

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 15, 2008

Minutes

- 1.1. **CLOSED SESSION** - 5:30 p.m. - see page 11
- 1.2. **REGULAR CITY COUNCIL MEETING**
- 1.3. Call to Order – Mayor Holcombe called the January 15, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:00 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Julie Horne, Trinity United Methodist Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

- 1.7. Closed Session Announcement - None
- 1.8. Proclamation — Proclaiming January 30, 2008 - April 4, 2008 as a "Season for Nonviolence"
- 1.9. Proclamation — Proclaiming appreciation and acknowledgment to all those who provided support for the ongoing recovery efforts related to the storm of 2008
2. **CONSENT AGENDA** – Items 2.1., 2.2., 2.4., 2.6., 2.8., 2.9. and 2.11. were removed from the Consent Agenda for further discussion. A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:
 - 2.1. **ORDINANCE NO. 2369 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADOPTING CHAPTER 9.20 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAMPING"** - Final Reading and Adoption – *This item was removed from the Consent Agenda for further discussion.*
 - 2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PROVISIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS** - Final Reading and Adoption – *This item was removed from the Consent Agenda for further discussion.*
 - 2.3. **ORDINANCE NO. 2370 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLES 16 AND 18 OF THE CHICO MUNICIPAL CODE PERTAINING TO FLOOD HAZARD AREAS** - Final Reading and Adoption
Adopted - an ordinance amending Titles 16 and 18 of the Chico Municipal Code to comply with FEMA requirements. The ordinance was introduced by the City Council at its meeting held 12/18/07. *The Building Official recommended adoption of the ordinance by reading of the title only.*
 - 2.4. **ORDINANCE NO. 2371 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 15.36.246 OF CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE, ENTITLED "SEWER SERVICES AND FEES"** - Final Reading and Adoption – *This item was removed from the Consent Agenda for further discussion.*
 - 2.5. **ORDINANCE NO. 2372 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 18.17.040 OF THE CHICO MUNICIPAL CODE** - Final Reading and Adoption
Adopted - an ordinance amending section 18.17.040 entitled "Notice of intent for minor land division or boundary line modification" to add lot mergers to the process for noticing all persons owning real property within one hundred feet of the property affected. The ordinance was introduced by the City Council at its meeting held 12/18/07. *The Internal Affairs Committee recommended adoption of the ordinance by reading of the title only.*

- 2.6. **ADOPTION OF A RESOLUTION - (1) CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND (2) TERMINATING THE LOCAL EMERGENCY** – *This item was removed from the Consent Agenda for further discussion.*
- 2.7. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 1569 EAST EIGHTH STREET**
- Adopted** - a resolution authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. ***The Building & Development Services Director recommended adoption of the resolution.***
- RESOLUTION NO. 02-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1569 EAST EIGHTH STREET / ASSESSOR'S PARCEL NO. 002-010-023 (petition from property owner Barbara Renée Everett)*
- 2.8. **ACKNOWLEDGMENT AND ACCEPTANCE OF ANNUAL FINANCIAL REPORTS** – *This item was removed from the Consent Agenda for further discussion.*
- 2.9. **ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION FOR REVISIONS TO AP&P 10-1 – BOARD, COMMISSION, ADVISORY COMMITTEES, AND TASK FORCE RULES OF PROCEDURE REGARDING COMMISSION MEETINGS** – *This item was removed from the Consent Agenda for further discussion.*
- 2.10. **APPROVAL OF CHANGES TO ADMINISTRATIVE PROCEDURE AND POLICY NO. 15-13, "INVESTMENT POLICY"**
- Approved** - two changes to Administrative Procedure and Policy (AP & P) No. 15-13, "Investment Policy" to remove reporting obligations that are no longer required under Government Code Section 53646. ***The Finance Director recommended approval of the changes to AP & P No. 15-13, "Investment Policy."***
- 2.11. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS** – *This item was removed from the Consent Agenda for further discussion.*



ITEMS REMOVED FROM CONSENT

- 2.1. **ORDINANCE NO. 2369 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADOPTING CHAPTER 9.20 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAMPING"** - Final Reading and Adoption

Adopted - an ordinance which defines unlawful camping. In response to citizen concerns about persons utilizing both public and private property for unauthorized camping (primarily in travel trailers, RVs and vehicles), the City Attorney's office has drafted an ordinance for consideration. The ordinance was introduced by the City Council at its meeting of 12/18/07. ***The Housing & Neighborhood Services Director recommended adoption of the ordinance by reading of the title only.***

This item was removed from the Consent Agenda at the request of Councilmember Wahl in order to clarify if this ordinance addressed camping or overnighting in the City Plaza. The City Attorney indicated that the park rules currently in place address this issue. Jessica Allen addressed the Council regarding the possible impacts on the homeless should the ordinance be adopted.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt Ordinance No. 2369, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
 NOES: None

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PROVISIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS** - Final Reading and Adoption

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO (1) AMENDING TITLE 18 OF THE CHICO MUNICIPAL CODE TO DESIGNATE THE ADVISORY AGENCY FOR CONDOMINIUM CONVERSIONS AND (2) AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS, ADDING A REQUIREMENT FOR PRE-APPLICATION NEIGHBORHOOD MEETINGS FOR SPECIFIED PROJECTS AND ESTABLISHING PROCEDURES FOR THE PROCESSING OF GENERAL PLAN AMENDMENTS PENDING THE ADOPTION OF A COMPREHENSIVE GENERAL PLAN UPDATE - Final Reading and Adoption

Adopted - ordinances to enhance the predictability in the decision making process. At its 12/18/07 meeting, the City Council introduced the Code amendment ordinances that would provide for a one-step appeal process, require pre-application meetings with adjacent residents and neighborhood groups, establish procedures for processing General Plan amendments during the General Plan Update, and delegate decisions to staff for condominium conversions. ***The Planning Services Director recommended adoption of the ordinances by the reading of the titles only.***

This item was removed from the Consent Agenda at the request of Councilmember Wahl in order to address his concerns about appeals of Zoning Administrator's decisions being heard by the Planning Commission rather than the Council. In addition, he believed that the requirement for pre-application neighborhood meetings was more than what was necessary for the project applicants and questioned who would have to pay for staff and other associated costs with this additional requirement.

Vice Mayor Schwab noted that she agreed with Councilmember Wahl and his concern regarding the appeals being handled at a lower level, but disagreed with the requirement of pre-application neighborhood meetings not being needed.

After further discussion regarding appeals, the Council also reiterated its desire to review noticing requirements and directed staff to bring this item to the Council for review and consideration.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to direct staff to amend the ordinance to allow Zoning Administrator's decisions to be appealed to the City Council and to agendaize noticing requirements for discussion at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl

2.4. **ORDINANCE NO. 2371 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 15.36.246 OF CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE, ENTITLED "SEWER SERVICES AND FEES"** - Final Reading and Adoption

Adopted - an ordinance amending section 15.36.246 of CMC Chapter 15.36 entitled "Sewer Services and Fees" to authorize the connection of undeveloped properties located in the unincorporated territory of Butte County to the City's sanitary sewer system. The ordinance was introduced by the City Council at its meeting held 12/18/07. ***The Internal Affairs Committee recommended adoption of the ordinance by reading of the title only.***

This item was removed from the Consent Agenda at the request of Councilmember Gruendl for further clarification.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to adopt Ordinance 2371, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2.6. **ADOPTION OF A RESOLUTION - (1) CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND (2) TERMINATING THE LOCAL EMERGENCY**

Adopted - a resolution which confirmed the declaration of a local emergency in the City of Chico and terminate the local emergency. **The Interim City Manager recommended adoption of the resolution.** This item was removed from the Consent Agenda at the request of Councilmember Gruendl for further clarification.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to adopt the following resolution and direct staff to develop a plan for addressing the air flow in the Municipal Building and for maintaining the computer system during an emergency.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

RESOLUTION NO. 01-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO (1) CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND (2) TERMINATING THE LOCAL EMERGENCY

2.8. **ACKNOWLEDGMENT AND ACCEPTANCE OF ANNUAL FINANCIAL REPORTS**

Acknowledged - for fiscal year ended 6/30/07, the Report to Management, City of Chico Comprehensive Annual Financial Report, City of Chico Single Audit Report, Chico Redevelopment Agency Component Unit Financial Report, Chico Public Financing Authority Component Unit Financial Report.

Pursuant to the provisions of Sections 908 and 1109 of the City's Charter, an independent auditor, hired by the Council to perform an annual audit of the books, financial records and related documents of the City in accordance with generally accepted auditing standards, shall submit to the Council a report on the audit for the preceding fiscal year on or before the first regular City Council meeting in February. **The Finance Director recommended the City Council acknowledge receipt of and accept the financial statements.**

This item was removed from the Consent Agenda at the request of Councilmember Wahl in order to recognize the Finance Department staff for their efforts and for the recent award that they received. Councilmember Gruendl suggested that the next time these reports were submitted for acceptance, that a 5 -7 minute PowerPoint presentation be provided to Council that covers the highlights of the audit.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to acknowledge and accept the Annual Financial Reports.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2.9. **ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION FOR REVISIONS TO AP&P 10-1 – BOARD, COMMISSION, ADVISORY COMMITTEES, AND TASK FORCE RULES OF PROCEDURE REGARDING COMMISSION MEETINGS**

Accepted - the recommendations of the Internal Affairs Committee as presented by staff at the Committee's meeting of 12/11/07, regarding an update to **AP&P 10-1 – Board, Commission, Advisory Committees, and Task Force Rules of Procedure** which provided additional guidelines for the City's boards and commissions. The Committee voted (2-0, with one absent) to forward these recommendations to the Council for action.

Internal Affairs Recommendation: Recommended (2-0-1, with one absent) that the City Council approve the proposed revisions to “**AP&P 10-1, Board, Commission, Advisory Committees, and Task Force Rules of Procedure**” which included: (1) prior approved policy statements regarding Board and Commission meetings; (2) added a clearly defined updated policy regarding the televising or videotaping of meetings; and (3) would require the preparation of an annual report covering usage and costs for video taping and televising. **The Internal Affairs Committee recommended approval.**

This item was removed from the Consent Agenda at the request of Councilmember Wahl for clarification on the streaming video/video taping of the meetings. Mayor Holcombe indicated that he also wanted to address the recruitment process for Board and Commission members by including the same wording in the recruitment ads that the City uses for official job postings.

A motion was made by Councilmember Gruendl and seconded by Councilmember Wahl to: (1) approve the revisions to AP&P 10-1; (2) direct staff to bring back an additional revision regarding the wording included in the City’s recruitment advertisements for Board and Commission members; and (3) direct staff to bring back an update on the streaming video service currently being provided with an analysis on how the Granicus program might offset the audio/video taping costs.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2.11. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 11/06/07, 11/27/07, and 12/04/07 – with the minutes of 11/27/07 amended as follows:

Correction to minutes of 11/27/07, Item 4.3., Schwab and Wahl - absent. Item 4.5., addition of Jason Bougie speaking in opposition to the item.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the minutes of meetings held on 11/06/07, 11/27/07 - as amended, and 12/04/07.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ABANDONMENT OF A PUBLIC UTILITY EASEMENT LOCATED AT 114 WEST SEVENTH AVENUE - NASH’S

Property owner Gary Nash requested the abandonment of a public utility easement located at the northwest corner of the Esplanade and West Seventh Avenue to facilitate the construction of a new office building and parking lot. At its meeting of 12/18/07, Council adopted Resolution No. 136-07, stating its intent to abandon a public utility easement and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to adopt the following resolution:

RESOLUTION NO. 03-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (114 WEST SEVENTH AVENUE - NASH’S / ASSESSOR’S PARCEL NOS. 003-574-008 & 009)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

Council recessed at 8:10 p.m. for a ten minute break.
The meeting reconvened and all members were present.

4. **REGULAR AGENDA**

4.1. **ACKNOWLEDGMENT OF COUNTY CLERK'S CERTIFICATION OF THE REFERENDUM PETITION REGARDING "DISORDERLY EVENTS" AND CONSIDERATION OF MAYOR HOLCOMBE'S REQUEST TO CONSIDER REVISIONS TO THE ORDINANCE**

A. **Acknowledged** - the County Clerk's Certification of the Referendum Petition requesting repeal of City Council Ordinance No. 2365 (adding chapter 9.40, entitled "disorderly events" to the Chico Municipal Code). *The City Clerk recommended acknowledgment of the County Clerk's certification.*

The Council was provided with copies of e-mails and letters from J. Reutlingen, Dan Whittle, and Jessica Allen.

B. **Consideration of Mayor Holcombe's Request for possible amendments to the Disorderly Events Ordinance**

Per an e-mail dated 12/31/07, Mayor Holcombe requested that the City Council consider amending the ordinance to narrow its scope and clarify its application.

Addressing the Council in opposition to the Disorderly Events Ordinance were Deva Daniel, Randy Abbott, Irene Cardenas, Benjamin Davenport, Justin Sodden, Charlie Preusser, Jessica Allen, Ann Ashley, John Hume, Laurel Blankenship, Greg Tropea, Leslie Johnson, and Joe Rogers.

Addressing the Council in support of the current wording of the ordinance was Grace Marvin.

Pursuant to AP & P 10-10 pertaining to Council policy, a motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to: consider this matter at this meeting and refer the request to the Internal Affairs Committee for consideration at an evening meeting, with final recommendations to come back to Council for consideration no later than May.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl

The Council recessed at 9:35 p.m. for a ten minute break.
The meeting reconvened and all members were present.

4.2. **CONSIDERATION OF THE CHICO URBAN AREA FIRE AND RESCUE AGREEMENT (CUAFRA) ANNUAL REPORT FOR THE PERIOD MARCH 1, 2006 - FEBRUARY 28, 2007**

The report was provided to Council on 8/16/07. The Council asked that the report be presented for discussion. **(Report - Steve Brown, Fire Chief and Henri Brachais, County Fire Chief)**

The Council was provided with a copy of a letter from Bill Hack, President, IAFF.

The Council accepted the annual report and asked that: (1) the summaries of the meetings between the City and County be included in future annual reports; and (2) that the County provide a plan for when goals concerning staffing needs will be achieved.

The Council voted to continue the meeting to 10:45 p.m.

4.3. **ACCEPTANCE OF FIVE-YEAR REVIEW AND ANNUAL REPORT ON THE 1994 GENERAL PLAN**

The five-year review and annual report on the 1994 General Plan will be forwarded to the California Office of Planning and Research consistent with state regulations. The report provides an historical baseline as broader policy questions are addressed as part of the upcoming General Plan Update. **(Report - Brendan Vieg, Senior Planner)**

Jason Bougie addressed the Council on this item.

The Council accepted the General Plan Five-Year Review and Annual Report as an information item and provided comments to staff.

4.4. **CONSIDERATION OF VICE MAYOR SCHWAB'S REQUEST REGARDING BOLLARD ANALYSIS**

Vice Mayor Schwab requested that the City Council forward the results of the engineering report on the bollard analysis to the Internal Affairs Committee. **The Interim City Manager recommended this item be referred to the Internal Affairs Committee.** Mike O'Reilley addressed the Council regarding his concerns over changes being made to the current policy.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickel to approve hearing the request and refer it to the Internal Affairs Committee for consideration.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.5. **CONSIDERATION OF COMPOSITION OF DOWNTOWN AD-HOC COMMITTEE**

The City Council requested a staff report on the potential composition of a Downtown ad hoc committee to assist in preparation of a Downtown Plan. **(Report - Steve Peterson, Planning Services Director)**

The Planning Services Director recommended that the Council approve the consultant's recommendation regarding the size and composition of the Downtown Committee. Councilmember Wahl and Vice Mayor Schwab were disqualified on this item.

A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to form the committee, adding three additional positions to the original 11 as recommended by staff and the consultant. The three positions are to be comprised of one representative from the Friends of the Downtown, one representative from bike or pedestrians advocates, and one representing an existing retailer from the downtown who may be contemplating leaving the Downtown Area.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe

NOES: None

DISQ: Schwab, Wahl

- 4.6. **ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - SITE SELECTION AND APPROVAL TO PROCEED WITH MASTER PLAN, PHASED IMPROVEMENT PROGRAM AND FINANCING PLAN FOR NEW POLICE DEPARTMENT HEADQUARTERS FACILITY** – This item was tabled to a future meeting.

- 4.7. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council's information. No action was taken on any of the items unless otherwise noted.

- 6.1. Letter dated 1/04/08 from Dr. Peg Howard requesting to appear before the Internal Affairs Committee to discuss basketball standards on City streets. ***The Interim City Manager recommended this item be referred to the Internal Affairs Committee.***

Council voted 7-0 to refer this item to the Internal Affairs Committee.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.



Date Approved: February 19, 2008

Deborah R. Presson, City Clerk

Minutes

1. **CALL TO ORDER** – Board Chair Holcombe called the January 15, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

2. **CONSENT AGENDA** – A motion was made by Vice Chair Schwab and seconded by Board Member Bertagna to approve the following items:

- 2.1. **ADOPTION OF A RESOLUTION - MURPHY COMMONS AFFORDABLE HOUSING PROJECT, AUTHORITY TO SUBORDINATE REGULATORY AGREEMENT**

Adopted - a resolution amending the loan agreement with Murphy Commons. The Chico Redevelopment Agency provided a loan from the Agency's Low and Moderate Income Housing Fund to Community Housing Improvement Program for the development of Murphy Commons, an affordable housing project located at 1290 Notre Dame Boulevard. The State of California Housing & Community Development Multi-Family Housing Program (MHP) also provided a loan to the project. As a condition of providing its loan, the MHP requires that its Regulatory Agreement be senior to that of the Agency. The Agency must provide the authority to the Executive Director to execute an amendment to the Loan Agreement which states that the Agency will subordinate its Regulatory Agreement to the State MHP. ***The Housing & Neighborhood Services Director recommended adoption of the resolution.***

RDA RESOLUTION NO. 01-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY, AUTHORIZING THE SUBORDINATION OF THE AGENCY REGULATORY AGREEMENT TO THE MULTI-FAMILY HOUSING PROGRAM REGULATORY AGREEMENT FOR MURPHY COMMONS

- 2.2. **APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL 2007/2008 LOW AND MODERATE INCOME HOUSING FUNDS FOR THE MORTGAGE SUBSIDY PROGRAM**

Approved - a supplemental appropriation allocating \$1.3 million of Low and Moderate Income Housing Funds (LMIHF) to the Mortgage Subsidy Program (MSP) in order to offer the program through the remainder of the 2007/2008 fiscal year. As of 12/31/07, 19 LMIHF MSP loans have closed this fiscal year, dispersing a total of \$935,000. By comparison, 9 LMIHF MSP loans closed throughout the entire 2006/2007 fiscal year, dispersing a total of \$300,000. An increase in the loan limits that became effective on 9/18/07, and a soft housing market, have effected the increase in program utilization. ***The Housing Specialist recommended approval of the supplemental appropriation.***

SUPPLEMENTAL APPROPRIATION RDA NO. 07-08 06 "MORTGAGE SUBSIDY PROGRAM"

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

6. **ADJOURNMENT**

Adjourned at 10:56 p.m. to January 26, 2008 at 7:30 a.m. for a closed session, if required, or to the regular meeting of February 5, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: February 19, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the January 15, 2008 – Adjourned Regular Chico City Council meeting closed session to order at 5:30 p.m. in the Chico Municipal Center, Conference Room #2, 421.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Present: Interim City Manager Burkland, Interim Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Director of Human Resources Fulks

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:** Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9: One case.

- 2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

- 2.3. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:55 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — February 5, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the February 5, 2008 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Jules Vautrot, Chico Baha'i Community
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

- 1.7. Closed Session Announcements
 - Mayor Holcombe announced that Council has unanimously voted to hire David Burkland as the City Manager and directed that the employment agreement be brought back for final action at the meeting of 2/19/08.
 - Mayor Holcombe announced that pertaining to Item 2.1., Initiation of Litigation, the Council authorized the initiation of one litigation matter. The adverse parties of the subject litigation are required to be disclosed only upon inquiry, and only at such a time that litigation is formally commenced.
- 1.8. Presentation of the Veterans History Project – American Folklife Center of the Library of Congress
- 1.9. Acceptance of plaque from the American Lung Association of California
2. **CONSENT AGENDA** –Items 2.1., 2.3., 2.4., and 2.5. were removed from the Consent Agenda for further discussion at the request of Councilmember Wahl.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the remaining Consent Agenda item.

- 2.1. **ORDINANCE AMENDING TITLE 18 AND 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS AND GENERAL PLAN AMENDMENTS**– This item was removed from the Consent Agenda for further clarification.
- 2.2. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 568 MANZANITA AVENUE**

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. ***The Building & Development Services Director recommended adoption of the resolution.***

RESOLUTION NO. 04-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 568 MANZANITA AVENUE / ASSESSOR'S PARCEL NO. 015-330-025 (petition from property owners Michael J. and Donna L. Webster)

- 2.3. **ADOPTION OF A RESOLUTION ADDING SECTION 2R.04.480 ENTITLED "CITY MANAGER AUTHORIZED TO EXECUTE TOW SERVICE AGREEMENTS"** – This item was removed from the Consent Agenda for further clarification.

- 2.4. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING AN HISTORIC PRESERVATION PROGRAM** – This item was removed from the Consent Agenda for further clarification.
- 2.5. **ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2006-07** – This item was removed from the Consent Agenda for further clarification.

The motion to approve the Consent Agenda, with Items 2.1., 2.3., 2.4., and 2.5. removed for further clarification, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

- 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO (1) AMENDING TITLE 18 OF THE CHICO MUNICIPAL CODE TO DESIGNATE THE ADVISORY AGENCY FOR CONDOMINIUM CONVERSIONS AND 2) AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS, ADDING A REQUIREMENT FOR PRE-APPLICATION NEIGHBORHOOD MEETINGS FOR SPECIFIC PROJECTS AND ESTABLISHING PROCEDURES FOR THE PROCESSING OF GENERAL PLAN AMENDMENTS PENDING ADOPTION OF A COMPREHENSIVE GENERAL PLAN UPDATE** - Introductory Reading

Introduced - an ordinance that was previously introduced on 12/18/07. At its meeting of 1/15/08, the Council requested a change to the ordinance and it is now being brought back for reintroduction. ***The Planning Services Director recommended that the City Council introduce the ordinance, as revised***

This item was removed from the Consent Agenda at the request of Councilmember Wahl for further discussion. He stated that he was opposed to the introduction of this ordinance because he believes that applicants should be able to appeal all decisions directly to the City Council; that requiring pre-application neighborhood meetings are unnecessary; and that current applications should continue to be guided by the current General Plan requirements, not newly created regulations implemented while the General Plan is being updated.

