Keefer Road.** No written staff report was provided.

Dan Kohrtdt, owner, Loafer Creek, L.L.C., proposed exchanging meadowfoam and/or wetland mitigation credits for the ability to develop housing units at another location. He expressed an interest in acquiring the Bidwell Ranch property for \$30 million with the property to be used as a mitigation bank. This would enable the City to generate funds for park development or other purposes while leaving the Bidwell Ranch property undeveloped. Mr. Kohrtdt noted that recent changes in the law provide that land purchased with public funds and land zoned for open space cannot be used for mitigation.

Councilmember Herbert suggested this proposal be considered at the Council meeting of 4/5/05 when the Bidwell Ranch item will be on the agenda. Councilmember Holcombe indicated the proposal should be submitted in writing.

Recommendation: The Committee asked (3-0) Mr. Kohrtdt to submit a written proposal so that it could be considered by the full Council.

- D. **Consideration of Circulation Commission Proposal to Evaluate Transportation Issues.** Alan Chamberlain, former member of Community Transit Advisory Committee (CTAC), submitted a proposal that suggested disbanding the Parking Place Commission and empanelling a new board to evaluate public transportation and circulation issues. A copy of the proposal was attached. No written staff report was provided.

Alan Chamberlain explained his basic observation is that all transportation issues are interlinked, adding it would be useful to have a citizens commission to make recommendations to policy makers. More importantly, he added, if the City continues to determine transportation policy in semi-crisis mode, it risks making short sighted decisions. Councilmember Holcombe noted that he liked this idea but questioned whether it should be a standing commission or an advisory committee. Councilmember Schwab stated citizen input is important, suggesting a task force might be the direction to take. Councilmember Herbert expressed concern with adding another level of review in the development process and asked staff to develop some guidelines and framework as to what would be consistent with the City's current structure.

Recommendation: The Committee directed staff (3-0) to develop a recommendation on how a task force or committee might be set up to look at transportation issues in the context of the General Plan update. The Committee asked for a response to be brought back within 60 days.

- E. **Consideration of Future Use of Abandoned Railroad Right-of-Way West of the Midway.** By memorandum dated 3/3/05, the Planning Director reported that a property owner in the unincorporated area wishes to expand a private use into this abandoned right-of-way, which the City's General Plan designates as a future Class 1 bike path.

This item was tabled and will be heard at the meeting of 4/13/05.

Adjournment and Next Meeting. The Committee adjourned at 9:35 a.m. The next meeting is scheduled for Wednesday, April 13, 2005, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Public Works
ADPW Alexander
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Assistant Community Development Director
Chief of Police
Fire Chief

CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (Mtg. of 5/03/05) **DATE:** April 15, 2005
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD APRIL 13, 2005

Committee Present

Councilmember Herbert, Chair
Councilmember Holcombe
Councilmember Bertagna

Staff Present

City Manager Lando
Senior Assistant City Manager Dunlap
Assistant City Manager Jones
Director of Public Works McKinley
City Attorney Frank
Community Development Director Baptiste

Planning Director Seidler
Traffic Engineer Mickelson
Sr. Civil Engineer Greenlaw
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 5/03/05:

- A. **Consideration of Future Use of Abandoned Railroad Right-of-Way East of the Midway.** By memorandum dated 3/3/05, the Planning Director reported that a property owner in the County wishes to expand a private use into this abandoned right-of-way, which the City's General Plan designates as a future Class 1 bike path.

Director of Public Works McKinley stated the current issues with this particular property are: (1) the adjacent property owner has already encroached upon the bike path alignment with mini-storage units; and (2) it may be difficult to acquire title for the bike path as it is located in the unincorporated area. Planning Director Seidler said the County has been reluctant to approve the proposed expansion because the City's General Plan designates the area as a Class 1 bike path and a greenway.

City Manager Lando said one approach would be to meet with the railroad to determine how much property they still own and if the City can acquire it. Councilmember Bertagna made a motion to find out where the railroad stands with the balance of ownership, how feasible it would be to acquire those parcels that have already been sold, and then to bring the item back to Internal Affairs. City Manager Lando suggested staff could investigate ownership of the parcels, adding the City should request property owners not place structures in the portion of the right-of-way that may eventually become a bike path. Councilmember Holcombe seconded the motion.

Recommendation: The Committee directed staff (3-0) to research ownership of the abandoned right-of-way, determine what portion is owned by the railroad and what it may cost to purchase, and, for those areas that have already been sold what it would take to acquire the parcels. When staff completes its research, this item will be rescheduled for a future Internal Affairs Committee meeting.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 5/03/05:

- B. **Consideration of a Request by Christina Downer Concerning the Preservation and Restoration of the El Rey Theatre.** At the 3/15/05 City Council meeting, the City Council considered a request from Christina Downer concerning the preservation and restoration of the El Rey Theatre and referred it to the Internal Affairs Committee. By memorandum dated 4/7/05, the Community Development Director provided information concerning the City's consideration of historic preservation ordinances and measures, and reported on the feasibility of removing and preserving the murals at the El Rey Theatre.

Councilmember Herbert disqualified himself on this item. Community Development Director Baptiste reported that he inspected the murals inside the El Rey Theatre and concluded that it was not feasible to remove them. He forwarded an e-mail from Harri Maki stating there was a process that Los Angeles Mural Conservancy developed to remove and remount these types of murals. He noted that the building owner has no requirement to preserve the murals. Tom van Overbeek, managing partner of the El Rey Theatre, said he will preserve whatever portion of the murals he can, commenting that his idea was to digitally map the entire mural and have it repainted in the lobby. He added he would be happy to donate the murals to

the City or to any local organization interested in removing them. City Manager Lando said if there was a way to relocate the murals, the City may be able to assist with redevelopment funds. John Gallardo, Chico Heritage Association, said that for the last 50 years paintings and frescos have been successfully removed, adding it is very expensive but it can be done. The cost is based per square inch and varies depending upon the complexity of the project. Gary Quiring offered to digitally map all the murals.

Councilmember Bertagna said he would like to see a more original depiction of the facade. Councilmember Bertagna asked Tom van Overbeek to bring with him to the 4/26 Council meeting: (1) digital mapping of the murals; (2) a more authentic rendering of the facade; and (3) the feasibility of removal of the murals. Councilmember Holcombe questioned who would be responsible for liability insurance if there was going to be photo replication or digital mapping of the murals.

Mr. Gallardo encouraged the City to adopt a preservation ordinance. City Manager Lando said this issue will come back to the Committee for discussion in June.

