



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (2/18/03) **DATE:** July 10, 2008
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD JANUARY 14, 2003

Committee Present

Councilmember Herbert, Chair
Councilmember Bertagna
Councilmember Jarvis

Staff Present

City Manager Lando
Comm. Dev. Director Baptiste
Asst. Comm. Dev. Director Sellers
Director of Public Works Ross
City Attorney Frank
City Clerk Presson

Park Director Beardsley
Fire Prevention Officer Myers
Engineering Technician Black
Asst. Dir. of Public Works McKinley
Traffic Engineer Mickelson
Administrative Analyst Dillard

CONSENT AGENDA

- A. **Consideration of Funding The Installation of Speed Humps On Neal Dow Avenue Between East First and East Fifth Avenues.** The Committee was provided with a memorandum dated 11/18/02 from the Director of Public Works reporting on a request from neighborhood residents to install speed bumps on Neal Dow Avenue as a traffic calming measure. This report informed the Committee of the results of traffic surveys taken and of the neighborhood meeting, the Neighborhood Traffic Management rating of Neal Dow, and the potential funding for this proposed project.

Traffic Engineer Mickelson reviewed the history of the project and told the Committee that this traffic area meets all of the speed and volume criteria of the traffic calming program. The City Manager said it is already budgeted, but in accordance with the policy, the City Council will have to approve obligation of the funds.

Fire Prevention Officer Myers told the Committee that the humps should not cause problems for emergency vehicles as long as there are cut-outs that emergency vehicles can easily pass through. The addition of double yellow lines should prevent other vehicles from illegally using the cut-outs to avoid the humps.

In response to Councilmember Herbert, the City Manager said that this is the first street in quite some time to meet all of the requirements for this type of traffic calming measure.

Recommendation: The Committee recommended (3-0) funding the installation of speed humps on Neal Dow Avenue between East First and East Fifth Avenues.

REGULAR AGENDA

- B. **Items Removed from the Consent Agenda** — None
- C. **Consideration of Proposal for a Trial Period Allowing Two-Way Bicycle Travel on South Park Drive in Bidwell Park on Days That Marsh Junior High School Is Open.** This matter was referred to the Committee by the City Council at its 12/17/03 meeting. By memorandum dated 1/3/03 the Park Director forwarded this proposal from the Bidwell Park and Playground Commission.

Recommendation: The Committee recommended (2-0-1, with Councilmember Herbert disqualified) that this item be tabled until the bike paths on Forest Avenue and El Monte are completed.

- D. **Consideration of Policy Regarding Sanitary Sewer Service for Properties in the Unincorporated Areas.** At its meeting of 12/17/02 the City Council considered the request of Councilmember Nguyen-Tan to review the City's policy regarding sanitary sewer service for properties in the unincorporated areas. After discussion, the matter was referred to the Internal Affairs Committee. By memorandum dated 12/10/02, the Assistant Community Development Director provided background information regarding the City's existing policy. The City Manager recommended that the policy not be changed.

Vice Mayor Jarvis indicated that while she was not in favor of promoting sprawl, she was interested in looking at the development of a possible sewer service agreement that would allow for clearly defined exceptions. In the case of John Byrne's development the City would strongly support annexation. City Manager Lando stated that should a sewer service agreement be developed, approval would need to be obtained from LAFCo.

Vice Mayor Jarvis stated that she was not interested in considering a policy exception unless it was similar to the proposal made by John Byrne to cover the costs of some of the infrastructure improvements that would benefit a larger area. She would prefer annexation, and it sounds like Mr. Byrne will be able to do this, but felt that staff should still look at the drafting of an exception in case the annexation of this property does not move forward.

John Byrne addressed the Committee members regarding his proposed development. He stated that his goal was to annex and he has started the process to do so. He indicated that as part of his development he would be building some of the gravity lines to the end of Godman. Should an exception be carved out, John Byrne suggested that perhaps it could be based on the criteria that the developer was putting in some of the infrastructure that would benefit a larger area. Jerry Foreman also addressed the Committee.

Recommendation: The Committee recommended (3-0) that Assistant Community Development Director Sellers meet with John Byrne regarding the feasibility of annexation and come back to the committee within 60 days on a recommendation for a possible sewer service agreement that would allow an exception.

- E. **Discussion and Consideration of Adoption of Panhandling Regulations.** The City was approached by the Downtown Chico Business Association (DCBA) with a request to review current provisions regulating panhandling. The DCBA felt that it was becoming an increasing problem within the downtown and other portions of the community, and would like to explore reasoned solutions. By memorandum dated 12/8/03 the City Manager provided background information on this matter.

The City Manager provided the Committee members with background information regarding the problem with panhandlers in the downtown area. It was clear that non-aggressive panhandling is constitutionally protected. The City Attorney indicated that there is a requirement in the law that requires the panhandler to be first given a warning and that while this issue is under review by the State Supreme Court, findings could be made that would allow for the drafting and enforcement of an ordinance for the City of Chico.

Speaking in favor of the drafting a panhandling ordinance was Tina Mickelson who indicated that panhandling was a daily occurrence in Chico as she walked to the University. Tami Ritter questioned the process of warning the individuals. Jerry Foreman and Barbara Mundy also supported the need for the regulation. Katrina Davis wanted it to be clear that it was the aggressive panhandling that was the problem. A survey was in process asking the membership of the Downtown Business Association for their input on the panhandling situation. It was critical that the ordinance be backed up with enforcement. Barbara Mundy, a downtown business owner, stated that there is a problem with panhandling and that it impacts her customers as they try to walk into her business. Tami Ritter clarified that there is currently an outreach program at the shelter that will send someone out to a business if a call is received. She felt that a campaign to provide care not cash was more humane such as handing the panhandler a card that could be redeemed for some small service. This program may enable the person to connect with social service providers and perhaps get the help that is needed.

Police Officer Dan Fonseca indicated that State law already covers aggressive panhandling but requires someone to be willing to fill out a complaint. The Police Department would support an ordinance that would define areas where panhandling would be prohibited such as within a certain distance of a bus stop.

Vice Mayor Jarvis stated that she did support the drafting of an ordinance that clearly defined "aggressive" versus standard solicitation and which defined locations. She felt that the ordinance should be moved to

a priority and that an public education was critical not only for enforcement but also to provide business owners with the tools to help them in this process.

Recommendation: *The Committee recommended (3-0) that a panhandling ordinance which addresses aggressive panhandling along with the defining of locations be prepared by the City Attorney as soon as possible.*

- F. **Business from the Floor.** Michael Jones addressed the Committee regarding the City owned parcel known as the Bidwell Ranch. He felt that the City should either amend the General Plan or apply the General Plan to this parcel and sell it due to financial difficulties.
- G. **Reports and Communications.** — No items
- H. **Adjournment and Next Meeting.** The Committee adjourned at 10:15 a.m. The next meeting is scheduled for Tuesday, February 11, 2003, at 8:00 a.m. in Conference Room No. One.

Debbie Presson, City Clerk

Distribution:

City Clerk (22)
Director of Public Works
Asst. Dir. of Public Works McKinley
Pub. Works Admin. Mgr. Halldorson

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Comm. Dev. Director
Chief of Police
Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (4/1/03 Mtg.) **DATE:** March 26, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD FEBRUARY 11, 2003**

Committee Present

Councilmember Herbert, Chair
Councilmember Bertagna
Councilmember Jarvis

Staff Present

City Manager Lando	Park Director Beardsley
Comm. Dev. Director Baptiste	Planning Director Seidler
Director of Public Works Ross	Asst. Dir. of Public Works McKinley
City Attorney Frank	Traffic Engineer Mickelson
Asst. Comm. Dev. Director Sellers	Police Officer Fonseca
Personnel Director Erlandson	Administrative Analyst Dillard

COMMITTEE ITEMS REQUIRING CITY COUNCIL ACTION ON 4/1/03:

- A. **Approval of Recommendation to Provide Leaf Pick Up Service on Private Streets Subject to a Release of Liability.** The Committee was provided with a memorandum dated 2/3/03, from the Director of Public Works reporting on a request from property owners living on private streets to receive leaf pick up service. Because City regulations prohibit leaf burning and private street residents have limited alternatives for disposing of leaves, the Director of Public Works recommends the provision of leaf pick up services, but only if all residents on the street sign a release of liability.

Recommendation: The Committee recommended (3-0) approval to provide leaf pick up on private streets subject to a release of liability signed by all property owners on the street.

- B. **Request of EarthShare to Establish a Payroll Withholding Donation Program for City Employees.** The Committee was provided with a memorandum dated 2/4/03, from the Personnel Director presenting the request of EarthShare of California to be allowed to mail information to City employees to promote the establishment of payroll withholding for this charity. EarthShare staff has indicated they are willing to pay all costs related to this special mailing. Additionally, EarthShare has requested that the charitable organizations who have established payroll withholding through the City's policy be allowed to attend the annual Employee Workshop to provide information regarding their programs. The Personnel Director advised that City staff does not object to this request, and does not believe that the amount of work involved would take away from other City priorities.

Councilmember Bertagna was concerned about the idea of releasing personal information about City employees to an outside agency. Personnel Director Erlandson said no information is released since the City does the mailing. Other charitable organizations have done this before and participation is strictly voluntary on the part of the employee. EarthShare will also have a booth at the Employee Workshop where employees will be able to decide if they are interested in taking part in this voluntary payroll withholding.

Recommendation: The Internal Affairs Committee approved (3-0) the request from EarthShare of California to mail information to City employees and to attend the annual City of Chico Employee Workshop. A minute order will be forwarded to the City Council on 4/1/03.

- C. **Consideration of a Proposed Tree Ordinance for Chico.** The Committee was provided with a memorandum dated 2/5/03 from the Community Development Director reporting that the Internal Affairs

Committee at its 9/10/02 meeting directed staff to work with the community group "Tree Action" to reach general consensus on criteria that should be considered in the development of a tree ordinance. The memorandum provided the Committee with the proposed criteria and recommended that a tree ordinance be drafted based on these criteria for review by the Committee when drafted.

Chair Herbert said he is concerned about an ordinance that may infringe on private property rights. He discussed the need for the individual to be able to make decisions regarding removal of trees for health and safety reasons. He also said that the proposed ordinance seemed to assign too much power to the Urban Forester. Councilmember Bertagna said property owners must be allowed to remove trees to divide lots and he believes that this proposal may be in reaction to one or two recent mistakes.

Bill Priel spoke against the proposed ordinance saying that trees on his Esplanade property, dating back to 1937, are creating hazards as they become bigger, taller, and older. They are now 40-50 feet high and limbs falling from that distance could cause substantial damage, making him liable if he is not permitted to act quickly. He said the permit process is slow and cumbersome and he feels it is wrong that a tree owner should risk liability so others can enjoy the view provided by a questionable tree. Responsibility for trees is a burden felt by only a small percentage of the community because the amount of burden is determined by the age and size of the trees and owners of older lots will obviously carry more liability burdens. Roots create dangers in sidewalks and damage property, a costly situation for the land/tree owner.

Lin Jensen said the intention of the proposed ordinance is simply to place restraints on the removal of trees, not to prevent land owners from taking action on legitimate needs. He said that trees are of the public interest and can not be "owned" just as one can not own the air or the water. He stated that this ordinance addresses removal of trees on larger lots and safeguards against trees that have been around for many, many years.

Councilmember Jarvis said that this ordinance may not resolve disputes between neighbors and suggested that a Tree Board be established to handle such conflicts.