Vice Mayor Schwab agreed with Councilmember Wahl regarding the appeal process but indicated that she supported the requirement of pre-application neighborhood meetings and the guidelines for the General Plan while it is in transition.

A motion was made by Councilmember Bertagna and seconded by Councilmember Flynn to introduce the ordinance, by reading of title only.

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: Schwab, Wahl

- 2.3. **ADOPTION OF A RESOLUTION ADDING SECTION 2R.04.480 ENTITLED "CITY MANAGER AUTHORIZED TO EXECUTE TOW SERVICE AGREEMENTS"**

Adopted - a resolution which authorized the City Manager to execute agreements related to tow service programs administered by the Police Department and the Housing and Neighborhood Services Department. The existing resolution addressing tow service agreements dates back to 1972 and was outdated. ***The Chief of Police and the Housing and Neighborhood Services Director recommended adoption of the resolution.***

This item was removed from the Consent Agenda at the request of Councilmember Wahl for further clarification.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the following resolution:

RESOLUTION NO. 05-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.480 ENTITLED "CITY MANAGER AUTHORIZED TO EXECUTE TOW SERVICE AGREEMENTS"

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

2.4. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING AN HISTORIC PRESERVATION PROGRAM**

Not Accepted - the recommendations of the Internal Affairs Committee from its meeting of 12/11/07. At its meetings of 10/09/07 and 12/11/07 the Committee reviewed staff recommendations for an Historic Preservation Program. Components of the Program include an Historic Preservation Element of the General Plan Update and an Historic Preservation Ordinance. The Committee voted (2-0, with one absent) to forward these recommendations to the Council for action.

The Internal Affairs Committee recommended (2-0-1, with one absent) that the City Council direct staff to: (1) return with the existing Historic Resources Inventory for formal adoption; (2) consider updating the City's Historic Resources Inventory based on neighborhood boundaries and eligibility criteria as part of the historic preservation ordinance; (3) prepare a Historic Preservation Element as part of the General Plan update; (4) consider amendments to the qualifications of the ARB to be consistent with the requirements of a Certified Local Government; and (5) prepare a draft historic preservation ordinance for consideration by the City Council.

This item was removed from the Consent Agenda at the request of Councilmember Wahl for further clarification and discussion.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) not accept the Internal Affairs Committee recommendation; and (2) direct staff to provide Council with additional information which quantifies anticipated staff time, determines definitive costs, and identifies all necessary resources.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Wahl, Holcombe

NOES: Gruendl, Nickell, Schwab

2.5. **ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2006-07**

Accepted - the Annual Report of the Chico Redevelopment Agency for Fiscal Year 2006-07, which was prepared pursuant to Community Redevelopment Law and provided to Council prior to the end of 2007. ***The Economic Development / Redevelopment Manager recommended acceptance of the report.***

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for additional clarification. Councilmember Wahl thought this item should have been included on the Redevelopment Agency agenda for acceptance of the annual report. Staff indicated that the report is a report of the Agency to the City Council.

The City Council was also provided with a replacement Agenda Report for this item. In the Discussion section of the report, the percentage of **Sixty-three** percent was corrected to **68.3** percent.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to accept the annual report of the Chico Redevelopment Agency for Fiscal Year 2006-07.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

The Council recessed at 7:50 p.m. for a ten minute break.
The meeting reconvened and all members were present.

3. **NOTICED PUBLIC HEARINGS**

3.1. **INITIAL HEARING ON THE FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 568 - SHASTAN AT GLENWOOD SUBDIVISION**

The Council was asked to consider and approve the Engineer's Report for the Shastan at Glenwood subdivision, proposed Maintenance Assessment District No. 568, and to conduct an initial public hearing as set forth in Chapter 3.81 of the Chico Municipal Code.

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the formation of the maintenance district were Larry Lessley, Olga Peterson, Jim Peterson, and Joann Mellon. The hearing was closed to further public comment.

The Council was also provided with a copy of a memorandum from Matt Johnson, Sr. Development Engineer, regarding Neighborhood Meeting for Chico Maintenance District 568 - Shastan at Glenwood Subdivision

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the Engineer's Report as written.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

The Council recessed at 9:15 p.m. for a five minute break.
The meeting reconvened and all members were present.

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF APPOINTMENT OF MEMBER TO THE ARTS COMMISSION**

Pursuant to AP&P 10-1 the City Clerk's Office held a recruitment to fill the vacant position created by the resignation of Kathy Barrett. The vacancy carried a term that expires in January 2009. The Council was provided with a list of qualified applicants. (**Report - Deborah Presson, City Clerk**)

Addressing the Council were Carin Hilgeman, Vanessa Klein, Angelia Kramer, Cindy Maderos, Geraldine MaHood, JoAnn Morgan, and Kelly Wiltermood.

The City Council appointed Carin Hilgeman to fill the vacancy which expires January 2009.

4.2. **CONSIDERATION OF REGULATION OF VEHICLE FOR HIRE FARES**

At its meeting held 3/06/07, the City Council directed staff to conduct a review of cab fares as compared to other cities and to provide a report to the Committee summarizing the findings. At the 11/13/07 meeting, the Internal Affairs Committee recommended (2-0-1, Bertagna disqualified) that the City Council take no action to regulate fares. **(Report - Cindy Pierce, Administrative Services Director)**

The Internal Affairs Committee recommended that the City Council take no action to regulate fares and that such fares continue to be dictated by the free market. Councilmember Bertagna was disqualified on this item due to a business conflict.

Addressing the Council supporting the recommendation was Gianni Caponera.

A motion was made by Councilmember Gruendl and seconded by Councilmember Wahl to accept Internal Affairs recommendation.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe:
NOES: None
DISQ: Bertagna

The Council voted to extend the meeting to 10:30 p.m.

4.3. **DISCUSSION REGARDING NOTICING PROCEDURES FOR PUBLIC HEARINGS AND MEETINGS**

At its meeting of 1/15/08 the Council requested information on noticing procedures for land use approvals and pre-application meetings. **(Report - Steve Peterson, Planning Services Director)**

The Planning Services Director recommended no changes to the current noticing requirements and indicated that should the Council wish to pursue additional noticing requirements that it be included in the fee schedule study.

Addressing the Council in support of additional or strengthened requirements for noticing was Ken Fleming.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to: (1) direct staff to determine costs related to a "500" ft. noticing requirement; (2) determine costs of posting large signs on the property; and (3) bring back the analysis when the fee study comes forward.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl

4.4. **CONSIDERATION OF COUNCILMEMBER GRUENDL'S REQUEST TO REFER THE CHAMBER OF COMMERCE BUDGET DEFICIT RECOMMENDATIONS TO THE FINANCE COMMITTEE**

Councilmember Gruendl requested that the City Council consider referring the Chamber of Commerce budget deficit recommendations to the Finance Committee for discussion and possible recommendations to Council for action.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to consider this request and refer it to the Finance Committee for discussion.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.5. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA**

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: February 19, 2008

Deborah R. Presson, Agency Secretary

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — February 5, 2008
Minutes

1. **CALL TO ORDER** – Chair Holcombe called the February 5, 2008 – Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.
- 1.1. Roll Call
2. **CONSENT AGENDA** – None
3. **NOTICED PUBLIC HEARINGS**

Item 3.1. was considered jointly by the Chico Redevelopment Agency and the Chico City Council.
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3.1. **HEARING ON THE SALE OF LAND OWNED BY THE AGENCY AND LOCATED WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT AREA**

At its 12/13/07 meeting, the Economic Development Committee recommended (2-0, Bertagna absent) that the City Council and the Redevelopment Agency approve the purchase of a 1.03 acre parcel of Agency-owned property at the Chico Municipal Airport by Thomas, Jason and Bernadette Black of MTECH. The land purchase enables MTECH, a Chico company that designs and manufactures plastic fabricated products, to build a facility and expand their market reach. This project is directly in line with the City's economic strategy of strengthening the economic base of Chico through expanding base level employers. ***(Report - Martha Wescoat-Andes, Economic Development/Redevelopment Manager)***

Recommendation – The Economic Development/Redevelopment Manager recommended adoption of the following resolutions.

RESOLUTION NO. 06-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING THE SALE OF PROPERTY OWNED BY THE CHICO REDEVELOPMENT AGENCY TO THOMAS, JASON AND BERNADETTE BLACK - Council Action

RDA RESOLUTION NO. 02-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THOSE CERTAIN AGREEMENTS ENTITLED “AGREEMENT FOR SALE OF PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT AREA BENEFITTED BY ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (CHICO REDEVELOPMENT AGENCY/ THOMAS, JASON AND BERNADETTE BLACK),” AND (2) “DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/ THOMAS, JASON AND BERNADETTE BLACK)” - Agency Action

4. **REGULAR AGENDA** – None
5. **ADJOURNMENT**

Adjourned at 10:12 p.m. to February 19, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: February 19, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the February 5, 2008 Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Present: Interim City Manager Burkland, Interim Assistant City Manager Beardsley, and Human Resources Director Fulks for Items 2.1. and 2.3. only.

City Attorney Barker and City Clerk Presson present for all items.

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:** Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9: One case.

- 2.2. **PUBLIC EMPLOYEE APPOINTMENT** — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city manager.

- 2.3. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 19, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the February 19, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation – Pastor Bob Sprague, The Edge Campus Christian Fellowship
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – Items 2.1. and Item 2.4. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:
 - 2.1. **ORDINANCE NO. 2373 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PROVISIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS** - Final Reading and Adoption – This item was removed from the Consent Agenda for further discussion.

ORDINANCE NO. 2374 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO (1) AMENDING TITLE 18 OF THE CHICO MUNICIPAL CODE TO DESIGNATE THE ADVISORY AGENCY FOR CONDOMINIUM CONVERSIONS AND (2) AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS, ADDING A REQUIREMENT FOR PRE-APPLICATION NEIGHBORHOOD MEETINGS FOR SPECIFIC PROJECTS AND ESTABLISHING PROCEDURES FOR THE PROCESSING OF GENERAL PLAN AMENDMENTS PENDING ADOPTION OF A COMPREHENSIVE GENERAL PLAN UPDATE - Final Reading and Adoption

- 2.2. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 624 RANCHERIA DRIVE**

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. *The Building & Development Services Director recommended adoption of the resolution.*

RESOLUTION NO. 07-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 624 RANCHERIA DRIVE / ASSESSOR'S PARCEL NO. 043-180-024 (petition from property owners Eric Coulson and Amy Chen)

- 2.3. **ADOPTION OF A RESOLUTION APPROVING THE CONVEYANCE OF EXCESS REAL PROPERTY AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LANDSCAPING AGREEMENT**

Adopted - a resolution approving the conveyance of excess real property owned by City in fee title to the adjacent property owner, AFT Properties, LLC. The resolution authorizes the Interim City Manager to execute a landscaping agreement with the property owner for maintenance of landscaping and irrigation along the Skyway. *The Building and Development Services Director recommended adoption of the resolution.*

RESOLUTION NO. 08-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE CONVEYANCE OF EXCESS REAL PROPERTY AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LANDSCAPING AGREEMENT FOR LANDSCAPE MAINTENANCE OF CITY-OWNED PROPERTY ALONG THE SKYWAY

2.4. **APPROVAL OF A MINUTE ORDER - CITY MANAGER EMPLOYMENT AGREEMENT** – This item was removed from the Consent Agenda for further discussion.

2.5. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 12/18/07, 1/15/08 and 2/05/08.

ITEMS REMOVED FROM CONSENT

2.1. **ORDINANCE NO. 2373 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PROVISIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS** - Final Reading and Adoption – This item was removed from the Consent Agenda for further discussion.

ORDINANCE NO. 2374 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO (1) AMENDING TITLE 18 OF THE CHICO MUNICIPAL CODE TO DESIGNATE THE ADVISORY AGENCY FOR CONDOMINIUM CONVERSIONS AND (2) AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS, ADDING A REQUIREMENT FOR PRE-APPLICATION NEIGHBORHOOD MEETINGS FOR SPECIFIC PROJECTS AND ESTABLISHING PROCEDURES FOR THE PROCESSING OF GENERAL PLAN AMENDMENTS PENDING ADOPTION OF A COMPREHENSIVE GENERAL PLAN UPDATE - Final Reading and Adoption

Adopted - ordinances to enhance the predictability in the decision making process. At its 1/15/08 and 2/05/08 meetings, the City Council introduced the ordinances that provides for a one-step appeal process, require pre-application meetings with adjacent residents and neighborhood groups, establish procedures for processing General Plan amendments during the General Plan Update, and delegate decisions to staff for condominium conversions. ***The Planning Services Director recommended adoption of the ordinances by reading of the titles only.***

This item was removed from the Consent Agenda at the request of Councilmember Wahl in order to reiterate his opposition to the adoption of these ordinances because he believes that applicants should be able to appeal all decisions directly to the City Council; that requiring pre-application neighborhood meetings are unnecessary; and that current applications should continue to be guided by the current General Plan requirements, not newly created regulations implemented while the General Plan is being updated.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt Ordinances No. 2373 and No. 2374, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl

2.4. **APPROVAL OF A MINUTE ORDER - CITY MANAGER EMPLOYMENT AGREEMENT**

Approved – a minute order approving the employment agreement with City Manager David M. Burkland to commence on 2/20/08. Councilmember Flynn removed this item from the Consent Agenda in order to publically acknowledge Dave Burkland's appointment to the position of City Manager.

A motion was made by Councilmember Flynn and seconded by Councilmember Bertagna to approve the following minute order:

MINUTE ORDER NO. 01-08 – APPROVAL OF AND AUTHORIZATION FOR THE MAYOR TO SIGN - EMPLOYMENT AGREEMENT WITH THE CITY MANAGER (CITY OF CHICO/DAVID M. BURKLAND)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **FINAL PUBLIC HEARING AND TABULATION OF VOTES ON THE FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 568 - SHASTAN AT GLENWOOD SUBDIVISION**

At the initial public hearing held on 2/05/08, the Council considered and approved the Engineer's Report for the Shastan at Glenwood subdivision, proposed Maintenance Assessment District No. 568. At the conclusion of this hearing following the tabulation of ballots, if the majority voted in favor of formation of the district, Council would then adopt the resolution ordering the formation of the district. **(Report - Fritz McKinley, Building & Development Services Director)**

Announcement of Ex-Parte Communications – Councilmember Flynn announced that she had spoken with several of the neighbors in the Oak Manor area prior to this hearing.

Mayor Holcombe opened the hearing to the public. Addressing the Council in support of the formation of the maintenance assessment district was Jim Stevens. Addressing the Council in opposition was Kent Collins. The Council was also provided with a letter from Minasian, Spruance, Meith, Soares & Sexton, LLP. The hearing was closed to the public.

The Council recessed at 7:45 p.m. in order to allow the City Clerk to tabulate the ballots. The meeting was reconvened at 8:00 p.m. and all members of Council were present.

City Clerk Presson announced that 76% of the ballots had voted in favor of the formation of the maintenance assessment district.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to adopt the following resolution:

RESOLUTION NO. 09-08 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 568 - SHASTAN AT GLENWOOD SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF THE ARTS COMMISSION WORK PLAN** – This item was removed from the agenda and continued to a future meeting at the request of the Arts Commission.

4.2. **CONSIDERATION OF THE HUMAN RESOURCES COMMISSION (HRC) WORK PLAN**

The City Council directed that the various Boards & Commissions develop Work Plans to define their goals and priorities for the years 2007 and 2008. The HRC presented its 2007 and 2008 Work Plan for review, possible direction, and approval by the City Council. **(Report - Dan Fulks, HR/RM Director)**

The HR/RM Director did not recommend approval of the proposed Work Plan due to the commission fulfilling its original mission and that formation of the proposed Human Rights Commission would require analysis.

Addressing the Council in support of the Work Plan were Commissioners Megan Thomas, Charley Turner, and Rae Morrison. Charley Turner also presented opposing comments on behalf of Jesse Allread who also serves as a Human Resources Commissioner.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to accept staff's recommendation to disband the Human Resources Commission.

The motion failed due to the following vote:

AYES: Bertagna, Wahl
NOES: Flynn, Gruendl, Nickell, Schwab, Holcombe

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the work plan items 1-11, with direction to the commission that it could pursue the development of a plan for the possible creation of a Human Relations or Rights Commission. It was also noted by Council that the subcommittee will work on its own for this project, without staff support.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl

4.3. CONSIDERATION OF REQUEST FROM BUTTE COUNTY TO APPOINT COUNCILMEMBERS TO CITY LOCAL GOVERNMENT COMMITTEE

By letter dated 1/25/08, C. Brian Haddix, Chief Administrative Officer of Butte County, requested that the Council appoint two or three Councilmembers to a City Local Government Committee.

The Council voted 7-0 to appoint Mayor Holcombe, Councilmember Gruendl, and Councilmember Nickell to serve on a Local Government Committee.

ITEMS ADDED AFTER THE POSTING OF THE AGENDA

4.4. CONSIDERATION OF COUNCILMEMBER BERTAGNA'S REQUEST TO AGENDIZE THE DISCUSSION OF CONSOLIDATING THE CITY OF CHICO AND THE CHICO AREA RECREATION AND PARK DISTRICT (CARD)

Councilmember Bertagna requested that the Council consider consolidating the two agencies (the City of Chico and CARD) in order to prevent a duplication of resources.

Bob Feaster from the Chico Unified School District addressed Council regarding CUSD's desire to participate in this process.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to: (1) consider the request at this meeting; (2) instruct City staff to first meet with CARD representatives to see if there is an overlap in services provided by each entity and areas where a savings could occur; (3) create a subcommittee comprised of Vice Mayor Schwab and Councilmember Bertagna and representatives of the CARD board and CUSD who will meet and discuss the information provided by staff and where possible, develop a Memorandum of Understanding to address duplication of services.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

5. BUSINESS FROM THE FLOOR – None

6. **REPORTS AND COMMUNICATIONS** – The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.
- 6.1. By letter dated 2/01/08, Jim Goodwin, President/CEO, Chico Chamber of Commerce, requests that the City Council increase funding for the Chico AirFest to \$50,000. ***The City Clerk provided prior City Council action on this item. The City Manager recommended that this item be agendized for discussion at the 3/04/08 City Council meeting.*** The Council concurred (7-0) to agendize this item.

7. **ADJOURNMENT**

Adjourned at 8:35 p.m. to March 4, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:00 p.m.



Date Approved: March 4, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the February 19, 2008 – Adjourned Regular Chico City Council closed session to order at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

Staff Members: Interim City Manager Burkland, City Attorney Barker, Interim Assistant City Manager Beardsley, City Clerk Presson, Administrative Services Director Pierce, Human Resources Director/Risk Manager Fulks

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

- 2.2. **CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER – EXISTING LITIGATION:** The City Attorney and Risk Manager reviewed settlement of the workers compensation claim of Tim Voris. (Gov. Code Sec. 54956.9(a).)

- 2.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Gov. Code §54956.8)

Negotiator: David Burkland, Interim City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: See Appendix "A" to the Agenda for a list of property owners or designated negotiator(s)



3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

APPENDIX "A"

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 19, 2008

Chico Municipal Center, Conference Room #2, 421 Main Street, 6:00 p.m.

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisitions affecting the following:

<u>Property Owner</u>	<u>Street Address</u>	<u>Assessor's Parcel No.</u>
A. McDonalds Corporation, a Delaware Corp.	2444 Notre Dame Boulevard	002-190-031
B. Dennis Denton, G. Phillip Wick, and Thomas Freedman, Executors of the Estate of Margaret Denton; Diana Schwab Tomseth; and Alan L. Schwab	2420 Notre Dame Boulevard	002-190-037
C. Keluche Creek Properties, Inc.	2500 Zanella Way	002-200-001
D. HLS, a California general partnership	1016 Skyway	002-210-016
E. Flyers, LLC	2501 Notre Dame Boulevard	002-210-017
F. Anthony and Heather Deluca	1026 Skyway	002-210-028
G. Skypark Auto Wash Property, LLC	1020 Skyway	002-210-029
H. Carwood Skypark, LLC; Sunburst Skypark, LLC; Slaughter Skypark, LLC; Sunray Skypark, LLC; Investec Capital Skypark, LLC; Investec Capital Reverse, LLC	2485 Notre Dame Boulevard	002-210-033
I. Halle Properties, LLC	2530 Notre Dame Boulevard	002-330-017
J. Byron Crossen and Lynn McNeely, Co-Trustees of the LBK Trust VI Skyway	2520 Notre Dame Boulevard	002-330-018
K. C&H Development Co.	Vacant - Parking Area adjacent to 2530 Notre Dame Boulevard	002-330-021
L. Sierra Entertainment Group, LLC	2465 Carmichael Drive	005-570-002

The City's negotiator was Interim City Manager David Burkland and the parties with whom negotiations were proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

REGULAR CHICO CITY COUNCIL MEETING – March 4, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7
- 1.2. **REGULAR CITY COUNCIL MEETING** - 7:00 p.m.
- 1.3. Call to Order – Mayor Holcombe called the March 4, 2008 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:00 p.m.
- 1.4. Flag Salute
- 1.5. Invocation – Pastor Reg Schultz-Akerson, Faith Lutheran Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.7. Closed Session Announcement – None
- 1.8. Proclamation – Proclaiming March 7, 2008 as “Arbor Day” and acknowledgment of the “Tree City USA” award.
- 1.9. Proclamation – Honoring Fire Chief Steve Brown on his retirement after 13 years of service to the City.
– *This item was continued to a future meeting.*
2. **CONSENT AGENDA** – Items 2.1. and 2.2. were removed from the Consent Agenda for further discussion. A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to approve the remaining Consent Agenda items.
 - 2.1. **RESOLUTION APPROVING THE APPLICATION FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM** – This item was removed from the Consent Agenda for further discussion.
 - 2.2. **ACCEPTANCE OF STAFF REPORT - SUMMARY ABATEMENT - 2302 NORTH AVENUE** – This item was removed from the Consent Agenda for further discussion.
 - 2.3. **ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION - ESTABLISHING A “SISTER CITY” POLICY**

Accepted – the recommendation of the Internal Affairs Committee at its meeting of 2/12/08, to create an Administrative Procedure and Policy (AP&P) that will provide the criteria and framework for future adoption of Sister Cities. *The Internal Affairs Committee recommended (3-0) creation of an AP&P on Sister City Affiliations.*
 - 2.4. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING**
Approved – minutes of the City Council meeting held on 2/19/08.

The motion to approve the Consent Agenda, with Items 2.1. and 2.2. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

2.1. RESOLUTION APPROVING THE APPLICATION FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM

Adopted – a resolution to authorize the City Manager to submit a grant application to the State Department of Forestry and Fire Protection to update the City's tree inventory. The grant guidelines require a City Council resolution and a 50% match of City funds.