Recommendation: The Committee asked (2-0, Herbert disqualified) David Griffith to: (1) research the possibility of digital mapping the murals; (2) create a more accurate rendering of the original 1905 facade; (3) research the feasibility of the removal of the murals and be prepared to discuss these items at the 4/26/05 City Council meeting.

Business from the floor:

David Wilkinson, member of Chico Heritage Association, reiterated the need for a Chico preservation ordinance, citing cities such as Sacramento, Davis, Eureka, Los Gatos and Santa Cruz as good examples that Chico could use as a model for its ordinance. He added the preservation ordinance is handled through the California Office of Historic Preservation.

Adjournment and Next Meeting. The Committee adjourned at 8:58 a.m. The next meeting is scheduled for Wednesday, May 11, 2005, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Public Works
ADPW Alexander
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Assistant Community Development Director
Chief of Police
Fire Chief

CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (Mtg. of 7/19/05) **DATE:** June 21, 2005
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD JUNE 8, 2005

Committee Present

Councilmember Herbert, Chair
Councilmember Holcombe
Councilmember Schwab

Staff Present

City Manager Lando
Assistant City Manager Jones
Director of Public Works McKinley
Assistant City Attorney Barker
Community Development Director Baptiste

Planning Director Seidler
Fire Prevention Officer Myers
Traffic Engineer Mickelson
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 7/19/05:

- A. **Consideration of Request by Chico Avenues Neighborhood Association for City Initiation of a Neighborhood Plan.** By memorandum dated 5/31/05, the Planning Director reported that Barbara Reed, a representative of the Chico Avenue Neighborhood Association and co-chair of its neighborhood plan effort, sent a letter dated 5/04/05 to the City Council requesting that the City Council direct planning staff to initiate preparation of an Avenues Neighborhood Plan. The Association had conducted a survey of residents of the neighborhood; Ms. Reed will present the results of this survey and highlight issues of concern to the neighborhood.

Councilmember Holcombe was disqualified on this item. Planning Director Seidler explained that the neighborhood requested an organized plan for this area. Barbara Reed presented the Committee with the most current neighborhood plan survey. She noted that the Chico Avenue Neighborhood Association met in 2003 to develop an issues list, deciding that traffic, second dwelling units, infill, and Enloe Hospital were the hot topics. The Association requested support of an avenues plan before the character of the neighborhood disappears.

Planning Director Seidler indicated that an environmental review (EIR) could be costly, up to \$200,000, in addition to an estimated \$175,000 cost of putting together a neighborhood plan. City Manager Lando said if it is a beneficial plan, the City could do a negative declaration, depending on the required improvements. He suggested that when staff begins the plan, it work with the neighborhood, and during that process determine if an EIR is needed.

Planning Director Seidler stated that without a significant reordering of staff priorities, his department would not be able to begin the neighborhood plan. City Manager Lando said the City could contract for these services, but added it is important that the contractor be familiar with our systems. Councilmember Schwab said the key is to define the character of the neighborhood and determine the defining values. City Manager Lando stated that during the General Plan process, the individual preference survey indicated that citizens were about 100% sure on what they thought regarding preferences. City Manager Lando indicated there may be capital project funds available to assist with the neighborhood plan. Staff indicated that about half of this neighborhood was in the County. Supervisor Houx said the County may be willing to help pay for curbs, streets and gutters.

City Manager Lando recommended: (1) requesting the Council Subcommittee on Planning/DPW Priorities provide information on how neighborhood planning will fit with their current priorities; (2) allocating funds for neighborhood planning; and (3) contacting the southwest neighborhood to see if they desired neighborhood planning. He added that the City also needs to determine what its ongoing role will be in the activities of the neighborhoods. The Committee agreed with the recommendations set forth by City Manager Lando.

Recommendation: The Committee recommended (2-0, Holcombe disqualified) the following: (1) request the Council Subcommittee on Planning/DPW Priorities provide information on how neighborhood planning will fit with their current priorities; (2) allocate funds for neighborhood planning; and (3) contact the southwest neighborhood to see if they desire neighborhood planning.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 7/19/05:

- B. **Approval of Traffic Regulation Amendment (TRA) No. 790 Which Will Authorize the Installation of a Yield Sign on Village Lane at its Intersection with Karen Drive to Assign the Right-of-Way for the Intersection.** By memorandum dated 4/13/05, the Director of Public Works recommended the installation of a yield sign at the intersection of Village Lane and Karen Drive to assign the right-of-way for the intersection and to improve public safety. Because of a citizen's concern over recent near-miss accidents at this location, a request was made to install a stop sign on Village Lane at its intersection with Karen Drive. However, an evaluation of the intersection determined that a yield sign would be more appropriate since a full stop is not necessary at all times of the day.
- Action: The Committee adopted (3-0) Traffic Regulation Amendment (TRA) No. 790 which authorizes the installation of a yield sign on Village Lane at its intersection with Karen Drive.***
- C. **Approval of Traffic Regulation Amendment (TRA) No. 791 Which Will Remove the Parking along Eaton Road from the Esplanade to Eaton Village Drive.** By memorandum dated 4/13/05, the Director of Public Works recommended designating the area along West Eaton Road from The Esplanade to Eaton Village Drive as prohibited parking in order to improve traffic safety. Police Chief Hagerty reported that numerous vehicles "for sale" are parking along the curb for extended periods of time. Although the area is currently designated as a "No Parking 2 a.m. to 7 a.m." zone, vehicles are still exiting and entering the adjacent parcels along Eaton Road during the time when parking is allowed.
- Action: The Committee adopted (3-0) Traffic Regulation Amendment (TRA) No. 791 which removes parking along Eaton Road from the Esplanade to Eaton Village Drive.***
- D. **Approval of Traffic Regulation Amendment (TRA) No. 792 Which Will Remove the Parking along East First Avenue at Kentfield Road.** By memorandum dated 4/13/05, the Director of Public Works recommended designating the area along East First Avenue west of Kentfield Drive as prohibited parking to improve existing hazardous traffic situations. Because of the new development at Kentfield Road and East First Avenue, vehicles are now parking along both the northern and southern curbs of East First Avenue from Kentfield Road to about 350 feet west of Bryant Avenue, causing those motorists attempting to turn left from Kentfield Road onto eastbound East First Avenue to have an unsafe sight distance. Also, when vehicles are waiting to turn left from East First Avenue onto Bryant Avenue or Kentfield Road, parked vehicles prevent through traffic flow to the right.
- Action: The Committee adopted (3-0) Traffic Regulation Amendment (TRA) No. 792 which removes parking along East First Avenue at Kentfield Road.***
- E. **Reports and Communications.** The following report and communication item is provided for the Committee's information and consideration, and no action is requested unless the Committee wishes to give direction to staff.
1. **Report on Proposed Circulation Commission or Transportation Task Force.** By memorandum dated 6/01/05, the Planning Director reports that the purposes of the Circulation Commission, proposed by Alan Chamberlain to the Internal Affairs Committee on 3/09/05, can most appropriately be satisfied through the upcoming public process to update the General Plan in connection with planning for Expansion Area #1 (south of Mud Creek).
- Staff indicated that Expansion Area #1 is a high priority and work will begin this fall, adding it will be either an update or a new General Plan.
- F. **Adjournment and Next Meeting.** The Committee adjourned at 8:48 a.m. The next meeting is scheduled for Wednesday, July 13, 2005, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Public Works
ADPW
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Assistant Community Development Director
Chief of Police
Fire Chief