Juanita Sumner said she has been through the City's permit process numerous times, and has never experienced anything but exceptional service and timely results. She said that recently, her neighbor decided to cut down trees on the boundary line of their properties. He did so on a holiday weekend which she said she felt was a way to avoid backlash from the neighbors. He proceeded to cut down huge trees, using his own chain saw with neither a permit nor a professional. She is concerned that without an ordinance such as the one proposed, more people will make such decisions which not only have a negative impact on their neighbor's property but create hazardous situations when not handled professionally. She was upset that thus far, the only way to handle a situation like this is to hire an attorney and treat it as a civil issue. She felt decisions regarding trees on boundary lines should be mutual between neighbors and require a permit.

Alan Gair summarized the key elements of the proposal on which he believed TreeAction and City staff have reached agreement.

Karen Laslo stressed that the ordinance applies only to lots larger than one quarter of an acre.

Catherine Fish said that in her experience drafting tree ordinances, communities with proactive tree ordinances tend to educate the public about how to incorporate trees into their projected growth plan. The issue is not usually whether to adopt a tree ordinance or not, but rather what type of tree ordinance to adopt. She said most of the points in TreeAction's ordinance are being used in California, that they are not unusual at all. She said she bought 40 acres because the trees included in that acreage made the lot a more beautiful place to live. Her neighbor cut down the trees and she had no recourse, there is currently no protection against this type of action. She said this ordinance will help the City be more focused on design and the whole concept of including trees. Chair Herbert commented that the canopy currently enjoyed by Chico residents occurred without such an ordinance in place. Catherine Fish responded that the current canopy is aging and now is the time to actively manage this resource and that there is a need to implement a new planting program featuring trees that are going to last for the next one hundred years or more. Ms. Fish said that many of the trees being planted will not survive and are not the proper types of trees for the areas in which they are planted.

Barbara Vlamis commented that since private property is constantly regulated there should not be that

much fear involved in putting into place one more type of regulation.

John Blacklock said the Chico Chamber of Commerce is not taking a position on this issue but will directly seek the input of businesses to be included in any future discussions.

Vice Mayor Jarvis agreed that regulation abounds but felt certain definitions in the ordinance needed clarification, such as trees on boundary lines being treated differently, exemptions for single family homes, mediation to settle disputes between neighbors, and the role of a potential Tree Commission. She suggested the ordinance, and all related comments, be forwarded to the City Council without a 2-1 recommendation. Chair Herbert said he opposes the ordinance as presented today but feels there are certain issues worthy of more discussion. Councilmember Bertagna agreed, adding that he does not believe the tree canopy in Chico is disappearing.

Recommendation: Although the Committee voted against (2-1, Jarvis in favor) the Tree Ordinance as written, the Committee recommended (3-0) that the proposed ordinance and all related comments be forwarded to the City Council for review and consideration.

- D. **Reconsideration of Proposed Code Amendment to Allow Lights on Cell Towers Under Certain Circumstances.** The Committee was provided with a memorandum dated 1/29/03, from the Planning Director providing background on a previous proposal to amend the Chico Municipal Code to allow lights on cell towers where necessary to prevent a tower from becoming a hazard to aircraft. On 4/2/02, the City Council elected not to adopt the proposed amendment. The Airport Land Use Commission, however, has recently clarified its position on cell tower lights.

Recommendation: The Committee recommended (2-0-1, Bertagna disqualified) that the City Council now approve this proposed amendment to the Chico Municipal Code allowing lights on cell towers under certain circumstances.

- E. **Consideration of Policy Regarding Sanitary Sewer Service for Properties in the Unincorporated Areas.** At its meeting of 12/17/02 the City Council considered the request of Councilmember Nguyen-Tan to review the City's policy regarding sanitary sewer service for properties in the unincorporated areas. After discussion, the matter was referred to the Internal Affairs Committee. The Committee considered this matter at its 1/4/03 meeting. The Committee is again being provided with a memorandum dated 12/10/02, from the Assistant Community Development Director providing background information regarding the City's existing policy.

The City Manager said the City Attorney's office can not make the requested code amendments a priority at this time. The option of annexation has been presented and will be pursued. Code amendments will be made only if annexation is unsuccessful.

Recommendation: The Committee recommended (3-0) that annexation be pursued, and if unsuccessful, directed the City Attorney to amend the Chico Municipal Code to allow sanitary sewer service for properties in the unincorporated areas. Efforts are underway to pursue the annexation. At this time there is no need to develop a policy or an agreement until the success of the annexation is determined.

COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION ON 4/1/03:

- F. **Approval of Traffic Regulation Amendment No. 754 Which Designates Class 2 Bike Lanes Along Bruce Road from State Highway Route 32 to East Eighth Street.** The Committee was provided with a memorandum dated 1/21/03, from the Director of Public Works reporting that this Traffic Regulation Amendment will designate Class 2 bicycle lanes along both sides of Bruce Road from State Highway Route 32 to East Eighth Street as set forth in the City of Chico Bicycle Plan. The area has developed and the roadway has been built out to its ultimate width.

Action: The Committee approved (2-0-1, Herbert disqualified) Traffic Regulation Amendment No. 754 which designates Class 2 bike lanes along Bruce Road from State Highway Route 32 to East Eighth Street.

- G. **Approval of Traffic Regulation Amendment (TRA) No. 753 Which Will Remove a Total of Eight Parking Spaces Adjacent to the Driveways of the Sandalwood Apartments on Lassen Avenue and Formally Designate a No Parking Area on the North Side of Lassen Avenue.** The Committee was

provided with a memorandum dated 1/21/03, from the Director of Public Works reporting on a request by the manager of the Sandalwood Apartments located on Lassen Avenue to review the sight distance at the driveways exiting the apartment complex. After review, it was determined that the sight distance at these driveways is deficient. Staff recommends removal of a total of eight parking spaces, two spaces on each side of both driveways. Adoption of this TRA will also formally designate an area previously marked "No Parking" by Butte County.

Action: The Committee approved (2-0-1, Herbert disqualified) Traffic Regulation No. 753 which will authorize the removal of eight parking spaces and the formal designation of a no parking area on the north side of Lassen Avenue.

- H. **Consideration of Request from Silver Dollar BMX for Assistance to Construct a BMX Facility on 3.56 Acre City Parcel Adjacent the Silver Dollar Fairgrounds.** The Committee was provided with a memorandum dated 1/30/03 from the Park Director reporting that the Silver Dollar BMX is requesting assistance in securing adequate land tenure and financial assistance in the amount of one-half the development cost of \$1.4 - \$1.7 million to construct a BMX facility adjacent the Silver Dollar Fairgrounds. The 3.56 acre site is owned by the City of Chico. The request is consistent with the intended use of the property. The non-profit organization has prepared preliminary plans and would now like to proceed with development of the bicycle racing facility.

City Manager Lando said that given the current budget situation, he can not recommend the full funding amount requested. Terry Aldredge, a member of the Silver Dollar BMX Board of Directors, explained that this is a preliminary budget and that the completed, all weather BMX arena will enhance the local economy by bringing in revenue. He envisions taking the BMX track to the next level, but to do so it must be made very sanitary and be covered. Councilmember Herbert asked if the budget numbers submitted might be refined, and the City Manager suggested that this may be a project which can be accomplished in increments. Mr. Aldredge stated that because this is a year-round sport with only one week off during the Christmas season, the absolute priority is to get the facility covered; this is also a requirement for the BMX facility to acquire national accreditation. He said that racing activity has been very limited this year due to the storms and that \$500 has been spent on repair and maintenance of the track to keep it in race-ready condition. With the addition of a cover, those maintenance dollars could be reallocated for advertising, promotion, and concessions. Additionally, a covered track will bring in more riders, assist the spectators, shop, and concession stand, as well as provide shelter for riders waiting for access to the track; the more area that is covered, the better. Mr. Aldredge said that if the project is phased, this cover must be phase one because it will eliminate the need to make maintenance the number one budget priority.

Vice Mayor Jarvis requested that the Committee be provided with more specifics about the funding and funding commitment before deciding upon an actual dollar amount. She said the requested amount is not feasible, but agreed to consider a more reasonable amount. She also pointed out that when families and friends accompany a racer into town, revenue is brought in from a large number of visitors. Vice Mayor Jarvis said she would like to see the benefits of the proposed funding, especially in terms of economic development and tourism, and suggested that this item might be more appropriate for the Economic Development or Finance Committees.

The City Manager confirmed that it will be forwarded to the Finance Committee, suggesting that alternatives be discussed when this item is next addressed, alternatives including proceeds from the sale of the property. Councilmember Bertagna said he would like to see a business plan highlighting economic benefits, cost, and public and private interests.

In response to Terry Aldredge, Councilmember Herbert said that the length of the funding process will depend upon how much of a City commitment Mr. Aldredge requires, but given the current budget situation, the timing of this request is going to affect the final outcome. City Manager Lando said the process will take at least 30-60 days.

Recommendation: The Committee recommended (3-0) that representatives of the Silver Dollar BMX submit a revised funding request and a complete business plan highlighting the economic benefits and costs of an upgraded and expanded facility for consideration at a future Finance Committee meeting.

- I. **Reports and Communications.**

1. **Report on Request to Install Traffic Signals at the Intersection of West 2nd and Normal Streets.**

The Committee was provided with a memorandum dated 1/31/03, from the Director of Public Works reporting on a request to install traffic signals at the intersection of West 2nd and Normal Streets to alleviate pedestrian safety concerns caused by limited site distance from buses parking along West 2nd Street.

Dan DeWayne told the Committee that this intersection is visible from his university office and given what he witnesses everyday, he is very concerned that eventually someone crossing the intersection will be seriously injured or killed. Councilmember Jarvis said she feels the problem will only get worse with the expansion of the transit center, and that she would like staff to report back to the Internal Affairs Committee after observing this intersection and the sequence of the signal at West 2nd and Chestnut Streets. She suggested that perhaps that signal could be removed if one is installed at West 2nd and Normal Streets.

Action: The Committee directed staff to provide an analysis on this intersection as well as the intersection and traffic signal sequence at West 2nd and Chestnut Streets for consideration at its 3/11/03 meeting.

Adjournment and Next Meeting. The Committee adjourned at 10:11 a.m. The next meeting was scheduled for Tuesday, March 11, 2003, at 8:00 a.m. in Conference Room No. One.

Annalisa Dillard, Administrative Analyst

Distribution:

City Clerk (22)
Director of Public Works
Asst. Dir. of Public Works McKinley
Pub. Works Admin. Mgr. Halldorson

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Comm. Dev. Director
Chief of Police
Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (Mtg. of 4/15/03) **DATE:** April 3, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD MARCH 11, 2003**

Committee Present:

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff Present:

City Manager Lando
Comm. Dev. Director Baptiste
Director of Public Works McKinley
Assistant City Attorney Barker
Police Chief Hagerty
Traffic Engineer Mickelson
Police Officer Fonseca
Fire Prevention Officer Myers
Administrative Analyst Dillard

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION ON 4/15/03:

- A. **Adoption of Traffic Regulation Amendment No. 755 – Removal of 275 feet of Parking Along the North, and 256 Feet of Parking Along the South Side of West Eighth Avenue at its Intersection with Nord Avenue.** The Committee was provided with a memorandum dated 2/20/03 from the Director of Public Works reporting that the City's Traffic Safety Supervisor has determined that the parking of vehicles along this section of roadway is hazardous because it results in the through lane being narrowed to eight feet, forcing through traffic to swerve into the left lane to avoid parked vehicles. The impact of the proposed parking prohibition on adjacent businesses would be minimal, as they have adequate on-site parking.