The matching funds, which include staffing and funding for the City's existing tree inventory software, are already included in the Park Division's operating budget, so no additional City funding is needed. Staff will prepare an Administrative Supplemental Appropriation to budget the grant funds and to allocate the grant expenses in the City's Capital Budget. ***The Interim Assistant City Manager recommended adoption of the resolution.***

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for further clarification on actual costs to the City and how the proceeds of the grant would be used.

Urban Forester Britton indicated that money had been budgeted for the tree inventory and would now be leveraged for a grant. If the grant is awarded to the City, the proceeds would be used to purchase two laptops and to hire one or two interns to complete the tree inventory.

Councilmember Wahl expressed concern over future funding commitments in light of the City's on-going budget deficit.

A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to adopt the following resolution:

RESOLUTION NO. 10-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE APPLICATION FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED, "AN URBAN FOREST FOR EVERY CITY", AS PROVIDED THROUGH PROPOSITIONS 40 and 84

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Wahl

2.2. ACCEPTANCE OF STAFF REPORT - SUMMARY ABATEMENT - 2302 NORTH AVENUE

Accepted - staff report concerning the summary abatement of property located at 2302 North Avenue by City of Chico code enforcement on 2/04/08. ***The Housing & Neighborhood Services Director recommended acceptance of this report.***

This item was removed from the Consent Agenda at the request of Vice Mayor Schwab in order to acknowledge the outstanding efforts by the Neighborhood Services staff.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to accept the staff report regarding the 2302 North Avenue abatement.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE ADOPTION OF A MOTION OF INTENT TO APPROVE GENERAL PLAN AMENDMENT/REZONE 07-01 AND THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES)**

At its 12/06/07 meeting, the Planning Commission voted (4-3) to forward a recommendation to the City Council to approve General Plan Amendment/Rezone 07-01 and the Sierra Gardens Senior Homes Tentative Subdivision Map/Planned Development Permit S/PDP 03-24 subject to 16 additional conditions of approval. The applicant can accommodate 12 of the added conditions, but is not able to fully accomplish the remaining four. The applicant requested direction from the City Council on what project changes the Council determines are appropriate, prior to revising project maps and diagrams. **(Report - Bob Summerville, Senior Planner)**

The Council was provided with a copy of an email from Gary Salberg.

Mayor Holcombe opened the hearing to the public. Addressing the Council in favor of the project was B.T. Chapman and David Mogavero. The hearing was closed to further public comment.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to: (1) adopt a motion of intent to approve General Plan Amendment/Rezone 07-01 and the Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit S/PDP 03-24 (Mogavero Notestine Associates) based on specific project revisions, to comply with Planning Commission additional conditions 1 through 14, as directed by the City Council; and (2) direct the applicant to revise all maps and architectural diagrams in accordance with City Council direction for review at a subsequent public hearing for final approval.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3.2. **HEARING ON GENERAL PLAN AMENDMENT AND REZONE 07-02; DEVELOPMENT AGREEMENT 07-01; ARCHITECTURAL REVIEW 07-22; AND CERTIFICATE OF MERGER 07-02 FOR THE BIDWELL PARK APARTMENTS AFFORDABLE HOUSING PROJECT**

At its 2/07/08 meeting, the Planning Commission voted (7-0) to forward a recommendation to the Council to approve a General Plan Amendment/Rezone, architectural review, a certificate of merger, and a Development Agreement approving the Bidwell Park Apartments low-income affordable housing project. **(Report - Bob Summerville, Senior Planner)**

The Council was provided with copies of a memorandum from Senior Planner Summerville clarifying the site plan on page 24 of the staff report and an email from Michael Trolinder. Copies of correspondence originally received at the 11/6/07 public hearing were once again made available to the Council and public.

Mayor Holcombe disqualified himself on this item due to his representing some of the clients from this area. Vice Mayor Schwab opened the public hearing on the proposed General Plan Amendment, Rezone, Architectural Review, Certificate of Merger, and Development Agreement. Addressing the Council in opposition to the rezone were Malama MacNeil, Tom Steel, Susan Hearme, Susan Park, and Lynn Schmidt. Addressing the Council in favor were Gregg Stone, Charley Turner, Suellen Rowlinson, Evan LaVang, and Kevin Gates. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl to deny the project. The motion died for a lack of a second.

A motion was made by Councilmember Nickell and seconded by Councilmember Flynn to: (1) adopt a resolution to approve General Plan Amendment 07-02; (2) introduce an ordinance for Rezone 07-02 by reading of the title only; (3) adopt an amended resolution approving Architectural Review 07-22 and Certificate of Merger 07-02; (4) introduce an ordinance for Development Agreement 07-01 by reading of the title only; and (5) schedule final adoption of both ordinances for the 3/18/08 City Council meeting.

RESOLUTION NO. 11-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT 07-02 (STONE BUILDING CORPORATION)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 1197 E. 8TH STREET AND 1190 E. 9TH STREET, IDENTIFIED AS ASSESSOR'S PARCEL NOS. 004-331-004 AND 014 FROM R1 LOW DENSITY RESIDENTIAL TO R3 MEDIUM-HIGH DENSITY RESIDENTIAL REZONE 07-02 (STONE BUILDING CORPORATION) - Introductory Reading

RESOLUTION NO. 12-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING ARCHITECTURAL REVIEW 07-22 AND CERTIFICATE OF MERGER 07-02 (STONE BUILDING CORPORATION) – as amended to include the following condition:

"Design of the windows on the second and third floors on the west elevation of Building Type II and on the east elevation of Building Type III shall be revised to minimize privacy impacts to adjacent residential uses. A revised design may include sight-obscuring glass or raised window sills. The revised design shall be administratively approved by Planning staff in consultation with the developer."

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND THE STONE BUILDING CORPORATION TO DEVELOP BIDWELL PARK APARTMENTS 38-UNIT AFFORDABLE HOUSING PROJECT (1197 E. 8TH STREET AND 1190 E. 9TH STREET, ASSESSOR'S PARCEL NOS. 004-331-004 AND -014) - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab
NOES: Wahl
DISQ: Holcombe

—————●●●●—————
The Council recessed for a 15 minute break at 8:45 p.m.
The meeting was reconvened and all members of Council were present.

4. **REGULAR AGENDA**

4.1. **INTERNAL AFFAIRS RECOMMENDATION - REGULATION OF PEDICABS**

At its meeting of 1/10/07, the Internal Affairs Committee directed staff to research pedicab regulations and report back to the Committee with the findings. Chief of Police Hagerty provided the Committee with a report at its 10/09/07 meeting. After reviewing the report, the Committee moved to forward this item to Council for direction, as the Committee had a split vote. **(Report - Bruce Hagerty, Chief of Police)**

Vice Mayor Schwab disqualified herself on this item due to a business conflict pertaining to her bicycle shop.

Addressing the Council in opposition to any regulations were Gregory deGoureaia, Michael Griffith, TR Manning, and Tim Court.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to not regulate pedicabs.

The motion failed due to the following vote:

AYES: Bertagna, Wahl
NOES: Flynn, Gruendl, Nickell, Holcombe
DISQ: Schwab

A motion was made by Councilmember Bertagna and seconded by Councilmember Flynn to direct staff or a volunteer group to develop a brochure containing information on bicycle safety, equipment, and noise regulations that would go out with all pedicab business licenses.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
DISQ: Schwab

4.2. **CONSIDERATION OF FLAG POLICY**

On 03/06/07 the City Council referred discussion and consideration of the City's flag policy to the Internal Affairs Committee. At its meeting held 12/11/07, the Committee recommended (3-0) that the City maintain the limited public forum that was opened by allowing the City of Flags Committee to fly U.S. flags on City light poles. At its 02/12/08 meeting, the Committee recommended (3-0) terms and conditions to be included in a new flag policy.

At this meeting, the City Council considered the Committee's recommendations and the request from the Earth Flags of Chico Committee to display Earth Day flags during the month of April 2008. (**Report - Cindy Pierce, Administrative Services Director**)

The Internal Affairs Committee recommended that: (1) the City maintain the limited public forum; (2) the terms and conditions set forth in the agenda report be included in a new flag policy; and (3) the final policy be reviewed by the Committee after one year to determine whether the public forum should remain open.

Addressing the City Council in opposition to the proposed policy were Ed Regan, Sally Jo Smith, Mimi Riley, and Rob Ramay.

A motion was made by Councilmember Wahl and seconded Councilmember Gruendl to table the decision on the policy until June 2008 and allow the Earth Flag to be flown this year based on the same criteria established last year.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

The Council recessed for a 5 minute break at 10:35 p.m.
The meeting was reconvened and all members of Council were present.

4.3. **CONSIDERATION OF THE ARTS COMMISSION WORK PLAN**

The City Council directed that the various City Boards and Commissions develop Work Plans to define their goals and priorities for calendar year 2008. The Arts Commission presented its 2008 Work Plan

for review, possible direction, and approval by the City Council. **(Report - Mary Gardner, Art Projects Coordinator)**

The Arts Commission recommends approval of the 2008 Arts Commission Work Plan.

A motion was made by Councilmember Nickel and seconded by Vice Mayor Schwab to accept staff's recommendation to approve the Arts Commission Work Plan items 1 through 3 only.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: Bertagna

4.4. **CONSIDERATION OF INTERNAL AFFAIRS RECOMMENDATION - SITE SELECTION AND APPROVAL TO PROCEED WITH MASTER PLAN, PHASED IMPROVEMENT PROGRAM AND FINANCING PLAN FOR NEW POLICE DEPARTMENT HEADQUARTERS FACILITY**

At its meeting of 10/23/07, the Finance Committee recommended, conveyance of ownership of the 5.6 acres owned by the Chico Redevelopment Agency located on the north west corner of Bruce Road and Humboldt Road (APN 002-180-087& 002-180-088) to the City of Chico for a Police Department Headquarters facility. In addition, the Committee authorized proceeding with preparation of a master plan, phased improvement program and financing plan for Council review and consideration. **(Report - Dennis Beardsley, Interim Assistant City Manager)**

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the proceeding with the master plan, phased improvement program and financing plan for a new Police Department Headquarters facility and to direct staff to pursue negotiations with CHP for their facility and authorize up to \$75,000 for the appraisal and feasibility study.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.5. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None**

5. **BUSINESS FROM THE FLOOR**

Michael Reilly addressed the Council regarding the hearing held earlier on the General Plan Amendment and rezone 07-02.

6. **ADJOURNMENT**

Adjourned at 11:25 p.m. to March 18, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: April 1, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the March 4, 2008 – Adjourned Regular Chico City Council Closed Session in the Chico Municipal Center, Conference Room #2, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

Staff: City Manager Burkland, Interim Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Administrative Services Director Pierce, Human Resources Director Fulks

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).

- 2.2. **THREAT TO PUBLIC SERVICES OR FACILITIES:** Consultation with: Chief of Police (Gov. Code Sec. 54957.)



3. **ADJOURNMENT**

Adjourned at 6:55 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 18, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 4
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the March 18, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Scott Dowell, Sonrise Christian Center
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
Absent: Schwab

Present: Barrett, Brownell, Hayes, Kelley, Merz, Minasian, Luvaas
Absent: None
- 1.7. Closed Session Announcement – None

JOINT WORKSHOP - CITY COUNCIL AND PLANNING COMMISSION - 6:35 p.m. - 7:50 p.m.

- 1.8. **GENERAL PLAN UPDATE - IMAGINE CHICO 2030 VISION BOOK AND EXISTING CONDITIONS REPORT**

At critical points in the General Plan Update process, staff and the General Plan consultant, PMC (the Project Team), are scheduled to check-in with the City Council and Planning Commission to discuss key points in this significant planning effort. The Project Team will present an overview of the outreach efforts to date, and summarize the culminating product, the Imagine Chico 2030 Vision Book. The Project Team will also provide an overview of the Existing Conditions Report, which provides a “snapshot” of existing conditions in the City. The Existing Conditions Report will serve as a technical resource for the General Plan Update and the associated environmental document. ***(Report - Holly Keeler, Principal Planner & Pam Johns, PMC - Project Manager)***

Jason Bougie addressed the Council on this item.

Councilmembers and Planning Commissionmembers provided staff with feedback on the Vision Book and the Existing Conditions Report which will be considered and incorporated into future documents.

Councilmember Bertagna requested that at the outreach meeting a record be kept as to the number and name of the participants in attendance. Staff indicated they would provide the Council with information on neighborhood groups including how many neighborhoods were represented at the outreach meetings and how many people were involved at each meeting.

The Council recessed at 7:50 p.m. in order to allow the Planning Commission to adjourn. The meeting was reconvened at 8:00 p.m. and all members of Council were present except Vice Mayor Schwab who was absent.

2. **CONSENT AGENDA** – Item 2.3. was removed from the Consent Agenda for further discussion. A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **ADOPTION OF ORDINANCES FOR REZONE 07-02 AND DEVELOPMENT AGREEMENT 07-01 (STONE BUILDING CORPORATION)**

Adopted - two ordinances in conjunction with the Bidwell Park Apartments low-income affordable housing project: (1) rezoning the site from R1 Low Density Residential to R3 Medium-High Density Residential; and (2) authorizing a density bonus for the purpose of developing a rental housing project for affordable to low and very low income households. These ordinances were introduced by the Council at its meeting of 3/04/08. ***The Planning Services Director recommended that the City Council adopt the ordinances by reading of the titles only.***

Councilmember Wahl voted against the rezone and development agreement. Mayor Holcombe was disqualified on this item due to his prior representation of tenants at the trailer park.

ORDINANCE NO. 2375 OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 1197 E. 8TH STREET AND 1190 E. 9TH STREET, IDENTIFIED AS ASSESSOR'S PARCEL NOS. 004-331-004 AND 014 FROM R1 LOW DENSITY RESIDENTIAL TO R3 MEDIUM-HIGH DENSITY RESIDENTIAL REZONE 07-02 (STONE BUILDING CORPORATION) - Final Reading and Adoption

ORDINANCE NO. 2376 OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND THE STONE BUILDING CORPORATION TO DEVELOP BIDWELL PARK APARTMENTS 38-UNIT AFFORDABLE HOUSING PROJECT (1197 E. 8TH STREET AND 1190 E. 9TH STREET, ASSESSOR'S PARCEL NOS. 004-331-004 AND -014) - Final Reading and Adoption

2.2. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 1013 FRANCES DRIVE**

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. ***The Building & Development Services Director recommended adoption of the resolution.***

RESOLUTION NO. 13-08 OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1013 FRANCES DRIVE / ASSESSOR'S PARCEL NO. 042-390-028 (petition from property owners M. Michael and Sondra C. Moran)

2.3. **APPROVAL OF A MINUTE ORDER - AUTHORIZING AN AGREEMENT WITH CHICO UNIFIED SCHOOL DISTRICT FOR REIMBURSEMENT OF CITY'S COST TO CONSTRUCT IMPROVEMENTS AT PARKVIEW ELEMENTARY SCHOOL** – This item was removed from the Consent Agenda for further discussion.



The motion to approve the Consent Agenda, with Items 2.3. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: Wahl, on Items 2.1. only
ABSENT: Schwab
DISQ: Holcombe on Item 2.1. only

ITEMS REMOVED FROM CONSENT

2.3. **APPROVAL OF A MINUTE ORDER - AUTHORIZING AN AGREEMENT WITH CHICO UNIFIED SCHOOL DISTRICT FOR REIMBURSEMENT OF CITY'S COST TO CONSTRUCT IMPROVEMENTS AT PARKVIEW ELEMENTARY SCHOOL**

Approved - a minute order authorizing the City Manager to execute an agreement with Chico Unified School District under which CUSD will pay for the construction of additive improvements to Parkview Elementary School in conjunction with the City's capital project to reconstruct East Eighth Street and setting forth the conditions of reimbursement for the construction of those improvements. ***The Capital Project Services Director recommended approval of the minute order.***

MINUTE ORDER NO. 02-08 - AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CHICO UNIFIED SCHOOL DISTRICT FOR THE REIMBURSEMENT OF CONSTRUCTION COSTS INCURRED BY CITY FOR INSTALLATION OF ADDITIVE IMPROVEMENTS AT PARKVIEW ELEMENTARY SCHOOL

This item was removed from the Consent Agenda for further clarification on project funding at the request of Councilmember Wahl.

A motion was made by Councilmember Gruendl to approve the minute order. The motion was seconded by Councilmember Bertagna. The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Schwab

2. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **ACCEPTANCE AND CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION REGARDING FUNDING REQUEST FROM CHICO COMMUNITY SHELTER PARTNERSHIP/TORRES SHELTER**

At its meeting of 02/26/08, the Finance Committee recommended approval of a one-time emergency allocation of \$10,000 from Community Development Block Grant (CDBG) funds, currently reserved for the pending Torres Shelter expansion project, to the Chico Community Shelter Partnership (CCSP) to be used as additional financial assistance for the Torres Shelter. This allocation would be in addition to the \$12,000 CCSP received through the annual 2007-08 Community Organization funding process (\$8,500 is received by CCSP for operational costs; \$3,500 is a pass-through for the HELP program). ***(Report - Sherry Morgado, Housing and Neighborhood Services Director)***

Recommendation – The Finance Committee recommended (3-0) approval of a one-time emergency allocation of \$10,000 in CDBG funds for the Torres Shelter.

Corla Bertrand, Michael Reilley, Mike Trolinder and Shawn Gore addressed the Council on this item.

A motion was made by Councilmember Flynn to approve a one-time emergency allocation of \$10,000 in CDBG funds for the Torres Shelter. The motion was seconded by Councilmember Bertagna.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Schwab

4.2. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

The meeting adjourned at 8:33 p.m. to April 1, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: April 1, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 18, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the March 18, 2008 – Adjourned Regular Chico City Council meeting closed session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
Absent: Schwab

Staff Present: City Manager Burkland, City Attorney Barker, Interim Assistant City Manager Beardsley, Administrative Services Director Pierce

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Jessica Haggard v. The City of Chico, et al.*, Butte County Superior Court Case No. 142552, pursuant to subdivision (a) of Government Code section 54956.9.
- 2.2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** The City Council reviewed the City Attorney's performance. (Gov. Code Sec. 54957.)



3. **ADJOURNMENT**

Closed session adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — April 1, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the April 1, 2008 - Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.
- 1.4. Flag Salute
- 1.5. Invocation – Pastor Dave Osborne, Chico Seventh-day Adventist Church
- 1.6. Roll Call

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Flynn

- 1.7. Closed Session Announcement – None
- 1.8. Moment of Silence for Judge Darrell Stevens who passed away on March 18, 2008 and Dr. Charles Seydel, former City Councilmember (1957-1961), who passed away on March 17, 2008
- 1.9. Proclamation – Proclaimed the month of April as “Sexual Assault Awareness Month”
- 2.0. Proclamation – Honored Fire Chief Steve Brown on his retirement after 13 years of service to the City
2. **CONSENT AGENDA** – Item 2.5. was removed from the Consent Agenda for further clarification. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

- 2.1. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC UTILITY EASEMENTS - NORTHWEST CORNER OF FOREST AVENUE AND NOTRE DAME BOULEVARD**

Adopted - a resolution of intention to abandon and vacate public utility easements located at the northwest corner of Forest Avenue and Notre Dame Boulevard to facilitate construction of a commercial building. **The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing on May 6, 2008.**

RESOLUTION NO. 14-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (ASSESSOR'S PARCEL NOS. 002-190-023 & 024, 002-260-014, 015 & 016, and 002-210-039)

- 2.2. **ADOPTION OF A CODIFIED RESOLUTION AMENDING CHICO MUNICIPAL CODE SECTION 11R.08.164 "MANAGER'S AUTHORITY TO APPROVE LEASES"**

Adopted - a resolution which amends the authority of the airport manager to approve leases, licenses, or other entitlements for the use or possession of City owned property at the airport to one year or less and is terminable on 30 days or less notice. **The Airport Commission and the City Manager recommended adoption of the resolution.**

RESOLUTION NO. 15-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 11R.08.164, ENTITLED "MANAGER'S AUTHORITY TO APPROVE LEASES," OF THE CHICO MUNICIPAL CODE TO LIMIT THE AIRPORT MANAGER'S AUTHORITY TO APPROVE LEASES OF CITY OWNED PROPERTY AT THE CHICO MUNICIPAL AIRPORT

2.3. **APPROVAL OF A MINUTE ORDER AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN CALIFORNIA EMS, INC. FOR PROVISION OF COMBI-TUBE AND AUTOMATED EXTERNAL DEFIBRILLATION SERVICES BY THE CITY OF CHICO FIRE DEPARTMENT**

Approved - a minute order authorizing execution of an agreement for the City of Chico Fire Department to begin using Combi-Tubes in conjunction with the already approved life support services of automated external defibrillators subject to the terms set forth in the minute order. *The Interim Fire Chief recommended approval of the minute order.*

MINUTE ORDER NO. 03-08 – AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN CALIFORNIA EMS, INC. FOR PROVISION OF COMBI-TUBE AND AUTOMATED EXTERNAL DEFIBRILLATION SERVICES BY THE CITY OF CHICO FIRE DEPARTMENT

2.4. **APPROVAL OF REVISION TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-1 - BOARD, COMMISSION, ADVISORY COMMITTEES AND TASK FORCE RULES OF PROCEDURE**

Approved - a revision to AP&P 10-1 inserting a provision for the recruitment process of board and commission volunteers. At its meeting of 1/15/08, the City Council directed the City Clerk to update the language used in the advertisement for volunteer recruitments to include wording pertaining to the City of Chico as an Equal Opportunity Employer that supports workforce diversity. *The City Clerk recommended approval of the revision.*

2.5. **APPROVAL OF REVISION TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-10 - CITY COUNCIL RULES OF PROCEDURE** – This item was removed from the Consent Agenda for further discussion.

2.6. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 3/04/08 and 3/18/08.

ITEMS REMOVED FROM CONSENT

2.5. **APPROVAL OF REVISION TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-10 - CITY COUNCIL RULES OF PROCEDURE**

Approved - general revisions to AP&P 10-10 to reflect current rules of procedure. *The City Clerk recommended approval of the revisions.*

This item was removed from the Consent Agenda at the request of Councilmember Bertagna who wanted to express his appreciation for the format of the report and attachments. Because of the format, the revisions were easily identified and understandable. He suggested that future policies, ordinances, or resolutions that require redlining and strikeout text be set up in this manner.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the revised AP&P 10-10 as recommended by staff.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

3. **NOTICED PUBLIC HEARINGS**

3.1. **CONSIDERATION OF RESOLUTIONS REGARDING THE FORMATION OF THE CERES NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08**

At its 5/16/06 meeting, the City Council adopted Resolution No. 122 04-05 approving the Master Plan and adopting the Mitigated Negative Declaration for the development of the Ceres Neighborhood Park. City Park Facility Fees (development impact fees) and Redevelopment Funds are available to fund the basic park development, but are not available to fund the maintenance of the park, or other enhancements such as restrooms, and a shade structure as originally requested by the neighbors. A property owner vote was held in June 2007 to form a Landscape and Lighting District (LLD) to pay for these enhancements and the ongoing maintenance, but the vote failed. However, many of neighbors decided that they would like to scale down the design of the park to reduce costs, and obtained City Council approval on 10/16/07 to try another attempt at forming a LLD to fund the maintenance of the park only. **(Report - Dennis Beardsley, Interim Assistant City Manager)**

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the boundary lines was John Merz. Addressing the Council in support of the formation of the district were Matthew Bailey, Lisa Billingsley, and Michelle McGivern. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt the following resolutions, and set a public hearing regarding this matter for Tuesday, 5/20/08 at 6:30 p.m. or as soon thereafter as feasible in the Chico City Council Chambers located at 421 Main Street, Chico, California.