Internal Affairs Committee Report

DATE: AUGUST 19, 2005

File: [Comm. Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD AUGUST 10, 2005**

Committee present: Chair Herbert Councilmember Holcombe Councilmember Schwab	Staff present: City Manager Lando Sr. Assistant City Manager Dunlap Assistant City Manager Jones City Attorney Frank Comm. Dev. Dir. Baptiste Director of Public Works McKinley	Traffic Engineer Mickelson Fire Prevention Officer Myers Senior Planner Stuart Sergeant Dye Administrative Analyst Cameron
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COMMITTEE MATTERS REQUIRING COUNCIL ACTION ON 09/06/05:

- A. **Consideration of Proposed Historic Preservation Ordinance.** During discussion of preservation and restoration of the El Rey Theatre at the Internal Affairs Committee meeting held 4/13/05, Mr. John Gallardo encouraged the City to adopt a historic preservation ordinance. Staff was directed to research existing ordinances used by other jurisdictions in California and report back to the Committee. By memorandum dated 7/30/05, Senior Planner Claudia Stuart summarized the results of a review of historic preservation ordinances. Should the Committee wish to recommend to the City Council that a draft ordinance be prepared, staff requested direction on components that should be contained in a historic preservation ordinance.

Chair Herbert disqualified himself on this item.

Pam Figge commented that the current City ordinance is a small step towards preservation. She added by adopting a new preservation ordinance the City could: 1) appoint a historic board; 2) regulate how the City treats new properties that are adjacent to historical properties; 3) create incentives to retain historical properties; 4) fund some form of revolving financing for restoration; 5) adopt affirmative maintenance requirements; and 6) establish penalties for unauthorized archeological excavation. She suggested that City staff come forward with a strong recommendation thereby taking the heat off the City Council.

Councilmember Holcombe asked what measure of enforcement the City was looking at if it adopted a more protective ordinance. Staff commented that the Mills Act currently requires an annual inspection, adding similar enforcement would be expected with a preservation ordinance. Councilmember Holcombe said he favored a comprehensive law that could include incentives for landowners to preserve historic buildings. He made a motion to direct planning staff to begin drafting an ordinance to preserve historic buildings, using the existing laws of Davis, Eureka, Santa Monica and Los Gatos as a starting point.

Recommendation: The Committee recommended (2-0, Herbert disqualified) that staff draft an ordinance to preserve historic buildings using existing laws in other cities as a starting point. If the City Council approves the Committee's recommendation, staff will prepare an ordinance for introductory reading at a future meeting subject to a Council determination of where this project should be placed in the Planning Office priorities.

COMMITTEE MATTERS NOT REQUIRING COUNCIL ACTION ON 09/06/05:

- B. **Consideration of Requests from Chico Country Day School.** By memorandum dated 7/26/05, the Director of Public Works discussed requests for a variety of traffic calming and traffic infrastructure measures around the former Fairview High School location from the staff of Chico Country Day School, and staff's proposed action on these requests. A letter from Chico Country Day School staff and the City's written response were included.

City Manager Lando expressed concern that the City was caught off guard by the changes made by Chico Unified School District (CUSD) but added the City wants to cooperate and make the situation work. He stated there needs to be a loading zone since this is not a neighborhood school. On-site parking should be increased as staff and parent involvement will be much greater with Chico Country Day School than it was

at Fairview. Margaret Reece Gazda, Executive Director, Chico Country Day School, indicated that CUSD has plans to remove a portion of the playground and convert it to parking. City Manager Lando stated that since a majority of the requests from the school will not be able to be completed until next spring or summer the City will do what it can in the interim. Traffic Engineer Mickelson noted that crosswalks have been restriped, signs were brought up to standard and orange flags were added to the signs.

City Manager Lando acknowledged that this will be a two or four step process, the first step being designation of a loading zone in front of the school. A Traffic Regulation Amendment (TRA) will be prepared and added to the consent agenda of the 8/16/05 Council meeting. The Director of Public Works has the authority to initiate removal of the crosswalk on Park Avenue at 11th Street. The next step would be to meet with Butte County Association of Governments (BCAG) and CUSD.

City Manager Lando stressed that the City should meet with CUSD, BCAG, Chico Country Day School, and also the Bicycle Advisory Committee to gather data in terms of traffic movement. He hopes to have a plan in place in order to implement changes by next spring.

Action: The Committee approved (3-0) forwarding a TRA to the City Council designating a loading zone in front of Chico County Day School. - This item was considered by Council at its meeting of 8/16/05.

- C. **Request from Chico Area Recreation and Park District (CARD) for Funding for Art Projects to Honor Dr. Martin Luther King, Jr.** At its meeting of 7/19/05 the City Council referred to the Committee a request from Mary Cahill, General Manager of CARD, for funding of two art projects near Community Park to honor Dr. Martin Luther King, Jr. By memorandum dated 8/1/05, the Senior Assistant City Manager transmitted the request and a letter from Art Projects Coordinator Mary Gardner outlining the Redevelopment Agency's Public Art Fund Matching Program. The Council asked that the Committee define the scope of the project after which the Art Commission will be requested to make recommendations on the specifics of the projects.

City Manager Lando stated that the CARD request asked for shared funding on two different projects. The letter from the Art Projects Coordinator suggested a 50/50 split, which is typically used in private funding. City Manager Lando emphasized that the City had previously agreed to assist CARD in developing the entrance to the park during discussions regarding the Martin Luther King, Jr. memorial. He added this Committee is being asked to set the framework and make a referral to the Arts Commission.