***Recommendation:* The Committee adopted (3-0) Traffic Regulation Amendment No. 755 – Removal of 275 feet of parking along the north, and 256 feet of parking along the south side of West 8th Avenue at its intersection with Nord Avenue.**

- B. **Adoption of Traffic Regulation Amendment No. 756 – Removal of 60 feet of Parking on Panama Avenue Adjacent to the Exit of Jay Partridge Elementary School.** The Committee was provided with a memorandum dated 2/24/03 from the Director of Public Works reporting that Rod Stone, Principal of Jay Partridge School, requested this parking prohibition. The parking had previously been removed by the County; however, one of the signs is missing and for the City to replace it, a resolution must be in place. Since parked vehicles obstruct drivers' view of children entering the crosswalk, this parking prohibition is necessary for their safety.

***Action:* The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 756 which would remove 60 feet of parking on Panama Avenue adjacent to the exit of Jay Partridge Elementary School.**

- C. **Consideration of (a) Request for Installation of a Traffic Signal at the Intersection of West Second and Normal Streets; and (b) Removal of the Traffic Signal at West Second and Chestnut Streets.** The Committee was provided with a memorandum dated 2/27/03 from the Director of Public Works providing an analysis of the request from Dan DeWayne, Director of Chico State University Public Events, for installation of a traffic signal at the intersection of West Second and Normal Streets; as well as an analysis of the removal of the traffic signal at West Second and Chestnut Street, as requested by the Committee at its meeting of 2/11/03. In summary, the staff analysis resulted in the conclusions that (a) the pedestrian crossing at Second and Normal Street benefits from the gap in traffic flow due to its location between two signal-controlled intersections; and (b) removal of the traffic signal at the intersection of West Second and Chestnut Streets would be premature in that the University has plans to expand this site as its main entrance, which may involve the closure of Chestnut Street.

The City Manager said this is a low priority, high cost request, and even if approved, it would be approximately 10 years before it reached the top of the priority list.

In response to Vice Mayor Jarvis, Traffic Engineer Mickelson said that a traffic signal will be installed at the

main entrance of the transit center upon its completion.

Dan DeWayne spoke in favor of installing the traffic signal saying that busses remain parked along the street for longer than the designated 3-5 minutes. This forces pedestrians to walk out into the crosswalk and around a bus in order to determine whether it is safe to cross the street. Vice Mayor Jarvis suggested closing the crosswalk if there are liability issues involved.

In response to Vice Mayor Jarvis, Dan DeWayne said that the lighting at this crosswalk is poor. Vice Mayor Jarvis suggested that staff research the light over the Hwy 99 crosswalk in Gridley, because it provides an exceptional amount of light, and shines directly onto the crosswalk.

Recommendation: The Committee denied the request (3-0) to (a) install a traffic signal at the intersection of West 2nd and Normal Streets; and (b) to remove the signal at West 2nd and Chestnut Streets. The Committee directed staff to assess the lighting of the crosswalk at the intersection of West 2nd and Normal Streets.

- D. **Consideration of Requests for Installation of (a) a Multi-Way Stop at the Intersection of West Second and Citrus Avenues; and (b) Diagonal Parking on Citrus Avenue between West Second and West Fourth Avenue.** The Committee was provided with a memorandum dated 2/20/03 from the Director of Public Works providing an analysis supporting his recommendation for denial of these two requests received from Ken LaMora of 1452 Citrus Avenue. None of the Caltrans Traffic Manual stop sign warrants are met for installation of a multi-way stop at this intersection. Further, conversion to diagonal parking on Citrus Avenue would require widening of the roadway at an estimated construction cost of \$170,000, and would negatively impact 20 large Black Walnut trees which would have to be removed. In addition, the bicycle community has expressed concern over diagonal parking due to maneuvering conflicts between vehicles and bicyclists.

Ken LaMora spoke in support of the installation of the multi-way stop sign. He said that there is also a major problem before and after school with parents driving in to drop off or pick up Citrus Elementary School students. He is concerned that because of the absence of a drop off area and the poor parking situation, the principal must go out and direct traffic. He noted that in the rainy weather, an abundance of mud just magnifies these problems. Mr. LaMora also expressed concern that there is an inadequate number of school zone signs posted, signs which should encourage drivers to slow down for the safety of the children.

Ted Sullivan, Principal of Citrus School, said that because the property is owned by the City, the school district can not initiate improvements without an agreement with the City.

Kasey Merrill said that although the problems around the school are significant, the Committee should step away from the school area and look at the neighborhood in its totality. She said the traffic problem is not unique to the school area, in fact, residents do not have adequate parking on any given day.

Vice Mayor Jarvis suggested that City staff meet with the Chico Unified School District and area residents in an effort to solve the traffic related problems in the Citrus Avenue neighborhood.

Recommendation: The Committee recommended (3-0) the installation of a multi-way stop at the intersection of West 2nd and Citrus Avenues and denied (3-0) the request for the conversion to diagonal parking on Citrus Avenue between West 2nd and West 4th Avenues. The Committee directed staff to schedule a meeting with neighbors and the Chico Unified School District to discuss parking problems, student drop off areas, and the installation of additional school zone signs.

E. **Reports and Communications.** The following report and communication items are provided for the Committee's information and consideration, and no action is requested unless the Committee wishes to give direction to staff.

1. Letter dated 2/26/03 from Diana Fogel suggesting that the City of Chico place more limitations on billboard advertising. Included with the letter is information on Proposition G, a measure passed in 2002 by voters in the City and County of San Francisco.

Vice Mayor Jarvis requested that this item be scheduled for the 4/8/03 Internal Affairs Meeting.

Annalisa Dillard, Administrative Analyst

Distribution:

City Clerk (22)
Director of Public Works
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Chief of Police
Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (Mtg 5/6/03) **DATE:** April 24, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD APRIL 8, 2003**

Committee Present

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff Present

City Manager Lando
Comm. Dev. Director Baptiste
Director of Public Works McKinley
Assistant City Attorney Rock
Fire Chief Brown
Fire Prevention Officer Myers
Police Officer O'Quinn
Traffic Engineer Mickelson
Administrative Analyst Dillard

Chair Herbert arrived at 8:09 a.m. Item B was approved by Vice Mayor Jarvis and Councilmember Bertagna.

COMMITTEE ITEMS REQUIRING CITY COUNCIL ACTION ON 5/6/03:

- A. **Draft Ordinance to Regulate Aggressive and Deceptive Solicitation.** The Committee was provided with a memorandum dated 3/31/03 from Assistant City Attorney Rock submitting the draft ordinance to add Chapter 9.54, entitled "Aggressive and Deceptive Solicitation," to the Chico Municipal Code to define conduct constituting aggressive and deceptive solicitation and restrict the times, places, and manner in which such solicitation may occur.

Vice Mayor Jarvis expressed concern that the ordinance is too broad, infringes upon constitutional rights, and places too much regulation on private property. Assistant City Attorney Rock said that the ordinance is in a preliminary stage, drafted by incorporating material gathered from cities with similar ordinances in place. Assistant City Attorney Rock said that ideally, either a proprietor or a customer should be able to seek assistance when being solicited, whether or not they are on private property.

The City Manager recommended removal of the reference to time of day since the overall objective is elimination of solicitation in the downtown area regardless of the hour.

In response to the City Manager, Assistant City Attorney Rock said the distance of 15 feet from any building entrance or exit was used in the "Place" section of the draft because it is the distance most typically used in similar ordinances. She suggested taking actual measurements in the downtown business area to establish a more appropriate distance.

Police Officer O'Quinn stated that most individuals soliciting do so regularly, with occasional changes to their location or method, and that those individuals being solicited are potential customers, not property owners or managers. In response to Vice Mayor Jarvis, Officer O'Quinn said that a complaint will still be required with adoption of the new ordinance and the complainant must still be willing to make a statement or be subpoenaed to provide evidence necessary for the court.

The City Manager said that if this ordinance is adopted, an administrative procedure regarding enforcement will also be adopted.

Vice Mayor Jarvis agreed with the removal of all references to time, and also suggested combining references to parking on private property, regardless of whether a financial institution is on site. In response to Vice Mayor Jarvis, Assistant Attorney Rock said that the definition of financial institution will be changed in the final draft to include banks which are located inside of grocery stores. Councilmember Herbert suggested that there are federal laws in place prohibiting solicitation near automated teller machines.

The Committee agreed that the specific distances of 15 and 50 feet are excessive and requested that specifications on distance be reassessed to be more reasonable.

Vice Mayor Jarvis noted that the references to manner describe actions which are already illegal and need not be included in this ordinance. Assistant Attorney Rock said that the ordinance can not be vague and must clearly define "aggressive solicitation" thereby creating a framework giving credence to its enforceability.

Assistant Attorney Rock said violation of this ordinance will result in an infraction with the possibility of a one thousand dollar fine or equivalent community service.

Recommendation: The Committee recommended (3-0) that the draft ordinance, with time restrictions deleted, be forwarded to the City Council for discussion of specific distance restrictions.

COMMITTEE ITEMS REQUIRING NO CITY COUNCIL ACTION ON 5/6/03:

- B. **Adoption of Traffic Regulation Amendment No. 758 – Installation of a Stop Sign on Westminster Court at its Intersection with Huntington Drive.** The Committee was provided with a memorandum dated 3/19/03 from the Director of Public Works reporting that in response to the concerns of Westminster Court resident Leanne Calhoun regarding recent near-miss accidents at this intersection, staff evaluated her request for installation of a stop sign on Westminster Court and determined that the intersection meets the specific CalTrans warrant for assignment of right-of-way at a "T" intersection. The proposed resolution would authorize the stop sign on Westminster Court since Huntington Drive is the through street.

Recommendation: The Committee adopted (2-0-1, Herbert absent) Traffic Regulation Amendment No. 758, which authorizes the installation of a stop sign on Westminster Court at its intersection with Huntington Drive.

- C. **Update on Chico Urban Area Fire & Rescue Agreement.** The Committee was provided with a memorandum dated 3/27/03 from the Fire Chief transmitting a draft of the Chico Urban Area Fire & Rescue Agreement Annual Report (awaiting County Fire Chief signature) and providing follow-up to Council questions at the 1/28/03 City Council Meeting regarding fire station locations. The Fire Chief was in attendance to provide a brief report and answer questions.

Chief Brown explained that although the core agreement requires the County and City to consult with one another regarding purchase of property for Fire Station 7, the County has independently purchased property on Eaton Road near Hicks Lane. The City was interested in purchasing more accessible property on Eaton Road off of Highway 99 near the Gamel RV sales lot. All members of the Committee expressed concern over the fact that the agreement originally said co-location would occur at the City location and an explanation of this change will be necessary for their constituents. Councilmember Bertagna suggested stopping the process now and starting negotiations to reach a fiscally sound solution.

Chief Brown said that the site purchased by the County is large enough for co-location but that a portion will have to be removed from the intersection to provide access. The City Manager said the property purchased by the County is in a general location, within the City limits, and the City can work with Cal Trans to access Eaton as an exit. He said he is unsure as to why the County took this step but it can be made to work.

In response to a question from Vice Mayor Jarvis, the Fire Chief said that it has been four months since the Fire Department applied for FCC licenses for the remote base station radio which will be used by the County to pre-alert City fire resources of an incorporated area emergency. Vice Mayor Jarvis suggested calling Congressman Herger's office to express concerns over the delay.