RESOLUTION NO. 16-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS FOR THE FORMATION OF CERES NEIGHBORHOOD PARK LANDSCAPE AND LIGHTING DISTRICT NO. LLD 001-08; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008/2009

RESOLUTION NO. 17-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING ITS INTENTION TO FORM CERES NEIGHBORHOOD PARK LANDSCAPE AND LIGHTING DISTRICT NO. LLD 001-08; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN SUCH DISTRICT COMMENCING IN FISCAL YEAR 2008/2009; AND TO CONDUCT A PROPERTY OWNER BALLOT PROCEEDING ON THE MATTER OF THE PROPOSED ASSESSMENTS AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl
NOES: Holcombe
ABSENT: Flynn

4. **REGULAR AGENDA**

4.1. **ACCEPTANCE OF INTERNAL AFFAIRS RECOMMENDATION REGARDING AMENDMENTS TO ORDINANCE 9.40 OF THE CHICO MUNICIPAL CODE “DISORDERLY EVENTS”**

At its meeting of 2/12/08, the Internal Affairs Committee considered amending the disorderly events ordinance. The Committee concurred(3-0) to direct staff to prepare a draft ordinance. **(Report - Lori Barker, City Attorney)**

Addressing the Council in opposition and a request to have additional time to review the proposed ordinance were Thomas Mathews, Greg Burton, Benn Davenport, and Sue Hilderbrand.

Addressing the Council in favor of the proposed ordinance with requests for additional changes were Jessica Allen, Justin Vodden, Charlie Preusser, Michael Benson, Greg Tropea and Evanne O'Donnell.

Addressing the Council in favor of the proposed ordinance were Derek Hastings, Ann Ashley, and Betty Noel.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) introduce the ordinance as amended; and (2) confirmed the original requirement of quarterly reports and an annual review:

ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.40, ENTITLED "DISORDERLY EVENTS," OF THE CHICO MUNICIPAL CODE - by reading of title only, as amended:

Amendment to Section 9.40.010 - Purpose:

"It is not the intent of the City Council that this ordinance be applied to peaceful gatherings or assemblies."

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

4.2. ACCEPTANCE AND CONSIDERATION OF INTERNAL AFFAIRS RECOMMENDATION REGARDING USE OF BOLLARDS IN CLASS 1 BICYCLE PATHS

At its 2/12/08 meeting, the Internal Affairs Committee discussed various alternatives to the existing City standard bollards used to control vehicle access to Class I bike paths. **(Report - Fritz McKinley, Building & Development Services Director)**

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to accept the following Internal Affairs Committee recommendation that: 1) the City follow the CalTrans standard in bollard placement, using steel bollards where extreme problems exist, adding vandalism and littering to the list of extreme conditions; 2) where feasible, use flexible material for bollards; 3) when fixed metal bollards are necessary, analyze height and visibility; 4) forward the City's policy on use of bollards to the Bicycle Advisory Committee and the Bidwell Park and Playground Commission for evaluation of existing bollards and the use of bollards with Bidwell Park; and 5) research the cost benefit of using plastic bollards.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

4.3. CONSIDERATION OF COUNCILMEMBER WAHL'S REQUEST TO INCREASE THE LEVEL OF TRANSPARENCY IN GOVERNMENT

Councilmember Wahl requested that the City Council consider revising the process of negotiating pay and benefit changes between bargaining units and the City of Chico, requiring each party to publicly disclose all proposed changes and/or increases at the beginning of the process.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to consider this matter at this meeting. The motion carried 6-0-1, with Councilmember Flynn absent.

Addressing the Council regarding this issue were Michael Reilly, Ann Ashley, Justin Sodden, and Greg Tropea.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to refer this request to the Internal Affairs Committee for discussion.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe

NOES: Schwab

ABSENT: Flynn

4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

Steve Lambert, a candidate for 4th District Supervisor, introduced himself to the Council.

Rory Rottschalk expressed his concerns regarding the impact that growth has on the City's ability to provide adequate public safety.

6. **ADJOURNMENT**

Adjourned at 9:45 p.m. to April 15, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: **May 6, 2008**

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 1, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the April 1, 2008 – Adjourned Regular Chico City Council Meeting in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: Flynn

Staff: City Manager Burkland, Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-cv-01007-RRB-GGH, pursuant to subdivision (a) of Government Code section 54956.9.



3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 15, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 10
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the April 14, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor David Leeper Moss, Trinity United Methodist Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.7. Closed Session Announcement – None
- 1.8. Proclamation – Reaffirming Las Senoras as the Official Hostesses of the City of Chico
- 1.9. Proclamation – Proclaiming April 13-19, 2008 as “National Library Week”
- 1.10. Proclamation – Proclaiming April as “Child Abuse Prevention Month”
2. **CONSENT AGENDA** – Items 2.1., 2.3., 2.5., and 2.8. were removed from the Consent Agenda for further clarification. Item 2.9. was tabled to a future meeting. A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the remaining items on the Consent Agenda:
 - 2.1. **“DISORDERLY EVENTS”ORDINANCE** – *Removed from the Consent Agenda for further discussion.*
 - 2.2. **ADOPTION OF RESOLUTIONS - SEWER IN LIEUS - 984 EAST NINTH STREET, 2603 BURNAP AVENUE**

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. ***The Building & Development Services Director recommended adoption of the resolutions.***
 - A. **RESOLUTION NO. 18-08** – *A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 984 EAST NINTH STREET / ASSESSOR’S PARCEL NO. 004-320-031 (petition from property owners Richard L. and Betty J. Braddy)*
 - B. **RESOLUTION NO. 19-08** – *A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2603 BURNAP AVENUE / ASSESSOR’S PARCEL NO. 007-560-010 (petition from property owners Donald and Susan Slater)*
 - 2.3. **TRADEWINDS COURT RESOLUTION OF INTENTION TO ABANDON** – *Removed from the Consent Agenda for further discussion.*

2.4. **ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY - LASSEN AVENUE ANNEXATION DISTRICT NO. 9 (LAMPE APN 007-320-032)**

Adopted - a resolution initiating the annexation of a parcel at 930 East Lassen Avenue, developed with a single family residence. The annexation is initiated to facilitate future development of additional residences, and sanitary sewer connection. **The Planning Services Director recommended adoption of the resolution.**

RESOLUTION NO. 21-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - LASSEN AVENUE ANNEXATION DISTRICT NO. 9. (LAMPE APN 007-320-032)

2.5. **APPROVAL OF THE UTILIZATION PLAN FOR THE 2007-08 STATE ALLOCATION OF PROPOSITION 1B FUNDING** – *Removed from the Consent Agenda for further discussion.*

2.6. **ADOPTION OF A RESOLUTION AMENDING SECTION 2R.04.440 OF THE CHICO MUNICIPAL CODE TO ADD THE ASSISTANT CITY MANAGER AND FINANCE DIRECTOR AS AGENTS FOR OBTAINING FEDERAL AND STATE FINANCIAL ASSISTANCE FOR DISASTER RELIEF**

Adopted - a resolution amending Section 2R.04.440 of the Chico Municipal Code by formally adding the Assistant City Manager and Finance Director as authorized agents for executing applications, documents, and agreements in connection with requests for financial assistance for disaster relief. **The Administrative Services Director recommended adoption of the resolution.**

RESOLUTION NO. 23-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.440 OF THE CHICO MUNICIPAL CODE TO ADD THE ASSISTANT CITY MANAGER AND FINANCE DIRECTOR AS AUTHORIZED AGENTS FOR OBTAINING FEDERAL AND STATE FINANCIAL ASSISTANCE FOR DISASTER RELIEF

2.7. **ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO AMEND THE CITY OF CHICO SPHERE OF INFLUENCE - CHICO MUNICIPAL AIRPORT AND COHASSET ROAD AT TWIN OAKS DRIVE - (CITY OF CHICO; APNS 016-220-070, 071 and 072)**

Adopted - a resolution initiating the amendment of the City of Chico Sphere of Influence to add three parcels, totaling 15+ acres. The subject properties are located east of the Chico Municipal Airport and Cohasset Road at Twin Oaks Drive. All of the properties are designated and rezoned for industrial use, and two are partially developed. The sphere amendment allows annexation of the parcels when requested, and provision of sanitary sewer service to existing and future development. **The Planning Services Director recommended adoption of the resolution.**

RESOLUTION NO. 24-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO AMEND THE CITY OF CHICO SPHERE OF INFLUENCE TO ADD THREE PARCELS LOCATED EAST OF THE CHICO MUNICIPAL AIRPORT AND COHASSET ROAD AT TWIN OAKS DRIVE. (CITY OF CHICO; APNS 016-220-070, 071 and 072)

2.8. **ADOPTION OF A RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090** – *Removed from the Consent Agenda for further discussion.*

2.9. **ADOPTION OF RESOLUTIONS REGARDING THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 - ANNUAL ASSESSMENT FOR FISCAL YEAR 2008-09** – *Tabled to a future meeting.*

2.10. **ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - ASSIGNMENT OF NEW AUDITING FIRM**

Accepted - assignment of new auditing firm. Pursuant to Section 1109 of the City's Charter, and as required for federal awards and Redevelopment Agencies, the City Council shall engage the services of an independent certified public accountant to act as auditor for the City. Finance staff conducted a local and regional request for proposals, to which three regional accounting firms responded. ***The Finance Committee recommended (3-0) the selection of Richardson & Company to perform the annual audits of for the City of Chico, the Chico Redevelopment Agency, the Chico Public Financing Authority and the Chico Urban Area Joint Powers Financing Authority for a term of three years, with the option to extend for an additional two years, dependent upon satisfactory levels of service and cost.***

2.11. **APPROVAL OF FINANCE COMMITTEE RECOMMENDATION TO ACCEPT THE COMMUNITY ORGANIZATION PROGRAM COMPLIANCE AUDITS - FISCAL YEAR 2006-07**

Approved - the Finance Committee recommendation to accept the Fiscal Year 2006-07 Community Organization Program compliance audits and staff's recommendations regarding additional remediation measures relating to the audit findings for VECTORS. ***The Finance Committee recommended (3-0) acceptance of the 2006-07 Community Organization Program compliance audits and staff's recommendations regarding remediation measures for VECTORS.***

2.12. **DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - LONGS DRUGS - SOUTHEAST CORNER OF ESPLANADE AND EAST LASSEN AVENUE, CHICO (APN 006-044-002-000)**

Accepted - the Housing and Neighborhood Services recommendation for a determination of public convenience or necessity for Longs Drugs. The Department of Alcoholic Beverage Control has determined that Longs Drugs, a retail drug store which is to be constructed at the southeast corner of Esplanade and East Lassen Avenue (APN 006-044-002-000), is in an area with an undue concentration of alcoholic beverage licenses. Pursuant to Business and Professions Code Section 23958.4, the requested Type 21 license could only be issued if the City Council determined that public convenience or necessity would be served by its issuance. ***The Housing and Neighborhood Services Director recommended a determination of public convenience or necessity.***



The motion to approve the Consent Agenda with Items 2.1., 2.3., 2.5., and 2.8. removed for further clarification and Item 2.9. tabled to a future meeting, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

2.1. **ORDINANCE NO. 2377 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS,” OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

At its meeting of 2/12/08, the Internal Affairs Committee considered amending the disorderly events ordinance. The ordinance was introduced by Council at its meeting of 4/01/08. ***The Internal Affairs Committee recommended (3-0) adoption of the ordinance.***

This item was removed from the Consent Agenda at the request of a citizen. Addressing the Council in opposition to the adoption of this ordinance were Greg Burton, Bill Sheridan, Jessica Allen, Evanne O'Donnell, Leslie Johnson, Laurel Blankinship, and Stacy Sahtumes.

The Council was also provided with a copy of an email received from the Chico Peace and Justice Center Board of Directors.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the final reading and adopt Ordinance No. 2377 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS,” OF THE CHICO MUNICIPAL CODE, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Nickell, Schwab, Wahl, Holcombe
NOES: Flynn, Gruendl

2.3. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON TWO PUBLIC UTILITY EASEMENTS ON TRADEWINDS COURT**

Adopted - a resolution of intention to abandon and vacate two public utility easements located between 4 and 5 Tradewinds Court. *The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing on 5/06/08.*

This item was removed from the Consent Agenda at the request of Councilmember Flynn and Councilmember Bertagna for clarification on why this item was being reconsidered. Staff indicated that due to existing litigation this item was being brought back for Council review and consideration. The Council was also provided with a copy of a letter received from Shawn Kelley.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to adopt the following resolution which sets the public hearing for 5/06/08:

RESOLUTION NO. 20-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE TWO PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (TRADEWINDS COURT / ASSESSOR'S PARCEL NOS. 015-050-004 and 015-050-005)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2.5. **ADOPTION OF A RESOLUTION APPROVAL THE UTILIZATION PLAN FOR THE 2007-08 STATE ALLOCATION OF PROPOSITION 1B FUNDING**

Adopted – a resolution approving the utilization plan for the allocation of \$1,357,452.20 in State Proposition 1B funds to the Manzanita Corridor Reconstruction Project in FY 2007-08. Proposition 1B will provide \$1,357,452.20 in unanticipated revenue to fund the maintenance and improvement of local transportation facilities. A year-end supplemental appropriation will allocate \$1,357,452.20 from the Capital Grants Fund (300) to the Manzanita Corridor project in FY 2007-08. *The Capital Project Services Director recommended adoption of the resolution.*

This item was removed from the Consent Agenda at the request of a citizen. Jessica Allen addressed the Council on this item.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickel to adopt the following resolution:

RESOLUTION NO. 22-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE UTILIZATION PLAN FOR THE FISCAL YEAR 2007-08 STATE ALLOCATION OF PROPOSITION 1B FUNDING

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2.8. **ADOPTION OF A RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090**

Adopted - a resolution authorizing the destruction of certain City Attorney Office records over two years of age. ***The City Attorney recommended adoption of the resolution.***

This item was removed from the Consent Agenda at the request of a citizen. Jessica Allen addressed the Council on this item.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 25-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON DRAFT ANNUAL PLAN FOR THE CITY'S 2008-09 CDBG AND HOME PROGRAMS**

The City receives an annual award of community development and housing funds from the Federal Department of Housing and Urban Development (HUD). For Fiscal Year 2008-09, the City will receive \$871,365 in CDBG funding and \$680,552 in HOME funding. The City must submit an annual "Action Plan" to HUD describing the City's plans for using these funds in the upcoming year. ***(Report - Sherry Morgado, Housing & Neighborhood Services Director)***

Mayor Holcombe opened the hearing to the public. Addressing the Council were Karen Laslo, Michael Reilly, and Molly Amick. The hearing was closed to further public comment.

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to direct staff to: (1) publish the draft Plan; (2) provide for a 30-day public comment period; and (3) schedule a second hearing for adoption of the Final Annual Plan at its meeting of 5/20/08. Staff was also directed to include information in the 5/20/08 staff report regarding jurisdictions that have developed similar programs and how those programs evolved. If available, crime statistics should also be included.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl

3.2. **HEARING ON THE 2007-08 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY) AND REVISIONS TO DEVELOPMENT IMPACT FEES IN REGARD TO TRANSPORTATION FACILITY FEES, STORM DRAINAGE FACILITY FEES, PARK FACILITY FEES, BUILDING AND EQUIPMENT FEES, AND SEWER FEES**

Hearing on the Nexus Study update proposing an increase in development impact fees. This Nexus Study update recommended an adjustment in all development impact fees based upon changes to the proposed Project List, updates based on Budget Policy G.3.d., and application of the Construction Cost Index (CCI) or Consumer Price Index (CPI), where appropriate. ***(Report - Tom Varga, Capital Project Services Director)***

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the update was Jason Bougie. The hearing was closed to further public comment.

A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to approve the 2007-08 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) by adoption of the following resolution:

RESOLUTION NO. 28-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 310 - TRANSPORTATION FACILITY FEES, STORM DRAINAGE FACILITY FEES, PARK FACILITY FEES, BUILDING AND EQUIPMENT FEES, AND SEWER FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Wahl

3.3. **HEARING ON THE ADOPTION OF THE AVENUES NEIGHBORHOOD IMPROVEMENT PLAN AND ADOPTION OF A NEGATIVE DECLARATION**

The Avenues Neighborhood Improvement Plan (Plan) sets a vision for the future and establishes neighborhood-based priorities for future improvement initiatives that were developed through a consensus planning process. The Plan consists of a range of recommendations and potential actions to address issues including traffic calming, circulation, transit and parking, land use, parks and open space, building stock, infrastructure, and public safety. The Plan will provide guidance for public improvements and capital projects and will serve as a point of focus for neighborhood involvement in improvement activities. **(Report - Shawn Tillman, Senior Planner for Housing and Neighborhood Services)**

This item was introduced by Mayor Holcombe who then asked for the City Attorney to address the disqualification of four Councilmembers on this item. Both Councilmember Flynn and Mayor Holcombe were disqualified due to owning a residence in the project area. Councilmember Wahl had two disqualifications which included owning a business within the project area as well as family owning property in the specified area. Councilmember Bertagna was disqualified due to being a business owner who leases property in the area.

City Attorney Barker announced that four councilmembers have been determined to have a conflict of interest under the Political Reform Act in regard to the Avenue Neighborhood Improvement Plan. Because of those conflicts, each of those councilmembers is disqualified from participating in discussions and decisions regarding the adoption of that plan. Each of the conflicts has arisen on the basis of an interest in real property either within the plan area or within 500 feet of the plan boundaries.

With four councilmembers disqualified, the council cannot convene a quorum to act on this item. Because there is no alternative source for a decision on whether to adopt the Avenues Neighborhood Improvement Plan, the Political Reform Act allows one of the otherwise disqualified councilmembers to be chosen randomly to participate in the discussions and decision regarding the plan adoption in order to allow the matter to move forward.

Councilmember Bertagna was selected to participate in order to convene a quorum on this item.



The Council recessed for a ten minute break at 9:00 p.m.
When the meeting was reconvened, all members of Council who were going to be part of this discussion were present.

Councilmember Flynn, Mayor Holcombe, and Councilmember Wahl were all disqualified on this item.



Addressing the Council in support of the improvement plan were Karen Laslo, Molly Amick, Kasey Merrill, Kirk Monfort, Arlene Ward, and Nancy Ostrom. Speaking in opposition to the plan were Fred Davis and Michael Reilly. The Council was also provided with a copy of a letter from Lee Laney regarding this item.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to adopt the following resolutions.

RESOLUTION NO. 29-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION PREPARED FOR THE AVENUES NEIGHBORHOOD IMPROVEMENT PLAN

RESOLUTION NO. 30-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE AVENUES NEIGHBORHOOD IMPROVEMENT PLAN

The motion carried by the following vote:

AYES: Gruendl, Nickell, Schwab
NOES: Bertagna
DISQ: Flynn, Wahl, Holcombe

The Council recessed for a ten minute break at 10:40 p.m.
The meeting was reconvened and all members of Council were present.

3.4. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 582 - NORTHWEST CHICO SPECIFIC PLAN AREA**

A certified Environmental Impact Report (EIR) for the final Northwest Chico Specific Plan (NWCSF) required the establishment of a financing mechanism for the future replacement and annual costs associated with operation and maintenance of facilities that provide special benefit to the specific plan area. The storm water detention basin, neighborhood park, median and parkway strip landscaping and irrigation for DeGarmo Drive, and parkway strip landscaping and irrigation with pedestrian pathways adjacent to Mud Creek are improvements that are of special benefit to Creekside Landing, DeGarmo Terrace, Ellenwood, Innsbrook, Montecito Place, The Orchard, Schill, and Willoughby Glen Phase 3 subdivisions, located within the NWCSF area south of Nord Highway and west of Esplanade. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. Jim Mann spoke in support of the formation of the maintenance assessment district. The hearing was closed to further public comment.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to adopt the following resolution:

RESOLUTION NO. 31-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 582 - NORTHWEST CHICO SPECIFIC PLAN (NWCSF) AREA

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4. **REGULAR AGENDA**

4.1. **LOT CLEARING ABATEMENT PROGRAM FOR 2008**

The lot clearing program is conducted each year under the provisions of the California Government Code. The City Council was asked to adopt two resolutions which would: (1) require the abatement of weeds, rubbish, refuse and/or debris; (2) set a public hearing for Tuesday 5/06/08; (3) direct the City Clerk to mail notices of the public hearing to all owners of parcels listed on Exhibit "A"; and (4) increase the administrative fee for property owners who fail to remove weeds. **(Report—Scott Armstrong, Supervising Code Enforcement Officer)**

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to approve staff's recommendations and adopt the following resolution:

RESOLUTION NO. 32-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING PUBLIC NUISANCE AND SETTING TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS

RESOLUTION NO. 33-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 309 - LOT CLEARING FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

4.2. **CONSIDERATION OF INTERNAL AFFAIRS RECOMMENDATION REGARDING A REQUEST FOR PROPOSALS (RFP) FROM THE MECHOOPDA INDIAN TRIBE OF CHICO RANCHERIA REQUESTING LAW ENFORCEMENT AND FIRE PROTECTION SERVICES FOR ITS PROPOSED CASINO**

At its 4/07/08 meeting, the Internal Affairs Committee considered an RFP received from the Mechoopda Indian Tribe (Tribe) requesting law enforcement and fire protection services for a proposed casino. The Tribe intends to develop and construct a casino on a parcel of land located approximately ten miles southeast of the City of Chico, adjacent to and east of State Route 149 near its intersection with Highway 99. The deadline to respond to the RFP was set for 4/25/08. **(Report - David Burkland, City Manager)**

The Internal Affairs Committee recommended (3-0) not responding to the RFP for law enforcement and fire protection services for the proposed casino.

Addressing the Council regarding this item were Sandra Knight, Arlene Ward and Robert Rosette. Speaking in opposition to the City providing public safety services to the Mechoopda Tribe was Michael Reilly.