In response to the cost of the projects and amount of art funds available, City Manager Lando replied that redevelopment funds may be available as both of these project areas are located street-side. Councilmember Holcombe questioned the appearance of the monument and the proposed verbiage. Steve Visconti, Superintendent of Parks and Facilities, reported that CARD has committee members currently working on the design, making sure the signage and the monument are compatible. Chair Herbert made a motion to forward CARD's request to the Arts Commission.

Action: The Committee approved (3-0) forwarding CARD's request for the funding of two art projects near Community Park to the Arts Commission.

- D. **Reports and Communications.** The following report and communication item was provided for the Committee's information and consideration.

Staff Findings on Ownership of Abandoned Railroad Right-of-Way East of Midway. By memorandum dated 7/26/05, the Director of Public Works provided a summary of staff's findings regarding private ownership of the abandoned railroad right-of-way located east of Midway in the County unincorporated area. At its 4/13/05 meeting, the Internal Affairs Committee requested that staff research this issue and report back as soon as the information had been obtained.

- E. **Adjournment and Next Meeting.** The meeting adjourned at 9:26 a.m. The next meeting is scheduled for Wednesday, September 14, 2005, at 8:00 a.m. in Conference Room No. 1.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Public Works
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Planning Director
Chief of Police

Finance Director
Community Development Director
Asst Community Development Director
Fire Chief



Internal Affairs Committee Report

DATE: SEPTEMBER 16, 2005

File: [Comm. Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD SEPTEMBER 14, 2005**

<p><u>Committee present:</u> Chair Herbert Councilmember Holcombe Councilmember Schwab</p>	<p><u>Staff present:</u> Assistant City Manager Jones City Attorney Frank Comm. Services Director Baptiste Planning Director Seidler</p>	<p>Assistant City Attorney Barker Police Captain Rucker Administrative Analyst Cameron</p>
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COMMITTEE MATTERS REQUIRING COUNCIL ACTION ON 10/04/05:

A. **Consideration of Draft Ordinance Entitled, "Graffiti Prohibition and Removal."** The City Council considered recommendations made by the Graffiti Task Force for implementation of a graffiti program. The City Council referred the development of a graffiti ordinance to the Internal Affairs Committee. By memorandum dated 8/09/05, the Community Development Director forwarded a draft ordinance entitled, "Graffiti Prohibition and Removal" for the Internal Affairs Committee consideration and recommendations.

Community Services Director Baptiste reported that a number of years ago the City experienced an outbreak of graffiti throughout the City and, in response to that, took a number of steps to deal with the problem, such as hotlines, education programs, graffiti removal, and the establishment of a graffiti task force, which recommended consideration of a graffiti ordinance.

Councilmember Schwab asked about staffing for graffiti removal noting that it sometimes takes up to three or more weeks to remove. Community Services Director Baptiste responded that he does not expect staffing to be problematic. If there is a significant amount of work, the City could hire out the effort, adding that a considerable amount of the abatement efforts are done by volunteers or court referrals. Councilmember Schwab asked if there were any artwork treatments in place to prevent graffiti, or any low cost loans available for art treatment. Staff responded that there has been interest from private citizens and artists have identified locations, but the City has not taken any assertive action on this issue.

Councilmember Holcombe indicated that he supports a local ordinance that supplements existing law but would not want to create a new overlapping law. He suggested the word "callously" on Page 1, Line 26, be removed from the ordinance. He also questioned the use of "indelible marker," adding that most school age children may have this type of marker in their backpack at any given time. His final comment was regarding possession and intent under the age of 18 years - Page 3, Line 5 though 11, adding he foresees problems using it effectively.

Community Services Director Baptiste stated that the "indelible marker" referred to in the ordinance is a 1/2 inch marker that is a commonly used size for graffiti. Captain Rucker commented that the Police Department may receive a call but not actually catch the "taggers" in the act. With this ordinance in place, if the police were to find the tools on the person, they could prosecute. City Attorney Frank added that the word "callously" should remain in the ordinance, otherwise it would not accurately describe the malicious behavior.

Councilmember Holcombe made a motion to forward the ordinance to Council for adoption. Councilmember Schwab seconded the motion. Assistant City Manager Jones noted that staff will highlight the differences between State Law and the proposed ordinance as requested by Councilmember Holcombe when the item goes to the City Council.

Recommendation: The Committee recommended (3-0) that the graffiti ordinance be forwarded to the City Council for introductory reading and scheduled for final reading and adoption at a future meeting.

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- B. **Discussion of Pending State Legislation Proposed in Response to U.S. Supreme Court Decision in *Kelo v. City of New London***. The City Council referred discussion of state legislation regarding eminent domain to the Internal Affairs Committee at its meeting of 7/19/05. By memorandum dated 9/08/05, the City Attorney provided background on the *Kelo* decision in addition to the current status of pending state legislation.

City Attorney Frank discussed the two bills that are currently pending State legislation, adding they are targeted for next year's ballot. Councilmember Holcombe questioned why the City acts as the City as opposed to acting as the RDA on eminent domain issues. City Attorney Frank responded that cities have to include the power of eminent domain in their RDA plan in order to act as the RDA. The City Council determined years ago not to include this in the City's RDA plan.

The Committee made no recommendation on this item.

- C. **Consideration of Requirement for Indemnification Agreements for New Development Entitlements Approved by the City**. By agenda report dated 8/29/05, the City Manager outlined staff's recommendation that developers be required to execute indemnification agreements for land use entitlements and forwarded a number of documents providing background information.

Assistant City Manager Jones stated that under the Subdivision Map Act the City currently has the authority to impose indemnity agreements for tentative subdivisions maps only. The recommendation would require applicants to agree to indemnify the City as a condition of application for all entitlement permits. He added that currently there is no tool available for the City to recover the costs for this litigation.

Councilmember Herbert questioned why the City should have an extra layer of protection for indemnification, stating it takes the pressure off of the decision makers. Councilmember Holcombe asked about bonding to cover the performance of the indemnification obligation. City Attorney Frank responded that this would be done on a case by case basis.

Jim Goodwin, President, Chico Chamber of Commerce, stated there is a greater economic consequence for the proponent of the lawsuit if the City has indemnity agreements in place. He questioned whether it was fair or right to do this, adding the City is basically asking the developer, who took all the risk for the project to then pay for all the legal ramifications. He argued that a "predictable business environment" means that when you spend the dollars up front to comply with the regulations, you would expect the elected officials to stand behind their decisions.

Assistant City Manager Jones stated the Committee will need to decide if the developer should bear the cost of a lawsuit or the taxpayer, adding that the City will continue to bear the cost for quasi-judicial hearings unless an ordinance is put in place. Staff noted that the City has not yet imposed any indemnity agreements for tentative subdivision maps.