The Vice Mayor suggested that this item be forwarded to the next Intergovernmental Meeting. She noted that it will be difficult to decide if the County site is reasonable for co-location until the design of Eaton Road is completed.

Recommendation: The Committee requested that Chief Brown provide an update regarding City progress on acquiring a Fire Station No. 7 site, acquisition by the County of a site in the same area, and the requirements of the Chico Urban Area Fire and Rescue Plan regarding the Eaton

Rd./Highway 99 station location. The Committee recommended that further contacts be made with the County Fire Department and that the issue be forwarded for discussion at a future Intergovernmental or Internal Affairs Committee meeting.

- D. **Consideration of Request for Additional Limitations on Billboard Advertising.** This item was removed from the agenda by Diana Fogel, the citizen requesting Committee consideration.
- E. **Consideration of Request for Installation of a Multi-Way Stop at the Intersection of Ceanothus Avenue and Colonial Drive.** The Committee was provided with a memorandum dated 3/19/03 from the Director of Public Works reporting that in response to the concerns of Ceanothus Avenue resident Chris Sawyer with speeding through this residential neighborhood, staff evaluated his request for a multi-way stop at this intersection and determined that it is not warranted. Further, State standards recommend against using stop signs for speed control, as they have proven ineffective. However, staff is recommending that a stop sign be installed on Colonial Drive at its intersection with Ceanothus Avenue because it meets the specific CalTrans warrant for assignment of right-of-way at a "T" intersection. Traffic would be stopped at Colonial Drive since Ceanothus Avenue is the through street.

The Director of Public Works said that the intersection at Eaton and Ceanothus will be a controlled intersection upon completion of the Drake Homes development.

In response to Vice Mayor Jarvis, Mr. Sawyer said that he has observed many of the trucks involved in the construction to be speeding through the area. Vice Mayor Jarvis offered to contact Drake Homes to request that they direct crews to reduce their speeds through this neighborhood. She told Mr. Sawyer to call her personally and let her know if the problem continues.

Recommendation: The Committee adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico adopting Traffic Regulation Amendment No. 759, which authorizes the installation of a stop sign on Colonial Drive at its intersection with Ceanothus Avenue.

- F. **Adjournment and Next Meeting.** The Committee adjourned at 9:04 a.m. The next meeting is scheduled for Tuesday, May 13, 2003, at 8:00 a.m. in Conference Room No. One.

Annalisa Dillard, Administrative Analyst

Distribution:

City Clerk (22)	Traffic Engineer Mickelson	Community Development Director
Director of Public Works	City Attorney	Chief of Police
Asst. Dir. of Public Works McKinley	Fire Chief	
Pub. Works Admin. Mgr. Halldorson	Finance Director	
Planning Director		



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (6/17/03)

DATE: May 15, 2003

FROM: INTERNAL AFFAIRS COMMITTEE

FILE: Committee Binder

RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD MAY 13, 2003

Committee present:

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff present:

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

Fire Prevention Officer Myers
Traffic Engineer Mickelson
Administrative Analyst Dillard

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 6/17/03:

- A. **Consideration of the Removal of the Crosswalk on Longfellow Avenue at East Lindo Avenue.** At its meeting of 10/9/01, the Internal Affairs Committee heard a report evaluating the safety of the crosswalk on Longfellow Avenue at its intersection with East Lindo Avenue and voted unanimously to recommend removal of the crosswalk. However, City Council action on this matter was delayed at the request of the Risk Manager in order to conduct more pedestrian and traffic studies, and in consideration of potential future litigation from an accident at this location. Such studies were completed, the litigation was not initiated, and the public notice period required by the California Vehicle Code (CVC) for the proposed removal has been completed. Today's discussion of this matter constituted the public hearing required by the CVC for this recommended action.

Recommendation: The Committee recommended (3-0) the removal of the crosswalk on Longfellow Avenue at East Lindo Avenue.

- B. **Consideration of Administrative Policy & Procedure - Implementation of the Mills Act for Historic Property Preservation.** The Committee was provided with a memorandum dated 4/29/03 from the Assistant Community Development Director reporting on local implementation of the Mills Act, to provide incentives for the voluntary preservation and maintenance of historic structures in the community as authorized by State law. The City Council directed staff to prepare the local procedures following initial discussion in 2000. The draft AP&P was attached to the memorandum, along with a copy of the proposed contract and application form.

Kris Zappetini, representing the Chico Heritage Association, thanked the Committee for moving forward with implementation of the Mills Act, saying that it will greatly benefit tourism in the community.

Recommendation: The Committee recommended City Council adoption of the AP&P establishing a procedure for entering into Historic Property Preservation Agreements, and establishing an application fee of \$500.

- C. **Approval of Traffic Regulation Amendment No. 761 Which Will Convert One Two-Hour Metered Parking Space in the Downtown Parking Structure to a Police Parking Tow-Away Zone and Designate the Existing Police Parking Space as a Tow-Away Zone.** The Chief of Police requested and the Parking Place Commission recommended the designation of one additional Police parking space in the downtown parking structure to accommodate the need for additional Police presence in the downtown area, particularly on Thursday, Friday, and Saturday nights. Both Police parking spaces will be designated as a tow-away zone to give officers the authority to have unlawfully parked vehicles towed. The annual loss of revenue for converting one metered parking space to a police parking zone would be \$790.

Action: The Committee approved (3-0) Traffic Regulation Amendment No. 761 which will convert one two-hour metered parking space in the downtown parking structure to a police parking tow-away zone and designate the existing police parking space as a tow-away zone.

- D. **Approval of Traffic Regulation Amendment No. 762 Which Would Convert Nine One-Hour Meters to Two-Hour Meters in Municipal Parking Lot No. 5.** The Committee was provided with a memorandum

dated 4/21/03 from the Director of Public Works reporting on changing the remaining nine one-hour parking meter designations to two hours in Municipal Parking Lot No. 5 in order to increase usage and revenue. This change represents the recommendation of the Parking Place Commission.

Action: The Committee approved (3-0) Traffic Regulation Amendment No. 762 which will convert nine one-hour meters to two-hour meters in Municipal Parking Lot No. 5.

Adjournment and Next Meeting. The Committee adjourned at 8:08 a.m. The next meeting is scheduled for Tuesday, June 10, 2003, at 8:00 a.m. in Conference Room No. One.

Annalisa Dillard, Administrative Analyst

Distribution:

City Clerk (22)
Director of Public Works
Asst. Dir. of Public Works McKinley
Pub. Works Admin. Mgr. Halldorson

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 (7/1/03) **DATE:** June 12, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD JUNE 10, 2003

Committee present:

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff present:

City Manager Lando
Director of Public Works McKinley
City Attorney Frank
Assistant City Attorney Barker
Sr. Development Engineer Johnson
Risk Manager Koch

Police Sergeant Fonseca
Fire Prevention Officer Myers
Traffic Engineer Mickelson
Management Analyst Herman
Administrative Analyst Dillard

COMMITTEE REQUIRING CITY COUNCIL ACTION ON 7/1/03:

- A. **Approval of Ordinance of the City Council of the City of Chico Repealing Provisions of and Adding Provisions to the Chico Municipal Code, Relating to Presentment of Claims Against and Commencement of Litigation Against the City of Chico and City Agencies, Officers, and Employees.** The Committee was provided with a memorandum dated 6/1/03 from City Attorney Frank submitting this ordinance for approval.

Recommendation: *The Committee recommended (3-0) approval of the Ordinance of the City Council of the City of Chico Repealing Provisions of and Adding Provisions to the Chico Municipal Code, Relating to Presentment of Claims Against and Commencement of Litigation Against the City of Chico and City Agencies, Officers, and Employees.*

- B. **Approval of Ordinance of the City Council of the City of Chico Amending Title 14R of the Chico Municipal Code, Entitled "Streets and Sidewalks," Regarding the Regulation of Parades, Public Assemblies and Athletic Events on Public Streets.** The Committee was provided with a memorandum dated 6/3/03 from Assistant City Attorney Barker submitting this ordinance for approval.

Councilmember Jarvis requested that this item be pulled from the consent agenda for discussion of the differences in the notice requirements for designated and undesignated parade routes. Assistant City Attorney Barker explained that use of the designated route requires no staff analysis because all conditions and costs for that route are predetermined. However, for undesignated routes, staff must take the time to analyze the requested route in order to provide adequate traffic control/diversion.

Assistant City Attorney Barker also explained that the application and traffic control fees remain constitutional provided that identical fees are charged to all applicants. The two fees are separate and are based upon the hourly cost of City employees involved in the execution of the event. Traffic control fees can be used only to divert traffic, additional fees can not be imposed if it is determined that the event may require added security. The traffic control fee may be waived by the Director of Public Works if it is determined that a group is unable to pay. City Attorney Frank added that the designated parade route and set costs are determined by Council resolution.

Recommendation: *The Committee recommended (3-0) approval of the Ordinance of the City Council of the City of Chico Amending Title 14R of the Chico Municipal Code, Entitled "Streets and Sidewalks," Regarding the Regulation of Parades, Public Assemblies and Athletic Events on Public Streets. The Committee requested that all known parade groups be notified when this item goes before the City Council.*

- C. **Consideration of the Removal of Parking Along Portions of Wittmeier Way (Talbert Drive) as a Result of the Wal-Mart Expansion.** As a result of the Wal-Mart expansion, traffic studies have

determined a need for a traffic signal at the Forest Avenue/Wittmeier Way (Talbert Drive) intersection, which Wal-Mart has agreed to install as part of the required offsite improvements. It has also been determined that dedicated left-turn lane(s) will be necessary, which would result in the removal of on-street parking along Wittmeier Way (Talbert Drive). Wal-Mart could dedicate additional right-of-way to the City and reconstruct Wittmeier Way (Talbert Drive) to accommodate both the additional traffic lane(s) and on-street parking.

The City Manager suggested tabling this item saying that there are some details that still needed to be ironed out. Mike Neer, PacLand Project Engineer representing the interests of Wal-Mart, said his company is concerned with pedestrian/vehicular conflicts that may occur in the street parking area and would like to move forward as soon as possible with the design of the intersection and the placement of a signal. Mr. Neer confirmed that Wal-Mart will dedicate the right of way required to widen Wittmeier Way.

The City Manager reviewed the map of the area and said this item will have to be revisited in the future when curb cuts are made for driveways.

Councilmember Bertagna supported dedicating the right of way and leaving the existing parking until future development plans are finalized.

Recommendation: The Committee recommended (3-0) widening Wittmeier Way (Talbert Drive) upon dedication of the right-of-way from Wal-Mart, which will accommodate the additional traffic lane(s) and the existing on-street parking.

- D. **Consideration of Community Transit Advisory Committee's Recommendation to Allow the Sale of Advertising on the Chico Area Transit System (CATS) Buses.** At its 4/15/03 meeting, the City Council considered the Community Transit Advisory Committee's (CTAC) recommendations regarding several Chico Area Transit System improvements suggested by the firm of Nelson\Nygaard Consulting Associates. The CTAC also suggested potential revenue sources, one of which was to allow the sale of exterior and interior advertising on the buses, to fund these proposed transit improvements. The Council referred the advertising issue to the Internal Affairs Committee for review and recommendation. The Committee was provided with a memorandum dated 5/27/03 from Management Analyst Herman submitting the CTAC's recommendations and providing more information regarding advertising on the buses.