It was noted by Tribe representatives that they would extend the original 4/25/08 RFP deadline in order to allow additional time for the City to respond.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to refer this item back to Internal Affairs for additional review and to hear from representatives of the Tribe regarding proposed funding for services, possible savings to the City, as well as an update on the lawsuit with the County.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Schwab, Wahl, Holcombe

NOES: Nickell

4.3. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA**

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 11:40 p.m. to May 6, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: May 6, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER**

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, City Attorney Barker, Interim Assistant City Manager Beardsley, City Clerk Presson

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-RRB-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Performance Excavators, Inc. v. City of Chico, et al.*, State of California Office of Administrative Hearings, Case No. A-0006-07, pursuant to subdivision (a) of Government Code section 54956.9.



3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — May 6, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 5
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the May 6, 2008 – Regular Chico City Council Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation – Jules Vautrot, Chico Baha'i Community
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

- 1.7. Closed Session Announcement – None
- 1.8. Proclamation – Proclaimed May as “Teen Pregnancy Prevention Month”
2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Wahl to approve the following Consent Agenda:

- 2.1. **ADOPTION OF RESOLUTIONS REGARDING THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 - ANNUAL ASSESSMENT FOR FISCAL YEAR 2008-09**

Adopted - resolutions to initiate proceedings and declare the Council's intent to levy and collect the annual assessments for the Baroni Neighborhood Park and Open Space Landscaping and Lighting District No. LLD 001-05 for the 2008-09 fiscal year, and set a public hearing on 6/03/08 regarding this proposed assessment. *The Interim Assistant City Manager recommended adoption of the resolutions.*

Councilmember Gruendl disqualified himself due to the close proximity of his residence to the park.

RESOLUTION NO. 34-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS AND ORDERING THE PRELIMINARY ENGINEER'S REPORT FOR THE ANNUAL ASSESSMENTS FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 FOR FISCAL YEAR 2008/2009

RESOLUTION NO. 35-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO PRELIMINARILY APPROVING THE ANNUAL ENGINEER'S REPORT, AND DECLARING THE CITY'S INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 FOR FISCAL YEAR 2008-09, AND APPOINTING A TIME AND PLACE FOR A PUBLIC HEARING

- 2.2. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 4/01/08 and 4/15/08.

The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSTAIN: Gruendl – Item 2.1. only

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE ABANDONMENT OF PUBLIC UTILITY EASEMENTS LOCATED AT FOREST AVENUE AND NOTRE DAME BOULEVARD**

Property owner Moaty Faye requested the abandonment of public utility easements located at the northwest corner of Forest Avenue and Notre Dame Boulevard to facilitate the construction of a commercial building. At its meeting of 4/01/08, Council adopted Resolution No. 14-08, stating its intent to abandon the public utility easements and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 36-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (ASSESSOR'S PARCEL NOS. 002-190-023 & 024, 002-260-014, 015 & 016, and 002-210-039)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3.2. **HEARING ON THE ABANDONMENT OF TWO PUBLIC UTILITY EASEMENTS LOCATED AT 5 TRADEWINDS COURT**

Property owner Jessica Haggard had requested the abandonment of two public utility easements located at 5 Tradewinds Court. At its meeting of 4/15/08, Council adopted Resolution No. 20-08, stating its intent to abandon the two public utility easements and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. Addressing the Council in support of the abandonment was Kevin Sweeney. Speaking in opposition were Randy Jamison and Nancy Von Moos. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl to not adopt the resolution ordering the abandonment. The motion failed due to a lack of a second.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to adopt the following resolution:

RESOLUTION NO. 37-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF TWO PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (TRADEWINDS COURT / ASSESSOR'S PARCEL NOS. 015-050-004 and 015-050-005)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl

3.3. **HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE, AND DEBRIS TO BE A PUBLIC NUISANCE – ORDERING ABATEMENT AND REMOVAL, SETTING A DEADLINE FOR ABATEMENT, AND PROVIDING ASSESSMENT OF THE COST OF ABATEMENT**

A hearing was held to consider all objections to a resolution adopted 4/15/08, which declared a public nuisance relating to the abatement of weeds, rubbish, refuse and/or debris. **(Report – Scott Armstrong, Code Enforcement Supervisor)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt Resolution No. 38-08 which would: (1) overrule any objections to the previously adopted resolution; (2) establish 5/30/08 as the last day for voluntary abatement; (3) abate any item(s) not voluntarily removed; (4) maintain an accounting of costs associated with the abatement; and (5) provide the Council with a report of the costs to be recovered from property owners.

RESOLUTION NO. 38-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING OBJECTIONS TO RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE, AND DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT AND REMOVAL OF THE WEEDS, RUBBISH, REFUSE, AND DEBRIS, AND PROVIDING FOR AN ASSESSMENT OF THE COST OF SUCH ABATEMENT AND REMOVAL

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4. REGULAR AGENDA

4.1. **ACCEPTANCE AND CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION—BASKETBALL STANDARDS IN THE PUBLIC RIGHT-OF-WAY**

At its meeting of 3/11/08, the Internal Affairs Committee discussed a citizen request to allow the placement of basketball standards in the public right-of-way via an encroachment permit. (**Report - Sherry Morgado, Housing & Neighborhood Services Director and Fritz McKinley, Building & Development Services Director**)

The Internal Affairs Committee recommended (2-0 with one abstention) that the Municipal Code not be amended to allow for the placement of basketball standards by permit on any portion of the public right-of-way. The City Council was provided with copies of letters and emails from the Park Circle Property Owners Association, Peg Howard and Steve Bertagna. Councilmember Bertagna announced his abstention on this item and left the dias.

Addressing the Council in opposition to the recommendation were Steve Bertagna, Peg Howard, Maria Crosbie, Kenton Lind, and Annalyz Rockefeller.

A motion was made by Councilmember Wahl and seconded by Councilmember Nickell to refer the consideration of review and redrafting of the City's current regulations to the Internal Affairs Committee with the intent to allow children to exercise legally and healthily in the streets.

A friendly amendment was requested by Councilmember Gruendl to direct the Committee to also look at CMC Section 9.26.010 which states that it is unlawful to play any game on a public street, sidewalk, lane or alley. The amendment was accepted.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSTAIN: Bertagna

4.2. **CONSIDERATION OF VICE MAYOR SCHWAB'S REQUEST TO HAVE THE CITY COUNCIL CONSIDER A RECOMMENDATION FROM THE SUSTAINABILITY TASK FORCE REGARDING THE USAGE OF SINGLE SERVING WATER BOTTLES**

Vice Mayor Schwab requested that the City Council consider a recommendation from the Sustainability Task Force that if accepted, would prohibit the use of City funds for the purchase of single serving plastic water bottles and would apply to city-funded or sponsored events. The Council was provided with copies of emails in support of the recommendation from Francine Gair, Benn Davenport, Will Gainok, Nani Teves, Karen Laslo, Michele Bechard, and Alex Gair.

The City Council voted unanimously to hear this item.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to accept the Sustainability Task Force recommendation and directed staff to develop a policy prohibiting the use of City funds for the purchase of single serving plastic water bottles with an exception for employees in public safety or where otherwise a health risk would exist.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Bertagna, Wahl

4.3. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

Gayle Womack asked Council to consider the referral of a request for financial assistance for the proposed 2008 AirFest to the next regularly scheduled Finance Committee meeting. The City Council concurred 7-0 to refer the request to the May 27, 2008 meeting and asked Ms. Womack to provide additional information regarding the proposed budget as well as prior expenditures.

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council's information. No action was taken.

- 6.1. Letter dated 4/09/08 from Gary A. Incaudo, M.D. and the Butte County Air Quality Management District staff requested an opportunity to address the City Council concerning the air pollution in Butte County, and in particular, the City of Chico.

The City Manager noted he will work with the City Clerk to schedule the item for a future meeting.

7. **ADJOURNMENT**

Adjourned at 8:42 p.m. to May 20, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: May 20, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — May 6, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the May 6, 2008 – Adjourned Regular Chico City Council Closed Session Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, Assistant City Manager Beardsley, Assistant City Attorney Rock, City Clerk Presson

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-RRB-GGH, pursuant to subdivision (a) of Government Code section 54956.9.



3. **ADJOURNMENT**

Adjourned at 6:06 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — May 20, 2008
Minutes

1. **CLOSED SESSION** - 6:00 p.m. - see page 9
- 1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.2. Call to Order – Mayor Holcombe called the May 20, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.3. Flag Salute
- 1.4. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist
- 1.5. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.6. Closed Session Announcement – None
- 1.7. Proclamation — Proclaimed May as “Foster Care Month”
2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the remaining Consent Agenda item.
- 2.1. **APPROVAL OF THE 2008-09 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET** – This item was removed from the Consent Agenda for further discussion.
- 2.2. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING**
Approved – minutes of the City Council meeting held on 5/06/08.

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The motion to approve the Consent Agenda, with Item 2.1. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

- 2.1. **APPROVAL OF THE 2008-09 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET**

Approved - the 2008-09 BINTF General Budget as required by the BINTF Memorandum of Understanding between the City and various other law enforcement agencies in Butte County. ***The Chief of Police recommended approval of the BINTF General Budget.***

The City Council was provided with a copy of the 2007 BINTF Annual Report and additional information provided by the Finance Department at the request of Councilmember Nickell.

At the request of Councilmember Nickell, this item was removed from the Consent Agenda for further discussion.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to approve the 2008-09 BINTF General Budget.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

NOTICED PUBLIC HEARINGS

3.1. HEARING REGARDING THE FORMATION OF THE CERES NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08

At its 4/01/08 meeting, the City Council adopted Resolution Nos. 16-08 and 17-08 initiating proceedings and declaring the Council's intention to form the Ceres Neighborhood Park Landscape and Lighting District No. LLD 001-08 (District) to fund the maintenance of the proposed park approving. Pursuant to *California Constitution, Article XIII C and XIID (Proposition 218)*, the Council also authorized a property owner election for the District and scheduled a hearing to consider public comments for this meeting. **(Report - Dennis Beardsley, Interim Assistant City Manager)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed to further public comment. The City Council was provided with a copy of an email received from June Cole.

The City Council directed the City Clerk to publicly open and tabulate the ballots received in Conference Room 2 located in the City Council Chamber Building at 421 Main Street, Chico.

The ballots were tabulated and a majority protest does exist for the proposed District based on the assessed dollar value of the following votes:

Yes	\$16,192.80
No	\$19,471.68

A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to adopt the following resolution declaring the official results.

RESOLUTION NO. 39-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR CERES NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-08 AND APPROVING CERTAIN RELATED ACTIONS

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3.2. PUBLIC HEARING ON INCREASE IN SEWER SERVICE RATES

The City was proposing an increase in monthly sewer service rates over a five-year period to cover the increased costs of operating, maintaining and improving sewer service for sewer customers within the City. Recent case law requires that the City hold a public hearing prior to any such increases. If a majority of affected property owners protest, the proposed rate changes will not be imposed. **(Report - Fritz McKinley, Building and Development Services Director)**

Mayor Holcombe opened the hearing on the proposed sewer service rate increases to the public. No one spoke and the hearing was closed. The number of protests received from affected property owners was 53. Due to a majority of property of property owners not protesting the increase, no further Council action is required and the monthly sewer service fees will be increased.

3.3. **HEARING ON FINAL ANNUAL PLAN FOR THE CITY'S 2008-09 CDBG AND HOME PROGRAMS**

The City received an annual award of community development and housing funds from the Federal Department of Housing and Urban Development (HUD). For Fiscal Year 2008-09, the City will receive \$871,365 in CDBG funding and \$680,552 in HOME funding. The City must submit an annual "Action Plan" to HUD describing the City's plans for using these funds in the upcoming year. At its 4/15/08 meeting, the City Council conducted a hearing on the draft 2008-09 Action Plan and directed staff to: (1) publish the draft Plan; (2) provide for a 30-day public comment period; and (3) scheduled a second hearing for the adoption of the final Annual Plan at its meeting of 5/20/08. **(Report - Sherry Morgado, Housing & Neighborhood Services Director)**

Mayor Holcombe opening the hearing to the public for comments on the Housing Annual Plan. Addressing the Council in support of the Plan were Linda Huffman, Adam Fedeli, Debbie Villasenor, Melinda Vasquez, Paul Lieberum, Steven Schuman, Kasey Merrill and Betty Nopel.

Dan Keeley addressed his concerns regarding the proposed code enforcement volunteer program.

Michael Reilley addressed his concerns regarding the proposed multi-family dwelling inspections and the code enforcement volunteer program.

Mayor Holcombe closed the hearing.

Staff indicated that the volunteer code enforcement program is in the development stage and once the program is outlined, it would be brought back to Council for consideration.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Plan and authorize its submittal to the Department of Housing & Urban Development.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Bertagna, Wahl

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF A REQUEST FROM BUTTE COUNTY ASSOCIATION OF GOVERNMENTS TO TRANSFER OWNERSHIP OF BUS STOPS AND SHELTERS AND TO ALLOW ADVERTISING ON THE SHELTERS**

At its 4/07/08 meeting, the Internal Affairs Committee considered a request from the Butte County Association of Governments (BCAG), which administers and operates the Butte Regional Transit Service (B-Line), that the City consider allowing advertising on city-owned bus shelters so that a private contractor can be retained to install new shelters and to maintain all of the shelters throughout the county in exchange for advertising revenues. BCAG was also requesting that the City transfer ownership of the City's bus stops and shelters to BCAG. **(Report - Linda Herman, Management Analyst)**

The Internal Affairs Committee recommended (1-1-0, Schwab voting no, Bertagna disqualified) sending BCAG's request to transfer ownership of the bus stops and shelters, and to allow advertising on the shelters to the Council for consideration.

Councilmember Bertagna disqualified himself from this discussion due to a bus shelter being situated in front of his business.

Jon Clark, Executive Director of BCAG spoke in support of the proposed changes and answered questions of Council.

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The Council recessed at 7:35 p.m. for a ten minute break in order for the City Attorney to determine what potential conflicts might exist due to the close proximity of bus stops and shelters near Councilmember's homes or businesses.

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The meeting was reconvened and all members were present.

The City Attorney indicated that while the City Council could discuss the conceptual idea of advertising on the bus shelters she would need to review the transfer of property to verify if a conflict exists.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to approve advertising on the shelters.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Bertagna

4.2. **CONSIDERATION OF CITY MANAGER AND FINANCE COMMITTEE RECOMMENDATIONS REGARDING IMPLEMENTATION OF THE DEFICIT REDUCTION STRATEGY**

The City Council considered the recommendations of the City Manager and the Finance Committee regarding implementation of the Strategy to Balance the Ten Year Financial Plan which was adopted by the City Council on 12/18/07. Staff provided a recap of Finance Committee discussions over the past year, the financial challenges facing the City, and the recommendations to balance various non-General funds and to solve the General Fund structural deficit. *(Report - Dave Burkland, City Manager)*

Addressing the City Council in support of the City Manager's recommendations were Jimi Logsdon, Randy Libby, Mark Kellogg, James Nebel, Ted Hudson, Jesse Smyth, Kirby White, Scott Armstrong, Scott Steedman, and James Erren. Bill Hack also addressed the Council regarding the impacts to the Fire Department if the City Manager's recommended 7.5% cut for all department's is approved.

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The Council recessed for a 15 minute break at 9:15 p.m.
The meeting was reconvened and all members of Council were present.

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The Finance Committee and City Manager recommended that the Council consider the strategies being forwarded and provide direction to staff on implementation of measures to reduce the projected budget deficit.

A motion was made by Councilmember Nickell and seconded by Councilmember Flynn to accept the recommendations as presented:

Capital Project and Development Funds

- A. Merged Redevelopment Fund – The current fund deficit is \$11.4 million. To preserve cash flow, balance this fund, and create future bonding capacity, \$17.6 million in capital projects will be shifted to the 2005 Tax Allocation Bond Fund and that the remaining projects phased over the Ten Year Plan.

- B. Private Development Fund – Increase transfers from the General Fund to \$500,000 per year from FY08-09 through FY 15-16 to absorb the existing deficit of \$3.8 million, which cannot be absorbed through future fee increases, and to reduce operating costs by 7.5 percent to help solve the \$1 million structural deficit in this fund. A comprehensive review of the developer user fees (certain building, planning, and engineering fees) to ensure appropriate cost recovery will be completed in FY08-09.
- C. Development Impact Fee Funds – Update the Development Impact Fee Analysis (Nexus Study) to include all future projects necessary to mitigate development-related impacts identified in the updated General Plan; re-evaluate the 59/41 percentage split applied to three of the development impact fee funds; and phase construction of projects to better align the construction schedule with available cash.

General Fund

A. Expenditure Reduction Recommendations

- (1) Limit cost of living adjustments (COLA) for all employees to 1 percent for January 1, 2009, and January 1, 2010, and enter into negotiations with bargaining groups regarding COLAs. This action would achieve an approximate savings of \$2.3 million each year.
- (2) Apply a 7.5 percent reduction over a two-year period to all departmental operating budgets to achieve a \$4.6 million reduction of which \$3.9 million would be from the General Fund. This target would be achieved through vacancies, attrition, and reductions in materials, supplies, and other non-salary expenses.

B. Additional Actions

- (1) Reduce transfers from Transportation Development Act (TDA) for road maintenance.
- (2) Maintain Gas Tax transfers to fund approximately 50 percent of road system maintenance.
- (3) Negate existing Private Development Fund deficit through fund transfers over an eight-year period.
- (4) Meet General Fund Desired Reserve by year five of the Ten Year Plan.
- (5) Continue partial funding for replacement of Fleet, Facilities and Technology.

Budget Policies

Recommended amendment to the fiscal control policies of the Budget Policies to help guide staff and the City Council in development of future budgets. Council will consider the changes at its meeting of June 3, 2008.



The motion to approve the City Manager and Finance Committee's recommendations carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: Schwab, Wahl

4.3. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council's information. No action was taken on any of the items unless otherwise noted.

- 6.1. E-mail dated 4/22/08 from Susan Minasian requesting the City Council consider a discussion regarding potential changes to the Esplanade as proposed in the Neighborhood Plan recently approved by Council. The City Council was also provided with a copy of an e-mail from Jim and Lyla Gregg.

The City Council voted (7-0) to refer Ms. Minasian's request to the Internal Affairs Committee for consideration, along with direction to the Committee to review the General Plan Circulation Element in conjunction with the Neighborhood Plan in order to determine consistency.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.



Date Approved: June 3, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — May 20, 2008
Minutes

1. **CALL TO ORDER** – Chair Holcombe called the May 20, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street to order.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

2. **CONSENT AGENDA** – A motion was made by Vice Chair Schwab and seconded by Boardmember Flynn to approve the following Consent Agenda:

- 2.1. **ADOPTION OF A RESOLUTION AUTHORIZING FINANCIAL ASSURANCE FOR THE LONG-TERM MAINTENANCE AND MONITORING OF THE HUMBOLDT ROAD BURN DUMP**

Adopted - a resolution authorizing the Agency to demonstrate financial assurance, per Regional Water Quality Control Board order requirements, for the post-closure monitoring, maintenance and reporting for the Humboldt Road Burn Dump. Additionally, authorized the Executive Director to execute and record deed restrictions identifying the location of the landfill and restricting activities which may impact the integrity of the landfill cap. **The Capital Project Services Director recommended adoption of the resolution.**

RDA RESOLUTION NO. 03-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY (1) AUTHORIZING AN AGREEMENT WITH THE REGIONAL WATER QUALITY CONTROL BOARD TO PROVIDE FOR A PLEDGE OF REVENUE FOR POST-CLOSURE ACTIVITIES ASSOCIATED WITH THE CLOSURE OF THE HUMBOLDT ROAD BURN DUMP AND (2) AUTHORIZING THE RECORDING OF DEED RESTRICTIONS ON THE PROPERTY

- 2.2. **ADOPTION OF A RESOLUTION APPROVING A PRE-DEVELOPMENT LOAN TO NORTHERN VALLEY CATHOLIC SOCIAL SERVICE (NVCSS) FOR THE DEVELOPMENT OF VILLA SERENA APARTMENTS**

Adopted - a resolution approving a pre-development loan which allows NVCSS to complete architectural and engineering work necessary to secure entitlements, prepare construction documents, and fund other pre-development costs necessary to close HUD financing. This loan will be made from the \$900,000 loan and supplemental allocation (RDA 07-08 047) previously authorized by the Agency for this project. **The Housing and Neighborhood Services Director recommended adoption of the resolution.**

RDA RESOLUTION NO. 04-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY (1) APPROVING A PRE-DEVELOPMENT LOAN OF \$150,000 AS PART OF A PREVIOUSLY AUTHORIZED \$900,000 ALLOCATION FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND FOR AN AFFORDABLE HOUSING PROJECT TO BE SPONSORED BY NORTHERN VALLEY CATHOLIC SOCIAL SERVICES LOCATED AT 377 RIO LINDO AVENUE, CHICO, CALIFORNIA, AND (2) AMENDING AGENCY RESOLUTION NO. 10-7

The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS** – None
4. **REGULAR AGENDA** – None
- 4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

4. **ADJOURNMENT**

Adjourned at 10:55 p.m. to June 3, 2008 at 8:30 a.m., in the City Council Chamber for an adjourned regular work session.



Date Approved:

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — May 20, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the May 20, 2008 – Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Present: City Manager Burkland, Assistant City Manager Beardsley, City Clerk Presson,
Assistant City Attorney Rock

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-RRB-GGH, pursuant to subdivision (a) of Government Code section 54956.9.



3. **ADJOURNMENT**

Adjourned at 6:15 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — June 3, 2008
Minutes

- 1.1. REGULAR CITY COUNCIL MEETING - 8:30 a.m.
- 1.2. Call to Order – Mayor Holcombe called the June 3, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:30 a.m.
- 1.3. Flag Salute
- 1.4. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Timed Certain Items:

8:30 a.m. - Baroni Neighborhood Park Hearing

- 3.1. HEARING TO CONSIDER APPROVAL OF FINAL ANNUAL ENGINEER'S REPORT AND ORDERING OF THE LEVY AND COLLECTION OF THE 2008-09 ASSESSMENTS - BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05

At its 5/06/08 meeting, the City Council adopted the resolutions approving the preliminary Annual Engineer's Report (Report) and declared its intention to levy and collect the annual assessments for the Baroni Neighborhood Park and Open Space Landscape and Lighting District No. LLD 001-05 for the 2008-09 fiscal year. The Council also scheduled a public hearing to consider approving the final Report and the proposed levy for this meeting. (*Report - Dennis Beardsley, Interim Assistant City Manager*)

Councilmember Gruendl was disqualified on this item due his residence being in close proximity of Baroni Park.