Councilmember Holcombe stated that if the City begins using the Map Act indemnity agreements for subdivisions then the Committee could revisit this recommendation.

This item died for lack of a motion. The Committee made no recommendation on this item.

Business From the Floor. None.

- E. **Adjournment and Next Meeting.** The meeting adjourned at 9:05 a.m. The next meeting is scheduled for Wednesday October 12, 2005, at 8:00 a.m. in Conference Room No. 1.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Public Works
Pub. Works Admin. S. Velarde

Traffic Engineer Mickelson
City Attorney
Planning Director
Chief of Police

Finance Director
Community Services Director
Assistant Community Services Director
Fire Chief



Internal Affairs Committee Report

DATE: OCTOBER 14, 2005

File: Comm. Binder

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD OCTOBER 12, 2005**

<p><u>Committee present:</u> Chair Herbert Councilmember Holcombe Councilmember Schwab</p>	<p><u>Staff present:</u> City Manager Lando Sr. Assistant City Manager Dunlap Assistant City Manager Jones City Attorney Frank Community Services Director Baptiste</p>	<p>Chief of Police Hagerty Fire Prevention Officer Myers General Services Director Beardsley Administrative Analyst Cameron Captain Rucker</p>
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COMMITTEE MATTERS REQUIRING COUNCIL ACTION ON 11/01/05:

A. **Consideration of Request from Celebration of People, Inc. to Hold Events in Children's Playground and for an Exemption of the Amplified Sound Restrictions for the Bidwell Bowl Amphitheater.** At its meeting on 9/20/05, the City Council referred this item to the Internal Affairs Committee for additional review. By agenda report dated 9/06/05, Management Analyst Herman submitted the Bidwell Park and Playground Commission's recommendations regarding a request from Celebration of People, Inc., to: (1) amend Chico Municipal Code (CMC) Section 12R.08.263.B.1 to exempt films, plays and events below certain decibel levels from the restriction that limits amplified music during an event in Bidwell Bowl to a cumulative period not exceeding 20 minutes; and (2) authorize a short-term exemption to the Code regulations on amplified sound to allow two 40-minute amplified music events on 10/28/05 and one 40-minute amplified music event on 11/4/05 or 11/11/05 to test sound measurements and impacts on the adjacent neighborhood. The Committee was provided with a copy of the 9/06/05 agenda report, and a copy of CMC 9.38 regarding noise limitations. The Council also directed staff to consult with the Chico Police Department to develop a more representative noise testing procedure. The General Services Director and police staff provided a report to the Committee regarding this request by Council.

Councilmember Schwab asked for the number of requests received each year to extend the time limits for amplified sounds, and the number of complaints received during these events. Staff commented that very few requests for amplified sound are submitted annually so in effect, very few complaints.

Richard Elsom, Secretary, Celebration of People, Inc., said the current timeline is not conducive to testing this year, adding the earliest he might test would be next May. He expressed his sincerity in protecting the neighbors from noise, adding that the sound system could be arranged in such a manner as to have little to no impact on the neighbors. Christina Aranguren, neighbor, stressed that it is important to protect the vintage neighborhood. She noted that when Bidwell Bowl was constructed, amplification was not invented, adding that besides the noise, parking, loading zones, and bathrooms are an issue. Adam Tishcler, neighbor, said that people living in this area have very little control over the neighborhood. Neighbors are subject to many factors that continue adding up such as: marching bands, movies, baseball games, football games, and concerts. This would be one more item that would add to the cumulative effect. Jan Reed, neighbor, suggested that the only reason the testing would be done is to change the current guidelines. She added there would likely be a fiscal impact because there is no existing lighting, handicap access, restrooms, or trash removal.

Chair Herbert said that Bidwell Bowl was not originally intended for events using amplified sound, adding he does not think the City needs another venue for these types of events and sees no reason to go any farther with this issue. Chair Herbert made a motion to not approve an exemption to the CMC for sound testing at Bidwell Bowl with Councilmember Schwab seconding.

Recommendation: The Committee did not recommend (2-1) an exemption to the CMC for sound testing at Bidwell Bowl.

- B. **Consideration of Revised Second Response Ordinance/Noise Ordinance and Update on the Proposed Safety Plan Ordinance.** By agenda report dated 10/05/05, the Chief of Police recommended approval of changes to the current Second Response Ordinance/Noise Ordinance to make them consistent with each other and increase the enforcement time frames associated with each. The Committee was also provided with an update on the progress of the proposed Safety Plan Ordinance, with staff requesting direction to refer a draft ordinance to the City Attorney's Office for legal review. Two community meetings have been held to receive community input.

Chief of Police Hagerty reported that a committee consisting of South Campus Neighborhood, student leadership, University leadership, police department staff, the business community, City staff, and one councilmember was formed to evaluate changes needed in the second response ordinance and the development of a safety plan ordinance. The committee felt that in order for the second response ordinance to be effective, both the noise ordinance and second response ordinance should be aligned by raising the time limit in both ordinances to 72 hours.

Charlie Preussor spoke against the 72 hour limit, preferring a smaller limit such as 24 or 48 hours. He suggested amending the following sections of the code for a second response violation: (1) the fine being set by the Chief; (2) the fine must be paid before conviction; and (3) the violation must be appealed to the City Council. He questioned why the law implies that more than one person can be fined. Staff replied that the second response costs are set by a simple formula - an hourly rate times the amount of officer time used. These charges are set by the City Council. Staff agreed that the fine should not be imposed unless the person is convicted, and added the appeal should go first to the Chief of Police, then the City Manager before it goes to the Council. Captain Rucker responded this is merely a civil cost recovery and if there is more than one person responsible for the recovery, the fine could be divided. City Manager Lando explained that the City is stepping into this arena to see if it is an effective tool to help enforcement, adding if needed the committee can take another look at the ordinance.

Eric Twist asked what responsibility landlords will have with the amended second response ordinance. Staff responded that once a property owner leases a property to another person, they give up possession and the property owner cannot be fined. The ordinance does not allow the City to assign a fine to the property owner unless they are in possession of the property.

Councilmember Schwab made a motion to change the language defining the qualifying time for a "second response" in both CMC 9.38.054 (General Noise Regulations) and CMC 9.70.505 (Civil Liability to a Second Response) to 72 hours. Councilmember Holcombe seconded the motion.

Captain Rucker explained that the safety plan ordinance was developed to ensure public safety. A safety plan would be required if any one of the following conditions exist at a party: (1) attendance of 100 or more people; (2) obstruction, delay or interference with the normal flow of pedestrian or vehicular traffic; or (3) a hazard to the public peace, health, safety or general welfare. He noted the plan will be a tool to allow the police to intervene early before parties get out of control.