Vice Mayor Jarvis asked if there would be limitations as to the types of advertising permitted on the buses. Assistant City Attorney Barker responded that this type of advertising is usually limited to commercial goods and services, excluding those which are political or religious in nature, but that Council would determine restrictions with the adoption of an ordinance.

Councilmember Bertagna was opposed to any advertising on City buses.

Chair Herbert said he supported the advertising because of the revenue it would generate for the transit improvement fund.

In response to Vice Mayor Jarvis, Management Analyst Herman said that the loss of revenue will not result in fewer improvements at this time, but given the fact that the transit funds are limited, this issue may come before the Committee again.

Recommendation: The Committee did not support (2-1, Herbert in favor) the Community Transit Advisory Committee's recommendation to allow the sale of advertising on the Chico Area Transit System (CATS) buses.

COMMITTEE REQUIRING NO CITY COUNCIL ACTION ON 7/1/03:

- E. **Approval of Traffic Regulation Amendment No. 763 — Installation of a Stop Sign at the Intersection**

of Avondale Way and Legacy Lane. Resident Cory D. Vessels requested the installation of a stop sign on Avondale Way at Legacy Lane due to frequent near-miss accidents at that intersection. Following evaluation, it was determined that a stop sign at this location meets the CalTrans warrants. Since Legacy Lane is the through street, it would be appropriate for the traffic on Avondale Way to be stop controlled.

Action: The Committee approved (3-0) Traffic Regulation Amendment No. 763 — Installation of a Stop Sign at the Intersection of Avondale Way and Legacy Lane.

- F. **Approval of Traffic Regulation Amendment No. 764 Which Will Convert Two Unlimited Parking Spaces to Two 30-Minute Parking Spaces in Front of 1635 Magnolia Avenue.** Mike McDonald requested the conversion of two unlimited parking spaces in front of his chiropractic office at 1635 Magnolia Avenue to two 30-minute parking spaces to accommodate the needs of his patients. Since the area surrounding his office is heavily impacted by Enloe employees, it is often difficult for his patients to find a parking space. The conversion of these two parking spaces will have no significant impact upon overall parking in the local area.

Action: The Committee approved (3-0) Traffic Regulation Amendment No. 764 which will convert two unlimited parking spaces to two 30-minute parking spaces in front of 1635 Magnolia Avenue.

- G. **Reports and Communications.** The following report and communication items are 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 the Installation of Audible Pedestrian Signals at the Intersection of West Second and Salem Streets.** Staff received a request to investigate the possibility of installing audible pedestrian push buttons at the intersection of West Second and Salem Streets. Because it is essential to have a dedicated left-turn phase and pedestrian walk phase before audible push buttons can be installed, several modifications to the intersection would have to be made at an approximate cost of \$12,000. Further, the ADA does not currently require audible pedestrian signals and the federal government has postponed their final ruling on standards for their installation until the end of the calendar year.

Recommendation: Since the final ruling and equipment and installation requirements cannot be anticipated at this time, the Committee recommended (3-0) that the City Council defer action on this item until such time as a new federal regulation has been adopted.

- H. **Adjournment and Next Meeting.** The Committee adjourned at 8:31a.m. The next meeting is scheduled for Tuesday, July 8, 2003, at 8:00 a.m. in Conference Room No. One.

Annalisa Dillard, Administrative Analyst

Distribution:

City Clerk (22)
Director of Public Works
Asst. Dir. of Public Works Alexander
Pub. Works Admin. Mgr. Halldorson

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Asst. Community Development Director
Chief of Police
Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (9/2/03) **DATE:** August 20, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD AUGUST 12, 2003

Committee present:

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff present:

City Manager Lando
Director of Public Works McKinley
Assistant City Attorney Barker
Asst. Comm. Development Director Sellers
Risk Manager Koch
Chief of Police Hagerty

Police Sergeant Fonseca
Police Captain Maloney
City Clerk Presson
Traffic Engineer Mickelson
Management Analyst Herman
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 9/2/03:

- A. **Police Department - Methods for Prioritizing Traffic Enforcement in Various Neighborhoods.** This item was referred to the Internal Affairs Committee by the City Council at the request of the Mayor. The Police Department discussed how it establishes locations and priorities for traffic enforcement.

City Manager Lando explained that Maureen Kirk requested this information because she had been asked why there was an emphasis on traffic control on California Park Drive. Chief of Police Hagerty stated there are specific officers designated for traffic enforcement who are typically enforcing identified problem areas that have speed, right of way, or drug and alcohol violations. These areas have been identified by community complaints or concerns, accidents, or observations by officers.

Sergeant Fonseca provided an overview on traffic enforcement and stated that collisions determine where the Police Department work enforcement. He noted that the Skyway is enforced by Paradise Police Department, California Highway Patrol and Chico Police Department and accidents have lessened considerably by the presence of officers and the issuance of citations. East Avenue and Marigold also has a high rate of speeders and since this is a designated construction zone, fines are doubled. Sergeant Fonseca added that many violators do not heed a warning and will continue to speed so citations are the best way to change a person's habit.

Recommendation: *The Committee accepted the report and recommended (3-0) to forward the information to the City Council.*

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 9/2/03:

- B. **Consideration of a Request from Supervisor Mary Anne Houx to Prohibit Parking Along East Lassen Avenue Under the State Highway Route 99 Overpass.** The Committee was provided with a letter dated 6/6/03 from Supervisor Mary Anne Houx requesting the Committee's consideration in designating prohibited parking on East Lassen Avenue under the SHR 99 overpass for safety reasons since large trucks and trailers parking there force through traffic over the centerline. However, according to the California Vehicle Code it is legal for large trucks to park on all city roadways other than residential. Further, after monitoring the locations, staff determined that the lane width required to pass the parked trucks meets the City's standard, and that the sight distances are also adequate.

Councilmember Herbert asked if any discussion was held among neighbors in the immediate area. Traffic Engineer Mickelson responded that only one neighbor complained and she did not live in the neighborhood. City Manager Lando recommended parking not be prohibited at this time but if the neighborhood comes forward with a request that it be brought back to the Committee.

Recommendation: The Committee denied (3-0) the request to prohibit parking along East Lassen Avenue under the State Highway Route 99 overpass since there have been no neighborhood complaints and lane width and sight distance meet City standards.

- C. **Adoption of Traffic Resolution Amendment (TRA) No. 766 Which Will Authorize the Removal of Parking Along Humboldt Road Adjacent to Hank Marsh Junior High School to Allow for Transit Operations at a Newly Installed Bus Stop and Formally Designate a No Parking Bus Zone at that Location.** The Committee was provided with a memorandum dated 7/21/03 from the Director of Public Works reporting that a new bus stop has recently been selected by BCAG on Humboldt Road adjacent to Hank Marsh Junior High School. Because of the location of the new bus stop, 65 feet of existing parking will have to be removed and designated as a "No Parking Bus Zone." Adoption of this TRA will formally designate the area as a No Parking Bus Zone.

Action: The Committee adopted (3-0) Traffic Resolution Amendment (TRA) No. 766 which will authorize the removal of parking along Humboldt Road adjacent to Hank Marsh Junior High School to allow for transit operations at a newly installed bus stop and formally designate a No Parking Bus Zone at that location.

- D. **Request for Sewer Service to Unincorporated Property - 1249 West Lindo Avenue (Karasinski).** The owner of the .75 acre (.48 acre net) parcel at 1249 West Lindo Avenue has requested that sanitary sewer service be provided to the existing single family residence and to facilitate the subdivision of the property for development of a second residence, even though the property cannot currently be annexed to the City. The Committee was provided with a memorandum from the Assistant Community Development Director dated 8/5/03, providing background information and describing the subject property. To approve the request, the Chico Municipal Code must be amended. The City Council, acting on an earlier recommendation from the Internal Affairs Committee, has previously directed the City Attorney to prepare such amendments, but assigned it a low priority.

City Manager Lando stated that generally the City's position is that the more residents on City sewer the better, but it is his general recommendation to not grant this request. He added that past practice has shown that annexation opposition after sewer connection has led to the denial of many such requests. Councilmember Bertagna asked what is preventing Karasinski from annexing to the City. City Manager Lando responded that Mr. Karasinski needs to initiate the annexation process. Staff indicated that this particular case does not meet the island annexation rules and it is more than 300' away from a sewer main. Councilmember Jarvis asked who would be responsible for payment for the 400' of sewer hook-up if the request was granted. Director of Public Works McKinley answered that it is the property owner's responsibility and that cost would be approximately \$100 per linear foot.

Ken Karasinski stated that his lot is in an old residential neighborhood, he has owned it for twenty years and now wants to subdivide and build a second home on the existing property for his daughter. He added he is willing to pay the \$40,000 for sewer hook-up and would agree to annexation when the time comes. He stressed the fact that he has met the City's five requirements for Council supported extension of sewer service and that perhaps it is time to review and update those regulations.

Steve Lucas, representing Butte County Local Agency Formation Commission, (LAFCO) stated that knowing the existing neighborhood he would expect opposition to annexation. He suggested considering annexation of smaller parcels at a time. He also cautioned that state laws have changed and the City cannot arbitrarily decide to install sewer services without LAFCO approval.

Bob Feeney stated he is working with a client that is 400' - 500' from the City limits and would like Council to consider some form of infill project or sewer service agreement.

Recommendation: The Committee requested staff to schedule neighborhood meetings and to work with LAFCO to determine if annexation is possible then report back to the Committee at its meeting of 9/9/03.

- E. **Consideration of Ordinance Amending Title 14 of the Chico Municipal Code Regarding the Regulation of Parades, Public Assemblies and Athletic Events.** At its meeting of 7/1/03, the City Council considered the Committee's recommendation to adopt the referenced ordinance. In response to

questions raised by Bob Ray regarding the provisions of the ordinance, the Council referred the matter back to the Committee for further discussion with parade applicants. The Committee was provided with a memorandum dated 6/3/03 from Assistant City Attorney Barker transmitting the ordinance. Notice of today's meeting was provided to all recent parade permit applicants.

Some of the concerns raised by Bob Ray included the need for a periodic review of parade routes, that the five day wait for a permit was too long for some instances such as a spontaneous assembly, and the requirement that you must apply for a permit a year in advance. The City Manager indicated that there wouldn't be a problem adding a periodic review and that through the administrative procedure, last minute changes could be addressed. Assistant City Attorney Barker addressed the five day wait for a permit, stating that there was a no need for a permit if the assembly would not block traffic.

Action: The Committee requested the City Attorney's Office to review the list of concerns provided by Bob Ray and to report back to the Committee at its meeting of 9/9/03.

- F. **Discussion Regarding Regulations Related to Public Nudity, Especially in City Parks.** This item was placed on the agenda at the request of Councilmember Bertagna as a result of recent complaints. The Assistant City Attorney and Chief of Police discussed this matter with the Committee.

Chief of Police Hagerty explained that state law requires a warning be given with the first incident, with possible arrest after the second complaint. Since most individuals don't repeat this type of activity it is often difficult to apprehend offenders or adequately enforce the law.

Action: The Committee requested the City Attorney's Office to prepare a draft ordinance that addresses the issue of public nudity and to report back to the Committee at its meeting of 9/9/03.

- G. **Consideration of Troy Tohid's Request to Review Regulations Pertaining to Tobacco Smoking Establishments.** This item was referred to the Internal Affairs Committee by the City Council at its meeting of 7/1/03. The Committee was provided with a copy of the letter dated 6/30/03 from Troy Tohid and Chapter 8.28 (Smoking Regulations) of the Chico Municipal Code. No written staff report was provided.