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt the following resolution:

RESOLUTION NO. 40-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE FINAL ANNUAL ENGINEER'S REPORT, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 FOR FISCAL YEAR 2008-09

The motion carried by the following vote:

AYES: Bertagna, Flynn, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Gruendl

12:30 p.m. - 2:00 p.m. - Closed Session - see page 10 / Lunch Break

2:00 p.m. - Community Organization Funding

4.1.E. Community Organization Funding

The City Council considered the recommendations forwarded from the Finance Committee and Arts Commission regarding community organization funding for 2008-09 in the General, Community Development Block Grant, Arts, and Economic Development/Tourism categories. (*Report - Dave Burkland, City Manager and Cris Carroll, Management Analyst*)

The Council was provided with a copy of a letter from Dan DeWayne - University Public Events, CSUC and a copy of a letter from Robert Herhusky, Professor of Art, CSUC regarding this item.

Councilmember Flynn and Vice Mayor Schwab were both disqualified on this item due to their employment with agencies participating in the funding process.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to approve the proposed recommendations, as amended to reflect:

\$10,000 allocation for the World Music Festival, University Public Events which will come from the following reductions:

- \$2,000 reduction from the permanent Chico exhibit - Far West Heritage Association
- \$4,000 reduction from CEPCO for website development
- \$4,000 reduction for the Chamber of Commerce for the printing of as-needed publications

The motion carried by the following vote:

Present: Bertagna, Gruendl, Nickell, Wahl, Holcombe

Absent: None

Disq: Flynn, Schwab

3:00 p.m. - City's Flag Policy

4.4 CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION ON THE CITY'S FLAG POLICY - as amended

At its 3/04/08 meeting, the City Council tabled the consideration of the recommendations of the Internal Affairs Committee (3-0) to: (1) maintain the limited public forum that was opened by allowing the City of Flags Committee to fly U.S. flags on City light poles; and (2) approve the terms and conditions to be included in a new flag policy. In addition to the agenda report, the City Council was provided with copies of all correspondence received prior to preparation of this agenda. (*Report - Cindy Pierce, Administrative Services Director*)

Addressing the Council in support of the City taking over the flying of the American Flag were Sally Smith, Terry Horne, Jackie Santos, Ed Regan, Rob Ramay, Robert Roberts, Lloyd Scott, and Lt. Col. Boardman C. Reed. The Council was also provided with letters received from Josephine Roberts, Charlotte Roberts, and Betty Schumaeker.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to accept ownership on behalf of the City of Chico of the 379 U.S. Flags, poles, brackets and associated equipment currently owned by the City of Flags Committee. The Flag Committee will continue to store, replace, maintain and clean the flags for the City. The Committee will also pay for the replacement of the flags, poles and brackets as necessary. The City will install and remove the flags, at no cost to the Committee, for the three times annually agreed upon in December, 2004. The annual schedule includes Memorial Day through Independence Day, Labor Day through the Sept. 11th, and Election Day through Veteran's Day.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe

NOES: None

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to allow other organizations to fly their flags at their own costs, based on the number of flags that they choose to fly, with the costs to be determined accordingly to the policy and the fees established by the City which will be prepared for Council approval at a future meeting.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Bertagna, Wahl

The Council recessed for a ten minute break at 4:25 p.m.
The meeting was reconvened and all members were present.

2. CONSENT AGENDA – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Consent Agenda items:

2.1. ADOPTION OF A RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2008, FOR THE PURPOSE OF ELECTING FOUR MEMBERS TO THE CITY COUNCIL AND REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION

Adopted – a resolution calling for a general municipal election to be held on November 4, 2008, for the purpose of electing four members to the City Council and requesting the County Elections Office to consolidate the City of Chico election with the statewide general election. *The City Clerk recommended adoption of the resolution.*

RESOLUTION NO. 41-08 –A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2008, FOR THE PURPOSE OF ELECTING FOUR MEMBERS TO THE CITY COUNCIL AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2008

2.2. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved – minutes of the City Council meeting held on 5/20/08.

The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. BARONI NEIGHBORHOOD PARK HEARING - Time Certain 8:30 a.m. - *See Page 1 for final Council action.*

4. REGULAR AGENDA

4.1. BUDGET REVIEW

A. General Budget Review.

The City Council was presented with an overview of the 2008-09 Proposed Budget. (*Report - Dave Burkland, City Manager*)

1. Budget Message

The Council recessed for a ten minute break at 10:15 a.m. The meeting was reconvened and all members were present.

2. Budget Policy Amendments - The Council was provided with a copy of the recommended Budget Policy Amendments provided in the Additional Information Packet.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the proposed Budget Policy Amendments with the additional changes identified listed below and directed staff to bring back the policies with the suggested refinements for final approval at the July 1, 2008 meeting.

Proposed Changes:

- A) Revise Sustainability - City Facilities (BP-37) to include "shall" or "will"....
- B) Create bibliography on policy guidelines.
- C) Proposed policy pertaining to not balancing the budget with "one-time" fixes - staff was asked to provide Council with a definition of "one-time;" and further clarification on impact of the policy.
- D) Proposed policy regarding compensation levels - staff was asked to provide Council with further clarification.
- E) Proposed policy regarding additional revenue sources, such as grants and development related income - staff was asked to research outsourcing the pursuit of grants by checking with other cities that might use outside persons.
- F) Proposed policy regarding outsourcing of services that serve a limited number of participants - should be reclarified in the final policy.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

B. Review of Additive Requests

1. The Arts Commission recommended (7-0) that the City Council allocate \$50,000 in FY08-09, \$40,000 in FY09-10, and \$30,000 in FY10-11 from the General Fund to market Artoberfest 2009, 2010, and 2011. Due to the City's existing General Fund deficit, the City Manager did not recommend approval of the funding request. (*Report - Cindy Pierce, Administrative Services Director*)

Addressing the Council in support of the Artoberfest funding request were Paul Friedlander, Jeff Lindsay, Sandy Atkins, Lucille Wanee and Debra Lucero.

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to fund Artoberfest for two years, at \$46,250 for the first year, and \$37,000 for the second year which includes a 7.5 percent reduction in funding which is consistent with the City's deficit reduction strategy. Council also directed that at the end of the 2nd year, a review of the prior years would be provided to Council before considering funding for the third year.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

2. After considering a request from David Favor, CEO of Victor Treatment Centers, Inc., for funding in the amount of \$10,000 to support Chico AirFest 2008, the Finance Committee recommended (3-0): (1) approval of funding in the amount of \$5,000 from the General Fund; and (2) that the AirFest 2008 coordinators be granted use of the airport facilities and other available City resources at the same level as was provided for Chico AirFest 2007 at no charge to the coordinators. (*Report - Dave Burkland, City Manager*)

Addressing the Council in support of the requested allocation was Gayle Womack. Karen Laslo spoke in opposition to the funding request.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve \$10,000 for the funding of the AirFest, along with granting the group use of the airport facilities at no cost.

The motion failed by the following vote:

AYES: Bertagna, Wahl, Holcombe
NOES: Flynn, Gruendl, Nickell, Schwab

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the allocation of \$9,250.00, which reflects a 7.5% percent reduction currently being applied to all departments and granting the use of the airport facilities at no cost.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Wahl, Holcombe
NOES: Flynn, Nickell, Schwab

Councilmember Flynn requested that a report be provided to the Council regarding "in-kind" contributions or donations to the Air Fest following the 2008 event.

C. Reallocation of California Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) Funds

The Bidwell Park and Playground Commission recommended that funds in the amount of \$222,000 previously allocated from the California Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) grant funds to build a Day Camp Bridge in Upper Bidwell Park be reallocated as set forth in the agenda report in order to meet the grant sunset date. (*Report - Dennis Beardsley, Interim Assistant City Manager*)

Vice Mayor Schwab was disqualified from this item due to her residence being within 500 feet of the proposed project.

A motion was made by Councilmember Flynn and seconded by Councilmember Bertagna to approve the reallocation as recommended by the Bidwell Park and Playground Commission.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
DISQ: Schwab

D. Ten Year Capital Improvement Program

1. The Capital Project Services Director presented an overview of the Ten Year Capital Improvement Program and major projects scheduled for 2008-09.
2. The Capital Projects Services Director and Finance Director reviewed recommendations to phase certain projects beyond FY08-09 in order to better align the construction schedule with available cash, and reviewed the list of redevelopment-funded projects for which the funding source is recommended to be shifted from the Chico Merged Redevelopment Fund (352) to the Chico Redevelopment Agency 2005 Tax Allocation Bond Funds (357).

Ken Fleming addressed the Council about his concerns regarding the proposed shift of funds pertaining to the Avenues Neighborhood improvements.

Staff was directed to look at funding allocated for Comanche Creek to see if it should be removed from current funding and used for a capital project instead; and staff was asked to review the agreement with Butte County Mosquito and Vector Control District regarding the building to be built at the airport.

E. Community Organization Funding - Time Certain 2:00 p.m. - *See Page 1 for final Council actions.*

F. Conclusion of 2008-09 Budget Review

In order to review both the 2008-09 Proposed City Budget and the 2008-09 Proposed Redevelopment Agency Budget prior to the City Council taking final action, adoption of the 2008-09 Proposed Budget, and approval of the Year-End Budget Adjustments were moved to the end of the Redevelopment Agency budget review agenda (Redevelopment Agency Agenda Item No. 4.1.B.).

4.2 CONSIDERATION OF AMENDMENTS TO THE CITY OF CHICO FEE SCHEDULE

Adopted - a resolution amending the City's Fee Schedule to incorporate adjustments identified in the annual review conducted by City departments. (*Report - Cindy Pierce, Administrative Services Director*)

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolution:

RESOLUTION NO. 42-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 311 - COPY FEES, VEHICLE FOR HIRE PERMIT FEES, CODE ENFORCEMENT REINSPECTION FEES, ANIMAL SHELTER FEES, AND PARK DIVISION FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl

4.3. APPROVAL OF REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-2 (ROOM RESERVATIONS) AND ADOPTION OF A RESOLUTION AMENDING THE FEE SCHEDULE PERTAINING TO THE USE OF THE COUNCIL CHAMBER AND CONFERENCE ROOMS WHICH IMPLEMENTS PRIOR COUNCIL ACTION

At its meeting of 12/18/07, the Council voted (7-0) to move forward with the City Manager's recommended Deficit Reduction Strategy which consisted of three phases, one of which was immediate General Fund expenditure/revenue measures. Included in those approved strategies, was the review and revision to the room reservation policy and associated fees. Approval of this revised policy and

adoption of the amended fee schedule would allow staff to implement Council action. (*Report - Deborah Presson, City Clerk*)

The City Clerk provided the Council with an updated version of the room reservation application form and a "Conference Room Availability Matrix." The Council was provided with a copy of an email received from Jeanne Ertle.

The City Clerk recommended:

- (1) Approval of the revised AP&P 10-2, including revised Exhibits;
- (2) Adoption of a resolution amending the City's fee schedule pertaining to the use of the Municipal Center's Council Chamber and Conference Rooms by outside agencies or groups; and
- (3) The City Council direct the City Clerk to provide a 60-day notice to all organizations regarding the changes to the process.

Council concurred (7-0) to refer the consideration of the proposed revisions pertaining to the hours, availability, security of the building; definition of "non-profit"; insurance requirements and fee increases contained in the proposed Room Reservation Policy to the Internal Affairs Committee for discussion and recommendation.

In order to facilitate the discussion, the Council also asked staff to provide the Committee with additional information pertaining to costs associated with insurance requirements; clarification of the definition of Council-sponsored meetings; a proposed sliding fee scale, survey of current users regarding the proposed fees, and additional information sought from other cities pertaining to conference room(s) usage.

4.4 CITY'S FLAG POLICY - Time Certain 3:00 p.m. - *See Page 1 for final Council action.*

4.5. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

Michael Jensen asked the Council to look at whether or not RDA funds could be used for RV hookups.

6. REPORTS AND COMMUNICATIONS

The following reports and communication item was provided for the Council's information. No action was taken.

- 6.1. Letter dated 5/19/08 from Alfred W. Driscoll, III, Attorney at Law, submitting a Proposal for Amendments of Cardroom Ordinances to the City Council for review and consideration. *The Council concurred (7-0) to refer this item to the Internal Affairs Committee for consideration.*

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: August 5, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING – June 3, 2008
Minutes

1. CALL TO ORDER – Chair Holcombe called the June 3, 2008 - Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street .

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

2. CONSENT AGENDA – None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1 REDEVELOPMENT BUDGET REVIEW

A. General Budget Review

The Executive Director provided an overview of the 2008-09 Proposed Chico Redevelopment Agency Budget, including a review of the Ten-Year Financial Plan (located under the buff-colored “Ten Year Fund Projections” tab), the Operating Budget, and the following summaries which were provided with this agenda:

1. Chico Amended and Merged Low and Moderate Income Housing Fund Summary (*Report Sherry Morgado, Housing and Neighborhood Services Director*)
2. Chico Amended and Merged Art Fund Summary which includes the recommendations of the Arts Commission for 2008-09 art projects. (*Report – Cindy Pierce, Administrative Services Director*)

Addressing the Council on this item were Richard Ek, Paul Friedlander and Jeff Lindsay.

Staff confirmed that all proposed projects would be presented to the Agency prior to the execution of a contract.

A motion was made by Boardmember Gruendl and seconded by Vice Chair Schwab to approve the Arts Commission recommendations.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

To consider Item 4.1.B, the Chico Redevelopment Agency convened as both the Chico Redevelopment Agency and the City Council.

B. Conclude Redevelopment Agency Budget Review

1. Approve – Year End Supplemental Appropriation/Budget Modification (City 07-08 15; Redevelopment Agency 07-08 8).

A motion was made by Vice Chair Schwab and seconded by Boardmember Nickell to approve the Year End Supplemental Appropriation/Budget.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSTAIN: Wahl

2. Adopt – the following budget resolutions.

A motion was made by Vice Chair Schwab and seconded by Boardmember Nickell to adopt the following budget resolutions as amended to include all requested changes:

RESOLUTION NO. 43-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING THE 2008-09 PROPOSED BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY - City Council Action

RDA RESOLUTION NO. 05-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2008-09 PROPOSED BUDGET FOR THE CHICO REDEVELOPMENT AGENCY - Agency Action

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSTAIN: Wahl
DISQ: Flynn and Schwab - *disqualified only on the Community Organization Funding due to employment with one of the requesting organizations*

- 4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. ADJOURNMENT

Adjourned at 7:10 p.m. to June 17, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: August 5, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. CALL TO ORDER

1.1. Roll Call

1.2. Present:

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

Staff Members: City Manager Burkland, Interim Assistant City Manager Beardsley, City Clerk Presson, City Attorney Barker, and Human Resources Director Fulks

2. CLOSED SESSION MATTERS

CONFERENCE WITH LABOR NEGOTIATOR

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Dan Fulks, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).

2.2. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER — EXISTING LITIGATION: The City Attorney and Risk Manager reviewed the settlement of the workers compensation claim of Troy Morse. (Gov. Code Sec. 54956.9(a).)



3. ADJOURNMENT

Adjourned at 1:45 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — June 17, 2008

Minutes

- 1.1. **CLOSED SESSION** - 5:30 p.m. - see page 9
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the June 17, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Scott Dowell, Sonrise Christian Center
- 1.6. Roll Call

City Council

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe

Absent: None

Planning Commission

Present: Barrett, Brownell, Kelley, Merz, Minasian, Luvaas

Absent: Hayes

- 1.7. Closed Session Announcement – None

2. **CONSENT AGENDA** – Items 2.1. and 2.2. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items.

2.1. **ADOPTION OF A RESOLUTION AUTHORIZING A GRANT OF LICENSE TO CALIFORNIA STATE UNIVERSITY, CHICO** – *This item was removed from Consent for further discussion.*

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A PORTION OF A PUBLIC STREET - CHERRY STREET BETWEEN WEST FIRST AND WEST SECOND STREETS** – *This item was removed from Consent for further discussion.*

2.3. **ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANT APPLICATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB)**

Adopted - a resolution authorizing the submittal of applications for annual used oil recycling grants, or other CIWMB grants the City may be eligible for and interested in for five years. This resolution also authorizes the City Manager to execute grant agreements and implement the grant programs if awarded. **Management Analyst Herman recommended adoption of the resolution.**

RESOLUTION NO 46-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF GRANT APPLICATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FROM JULY 1, 2008 TO JUNE 30, 2013

2.4. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE NON-EXCLUSIVE EASEMENTS TO PACIFIC GAS AND ELECTRIC COMPANY AND COMCAST COMMUNICATIONS FOR RELOCATION OF UTILITIES FROM THE PUBLIC RIGHT OF WAY TO BIDWELL PARK**

JOINT WORKSHOP - CITY COUNCIL AND PLANNING COMMISSION - 6:30 p.m. - 7:30 p.m.

1.8. **GENERAL PLAN UPDATE - Imagine Chico 2030 Key Issues Report and Draft Guiding Principles**

At critical points in the General Plan Update process, staff and the General Plan consultant, PMC (the Project Team), are scheduled to check-in with the City Council and Planning Commission to discuss key points in this significant planning effort. The Project Team presented an overview of the “Key Issues Report” which is the second phase of the outreach effort to date. The Team provided an overview of the development of the Chico 2030 General Plan Draft Guiding Principles, which provides the framework and benchmarks to direct Chico’s future, consistent with the community values and desires expressed to date. **(Report - Holly Keeler, Principal Planner & Pam Johns, PMC - Project Manager)**

Addressing the Council and Planning Commission was Jason Bougie who questioned the process and how the relationship between the City and County was in terms of the development of the County’s General Plan.

Also addressing the Council was Barbara Vlamis who indicated that she had issues with the process but would be submitting them in writing to the Planning Commission and Council directly.

The City Council and Planning Commission provided feedback to the Project Team. No formal action was needed during this phase of the project.

Approved - a minute order authorizing execution of non-exclusive easements allowing PG&E and Comcast Communications to relocate their facilities from the public right of way to Annie’s Glen in

connection with the construction of a Pine Street undercrossing for pedestrians and bicyclists. **The Capital Project Services Director recommended approval of the minute order.**

MINUTE ORDER NO. 04-08 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE NON-EXCLUSIVE EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY AND COMCAST COMMUNICATIONS FOR RELOCATION OF TRANSMISSION LINES AND FIBER OPTIC CABLE WITHIN ANNIE'S GLEN PARK ADJACENT TO PINE STREET



The motion to approve the Consent Agenda, with Items 2.1. and 2.2. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

ITEMS REMOVED FROM CONSENT

- 2.1. ADOPTION OF A RESOLUTION AUTHORIZING A GRANT OF LICENSE TO CALIFORNIA STATE UNIVERSITY, CHICO

Adopted - a resolution authorizing a grant of license to California State University, Chico to encroach on public right of way for the purpose of installing underground infrastructure in West First Street adjacent to the railroad tracks and in Cherry Street that will ultimately serve the new Wildcat Activity Center. The infrastructure will include steam, chilled water, electrical, and communication lines. **The Building and Development Services Director recommended adoption of the resolution.**

This item was removed from the Consent Agenda at the request of a citizen for additional discussion. Councilmember Flynn and Vice Mayor Schwab were disqualified on this item due to the request being made by their employer. Charlie Preusser and Ken Fleming addressed the Council in opposition to the adoption of the resolution.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 44-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO CALIFORNIA STATE UNIVERSITY CHICO FOR ENCROACHMENT ON PUBLIC RIGHT OF WAY (W. FIRST AND CHERRY STREETS)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe

NOES: None

DISQ: Flynn, Schwab

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A PORTION OF A PUBLIC STREET - CHERRY STREET BETWEEN WEST FIRST AND WEST SECOND STREETS**

Adopted - a resolution of intention to abandon and vacate a portion of a public street, located on Cherry Street between West First and West Second Streets, to allow for bicycle parking at the CSU Chico Wildcat Activity Center. ***The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing on 7/15/08.***

This item was removed from the Consent Agenda for further discussion at the request of a citizen. Councilmember Flynn and Vice Mayor Schwab were both disqualified on this item due to this item pertaining to their employer.

Addressing the Council in opposition to the abandonment were Charlie Preusser, Michael Reilley and Ken Fleming. Addressing the Council as a representative of the University and in support of the abandonment was Glenda Morse.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to adopt the following resolution which schedules a public hearing on 7/15/08 at which time staff will provide clarification on the concerns expressed by the citizens.

RESOLUTION NO. 45-08 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (CHERRY STREET BETWEEN WEST FIRST AND WEST SECOND STREETS - CSU CHICO)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe

NOES: None

DISQ: Flynn, Schwab

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON INCREASE IN SANITARY SEWER LIFT STATION SERVICE RATES**

The City proposed an increase in monthly service rates for sanitary sewer lift stations in the next fiscal year to cover the increased costs of operating, maintaining and improving lift stations for sewer customers. Recent case law required that the City hold a public hearing prior to any such increases. If a majority of affected property owners protest, the proposed rate changes would not be imposed. ***(Report - Fritz McKinley, Building & Development Services Director)***

Mayor Holcombe opened the hearing to the public regarding the proposed sanitary sewer lift station rate increases. No one spoke and the hearing was closed.

No formal action was required by the City Council on this matter.

3.2. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 584 - MARTHA'S VINEYARD SUBDIVISION

A condition of approval of the Martha's Vineyard Subdivision required the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities that are of special benefit to the subdivision located on Ceanothus Avenue, north of East Avenue. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt a resolution ordering the formation of a maintenance assessment district and to approve the declaration of conditions, covenants, and restrictions relating to City of Chico Maintenance Assessment District No. 584 - Martha's Vineyard Subdivision.

RESOLUTION NO. 47-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 584 - MARTHA'S VINEYARD SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3.3. HEARING REGARDING GENERAL PLAN AMENDMENT/REZONE 08-03 (CITY OF CHICO) AMENDING THE CHICO GENERAL PLAN AND TITLE 19 OF THE CHICO MUNICIPAL CODE TO INCREASE THE MINIMUM DENSITY IN THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND THE R2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT

A public hearing and introductory reading of proposed amendments to the minimum density in both the Medium Density Residential (MDR) General Plan land use designation and the R2 Medium Density Residential zoning district from the current 5.5 units per gross acre to 7.01 units per gross acre. The Planning Commission previously considered this matter at a workshop on 2/07/08, and a public hearing on 3/06/08, and recommended City Council approval of the amendments. The amendments to MDR/R2 minimum density have no physical impact on the environment which was not contemplated with the Environmental Impact Report for the 1994 City of Chico General Plan; therefore, no further environmental review is required. Councilmember Bertagna was disqualified on this item due to the zoning of his neighborhood. **(Report - Greg Redeker, Associate Planner)**

Mayor Holcombe opened the hearing to the public. Addressing the Council regarding this item were Jon Luvaas, Arlene Ward and Michael Reilley. The hearing was closed to further public comment.