A web page application would be developed for on-line submittal of a safety plan, an acknowledgment that the plan was received would be sent and information on how to throw a safe event would accompany that acknowledgment. The citizen who has not filed a safety plan would be subject to an infraction violation and the shutting down of the event.

Chair Herbert made a motion to conceptually approve the safety plan ordinance with direction that the ordinance be forwarded to the City Attorney's Office for legal review. Councilmember Holcombe seconded the motion.

Action: The Committee recommended approval (3-0) of a change in the qualifying time for a "second response" in both CMC 9.38.054 (General Noise Regulations) and CMC 9.70.050 (Civil Liability to a Second Response) to 72 hours. The Committee also recommended conceptual approval (3-0) of a safety plan ordinance and directed that the draft ordinance be forwarded to the City Attorney's Office for legal review.

- C. **Consideration of Draft Ordinance Entitled, "Graffiti Prohibition and Removal."** At its meeting of 10/04/05, the City Council referred this item back to the Committee to consider the additional questions raised by Councilmember Holcombe. The Committee was provided with an agenda report dated 8/09/05 that was originally provided to the Committee for its meeting of 9/14/05, additional information for the 9/14/05 meeting, an agenda report dated 9/27/05 which forwarded information requested by the Committee, and minutes from the 9/14/05 meeting.

City Manager Lando stated that an important requirement in the graffiti ordinance is the ability to require private property owners to clean up graffiti on their property or to allow the City to clean it up and bill the property owners. Councilmember Holcombe questioned to what extent the ordinance overlaps existing laws. Staff responded that the ordinance, as drafted, is very similar to existing state laws except for the eradication efforts. Councilmember Holcombe made a motion to have the graffiti ordinance be rewritten with the focus on eradication efforts only.

Recommendation: The Committee recommended (3-0) the graffiti ordinance be rewritten to focus on eradication efforts only.

- D. **Business From the Floor.** None.
- E. **Adjournment and Next Meeting.** The meeting adjourned at 9:38 a.m. The next meeting is scheduled for Wednesday November 9, 2005, at 8:00 a.m. in Conference Room No. 1.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Engineering
Pub. Works Admin. S. Velarde
General Services Director

Traffic Engineer Mickelson
City Attorney
Planning Director
Chief of Police

Community Services Director
Assistant Community Services Director
Fire Chief



Internal Affairs Committee Report

DATE: NOVEMBER 15, 2005

File: [Comm. Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD NOVEMBER 9, 2005**

<p><u>Committee present:</u> Chair Herbert Councilmember Wahl Councilmember Schwab</p>	<p><u>Staff present:</u> City Manager Lando Assistant City Manager Jones City Attorney Frank Comm. Services Dir. Baptiste Director of Engineering McKinley</p>	<p>General Services Director Beardsley Traffic Engineer Mickelson Fire Prevention Officer Myers Administrative Analyst Cameron</p>
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COMMITTEE MATTERS REQUIRING COUNCIL ACTION ON 12/06/05:

A. Consideration of a Request to Install Loading Zones on West Eleventh Street and Broadway for Chico Country Day School, and Consideration of a Request to Install Speed Humps on West Eleventh Street.

By memorandum dated 10/24/05, the Director of Engineering provided the results of meetings with the Chico Unified School District, Chico Country Day School, and residents adjacent to Chico Country Day School concerning area traffic issues and recommends the installation of two loading zones adjacent to the school to provide for a more orderly student pick-up and drop-off process. Further, staff requested the Committee's direction on a request from the school to install speed humps on West Eleventh Street as a traffic calming measure. The Neighborhood Traffic Management rating for this segment of West Eleventh Street is forty points, which is five points short of the points required to be considered for traffic calming measures.

Councilmember Schwab's motion to install two loading zones adjacent to Chico Country Day School was seconded by Councilmember Wahl. Councilmember Wahl's motion to not install the speed humps on West Eleventh Street was seconded by Councilmember Schwab.

Recommendation: The Committee recommended (3-0) the installation of two loading zones adjacent to Chico Country Day School, but did not recommend (3-0) installation of speed humps on West Eleventh Street.

B. Discussion Concerning the Regulation of Parking Trailers, Boats, and Recreational Vehicles on City Streets.

At its 6/07/05 meeting, the City Council directed staff to provide the Internal Affairs Committee with information concerning the regulation of parking trailers, boats, and recreational vehicles on city streets. By agenda report dated 11/02/05, the Community Services Director identified staff and community concerns regarding the use of city streets for parking trailers, boats, and recreational vehicles.

Community Services Director Baptiste asked the Committee to support a recommendation that regulates the parking of trailers, boats, and recreational vehicles on public streets. He added that some property owners use the public streets as storage for private vehicles which often results in problems of sight distance for driving, and complaint calls to the city and property management companies. City Manager Lando confirmed that the Committee revisits this issue nearly every five years, adding there should be an ordinance that moves these vehicles off the streets. Chair Herbert made a motion to have staff look at how other cities handle on-street parking and to bring the results back to the Committee at a future date.

Russell Mills expressed concern regarding the travel trailer he keeps in storage. He typically uses it three times a year and needs to keep it on the street a week before he leaves for vacation and a week after returning. He is concerned that if the Committee limits the time period to less than a week he could be in violation.

Recommendation: The Committee recommended (3-0) staff investigate how other cities handle on-street parking and to bring the results back to the Committee at a future date.

C. **Review and Consideration of Request from Silver Dollar BMX for Assistance to Construct a BMX and Free Style Bicycle Facility on a 3.56 Acre City Parcel Adjacent to the Silver Dollar Fairgrounds.** By memorandum dated 11/1/05, the General Services Director reported that Silver Dollar BMX will make a presentation regarding development of a BMX and Free Style Bicycle Facility on City owned property. Representatives from Silver Dollar BMX will provide information on the current status of the project and be available to answer questions. The non-profit organization has prepared a development plan and is ready to proceed with the project pending adequate funding. Councilmember Schwab abstained from participating on this item.

City Manager Lando stated that the City acquired the acreage adjacent to the Torres Community Shelter specifically for a BMX facility. He added that Council was supportive of it at the time, but not as the primary funding source.