Mr. Tohid was not present for this item and the item was not discussed.

- H. **Reports and Communications.** The following report and communication item was provided for the Committee's information and consideration, and no action was taken.

1. **Report on the Removal of 160 Feet of Parking Along Mission Ranch Boulevard.** The Committee was provided with a memorandum dated 7/21/03 from the Director of Public Works recommending the removal of 160 feet of parking along Mission Ranch Boulevard adjacent to Ricardo's restaurant due to the future development of property at 111 Mission Ranch Boulevard. The Committee had previously approved the removal of this parking at such time as the traffic volume reached 5,000 vehicles per day or that property at 111 Mission Ranch was developed. ***Since the property at 111 Mission Ranch is scheduled for development, 160 feet of parking along Mission Ranch Boulevard will be removed at the time of construction.***

- I. **Adjournment and Next Meeting.** The Committee adjourned at 9:00 a.m. The next meeting is scheduled for Tuesday, September 9, 2003, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (20)
 Director of Public Works
 Asst. Dir. of Public Works Alexander
 Pub. Works Admin. Mgr. Halldorson

Traffic Engineer Mickelson
 City Attorney
 Risk Manager
 Planning Director

Finance Director
 Community Development Director
 Asst. Community Development Director
 Chief of Police
 Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (10/7/03) **DATE:** September 22, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD SEPTEMBER 9, 2003

Committee present:

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff present:

City Attorney Frank
Assistant City Attorney Barker
Comm. Development Director Baptiste
Risk Manager Koch
Chief of Police Hagerty

Police Sergeant Fonseca
Traffic Engineer Mickelson
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 10/7/03:

- A. **Consideration of Ordinance Amending Title 14 of the Chico Municipal Code Regarding the Regulation of Parades, Public Assemblies and Athletic Events.** At its meeting of 7/1/03, the City Council considered the Committee's recommendation to adopt the referenced ordinance. At its meeting of 8/12/03, the Internal Affairs Committee received written comments submitted by Bob Ray regarding the proposed ordinance. The matter was continued to today's meeting to allow time for staff evaluation of those comments. The Committee was provided with a memorandum dated 8/27/03 from Assistant City Attorney Barker responding to the comments. Notice of today's meeting was provided to all recent parade permit applicants.

Recommendation: The Committee recommended (3-0) forwarding the memorandum to the City Council for approval so that changes could be made to the ordinance before final adoption.

- B. **Discussion Regarding Regulations Related to Public Nudity, Especially in City Parks.** At its meeting of 8/12/03, the Committee requested the City Attorney's Office to prepare a memorandum regarding the issue of public nudity and to report back at today's meeting. The Committee was provided with a memorandum dated 8/19/03 from Assistant City Attorney Barker providing the requested information.

Daniel Moore, a local member of the American Association of Nude Recreation stated that nudity is a philosophy, and in some quality, a religion. He has enjoyed the ability to swim nude in upper Bidwell Park for ten years and would be saddened to see laws preventing it, but did add that some policy may need to be addressed for certain areas in Chico. Charles Harris, a member of the Naturist Action Committee, believes nude recreation is wholesome and encourages a positive self image. He believes children who are raised in this manner are well adjusted and have a better self image than "textiled" (clothed) children. He believes that in this situation, all that is needed is appropriate management, not prohibition, as California Penal Code 314 already provides penalty for lewd and lascivious behavior.

Councilmember Herbert asked Mr. Moore if he believes the majority of people in Chico are offended by nudity. Mr. Moore responded that most people he encounters do not seem to be offended, but that teenage and college age males can be rude, mean or violent, and have even thrown rocks at him and his family.

Councilmember Herbert moved that an ordinance be drafted to prohibit public nudity within the Chico city limits. Councilmember Bertagna seconded the motion noting he wanted it to be a complaint driven ordinance. Councilmember Herbert commented this is something he believes the citizens in the community may have thought was currently in effect.

Recommendation: The Committee recommended (2-1, Jarvis voting against), that the City Council direct the City Attorney to draft an ordinance prohibiting public nudity within the Chico city limits.

- C. **Consideration of Troy Tohid's Request to Review Regulations Pertaining to Tobacco Smoking Establishments.** This item was referred to the Internal Affairs Committee by the City Council at its meeting of 7/1/03 and again at its meeting of 9/2/03. The Committee was provided with a copy of the letter dated 6/30/03 from Troy Tohid and Chapter 8.28 (Smoking Regulations) of the Chico Municipal Code are attached. No written staff report was provided.

Mr. Tohid stated he operates a smoking establishment and would like to begin serving coffee and tea. Since local code prevents this, he is requesting an exemption of the code for his place of business. Councilmember Bertagna stated the Committee cannot hand tailor an ordinance for his particular use. Mr. Tohid questioned if it would be hand tailoring or would it simply be adopting state law. Councilmember Jarvis explained that the message from community members to the City Council has always been to restrict smoking in businesses and at this point the City Council cannot go against the citizens' wishes. Mr. Tohid then asked if serving complimentary drinks would be a possibility. Councilmember Jarvis suggested he seek the advice of an attorney.

Action: The Committee denied (3-0) Mr. Tohid's request for an exemption to Chico City Ordinance No. 8.28.060.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 10/7/03:

- D. **Request by Mark and Candy Priano to Make a Presentation Related to Kristie's Bill - Senate Bill 982.** A letter dated August 7, 2003, was provided to Mayor Kirk by Mark and Candy Priano requesting an opportunity to speak to all members of the City Council and show a 16-minute video related to Kristie's Bill - Senate Bill 982. At its meeting of 9/2/03, the City Council referred the request to the Committee. No written staff report was provided.

Candy Priano asked the Committee to support Kristie's Bill, Senate Bill 982, and also requested the Committee to ask the Chico Police Department to review their policy on police pursuits. She said that California leads the nation in the number of innocent citizens killed in police pursuits, with two killed per month. The Prianos are encouraging cities to adopt police pursuit policies that keep public safety in mind, stating many times there is no need for a police pursuit. Mark Priano stated there needs to be accountability in police pursuits, adding that 40% of all pursuits end in a crash.

Mr. Priano commented that the current City of Chico pursuit policy is long, vague and contradictory. Basically, what it states to the officers involved is "you decide." He believes the language is very subjective and supervisory control is passive rather than active. Also, the current policy does not address alternative strategies. Mr. Priano would like the City to establish a new pursuit policy which should define pursuits as a public safety issue with language that is clear, concise, and understandable.

Chief Hagerty agreed that the pursuit policy is a wordy 12 page policy. He stated he has done an independent review of the Priano accident and there was no violation of policy. The pursuit was as controlled a pursuit as you can have and it was monitored by a supervisor. In the Priano case, the Chief supports the actions of the officers involved. Councilmember Jarvis asked if the pursuit policy has been reviewed in a more objective forum. Chief Hagerty responded that an outside consultant will be reviewing all police policies over a six month period beginning in September. Councilmember Jarvis asked if the City Council could review whatever changes the consultant recommends in the policies. Chief Hagerty responded affirmatively and assured the Committee that if something is found to be out of date it will be put into place before the review is completed. Councilmember Bertagna asked for a copy of the current pursuit policy and also questioned if the Police Department provided pursuit training. Chief Hagerty responded that training is provided both quarterly and annually.

City Attorney Frank commented that in Chico the California Highway Patrol, Butte County Sheriff's Office and California State University Police patrol within the city limits and that they all have jurisdiction and their own pursuit policies. He added that he will work with the Chief of Police on any policy changes.

Recommendation: The Committee took no action on immediate pursuit policy changes and will support changes to police policies as the consultant deems necessary.

- E. **Approval of a Recommendation from the Parking Place Commission to Remove a Bicycle Rack at 331 West Fifth Street and Convert the Space to a “No Parking” Designation.** The Committee was provided with a memorandum dated 8/28/03 from the Director of Public Works recommending the adoption of Traffic Regulation Amendment (TRA) No. 767. At its meeting of 7/16/03, the Parking Place Commission recommended the conversion of a bicycle parking zone at 331 West Fifth Street to a “No Parking” designation. The bike rack is located between two driveways, and customers leaving the Grace Jr. driveway were backing into the bike rack, damaging their vehicles and the bike rack. Because the space is 16 feet long and the minimum allowable parking stall length is 18 feet, the Commission recommends that the space be converted to “No Parking.”
- Action:** *The Committee adopted (3-0) Traffic Regulation Amendment (TRA) No. 767 which will convert an on-street bicycle parking zone at 331 West Fifth Street to a “No Parking” designation.*
- F. **Reports and Communications.** The following report and communication item was provided for the Committee’s information and consideration, and no action was taken.
1. **Trial Period for Two Way Bike Traffic on South Park Drive.** This item originally came to the Internal Affairs Committee in conjunction with improvements to El Monte Avenue as a route to and from Hank Marsh Jr. High School. Improvements to the intersections at Forest Avenue/Highway 32 and Forest Avenue/Humboldt Road will start this fall. In addition, improvements to Forest Avenue are being considered which will provide bike lanes. **This item was sent back to the Park Commission for further discussion and review.**
- G. **Adjournment and Next Meeting.** The Committee adjourned at 9:35 a.m. The next meeting is scheduled for Tuesday, October 14, 2003, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (20)
Director of Public Works
Asst. Dir. of Public Works Alexander
Pub. Works Admin. Mgr. Halldorson

Traffic Engineer Mickelson
City Attorney
Risk Manager
Planning Director

Finance Director
Community Development Director
Asst. Community Development Director
Chief of Police
Fire Chief



CITY OF CHICO MEMORANDUM

TO: CITY COUNCIL (11/04/03) **DATE:** October 27, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD OCTOBER 14, 2003

Committee Present

Councilmember Herbert, Chair
Councilmember Gruendl
Councilmember Bertagna

Staff Present

Assistant Manager Dunlap
Director of Public Works McKinley
City Attorney Frank
Chief of Police Hagerty

Park Director Beardsley
Police Officer O'Quin
Traffic Engineer Mickelson
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 11/04/03:

- A. **Approval of Traffic Regulation Amendment (TRA) No. 769 Which Will Prohibit Right Turns on a Red Light from Bruce Road onto Picholine Way.** By memorandum dated 9/24/03, the Director of Public Works reported on a request from residents Mr. and Mrs. Derek Baum to prohibit right turns on a red light from Bruce Road onto Picholine Way. Because the Baums live in the corner house, their visibility of vehicles turning onto Picholine Way is limited when they are backing out of their driveway due to the six-foot sound wall which runs parallel to Bruce Road. TRA No. 769 will prohibit right turns on red which should allow them sufficient time to maneuver safely out of their driveway.

In response to Councilmember Bertagna, Traffic Engineer Mickelson responded that this would be the first intersection within the city limits where a right turn on a red light would be prohibited. Councilmember Herbert stated this may give the homeowners a false sense of security in assuming all vehicles would follow the traffic sign and not turn on the red light. He did not support this TRA, saying it was too unique and specific to one situation, and moved to deny the request. Councilmember Bertagna seconded the motion and asked if other options had been investigated. Traffic Engineer Mickelson responded that this is the only feasible option short of removing the sound wall. Councilmember Gruendl supported the TRA stating it was the least expensive option to remedy this problem.