Councilmember Wahl expressed his opposition to the proposed amendment due to it taking away options for single family residences and because this issue is currently being addressed in the General Plan update.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolution amending the General Plan to increase the minimum density in the medium density residential land use designation and introduce the following ordinance by reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO INCREASE THE MINIMUM DENSITY IN THE R2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT - Introductory Reading

RESOLUTION NO. 48-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN TO INCREASE THE MINIMUM DENSITY IN THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
DISQ: Bertagna

4. **REGULAR AGENDA**

4.1. **REPORT TO THE COMMUNITY: AIR POLLUTION - HEALTH EFFECTS AND LOCAL SOLUTIONS**

James Wagoner, Butte County Air Quality Management District, and Dr. Gary Incaudo presented the following information on air pollution in Butte County: (1) health concerns with pollutants; (2) identification of major contributors; (3) discussion of the District's air quality programs; and (4) suggestions on how the City of Chico can help to mitigate the health risk and bring the County into compliance with mandated Federal and State standards.

Addressing the Council on this item were Luke Anderson, Tony Kilcollins, Ken Fleming and Bob Ryan.

A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to refer the report to the Sustainability Task Force for consideration and possible recommendations, cost alternatives as well as an economic development analysis. It was noted that Councilmember Gruendl would attend the Sustainability Task Force meeting as a liaison from the Air Quality Management District.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.2. **CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING AN HISTORIC PRESERVATION PROGRAM**

At its 2/05/08 meeting the Council considered the recommendations of the Internal Affairs Committee meeting of 12/11/07, where the Committee voted to forward these recommendations to the Council for action. At that meeting, the Council voted (4 in favor, 3 opposed) to: (1) not accept the recommendations of the IAC; and (2) directed staff to provide Council with additional information on funding sources necessary to implement the Program. (**Report - Bob Summerville, Senior Planner**)

Addressing the Council in support of the proposed program were Christina Aranguren, Debbie Villasenor, John Gallardo, Susan Mason and Arlene Ward.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to accept and approve the recommendation (2-0, with one absent) of the Internal Affairs Committee at its 12/11/07 meeting regarding the Historic Preservation Program as follows:

1. Return with the existing Historic Resources Inventory for formal adoption;
2. Consider updating the City's Historic Resources Inventory based on neighborhood boundaries and eligibility criteria as part of the historic preservation ordinance;
3. Prepare an Historic Preservation Element as part of the General Plan update;
4. Consider amendments to the qualifications of the ARB to be consistent with the requirements of a Certified Local Government; and
5. Prepare a draft historic preservation ordinance for consideration by the City Council.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

The Council recessed for a ten-minute break at 10:05 p.m. The meeting reconvened and all members were present.

4.3. **CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS - MEMORANDUM OF UNDERSTANDING REGARDING GUIDING PRINCIPLES FOR THE CITY OF CHICO WITH THE MECHOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA**

Planning Services Department staff had recently met with the Tribe to discuss minor revisions to the MOU since it was last reviewed by the Internal Affairs Committee. Staff worked with the consulting firm of PMC to develop a preliminary scope and budget of a Cultural Resource Management Plan which is the primary budget item required to implement the MOU. *(Report - Bob Summerville, Senior Planner)*

Addressing the Council in support of this item was Sandra Knight.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to accept the recommendation (3-0) of the Internal Affairs Committee at its 1/10/07 meeting to:

1. Approve the Memorandum of Understanding Regarding Guiding Principles for the City of Chico with the Mechoopda Indian Tribe of the Chico Rancheria; and
2. Directed staff to work with the Tribe to develop refined cost estimates for implementing the MOU, and forward those estimates for Council consideration.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.4. **CONSIDERATION OF COUNCILMEMBER FLYNN'S REQUEST TO CONSIDER THOMAS HALL'S E-MAIL REGARDING DOWNTOWN ISSUES**

Councilmember Flynn requested that the City Council consider an e-mail from Thomas Hall asking for help solving a problem with transients causing damage to his downtown business. Vice Mayor Schwab was disqualified on this item due to the close proximity of her business to the area to be discussed.

A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to refer the discussion of downtown enforcement to the Internal Affairs Committee with staff to provide the Committee with an update on programs currently in place and any additional plans for enforcement considering that this issue is also being addressed as part of the downtown element in the General Plan update.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
DISQ: Schwab

4.5. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None**

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.



Date Approved: August 5, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — June 17, 2008
Minutes

1. **CALL TO ORDER** – Board Chair Holcombe called the June 17, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe

Absent: None

2. **CONSENT AGENDA**

3. **NOTICED PUBLIC HEARINGS**

4. **REGULAR AGENDA**

- 4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA**

5. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council's information. No action was taken on any of the items unless otherwise noted.

- 5.1. Letter dated 5/20/08 from Susan Hearne requesting that the Agency reconsider the approvals that have lead to the Bidwell Park Apartment project. A Bidwell Park Apartments Project Status Summary was provided by the Housing and Neighborhood Services Director. Board Chair Holcombe was disqualified on this item due to a business conflict.

Addressing the Agency on this item were Tom Steele, Sue Hearne, Chris Michols, Rob MacKenzie, Anna Marie Cooper and Hasan MacNeil. Additional information was provided to the Agency via an email from Jim Schmidt.

A motion was made by Boardmember Wahl to reconsider the approval of the project at a future meeting. The motion died for a lack of a second and also because pursuant to the Council's rules and procedures, only a member of the prevailing side can bring back an item for reconsideration.

A motion was made by Boardmember Bertagna and seconded by Boardmember Gruendl to direct staff to provide Council with additional information. The motion carried 5-1-1, with Wahl opposed and Holcombe disqualified.

6. **ADJOURNMENT**

Adjourned at 11:06 p.m. to July 1, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: August 5, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. **CALL TO ORDER**

1.1. Roll Call

1.2. Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe
Absent: None

Staff Members: City Manager Burkland, City Attorney Barker, Assistant City Manager Beardsley, City Clerk Presson

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**
(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Dan Fulks, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — July 1, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the July 1, 2008 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor David Leeper Moss, Trinity United Methodist Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe
Absent: None

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – Item 2.3. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the remaining Consent Agenda items.

- 2.1. **ADOPTION OF RESOLUTIONS - SEWER IN LIEUS - 1902 SPRUCE AVENUE, 1272 HUMBOLDT AVENUE**

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. ***The Building & Development Services Director recommended adoption of the resolutions.***

RESOLUTION NO. 49-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1902 SPRUCE AVENUE / ASSESSOR'S PARCEL NO. 003-363-013 (petition from property owners Pamela A. And Barry L. Robinson)

RESOLUTION NO. 50-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1272 HUMBOLDT AVENUE/ASSESSOR'S PARCEL NO. 004-363-031 (petition from property owner Adam S. Fedeli)

- 2.2. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (VARIOUS)**

Approved - minute order authorizing acquisition of right of way easements in connection with the SHR 99/Skyway Interchange Project according to the negotiated terms set out in the minute order for the following properties. ***The Administrative Services Director recommended approval of the minute order.***

1. Byron Crossen and Lynn McNeely, Co-Trustees of the LBK Trust VI Skyway, 2520 Notre Dame Boulevard, APN 002-330-018
2. Keluche Creek Properties, Inc., Skyway and Zanella Way, APN 002-200-001
3. C & H Development Co., 2500 Notre Dame Boulevard, APN 002-330-021 & 002-330-022
4. Halle Properties, LLC, 2530 Notre Dame Boulevard, APN 002-330-017

MINUTE ORDER NO. 05-08 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (VARIOUS)

- 2.3. **APPROVAL OF AWARD OF BIDS FOR LEGAL AND DISPLAY PUBLICATIONS FOR THE 2008-09 FISCAL YEAR** – This item was removed from the Consent Agenda for further discussion.

The motion to approve the Consent Agenda, with Item 2.3. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

- 2.3. **Approved** - the award of bids for Legal and Display Publications for the 2008-09 fiscal year. It was noted that in the year 2000 it was determined that the Chico Enterprise-Record is currently the only newspaper in the City that meets the criteria set forth in Government Code Section 6008 as a “newspaper of general circulation,” and is, therefore, the only newspaper qualified to bid for the City’s Legal Publications pursuant to the City’s Charter. ***The City Clerk recommended: (1) that the bid for Legal Publications be awarded to the Chico Enterprise-Record; and (2) that the bid for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review.***

Councilmember Nickell asked that this item be removed from the Consent Agenda for clarification on whether or not the Chico Beat had been considered. The City Clerk indicated that the newspaper in question was not part of the bid process but she had spoken with the editor on how to be included in future call for bids. Councilmember Wahl asked for clarification on why the Chico News and Review bid was accepted late and the City Clerk stated that the City Manager had approved the acceptance of the late bid due to the News and Review reaching a certain target audience as well as allowing an option to staff when publishing ads. It was noted that all legal publications or ads have to be placed with the Enterprise Record due to it being the only adjudicated paper of general circulation.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the awarding of the legal publications to the Chico Enterprise-Record; and that display ads be awarded to both the Enterprise-Record and the Chico News and Review.

The motion carried by the following vote:

AYES: Bertagana, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

To consider Item 4.1. and 4.2., the City Council convened as both the City Council and the Chico Redevelopment Agency.

- 4.1. **CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATION REGARDING FUNDING REQUEST FROM AFFORDABLE HOUSING DEVELOPMENT CORPORATION FOR PARKSIDE TERRACE**

At its 5/27/08 meeting, the Finance Committee considered a request from the Affordable Housing Development Corporation (AHDC) for financial assistance to build a 90-unit affordable housing development within the Meriam Park subdivision, called Parkside Terrace. The rents will be restricted to be affordable to households earning less than 60% of Area Median Income.

Nine of the units will be targeted to persons with disabilities, with referral and services provided by Independent Living Services of Northern California. The Finance Committee recommended (3-0) forwarding this item to the Council with no recommendation. **(Report - James Coles, Housing Specialist)**

Addressing the Council in support of the project were Laurie Schmidt, Nicole Bateman, Debbie Villasenor, James Pattengale, Jonathan Hague, Glen Pollock, Donn Forgy, Sor Lo, Evan LaVang, Karie Haley, Steven Smith, Shirley Powell-Smith and John Anderson. Speaking in opposition to the project was Juanita Sumner.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolutions, amended to include the confirmation that there would be 102 bike racks, some designated with shade covering and that the crosswalks at the pool and park intersections be designed using traffic calming measures to ensure safety in those areas. Funds will be allocated and budgeted to the project via the final budget resolution adopted by the Redevelopment Agency for 2008-2009.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

RDA RESOLUTION NO. 06-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING A LOAN OF FUNDS FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO AFFORDABLE HOUSING DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF A LOW INCOME HOUSING PROJECT LOCATED IN THE MERIAM PARK SUBDIVISION ON THE NORTHEAST AND SOUTHEAST CORNERS OF BEDFORD DRIVE AND HARTFORD DRIVE (Agency Action)

RESOLUTION NO. 51-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ALLOCATING NINETY UNITS OF EXISTING ARTICLE XXXIV AUTHORITY FOR A RENTAL HOUSING PROJECT LOCATED IN THE MERIAM PARK SUBDIVISION ON THE NORTHEAST AND SOUTHEAST CORNERS OF BEDFORD DRIVE AND HARTFORD DRIVE (City Council Action)

The Council recessed at 7:55 for a ten minute break. The meeting was reconvened and all members were present.

4.2. BUDGET REVIEW

A. Final Budget Adoption

The City Council and Chico Redevelopment Agency was presented with an overview of recommended budget adjustments to the 2008-09 Proposed Budget, the General/Park Funds Ten Year Financial Plan, the Chico Redevelopment Agency Ten Year Financial Plan, and the City Manager's Final Budget Memorandum.

Recommendation – The City Manager/Executive Director recommended adoption of the resolutions for the City of Chico 2008-09 Final Budget and the Chico Redevelopment Agency 2008-09 Final Budget which incorporate the budget adjustments approved by the City Council and the Agency at the 6/03/08. Adjustments adopted by the budget resolutions will be incorporated into the Final Budgets.

The Council was provided with a list of questions from Stephanie Taber which had been previously answered by staff and e-mails from Diane Reinert, Brian l'Anson, Carrie McGranahan, Bill Knudsen, Evanne O'Donnell and Amy Miller.

Addressing the Council regarding budget related issues were Gregg Payne on the WindChimes project and Stephanie Taber who indicated that while she had not yet reviewed the answers to her email questions regarding the budget, she didn't believe that they adequately answered her questions. Councilmember Gruendl asked that the list of questions submitted by Stephanie Taber be agendaized at a future Finance Committee meeting.

Staff addressed Gregg Payne's concerns and indicated that there wasn't an actual project as he had indicated and offered to provide Council with a historical outline on the process leading to the Windchimes project.

Councilmember Gruendl asked that a copy of the Butte County Mosquito and Vector Control District Agreement be provided to the Council and inquired if it was possible to move other capital projects such as this one in order to help with the cash flow situation. Staff was also directed to agendaize the discussion of the Butte County Mosquito and Vector Control District agreement and the policy issues of the spraying and noticing at a future Internal Affairs Committee meeting.

Councilmember Wahl stated for the record that he would not be supporting the budget because it is flawed and a house of cards with any number of things that could go wrong. Three unions haven't agreed to the COLA reductions. The projected 3.5% increase in sales tax revenue is risky. Public safety will suffer greatly with the approval of this budget which is being balanced on the back of Fire and Police. He does not believe that the proposed budget adequately addresses the City's cash outflow, overtime reductions, tiered benefits, contracted services, with only a selected hiring freeze in place instead of Council looking at all 456 positions to select out of those the 20 or 30 positions that need to be cut. He reiterated that the budget is being balanced on the backs of the taxpayers and it exacerbates the problems with public safety.

Councilmember Flynn reminded Council that this deficit reduction plan is a two year budget process meant to help the City get back on track financially. There will be constant review of our progress and possible revisions made to the plan. It is clear that the City cannot move forward without looking to the bargaining units for their help. She noted that the budget deficit did not happen over night but over years. She felt the City's current status was a tremendous achievement for Dave Burkland and Jennifer Hennessy.

Vice Mayor Schwab explained that one year ago we, as a City, were wondering if we would be solvent at this time. Because of the size of the deficit and the size of the organization it is going to take a lot of cooperation by all parties involved to solve the budget deficit. The Finance Committee diligently looked at this for six months to develop a list of proposals that might work. Solving an issue of this magnitude takes time and leadership.

Councilmember Gruendl expressed his support of the proposed budget and reminded everyone that Council is setting policies today that won't end with the approval of the budget but will continue on and be refined as the needs are further identified and defined.

Councilmember Bertagna commented that mistakes have been made with prior decisions but that ultimately the Council is responsible for where the City is financially. He didn't want the community to blame the employees for raises or for building great departments. The responsibility lies with the Council.

Mayor Holcombe stated that if the assumptions don't play out, then the Council will change the assumptions.

Councilmember Nickell indicated that he was anxious for the City to now move forward and that management would be held accountable for implementing these programs.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the 2008-09 Final Budgets for both the City of Chico, the Chico Public Financing Authority, the City of Chico Parking Authority, and the Chico Redevelopment Agency by adoption of the following resolutions:

RESOLUTION NO. 52-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 2008-09 FINAL BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY (City Council Action)

RESOLUTION NO. 07-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2008-09 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY (Agency Action)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl

B. Butte County Library Funding

Supplemental funding to increase the hours of operation at the Chico branch of the Butte County Library from 35 hours per week to 60 hours per week was included in the 2008-09 Proposed Budget.

The Council was provided with a copy of a letter from B.T. Chapman.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Wahl to approve the minute order authorizing the City Manager to enter into an agreement with Butte County for the supplemental funding with a term commencing 07/01/08 and ending 06/30/09.

MINUTE ORDER NO. 06-08 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FISCAL YEAR 2008-09) (City Council Action)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.3. ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS CONCERNING PROPOSED CHANGES TO THE ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-2 AND ADOPTION OF A RESOLUTION AMENDING THE FEE SCHEDULE (MUNICIPAL CENTER USE FEES)

The Council considered the recommendations made by the Internal Affairs Committee at its meeting of 6/10/08 regarding proposed revisions to the room reservation policy and related fee schedule. At its meeting of 6/03/08, the City Council referred the consideration of the proposed revisions to the Room Reservation Policy to the Internal Affairs Committee for discussion and recommendation. Per Council request, the Committee was provided with additional information pertaining to costs associated with insurance requirements; clarification of the definition of Council-sponsored meetings; discussion of proposed sliding fee scale; survey of current users regarding the proposed fees; and additional information sought from other cities pertaining to conference room(s) usage. (**Report - Deborah Presson, City Clerk**)

Internal Affairs Committee (3-0) Recommendation:

1. Approve the revised AP&P 10-2, which includes the recommended changes as reflected in the staff report; and
2. Adopt the resolution amending the fee schedule (Municipal Center Use Fees); and
3. Direct the City Clerk to provide a 60-day notice to all organizations regarding the changes to the process.

Addressing the Council in opposition to the proposed changes to the room reservation policy were Forest Harlan and Emily Alma.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to refer this item back to the Internal Affairs Committee to look for ways to make the policy more usable while still considering the security and potential liability issues.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Schwab, Wahl, Holcombe

NOES: Bertagna, Nickell

4.4. **CONSIDERATION OF RESOLUTIONS APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL AND MANAGEMENT EMPLOYEES**

The Council considered the following resolutions which resulted from 2008 re-opener negotiations for both the Confidential and Management Employee Groups. **(Report - Dave Burkland, City Manager and Teresa Campbell, Interim Human Resources Director)**

A motion was made by Councilmember Flynn and seconded by Councilmember Bertagna to adopt the following resolutions:

RESOLUTION NO. 53-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CONFIDENTIAL EMPLOYEES OF THE CITY RESULTING FROM THE 2008 RE-OPENER NEGOTIATIONS (CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)

RESOLUTION NO. 54-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE MANAGEMENT EMPLOYEES OF THE CITY RESULTING FROM THE 2008 RE-OPENER NEGOTIATIONS (MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

4.5. **CONSIDERATION OF COUNCILMEMBER NICKELL'S REQUEST TO BAN FIREWORKS AND FIREWORK DISPLAYS ON JULY 4TH**

Councilmember Nickell requested that the City Council consider banning public and private fireworks and firework displays on July 4th out of concern for public safety and public health.

The Council was provided with copies of emails from Kathleen McCoy and Kathy Hospe.

The Council concurred (7- 0) to consider this item at this meeting. Addressing the Council on this item were Karie Haley and Bob Linscheid.

Councilmember Nickell indicated that in light of the all the fires and the resulting poor air quality, he wanted to bring this discussion forward to make sure that if the air quality conditions were determined to be unhealthy on the 4th of July, that the groups responsible for the fireworks displays would monitor the conditions and act accordingly.

4.6. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None**

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council's information. No action was taken unless otherwise noted.

- 6.1. Letter received from Marla Crites, Project Leader, of "Chico Impeach Team" requesting to be placed on the Council agenda of 7/15/08 in order to present a resolution in support of impeachment of the President and Vice-President. ***Pursuant to Section II.B.2.g. of Administrative Procedure and Policy No. 10-10 (City Council Rules of Procedure) requests for consideration of a non-local issue which do not have a significant compelling impact on the City will be place on the agenda under Reports and Communications.***

Addressing the Council on this item were Marla Crites, Tom Reed, Stephen Tchupi, Bill Donnelly, Donna Cook, Irvin Stern, Paul Ellassor, and Forest Harlan.

The Council concurred (5-2, with Bertagna and Wahl opposed) to agendize this request at the meeting of August 19, 2008.

7. **ADJOURNMENT**

Adjourned at 11:21 p.m. to July 15, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: August 5, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 1, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the July 1, 2008 – Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, Interim Assistant City Manager Beardsley, City Clerk Presson, Finance Director Hennessy, Assistant City Attorney Rock, and Interim Human Resources Director Campbell

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

- 2.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Gov. Code §54956.8)

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: See Appendix "A" to the Agenda for a list of property owners or designated negotiator(s)

- 2.3. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Interim Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

APPENDIX "A"

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 1, 2008

Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisitions affecting the following:

<u>Property Owner</u>	<u>Street Address</u>	<u>Assessor's Parcel No.</u>
<i>East 8th Street Reconstruction Project</i>		
A. Susan A. Darrough	775 El Monte Avenue	002-050-164
<i>SHR 99/Skyway Intersection Reconstruction Project</i>		
B. McDonald's Corporation	2444 Notre Dame Boulevard	002-190-031
C. Estate of Margaret Schwab Denton, Diana Schwab Tomseth, and Alan L. Schwab	2420 Notre Dame Boulevard	002-190-037
D. HLS, a California general partnership	1016 Skyway	002-210-016
E. Anthony A. Deluca and Heather Deluca	1026 Skyway	002-210-028
F. Flyers, LLC, a limited liability company	2501 Notre Dame Boulevard	002-210-017
G. Carwood Skypark LLC	Skyway and Notre Dame Boulevard	002-210-033
H. Skypark Auto Wash Property, LLC	1020 Skyway	002-210-029
I. Sierra Entertainment Group, LLC	2465 Carmichael Drive	005-570-002

The City's negotiator was City Manager David Burkland and the parties with whom negotiations were proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 15, 2008
Minutes

- 1.1. **CLOSED SESSION** - 5:30 p.m. - see page 9
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the July 15, 2008 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Dave Osborne, Chico Seventh-day Adventist Church
- 1.6. Roll Call

City Council

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe

Absent: None

Planning Commission

Present: Barrett, Kelley, Merz, Minasian, Luvaas

Absent: Brownell

- 1.7. Closed Session Announcement – None
- 1.8. Presentation – Certificate of Appreciation for Jesse Smyth, retiring Field Supervisor, for 29 years of City service.

JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC FORUM

1.9. GENERAL PLAN UPDATE - *Market Opportunities & Land Absorption Projections Report*

At this meeting, the City Council and Planning Commission met in joint session to discuss key issues regarding the General Plan update and to receive public comment on the significant planning efforts to date. ***(Report - Holly Keeler, Principal Planner and Brendan Vieg, Senior Planner)***

This workshop covered an overview of the *Market Opportunity and Land Absorption Projections Report* prepared by Bay Area Economics, the City's economic consultants and provided an opportunity for the public to address this critical component of the General Plan update.

This report included:

- Assessment of current market conditions to help set the context for the land use projections for the General Plan Update;
- Retail leakage analysis to assess the extent to which there are current opportunities to expand the local retail base;
- Absorption projections for the City's major land use sectors, including residential, office, retail, and industrial based on the findings contained in the first two sections of the report and after analysis of population and employment projects; and an
- Assessment of market opportunities for the Downtown area.