Larry Gable, track operator of Silver Dollar BMX, stated the current location limits the organization to racing on Thursday and Sunday nights only and with both nights being school nights it makes it difficult to get participation. The fairground property has also been plagued by vandalism, trash, sprint cars tearing up the track and horses on the track. Mr. Gable provided an overview of a proposal that included an 80,000 square foot covered riding area and on-site parking. He stated that BMX riding is a safe sport and all children can participate at every level of the sport. They race 50 weeks a year, with races held twice a week. Races are staggered throughout the day so there is an all day flow of traffic, without causing major traffic jams.

Mr. Gable indicated that the American Bicycle Association (ABA) is looking for a covered facility in Northern California, as currently there are no covered facilities on the West Coast. Chico is a central location to the western region and accessible to the western states. He explained the economic benefits to having an ABA sponsored track in Chico and reported that the ABA is prepared to enter into a long term agreement with the City of Chico to award a guaranteed ten year schedule of National, Regional, and Local events that will meet the recreational and tourism objectives of the City. The total estimated annual economic benefit to Chico between the National, Regional and Local Events could be \$5,888,775.

Mr. Gable stated that he would be willing to enter into a profit sharing agreement with the City and felt that with taking 80% of his annual projections, he could net approximately \$66,000 the first year. City Manager Lando stated that with the \$66,000 net profit, the City could loan \$700,000 towards the project.

City Manager Lando stated the City would first have to transfer title to release liability on the property. He added this project was envisioned as part of the redevelopment plan which the City would "one-time fund" with capital dollars. He continued that the City has set aside a quarter million dollars a year for an industrial loan program and this project clearly is an economic development program. If Council approves the funding early next year, it could meet the construction schedule included in the proposal.

Chair Herbert commented that this project is a "win" on many accounts: it keeps kids busy; has economic benefits to the City; and takes care of blight. He suggested a fund matching program, then the City could loan up to \$700,000 and finance \$1.6 million. He added that he doesn't know how the City could fund the entire \$3.7 million, and he implied Mr. Gable may have to look to the community for part of the funding. Mr. Gable said Maureen Pierce from the Boys and Girls Club has offered to help. In addition, he estimated he may be able to raise between \$500,000 to \$600,000 from the community.

City Attorney Frank noted that the economic value in the proposal is predicated on the ABA guarantee and if the sanction is lost at any time in the future it could be disastrous. Chair Herbert suggested getting confirmation in writing from the ABA before this item goes to the Council.

City Manager Lando said Mr. Gable could possibly present his proposal to the full Council at the funding meeting in February.

Recommendation: The Committee recommended (2-1, Schwab abstained) that this request be considered when the Council reviews its list of Redevelopment Projects in 2006.

COMMITTEE MATTERS NOT REQUIRING COUNCIL ACTION ON 12/06/05:

- D. **Consideration of Traffic Regulation Amendment (TRA) No. 801 Which Would Remove 380 Feet of Parking along East Lassen Avenue.** By memorandum dated 10/24/05, the Director of Engineering recommended designating the area along East Lassen Avenue under the SHR 99 overpass as prohibited parking in order to discourage the illegal parking of trucks and trailers at that location. Enforcement measures have previously been attempted, but the illegal parking continues to occur.

Action: The Committee adopted (3-0) Traffic Regulation Amendment (TRA) No. 801 which removes 380 feet of parking along East Lassen Avenue under the SHR 99 overpass.

- E. **Consideration of an Amendment to Park Rules to Prohibit Children Ages Six and Under Within the Sycamore Pool Area Unless Accompanied by a Person Fourteen Years of Age or Older.** At its 10/18/05 meeting, the City Council considered a recommendation from the Bidwell Park and Playground Commission (BPPC) to amend Title 12R- "Park Rules" of the Chico Municipal Code to prohibit children six and under from using Sycamore Pool unless accompanied by a person fourteen years or older (BPPC approved 6-1). The Council voiced concerns regarding enforcement of this provision and voted (5-1-1, with Wahl voting against and Schwab disqualified) to refer this issue to the Internal Affairs Committee. By agenda report dated 11/02/05, the General Services Director provided information regarding the BPPC recommendations regarding this issue. This project has been determined to be categorically exempt from environmental review pursuant to sections 15307 & 15308 of the CEQA Guidelines, which exempt actions taken by regulatory agencies which protect natural resources and the environment.

Action: The Committee agreed (3-0) to refer further discussion of this item to the Bidwell Park and Playground Commission.

- F. **Business From the Floor.** None.

- G. **Adjournment and Next Meeting.** The meeting adjourned at 9:05 a.m. The next meeting is scheduled for Wednesday, December 14, 2005, at 8:00 a.m. in Conference Room No. 1.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
 Director of Engineering
 Engineering Admin. Mgr. S. Velarde

Traffic Engineer Mickelson
 City Attorney
 Planning Director
 Chief of Police

Finance Director
 Community Services Director
 Assistant Community Services Director
 Fire Chief



Internal Affairs Committee Report

DATE: December 29, 2005

File: [Comm. Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD DECEMBER 14, 2005**

<p><u>Committee present:</u> Chair Herbert Councilmember Holcombe Councilmember Schwab</p>	<p><u>Staff present:</u> City Manager Lando Assistant City Manager Jones Asst. City Attorney Barker Comm. Services Dir. Baptiste Director of Engineering McKinley</p>	<p>Traffic Engineer Mickelson Fire Prevention Officer Myers Information Systems Analyst Keene Administrative Analyst Cameron</p>
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COMMITTEE MATTERS NOT REQUIRING COUNCIL ACTION ON 01/17/06:

- A. **Presentation of Proposed Improvements for the East First Avenue and Longfellow Avenue Corridor.**
City staff provided a verbal presentation to the Committee regarding proposed improvements to the East First Avenue and Longfellow Avenue corridor. Staff recommended re-striping and a minor signal modification project that would improve traffic flow through the corridor. No written staff report was provided.

Staff reviewed the proposed improvements to the East First Avenue and Longfellow Avenue Corridor and noted that the current most significant issues with the corridor are that it accommodates 24,000 vehicles per day where the Caltrans recommendation is 15,000, and there is heavy side street demand to safely get into traffic flow.

Staff indicated that they have been working on improvement alternatives within the existing right of way such as: a two-way left turn lane between Mangrove Avenue to Sheridan Avenue which will widen at the intersection to four lanes; elimination of parking along East First Avenue, with the bus stops to remain, there could be additional right of way to possibly carve out bus stops; re-striping under the interchange; signal synchronization from Village Lane, Longfellow Avenue and East First Avenue; and change the four way stop at Manzanita Avenue and Longfellow Avenue to a roundabout.

The Committee was informed that \$100,000 has been budgeted and available for use on these improvements with the costs included in the Nexus Study.