Recommendation: The Committee did not approve (2-1, Gruendl voting in favor), Traffic Regulation Amendment (TRA) No. 769 which would prohibit right turns on a red light from Bruce Road onto Picholine Way.

- B. **Consideration of Request from Mayor Kirk to Review and Discuss the Decision of the Bidwell Park and Playground Commission's Decision to Change the Wording of the Sign on the Bridge at One Mile Recreation Area.** By letter dated 9/4/03, Mayor Kirk requested that the City Council review and discuss the decision made by the Bidwell Park and Playground Commission (6-1) at its meeting of 8/25/03 to change the sign on the bridge at the One Mile Recreation Area from "Please Walk Your Bike" to "Narrow Bridge - Use Caution." This item was referred to the Internal Affairs Committee by the City Council at its meeting of 9/16/03. By memorandum dated 10/6/03, Park Director Beardsley transmitted additional information.

Councilmember Bertagna asked if there are plans for construction of a new bridge, adding that with the current bridge being part of a Class 1 bike path it is clearly substandard per today's requirements. Park Director Beardsley responded that there have been discussions regarding plans for a new bridge which would be constructed downstream from the existing bridge. The new bridge would be designed to connect existing pathways for bicycles and would be a true Class 1 bike path. He added the concept is being referred to the Bicycle Advisory Committee.

Bill Ward spoke against the Park Commissions' decision to change the wording on the sign from "Please Walk Bikes" to "Narrow Bridge - Use Caution." He feels that the new wording gives bike riders precedence over pedestrians. He suggested something more courteous such as, "Pedestrians are present - Please dismount your bikes." A sign with this language would ensure children, the elderly, and

the handicapped would always be safe when crossing the bridge. Councilmember Herbert stated he liked this suggested language, although it was a bit lengthy. He questioned whether it is really necessary to ask people to be courteous and to be good citizens.

Russell Mills commented that he becomes more of an obstruction when walking his bike than when he is riding. He added that we currently have a law in place that prohibits a bicyclist from reckless behavior. Bill Ward stated that in 1993 when the original sign went up, it was merely a suggestion to walk your bike. It has worked well for years, the public has become familiar with it, and he would like to see it left as it is. Ed McLaughlin stated the prior language encouraged citizens to enforce "walk your bikes" even though it was not enforceable. Councilmembers Gruendl, Herbert and Bertagna agree that an alternative needs to be considered.

Recommendation: The Committee recommended (3-0) to uphold the decision made by the Bidwell Park and Playground Commission. The sign on the bridge at One Mile Recreation Area currently reads: "Narrow Bridge - Use Caution."

- C. **Request from Councilmember Bertagna for Discussion Regarding Alternatives for Police Response to Uncontrolled Events.** By memorandum dated 10/7/03, the Chief of Police outlined alternatives for responding to and handling uncontrolled events.

Police Chief Hagerty informed the Committee that he has met with property owners in Chico and they are asking the Police Department to control the size of parties and the amount of resulting trash. He added he currently does not have enough personnel to respond to all of the parties on weekend nights, and with most police resources tied up downtown, the rest of the city is left unattended. He also stated he would like to see the establishment of a permanent glass ban every Thursday, Friday and Saturday night.

Councilmember Bertagna said he wanted the Police Department to do further research on all the items listed in the memorandum. Charles Preusser stated he recently held a South Campus Neighborhood meeting and the tone of that meeting was that the police in the neighborhood have been too aggressive. He added this memo lists items that will allow the police to be even more aggressive. Mr. Preusser repropoed the event process initially brought up by the South Campus Neighborhood Association. He added it would be helpful to have officers on foot, walking the neighborhood, saying hello, shaking hands. This would get the cooperation of the students. Chief Hagerty said there is a foot beat on Friday and Saturday nights along with a horse beat, adding, it is not that the City is not doing these things, the problem is the students and alcohol. When students start drinking they are not the same people. Chief Hagerty added he would work with Mr. Preusser on neighborhood meetings.

Councilmember Bertagna recommended that the Police Department extend the parameters of the glass ban ordinance. Councilmember Gruendl commented that one of Chico's biggest exports is Sierra Nevada beer which is only available in glass bottles. He does not feel he can support a full time glass ban. Councilmember Bertagna said the City should implement legislation which regulates gatherings and also holds landlords accountable for actions of their tenants and hold tenants accountable for activities at their residences. Councilmember Bertagna stated he also wants to see the second response ordinance re-implemented. Councilmember Herbert concurred. Councilmember Gruendl disagreed, saying he we have plenty of laws already in place to deal with these issues. He asked for coordination with the University and the South Campus Neighborhood Association for future meetings.

Recommendation: The Committee recommended (3-0) that the Police Department conduct further research on alternative responses to uncontrolled events and meet with the University and the South Campus Neighborhood Association before the next Committee discussion of the issue.

- D. **Approval of the Engineer's Traffic and Engineering Survey Which Establishes a Speed Limit of 35 mph on California Park Drive.** By memorandum dated 9/23/03, the Director of Public Works reported on a request to increase the speed limit on California Park Drive from 25 mph to 35 mph. California Park Drive is a divided two-lane road with limited and controlled accesses with no residential single-family driveways entering the road and has no significant history of accidents. A resolution authorizing the speed limit increase will be forwarded to the City Council with the Committee's recommendation.

Recommendation: The Committee recommended (3-0) approval of a resolution adopting Traffic Regulation Amendment (TRA) No. 771 which will increase the speed limit on California Park Drive from 25 mph to 35 mph.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 11/04/03:

- E. **Approval of Traffic Regulation Amendment (TRA) No. 768 Which Designates Class 2 Bike Lanes Along West East Avenue from the Esplanade to the Westerly City Limit.** By memorandum dated 9/24/03, the Director of Public Works reported that the City of Chico Bicycle Plan indicates that Class 2 bike lanes should be installed along both sides of W. East Avenue from the Esplanade to the westerly City limit. Because completion of the improvements on W. East Avenue is imminent, and in order to comply with the City of Chico Bicycle Plan, the Director of Public Works recommended the approval of TRA No. 768 which will designate Class 2 bike lanes along W. East Avenue from the Esplanade to the westerly City limit.

Action: *The Committee approved (3-0) Traffic Regulation Amendment (TRA) No. 768 which designates Class 2 bike lanes along West East Avenue from the Esplanade to the westerly city limit.*

- F. **Future Meetings.** The Committee scheduled its next regular meeting for November 25, 2003, at 8:00 a.m. in Conference Room No. One.
- G. **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.

Attorney John C. Schaller spoke on behalf of his clients Drs. Smith stating the Husa Ranch development is in violation of the conditions of the map related to Husa Lane.

Dr. J. Phillip Smith said this is an issue of mitigation monitoring and that Planning Director Seidler had assured him the City would enforce the conditions. The matter was referred to the Director of Public Works.

Mike Weissenborn, Chico Unified School District Facilities, Planning and Construction Manager, commented that Chico Unified School District (CUSD) was pleased with the process of the East Avenue widening project, and appreciated the coordination of the City and the contractor with CUSD.

- H. **Reports and Communications.** The following report and communication items are 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 the Installation of a Left Turn Phase on East Avenue at Connors Court.** By memorandum dated 9/25/03, the Director of Public Works reported on the installation of a protected left turn phase for vehicles turning off East Avenue onto Connors Court and into the Thornton's Chevron parking lot as a result of the expansion of the East Avenue McDonald's restaurant. Since this intersection is controlled by Cal Trans, the McDonald's Corporation applied to and was given approval from Cal Trans to modify the left turn phase which will be constructed during the McDonald's expansion project.
- I. **Adjournment and Next Meeting.** The Committee adjourned at 9:40 a.m. The next meeting is scheduled for Tuesday, November 25, 2003, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (20)
 Director of Public Works
 ADPW Alexander
 Pub. Works Admin. C. Sigona

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 (12/16/03) **DATE:** December 10, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD NOVEMBER 25, 2003

Committee Present

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff Present

Assistant City Manager Dunlap
Director of Public Works McKinley
City Attorney Frank
Risk Manager Koch

Police Officer Wolfe
Traffic Engineer Mickelson
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 12/16/03:

- A. **Consideration of Request from Rick Tofanelli of Nantucket Home Furnishings for the Establishment of a Permit Process for Placement of Decorative Planters on Downtown Sidewalks.** By letter dated 10/6/03, Rick Tofanelli of Nantucket Home Furnishings requested City establishment of a permit process to allow for the placement of decorative planters on downtown sidewalks. While temporary encroachments onto public rights of way currently can be authorized by the Director of Public Works under the encroachment permit process, the placement of planters and similar objects on sidewalks is generally prohibited absent some other procedure (sidewalk sale grant of license and sidewalk café permits, for example) that would allow them. Approval of Mr. Tofanelli's request would require an amendment to the Chico Municipal Code to add a new permit process.

Recommendation: *The Committee recommended (3-0) an amendment to the Chico Municipal Code to establish a permit process that would allow for the placement of decorative planters on downtown sidewalks.*

- B. **Vice Mayor Jarvis' Request to Review the City Charter.** At its meeting of 8/5/03, the City Council referred Vice Mayor Jarvis' request to review the City Charter to the Internal Affairs Committee, and asked that it be scheduled for discussion. The Committee was provided with a copy of the City Charter.

Vice Mayor Jarvis stated she would like to establish a citizen based committee to review the City Charter, and provided a list of ten citizens whom have either contacted her, or have been referred to her for appointment to this committee. That list includes the following: Bob Best, Bob Ross, Kimberlee Candela, Mary Watters, Katrina Davis, Heather Senske, John Dougherty, Fred Davis, Bob Linschied, and Georgie Bellin. Councilmember Bertagna moved to send the list to City Council for approval. Councilmember Herbert seconded the motion.

Recommendation: *The Committee recommended (3-0) approval of the citizen based committee list set forth above to review the City Charter.*

- C. **Consideration of Lease Proposals for the Old Municipal Building from (1) the Chico Art Center, and (2) the OMB Partners.** At its meeting of 8/19/03, the City Council directed the Internal Affairs Committee to review the lease proposals for the Old Municipal Building received from the above two groups. By memorandum dated 11/19/03, the Community Development Director provided information requested by the City Council clarifying the proposed lease rates, the criteria considered by the Old Municipal Building Committee in evaluating the two lease proposals, and additional information provided by the Chico Art Center and the OMB Partners clarifying their proposals.

Assistant City Manger Dunlap expressed her concerns about below market lease payments. She added that the general fund revenue is limited and stated the City needs to be concerned about future revenue. Vice Mayor Jarvis noted that rental return was rated tenth on the initial request for proposal. Assistant City Manger Dunlap said that while she supports the use of the building which is a resource to downtown, she

is concerned that the building does not become an obligation to the City without the financial resources to pay for itself. Councilmember Bertagna felt that the returns would be monumental in terms of tourism. He noted the buildings' appeal is historic, civic, artistic, educational, and recreational with excellent public access and would be used as a resource center to many. Vice Mayor Jarvis suggested forwarding the two proposals to the Arts Commission for review and recommendation.

Those speaking in support of an Arts Center to occupy the Old Municipal Building included Sarah Blackstone of OMB Partners, Daniel Donnelly of Chico Art Center, and Mary Andrews from the Old Municipal Building Committee.

Vice Mayor Jarvis asked if the Committee was ready to take final action on this item. Councilmember Bertagna responded that he was not ready to make a final decision. Councilmember Herbert stated that while earlier this year Council was discussing the sale of the building, and now there were two proposals, both having incredible strong points, he was still not willing to commit this asset to either proposal at this time. His position was to determine how to bring these two groups together so that when the decision is made, it would be an excellent combined choice.

Angela Nelson, Chico Arts Commission, supported the decision to give one more level of review to both proposals. Councilmember Bertagna stated his preference is that the Janet Turner Print Gallery be accommodated in the building. Councilmember Herbert made a motion that this item be forwarded to the Arts Commission to see if a compromise could be worked out with the two groups and then come back to the Committee with a final recommendation. Vice Mayor Jarvis stated that a commission of seven members would likely not be able to come to any sort of conclusion. Ms. Nelson suggested forming a subcommittee of three for mediation purposes. She added that the Arts Commission meets regularly on the second Wednesday of each month. Vice Mayor Jarvis asked that this item be placed on the December agenda and stressed that if mediation was not successful, the Arts Commission would then rank the two proposals and provide the Committee with that ranking. Councilmember Herbert withdrew his earlier motion.

Vice Mayor Jarvis made a motion that the Arts Commission appoint a subcommittee to mediate the two proposals, simultaneous to that, the Commission will evaluate both proposals using the ranking methodology that was previously established for the OMB Committee and come back to the Committee with a recommendation as to which proposal should be accepted. Councilmember Bertagna seconded the motion.

Recommendation: The Committee recommended (3-0) that the two proposals for the Old Municipal Building be forwarded to the Arts Commission for mediation and possible consolidation, along with the Arts Commission evaluating and ranking both proposals and coming back to the Committee with a recommendation.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 12/16/03:

The Committee agreed to consolidate Item D (Consideration of a Request to Install Stop Signs on Filbert Avenue) and Item E (Consideration of Traffic Calming Measures on Crister Avenue) and consider them simultaneously.

- D. **Consideration of a Request to Install Stop Signs on Filbert Avenue.** By memorandum dated 11/5/03, the Director of Public Works reported on a request from resident Stephanie Bohannon to install stop signs at key intersections on Filbert Avenue. An evaluation of these intersections based on CalTrans standards determined that multi-way stop signs are not warranted at the requested locations.
- E. **Consideration of Traffic Calming Measures on Crister Avenue.** By memorandum dated 11/5/03, the Director of Public Works reported on a request from resident Mary Ferris to slow traffic on Crister Avenue. Ms. Ferris requested the installation of four speed bumps, posting of speed limit signs at both ends of the street, posting of a sign limiting access to Crister between 7:00 a.m. and 6:00 p.m., a police officer to enforce the speed limit, and an architectural change to the street, such as a center median and/or strips of grass along the street side of the sidewalk. An evaluation of Crister Avenue traffic speeds based on criteria established for the Neighborhood Traffic Calming Program resulted in findings that make it ineligible for City-funded traffic calming measures.

Stephanie Bohannon, a credentialed teacher and mother of two who operates a day care from her home spoke about the "race track" that Filbert Avenue has become. She relayed to the Committee that all of the neighboring streets use Filbert as a thru-way because it has no stop signs, adding that all streets parallel

to Filbert Avenue have stop signs to help slow down traffic. She commented that a pathway to Sierra View Elementary School is located at Wayne Lane and many children use this route, adding this would be the most desirable location for installation of a stop sign. Vice Mayor Jarvis interjected that the staff report indicates that stop signs might disperse the traffic more evenly. She then asked Traffic Engineer Mickelson the location of 25 mph signs on Filbert Avenue. He responded that in residential areas, speed limit signs are generally not posted.

Mary Ferris stated she had not seen the results of the traffic study on Crister Avenue, adding that when the study was conducted the recording device was placed in an area of the street that did not accurately measure the speeding traffic.

Vice Mayor Jarvis made a motion to install stop signs at the intersections of Crister Avenue and Filbert Avenue, and Wayne Lane and Filbert Avenue, and to position 25 mph speed limit signs along Filbert Avenue. Councilmember Bertagna seconded the motion, with a request for a friendly amendment to add a stop sign at Hooker Oak Avenue and Crister Avenue in addition to the others. The amendment was accepted by Vice Mayor Jarvis. Councilmember Herbert suggested that a neighborhood meeting be held to discuss the three separate three-way stop sign proposals, before coming back to the Committee for final consideration.

Recommendation: The Committee recommended (3-0) that a neighborhood meeting be held to inform the neighborhood of the proposed addition of three new stop signs at the intersections of Crister Avenue and Filbert Avenue, Wayne Lane and Filbert Avenue, and Hooker Oak Avenue and Crister Avenue, before coming back to Committee for final consideration.

- F. **Reports and Communications.** The following report and communication item was provided for the Committee's information and consideration, and no action was requested.
1. **Consideration of Traffic Calming Methods on Meadow Road.** By memorandum dated 11/5/03, the Director of Public Works reported on a request from resident Thomas Nolan-Gosling to slow speeding traffic on Meadow Road by placing bike lanes/white lines along both sides of Meadow Road with no center strip. The Director of Public Works reported that painting white lines on each side of a roadway is one of the less intrusive and more cost effective traffic calming measures that has proven effective in reducing speeds, and it meets the criteria set forth in the Neighborhood Traffic Calming Program. Staff will schedule a neighborhood meeting to discuss this proposal with other residents of the area and will report the results to the Committee at a subsequent meeting.
- G. **Adjournment and Next Meeting.** The Committee adjourned at 9:29 a.m. The next meeting was scheduled for Tuesday, December 9, 2003, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

City Clerk (20)
Director of Public Works
ADPW Alexander
Pub. Works Admin. C. Sigona

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 (01/06/04) **DATE:** December 12, 2003
FROM: INTERNAL AFFAIRS COMMITTEE **FILE:** Committee Binder
RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD DECEMBER 9, 2003**

Committee Present

Councilmember Herbert, Chair
Vice Mayor Jarvis
Councilmember Bertagna

Staff Present

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

Fire Prevention Officer Myers
Traffic Engineer Mickelson
Police Officer Wolfe
Administrative Analyst Cameron

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION ON 01/06/04:

The Committee agreed to combine and consider Item A (Request for Sewer Service to Unincorporated Property (Feeney) - 690 W. 11th Avenue) and Item B (Request for Sewer Service to Unincorporated Property - 1249 West Lindo Avenue (Karasinski)).

- A. **Request for Sewer Service to Unincorporated Property (Feeney) - 690 W. 11th Avenue.** Memorandum from Assistant Community Development Director Sellers, dated 12/05/03, reported on availability of sanitary sewer service to facilitate development of the property and feasibility of annexation.
- B. **Request for Sewer Service to Unincorporated Property - 1249 West Lindo Avenue (Karasinski).** Memorandum from Assistant Community Development Director Sellers, dated 12/05/03, reported on LAFCo recommendation for annexation boundaries to include the property at 1249 West Lindo Avenue as directed by the Committee at its meeting of 8/12/03.

Assistant Community Development Director Sellers reported that Local Agency Formation Commission (LAFCo) staff indicated they do not want to create any more island annexations in this area and preferred to annex a much broader area.

City Manager Lando said he is sympathetic to the two cases, but from a City policy point of view, when the City enables County development with sewer service agreements and it comes time to annex, these residents typically oppose annexation. Councilmember Bertagna wanted to know, for the record, if these sewer service agreements are recorded as part of the property owner's title. City Attorney Frank responded affirmatively.

City Manager Lando explained at this point, based upon past Council direction, the Committee could (1) carve out the two properties for annexation, (2) carve out a much larger area for annexation, or (3) create a combination of the two, allowing for sewer service agreements, allowing properties to develop their plans, and getting subdivision approval by the County. Assistant Community Development Director Sellers noted that the County would not approve the subdivisions unless sewer service agreements are in place.

City Manager Lando told the Committee that LAFCo may not approve a sewer agreement, and that the City may want to initiate annexation for the entire area, adding if it went this route, the City would have to hire a consultant to assist staff. Assistant Community Development Director Sellers indicated that the consultant would meet with neighborhood groups, prepare application materials, plan extension of services, work with LAFCo, and complete the Environmental Review.

Ken Karasinski and Bob Feeney, representing Mr. Dias, spoke on the issue.

Councilmember Bertagna said he would like to initiate annexation with those properties that have sewer service agreements in place and move forward. Assistant Community Development Director Sellers

commented that the City is looking at a larger area to annex that is only represented in part by sewer service agreements. City Manager Lando indicated that LAFCo staff is supportive of this. Councilmember Bertagna made a motion to draft an exception to City policy for the two aforementioned properties and at the same time initiate annexation of the entire area. City Manager Lando indicated that the City could do that, but it takes LAFCo approval for the sewer agreement as well as for the annexation. Councilmember Bertagna asked if the motion should only include the properties that have sewer service agreements or the entire area. Assistant Community Development Director Sellers stated it could encompass the entire area. Councilmember Herbert seconded the motion. City Manager Lando asked Assistant Community Development Director Sellers to draft a letter to LAFCo to inform them of the proposed annexation.

Recommendation: The Committee recommended (3-0) to amend the Chico Municipal Code to allow for sewer service agreements on the properties located at 690 W. 11th and 1249 West Lindo Avenue, and to initiate annexation of the unincorporated area south of Lindo Channel, east of the railroad tracks, west of the Esplanade, and south to the City limits.

- C. **Consideration of Request to Change Alley Setback Requirements.** By memorandum dated 12/03/03, Community Development Director Baptiste provided a staff report and recommendation in response to a request from Ms. Laurie Combs requesting the Internal Affairs Committee to consider modifying the Chico Municipal Code to increase the building setbacks on property adjacent to an alley.

Vice Mayor Jarvis made a motion to not modify the setback provisions of the Chico Municipal Code. Councilmember Bertagna seconded the motion.

Recommendation: The Committee recommended (3-0) that the building setback provisions of the Chico Municipal Code, for property adjacent to an alley, not be modified.

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION ON 01/06/04:

- D. **Approval of Traffic Regulation Amendment No. 770 Which Will Authorize The Installation of Stop Signs on Patriot Way at Marigold Avenue to Assign the Vehicular Right-of Way for the Intersection.** An evaluation of the intersection of Marigold Avenue and Patriot Way determined that stop signs should be installed on Patriot Way at Marigold Avenue to assign the vehicular right-of-way. Since Marigold Avenue is the through street, it would be appropriate for the traffic on Patriot Drive to be stopped.

Action: The Committee (3-0) adopted Traffic Regulation Amendment No. 770 which will authorize the installation of stop signs on Patriot Way at Marigold Avenue to assign the vehicular right-of way for the intersection.

- E. **Consideration of Traffic Regulation Amendment No. 772 Which Will Create 22 Feet of Handicapped Parking In Front of 63 Mill Street.** By memorandum dated 11/19/03, the Director of Public Works forwarded a letter dated 9/2/03 from Michelle Tibbitts and Dale Rollaq requesting the conversion of a public parking space to a handicapped parking space in front of their home at 63 Mill Street. The conversion of this parking space will have no significant impact to the overall parking in the neighborhood.

Action: The Committee (3-0) adopted Traffic Regulation Amendment No. 772 which will create 22 feet of handicapped parking in front of 63 Mill Street.

Adjournment and Next Meeting. The Committee adjourned at 8:39 a.m. The next meeting was scheduled for Tuesday, January 13, 2003, at 8:00 a.m. in Conference Room No. One.

Lynda Cameron, Administrative Analyst

Distribution:

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