Chair Herbert stated these are relatively inexpensive ideas and a great opportunity to get some relief for the traffic on the corridor. His motion to approve the improvements was seconded by Councilmember Schwab.

Recommendation: The Committee approved (3-0) the East First Avenue and Longfellow Avenue corridor improvements.

- B. **Approval of Traffic Regulation Amendment (TRA) No. 803 Which Will Remove Parking Along Dayton Road and Add Diagonal Parking on Poppy Street to Improve Public Safety.** By citizen request, staff conducted an on-site analysis of parking on the corner of Dayton Road and Poppy Street adjacent to Maisie Jane's. The analysis determined that the sight distance for drivers exiting Poppy Street at Dayton Road is unsafe, and that two parking spaces along Dayton Road should be eliminated to provide safe sight distance at the intersection. The analysis also determined that diagonal parking on Poppy Street causes an unsafe condition for vehicles turning right from Dayton Road onto Poppy Street because parked cars encroach into the through travel lane. Modifications to improve these unsafe conditions would require some minor paving and striping, or aggregate base, and signage. Paving is the recommended solution at an approximate cost of \$5,000. If approved by the Committee, the project could be implemented in a timely manner with minimal impact to staff.

The owners of Maisie Jane's, Maisie Jane and Isidro Hurtado requested one parking space be left on Dayton Road since the handicap ramp is located in front of the store and also asked for perpendicular parking rather than diagonal parking on the south side of Poppy Street. City Manager Lando said the City could install a speed limit sign to keep traffic at the posted 35 mph on Dayton Road, designate one parallel parking spot on Dayton Road, and post a sign indicating the parking spot was for vehicles with a maximum height of 6 feet. Deedee Vest and John Lesko spoke in opposition to this proposal stating that the intersection is not safe when vehicles are parked on Dayton Road and Poppy Street is not wide enough for perpendicular parking. Councilmember Holcombe noted that he would like to see the parking situation evaluated again. Staff said they could conduct another on-site traffic analysis, a speed survey and a sight distance analysis then take the concerns and proposals from this meeting to the neighbors to develop a workable solution. Chair Herbert deferred final decision on this item to January's Internal Affairs meeting.

Recommendation: The Committee continued (3-0) action on this item to its January meeting pending further parking and traffic analysis.

- C. **Consideration of a Request for Traffic Calming Measures or Stop Signs on East 12th Street Between Park Avenue and Mulberry Street.** Staff received a request from a resident of East 12th Street to consider installing traffic calming measures on East 12th Street to slow speeding. The concern is that once the new senior center on Park Avenue is completed, traffic will increase thereby increasing the need to slow speeding. An evaluation was conducted based on standards set by the Neighborhood Traffic Calming Program and the Manual of Uniform Traffic Control Devices to determine its eligibility for installing speed bumps and/or stop signs. Based on these standards, East 12th Street does not meet the criteria necessary to qualify for traffic calming measures at this time.

Chair Herbert made a motion to deny the request. Councilmember Schwab seconded the motion.

Action: The Committee denied (3-0) the request for traffic calming measures on East 12th Street.

- D. **Consideration of a Request from CSU, Chico to Abandon Orange Street Between First and Second Streets and Between Second and Third Streets.** California State University, Chico requested the abandonment of a portion of Orange Street between First and Second, and Second and Third Streets, to facilitate the construction of a new student recreation center. A review of the request determined that closing this portion of Orange Street would not adversely affect the City's transportation circulation system. However, if connectivity of this area were to be reduced, future signalization of Cherry Street would be impacted as the demand for use of this intersection would increase. In addition, approximately 40 metered parking spaces with a very high rate of occupancy are located on this street. Removal of these spaces would result in a loss of revenue of approximately \$50,000 annually. In addition, this is an impacted parking area and the loss of 40 spaces would have an impact on parking operations in the downtown. If allowed, it is recommended that the University agree to mitigate this parking loss by providing a like number of spaces somewhere on University-owned property. Since the parking meter revenues are pledged to paying the debt service on the 1994 Parking Revenue Bonds, it also would be necessary to call a portion of the bonds. Another issue that would need to be resolved by the University is that of creating easements for storm drains and sewer within the area of abandonment and to work with Pacific Gas and Electric to obtain any necessary easements for access to its facilities. Provided the University meets all of these proposed obligations, the Director of Engineering has no major concerns with the abandonment of Orange Street.

Councilmember Schwab disqualified herself on this item. Joel Trenalone, Construction Projects Manager, CSUC, stated that the recreation center will be built on the property on Orange Street between First and Second Streets. Councilmember Holcombe questioned where the people using the recreation center would park especially after the removal of 40 parking spaces. It was noted that the people using the recreation center would be students, faculty and staff, and they would already be on campus. Mr. Trenalone informed the Committee that the architects have recently been hired and the students have been promised an opening date. Chair Herbert assured Mr. Trenalone that the City will do its part to keep the project moving forward. City Manager Lando said the City will look favorably on the project and will wait to review the EIR once it is completed. Mr. Trenalone stated the University is aware that the City will have a loss in revenue and has offered to trade a piece of property to help mitigate that loss. City Manager Lando indicated the City could sell the property to compensate for the lost parking meter revenue, adding the City would have to calculate what the payment will be to call the bonds, and make sure the commitment to the bond holders is met. Bill Jones, Associate Vice President for Business and Finance, CSUC, suggested that if the City turned over the block between Second and Third Streets, the university could possibly make that area a parking lot. City

Manager Lando stated the City is not in a position to make a final decision until the EIR is completed.

Recommendation: No formal recommendation was made at this time. The Committee will wait to make a final decision after the environmental review is complete.

- E. **Update on the Status of the "Streaming Video" of City Council Meetings.** By memorandum dated 11/30/05 the Information Systems Director reported on statistics for the month of November pertaining to use of the new service. A trial period of approximately three months was begun in October and a final report will be made to the City Council at the end of the trial period.

Chair Herbert commented that the "streaming video" has been a great public service. He indicated he would like to see the City continue offering this service. The Committee agreed (3-0).

Recommendation: The Committee agreed (3-0) that the "streaming video" service should continue.

- F. **Business From the Floor.** None.

- G. **Adjournment and Next Meeting.** The meeting adjourned at 9:05 a.m. The next meeting is scheduled for Wednesday January 11, 2006, at 8:00 a.m. in Conference Room No. 1.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (18)
Director of Engineering
Engineering Admin. Mgr. Morgado

Traffic Engineer Mickelson
City Attorney
Planning Director
Chief of Police

Finance Director
Community Services Director
Assistant Community Services Director
Fire Chief