● ● ● ● ●

The meeting was recessed at 8:10 p.m. for a ten-minute break. The meeting was reconvened and all members of the Council and Planning Commission were present.

● ● ● ● ●

Joint Meeting Comments:

Planning Commissioner Merz stated that this was the third joint session meeting and he was concerned that we are taking too small a bite of the apple which actually poses more questions than answers. Economic discussions need to be more broad based, and include the water, density and mixed use issues. He added, this is a 22 year plan; there are ups and downs of the economy we have to make certain assumptions of what is going to happen over time in terms of what the economy does; so he is frankly not concerned over what is happening right now in terms of the turn around in Sacramento because ten years from now it could be in a totally different place, as Chico may be. Commissioner Merz thinks we should be talking about where we want to be as a community from a sustainability standpoint and keeping the big picture in mind.

Planning Commissioner Minasian felt that the report represented more of the real estate industry and not the overall community needs and thought that the report was solely from their point of view. She urged Council and the Planning Commission to look at a broader picture... not just what is there for the real estate industry.

Planning Commissioner Chair Luvaas indicated that the concerns that both John and Susan raised were his as well. He was very concerned about the scope of the report. The report is more a rearview mirror approach and is great as far as it goes but how can we look at the future if we are looking back? We can't do this when we know that not only great economic changes are happening but that we are going to be facing some potentially devastating changes with additional impending regulations from the federal and state government. All of this needs to be part of the discussion. We know from the polling and the real estate industry that the preference is single family dwellings but we also know from reality that only 38 percent of the middle class can even afford the kind of houses that are being built, the rest of the people aren't even in the market. But the source of information about Chico is too narrow as well as extremely shortsighted. We should be looking at economics, water availability, resources and a whole lot of other things and he would be glad to submit to the consultants a list that discusses these issues. He indicated that he was not prepared to begin to make decisions on areas where the City should grow and how it should grow.

Planning Commissioner Hayes felt a little bit short in terms of the information. He was nervous about using historical trend data for the development of policies affecting generations down the road. He felt that transit issues were important as we look at how we move people around the community. He hoped the conversation regarding the providing of land for where the City would grow would be coming and he recognized that the land use facilities gets wrapped into policies.

Councilmember Gruendl appreciated the challenge of reading the document. One thing that struck him was determining what future demographic information to use... recognizing that we had to figure out where we have been in order to determine where we need to go. One area that hasn't been discussed is business leakage and the types of retail that we should look at to be competitive within the County.

Councilmember Flynn appreciated everyone's comments. Her concern was about having adequate time to ask those questions, get the answers, refine the questions, and then get more answers. She felt there was too much to do in such a short time frame. It is important that we reassure people that we are recognizing that people have questions. Part of good government and planning is good process. Perhaps we will need more time in order to have quality discussions. This is our future that we are talking about.

Mayor Holcombe indicated that that is why tonight's meeting was considered a forum where there would be public comment and debate.

Cheryl King stated that she felt that the report is very biased. She also didn't feel that the demographic information was adequate and would provide staff with a list of other data sources.

Alan Gair stated that just because a consultant says Chico will grow does not mean that it will happen. He suggested that the process take on some humility on forecasts. California is full of ghost towns and they were all based on marvelous times, gold fever, etc. However, there are changing demographics; building costs are high; financing is hard to get, and it will be hard to insulate the building community from those impacts. People can't afford the houses that are being built which means that we need to look at fundamental changes.

Mike Trolinder asked for additional information regarding the number of parking spaces needed in the downtown area. He mentioned that the parking charette established one number but how was that taken into account in the downtown element of the proposed General Plan. He also asked if it could be addressed if those parking spots weren't able to be created.

Jason Bougie commented that painting a national level picture will fail the City of Chico. Chico is unique. The idea of smaller units and smaller families is wrong. The land use alternatives should be flexible. He also asked that Table 7 regarding gross and net acres needs additional clarification. It needs to be specific. Gross acreage is the only thing on the maps. He also felt that the City should not ignore citizen's wants and desires which happens to be single family homes. He also felt that it was somewhat contradictory to say that we want to be a sales tax hubb but that due to transportation issues, we want to build things where every body walks.

Bill Brouhard stated that he was offended by Planning Commissioner Minasin's comments regarding the report benefitting only the development and real estate groups. The City's consultant asked for participation from these various groups and he felt that it was insulting to have a commissioner then malign the people who volunteered their time to participate in the process.

Jann Redd was concerned over the name of the consultant which is "Bay Area Economics." She felt that no one wanted the City to become like the Bay Area. She felt that we should be looking at areas that are larger than Chico such as Sacramento, which has focused on infill projects such as lofts. Her other concern is that she has attended one or two of these General Plan meetings and nothing has been discussed about schools and how to incorporate them into the new General Plan. She hopes that a real conversation will take place regarding this issue.

Karen Laslo expressed her concern over the current economic situation where banks are closing and gas and energy costs keep going up. She believes that there is a serious economic problem in the country. She felt that the report was skewed in the favor of developers and real estate people and in fact because of that, hadn't thought she could speak on this subject because she felt the meeting was just centered around them.

Casey Merrill discussed her concerns over transportation issues and patterns. She felt that in order to keep up the quality of living in the urban core, alternative transportation should be considered. She applauded the efforts of the City heading in that direction.

Tom Lando stated that he felt the report did what it was asked to do and the consultant did a good job in terms of providing numbers. The policy will form how it is implemented. He thought it was unfortunate and maybe in the second draft, the observations can be moved to a different section of the report. Obviously there are a series of observations that have to be made. There are also other legal requirements such as the Housing Element that will indicate some numbers that have to be included but that are hard to track. Everybody here wants a livable community. One of the nice things about Chico is that those who build in this community live in the community. He thought that in order to get to a General Plan that we all want, it was going to take a more interactive process and agreed with some of the commission comments and some of the other comments that Council heard. He thought it was very hard to have an interactive work session in this format. He suggested that the GPAC is being under-utilized in terms of sifting through this information and trying to have some of this discussion before it gets to this level.

Kirk Monfort felt that the report was pretty good given what it was supposed to be and he thought Matt Kowta made it very clear on what it was supposed to provide. Information was included that the future was probably not going to be like the past and where it really showed up was in the remarks about the gas stations. Mr. Kowta noted that the energy costs are going up rapidly and that was reflected in the conversation which ended up being one of the reasons that our housing market stays in relatively good shape relative to surrounding communities due to higher commuter costs. It is pretty clear that you can't project us into the future by keeping it the way it currently is in this community. He again stressed that he felt it was a good report.

Alan Gair again addressed Council and expressed concern over the fact that Jason Bougie feels that he knows what people want in this community. No one knows someone's intention until they actually sign on the line for a home. Mr. Gair felt that we should be a bit more modest and a bit more flexible about providing opportunities to people who have not yet gotten together their vast wealth that is required to build a house. The City should do all that it can to help them do this as there is no help from the State.

Jason Bougie addressed the methodology of the rearview mirror discussion. He reminded Council that the current General Plan prescription of single family units needed is divided by the density of 7.

Mayor Holcombe indicated that while that is the current General Plan policy, the report said if those numbers are used in the future it would not produce the homes that we need in the future.

Jason Bougie reiterated that the current General Plan designation for single family dwellings is divided by what we need to get the acreage and it has nothing to do with the rear view mirror approach.

Cheryl King addressed the Council again to express her concern over the short time frame for this process. She also felt that the University should be in the process and conversations should be occurring before decisions are made on the final plan. She also stated that the City of Chico does not have to grow by 2%... that the community gets to make that choice.

Chris Giampoli expressed his support for the report and thought it covered what the people who build, develop and live here need. He wanted to make it clear that the market drives what happens with land use alternatives and the developers will be changing to reflect those needs. We now have solar options for homes and offer it all the time. This was something that never use to be considered. Everything is changing and it is market driven. By not allowing enough land available to grow on, you are going to drive people out to Orland, Gridley and then to Oroville. And, guess what they will do then? They will drive to Chico and for sustainability issues, that is not the right thing to do.



The Joint Session was ended and the next joint session is scheduled for August 5, 2008.



2. **CONSENT AGENDA** – A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to approve the following Consent Agenda items:
 - 2.1. **ORDINANCE NO. 2378 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO INCREASE THE MINIMUM DENSITY IN THE R2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT** - Final Reading and Adoption

Adopted - an ordinance increasing the minimum density in the R2 zoning district from the current 5.5 units per gross acre to 7.01 units per gross acre. The amendment to R2 minimum density has no physical impact on the environment which was not contemplated with the Environmental Impact Report for the 1994 City of Chico General Plan; therefore, no further environmental review is required. The ordinance was introduced by the City Council at a noticed public hearing on 6/17/08. ***The Planning Services Director recommended adoption of the ordinance by reading the title only.***
 - 2.2. **CONFIRMATION OF APPOINTMENT OF FIRE CHIEF**

Confirmed - appointment of James Beery as Fire Chief effective 7/21/08. ***The City Manager recommended confirmation of the appointment.***



The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **ACCEPTANCE OF 2008 LOT CLEARING/WEED ABATEMENT COST REPORT**

At its 4/15/08 meeting, the City Council adopted Resolution No. 32-08 which required the Housing and Neighborhood Services Department to abate those properties not in compliance as of 5/30/08, and to keep an account of the work done by the City contractor to submit to the Council for confirmation. Staff is submitting the cost report for the 2008 Weed Abatement and Lot Clearing program and, if accepted by the Council, the owners of the parcels will be given 30 days to pay for the cost of the abatement or will be subject to a lien placed on their property. **(Report - Scott Armstrong, Code Enforcement Supervisor)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed to further public comment.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to accept the cost report as submitted.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

Councilmember Flynn asked staff if some property owners opt to have the City clear the lots as opposed to themselves hiring someone to do the lot cleaning. If the City's costs to do so are less than what a private service provider would be, she suggested that the City look at the establishment of harsher fines for individuals who do not clear their lots. It was noted by staff that the number of property owners not in compliance has gone down since the costs to have the City clear the property has increased substantially from prior years.

3.2. **HEARING ORDERING ABANDONMENT AND VACATION OF A PORTION OF CHERRY STREET BETWEEN WEST FIRST AND WEST SECOND STREETS - CSU CHICO**

The State of California and The Trustees of the California State University petitioned the City of Chico to abandon a portion of Cherry Street between West First and West Second Streets to allow for future bicycle parking at the CSU Chico Wildcat Activity Center. The abandonment of the portion of public right of way will not result in a loss of parking as the previous unrestricted motorcycle parking will remain adjacent to the proposed bicycle parking. The two displaced vehicle parking spaces will be accomplished by creating two new spaces with the Orange Street improvements. At its meeting of 6/17/08, Council adopted Resolution No. 45-08, stating its intent to abandon the portion of Cherry Street, and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Councilmember Flynn and Vice Mayor Schwab were disqualified due to the involvement of their employer in this matter.

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the abandonment were Charlie Preusser, Nancy Ostrom, Jann Reed, and Michael Reilley. Addressing the Council in support was CSUC representative Glenda Morse.

Councilmember Nickell indicated that he wanted to see a "fair share" agreement prior to approving the abandonment.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to adopt the following resolution which orders the abandonment and directed staff to immediately begin work on the development of a "fair share" agreement between the City and CSUC.

RESOLUTION NO. 55-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (CHERRY STREET BETWEEN WEST FIRST AND WEST SECOND STREETS - CSU CHICO)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Wahl, Holcombe
NOES: Nickell
DISQ: Flynn, Schwab

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE AND STAFF RECOMMENDATIONS ON THE DOWNTOWN ACCESS AND PARKING PLAN AND ADOPTION OF FEE SCHEDULE RESOLUTION**

The Internal Affairs Committee responded to community concerns regarding diagonal parking and privatized parking enforcement for Downtown Chico. In addition, staff has continued its implementation of the Downtown Access and Parking Plan. Council was updated on the Plan's status, requested to affirm certain actions, and requested to adopt a fee schedule resolution increasing parking fines, and penalties for failure to pay fines. **(Report - Tom Varga, Capital Project Services Director)**

Vice-Mayor Schwab was disqualified on this item due to her business interest downtown. Councilmember Wahl was disqualified due to owning property downtown.

Addressing the Council regarding this item were Cheryl King, Charlie Preusser, Russell Mills, Michael Reilley, Katrina Davis Woodcox, Dale Bennett, Michael Worley, Ray Murdoch, and Mike Trolinder. The Council was also provided with written materials from William A. Sheridan, Board Chairperson, ACLU of Northern California Chico Chapter; Russell Mills, Director, Chico Velo Cycling Club; and Alan Chamberlain.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to: (1) accept the following recommendations as amended:

- A. Salem Street between 2nd and 5th Streets with the Class II bike lane to remain as is;
- B. Diagonal parking along the west side of Normal Avenue between 2nd and 5th Streets;
- C. Diagonal parking along the west side of Chestnut Street between 3rd and 5th Streets and keep parking meters for all parking spaces between 3rd and 4th Streets;
- D. Diagonal parking along the east side of Hazel Street between 3rd and 5th Streets with no parking meters; and
- E. Implementation of the Downtown Business Association Report "A Walkable Downtown."

(2) affirm the items listed as "immediate action" in the Decision Matrix attached to the agenda report; (3) develop a traffic model reflecting a functional two lane design package for Broadway and Main Streets which includes the creation of diagonal parking spaces and addresses loading and unloading zones. The traffic model is to be presented to the Internal Affairs Committee in October and brought back immediately to the Council for final action; (4) direct the Engineering Department to work with the Finance Director on the possibility of retiring the bonds and once analyzed, to bring that information back to Council; and (5) adopt the following resolution regarding parking penalties:

RESOLUTION NO. 56-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 313 PENALTIES FOR PARKING VIOLATIONS)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
DISQ: Schwab, Wahl

4.2. **DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 2008**

The League of California Cities requested that the Council designate a voting representative and up to two alternates who will be registered at the League Annual Conference and present at the annual business meeting on Saturday morning, 9/27/08. The conference will be held 9/24/08 through 9/27/08 in Long Beach.

The Council concurred (7-0) that Councilmember Nickell would be the representative and attend if the funding was available and that the Administrative Services Director be designated as an alternate.

4.3. **ACCEPTANCE OF INTERNAL AFFAIRS RECOMMENDATION TO ADOPT AN ORDINANCE AUTHORIZING THE DEFERRAL OF DEVELOPMENT IMPACT FEES FOR A TWO-YEAR PERIOD**

At its 7/08/08 meeting, the Internal Affairs Committee considered a request to temporarily defer certain development impact fees, including Transportation Facility Fees, Park Facility Fees and Building and Equipment Fees, until such time as a temporary certificate of occupancy, a certificate of occupancy, final inspection or one year, whichever comes first, has been issued. **(Report - Fritz McKinley, Building & Development Services Director)**

The Internal Affairs Committee recommended (2-0, Bertagna absent) introductory reading of the following ordinance.

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to introduce the following ordinance by reading of title only:

ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 3.85.135 TO CHAPTER 3.85 AND SECTION 15.36.037 TO CHAPTER 15.36 OF THE OF THE CHICO MUNICIPAL CODE REGARDING THE TEMPORARY DEFERRAL OF DEVELOPMENT IMPACT FEES - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None**

5. **BUSINESS FROM THE FLOOR**

Michael Reilly addressed the Council again about Item 3.2. the Cherry Street abandonment.

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: August 5, 2008

Deborah R. Presson, Agency Secretary

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — July 15, 2008

Minutes

1. **CALL TO ORDER** – Chair Holcombe called the July 15, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.
- 1.1. Roll Call
2. **CONSENT AGENDA**
3. **NOTICED PUBLIC HEARINGS**
4. **REGULAR AGENDA**

To consider Item 4.1., the Chico Redevelopment Agency convened as both the Chico Redevelopment Agency and the City Council.

4.1. **CONSIDERATION OF RESOLUTIONS REGARDING FOGARTY V. CITY OF CHICO LITIGATION**

The following resolutions were presented for adoption to settle the Fogarty v. City of Chico litigation. (**Report - Alicia Rock, Assistant City Attorney/Assistant Agency Counsel**) The Council was provided with written comments from Quentin Colgan and Jack Danielson.

A motion was made by Vice Mayor/Vice Chair Schwab and seconded by Councilmember/Boardmember Flynn to adopt the following resolutions:

RESOLUTION NO. 57-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO (1) APPROVING A SETTLEMENT AGREEMENT IN FOGARTY V. CITY OF CHICO AND APPROPRIATING FUNDS FOR PAYMENT OBLIGATIONS; AND (2) CONSENTING TO THE CHICO REDEVELOPMENT AGENCY APPROPRIATING FUNDS FOR PUBLIC IMPROVEMENTS FOR THE OAK VALLEY SUBDIVISION AND THE ACQUISITION OF LAND - City Council Action

RDA RESOLUTION NO. 08-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY (1) APPROVING A SETTLEMENT AGREEMENT IN FOGARTY ET AL V. CITY OF CHICO; (2) APPROPRIATING FUNDS FOR PUBLIC IMPROVEMENTS FOR THE OAK VALLEY SUBDIVISION; AND (3) APPROVING THE ACQUISITION OF LAND - Redevelopment Agency Action

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSTAIN: Bertagna, Wahl

4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **ADJOURNMENT**

Adjourned at 11:10 p.m. to August 5, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

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Date Approved: August 5, 2008

Deborah R. Presson, Agency Secretary

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING – July 15, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the July 15, 2008 Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 5:30 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

Staff Present: City Manager Burkland, Assistant City Manager Beardsley, City Clerk Presson, Assistant City Attorney Rock, and Mac Goldsberry, Attorney, Interim Human Resources Director Campbell

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER — EXISTING LITIGATION:** The City Attorney and Risk Manager reviewed settlement of the workers compensation claim of Matt Wolfe. (Gov. Code Sec. 54956.9(a).)

- 2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

- 2.3. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Interim Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to Regular Session.

REGULAR CHICO CITY COUNCIL MEETING — August 5, 2008

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the August 5, 2008 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:40 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor David Leeper Moss, Trinity United Methodist Church
- 1.6. Roll Call

City Council

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Planning Commission

Present: Barrett, Brownell, Hayes, Kelley, Merz, Minasian, Luvaas
Absent: None

- 1.7. Closed Session Announcement – None
- 1.8. Proclamation — Proclaiming August 6-9, 2008 as “Hiroshima-Nagasaki Remembrance Day”
- 1.9. Proclamation — Commemorating the signing of the “Memorandum of Understanding” between the City and the Mechoopda Indian Tribe of Chico Rancheria

JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC FORUM

1.9. GENERAL PLAN UPDATE – *Chico 2030 Draft Land Use Alternatives Presentation*

At this meeting, the City Council and Planning Commission met in joint session to discuss key issues regarding the General Plan update and to receive public comment on the discussion of Land Use Alternatives. An overview of three draft Land Use Alternatives and proposed new land use designations was presented. The Land Use Alternatives illustrates different development patterns that were formed by significant community input. The intent was to identify the probable range of choices that have broad community support. Components in the Land Use Alternatives are interchangeable - combinations, modifications, and new options were invited.

No formal action was required at this joint study session with the information provided in preparation for the upcoming action on selection of a preferred Land Use Alternative by the Planning Commission and City Council. (**Report - Holly Keeler, Principal Planner and Pam Johns, PMC - Project Manager**)

The Council recessed for a ten minute break at 7:50 p.m. The meeting was reconvened and all members of both the City Council and Planning Commission were present.

Letters and emails from Alan Gair, Dan Cummings, Bill Webb, Evelyn Liptrap and a General Plan "Constraints Map" were provided to the Council and Planning Commission.

Mayor Holcombe opened the item for public input. Addressing the members of the City Council and Planning Commission were Bob Kromer, Tom Lando, Alan Gair, Hannah Williamson, Cheryl King, Elizabeth Devereaux, Barbara Vlamis, Jason Bougie, Nancy Ostrom, Pete Giampaoli, Chris Giampaoli, Holli Anderson, Richard Harriman, Geoff Lane, Duke Warren, Craig Sanders, Jane Dolan, Grace Marvin, Bill Webb, Bill Brouhard, Jeff Farrar, Lee Callandor, Ken Fleming, Ernie Washington and Mark Stefan.

This item was agendized for an update to the Council and Planning Commission and as a forum for the public to provide input to the governing bodies. No action was required. The Consultants indicated that the comments received at this meeting would be used while preparing the final Land Use Alternatives to be formally presented to the Planning Commission for selection of a preferred land use alternative. Once the Planning Commission has acted, the selection will be presented to the City Council for final approval.

2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the following Consent Agenda items:

2.1. **ORDINANCE NO. 2379 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 3.85.135 TO CHAPTER 3.85 AND SECTION 15.36.037 TO CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE REGARDING THE TEMPORARY DEFERRAL OF DEVELOPMENT IMPACT FEES** - Final Reading and Adoption, by reading of title only.

Adopted - an ordinance to add Sections 3.85.135 and 15.36.037 to the Chico Municipal Code which authorized the temporary deferral of development impact fees, until the issuance of a temporary certificate of occupancy, a certificate of occupancy, final inspection, or one year, whichever comes first and **adopted** - a resolution amending Fee Schedules 50.010, 50.030, 50.040, 50.050 and 50.060 to be consistent with the fee deferral changes set forth in the ordinance. The ordinance was introduced by the Council at its meeting of 7/15/08. ***The Internal Affairs Committee recommended adoption of the ordinance by reading of the title only, the Building & Development Services Director recommended adoption of the resolution.***

RESOLUTION NO. 58-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 314 - TRANSPORTATION FACILITY FEES, PARK FACILITY FEES, BUILDING AND EQUIPMENT FEES, SEWER FEES AND SEWER LIFT STATION CAPACITY FEES)

2.2. **ACCEPTANCE OF ANNUAL REPORT OF LOST, STOLEN OR UNCLAIMED PROPERTY FOR FISCAL YEAR 2007-08**

Accepted - the annual report for Fiscal Year 2007-08 showing the disposition of all lost, stolen or unclaimed property during the preceding fiscal year as required by Section 3.28.130 of the Chico Municipal Code. ***The Finance Director recommended acceptance of the report.***

2.3. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 6/03/08 - as amended , 6/17/08, 7/01/08, and 7/15/08.

4.4 CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION ON THE CITY'S FLAG POLICY - as amended

At its 3/04/08 meeting, the City Council tabled the consideration of the recommendations of the Internal Affairs Committee (3-0) to: (1) maintain the limited public forum that was opened by allowing the City of Flags Committee to fly U.S. flags on City light poles; and (2) approve the terms and conditions to be included in a new flag policy. In addition to the agenda report, the City Council was provided with copies of all correspondence received prior to preparation of this agenda. *(Report - Cindy Pierce, Administrative Services Director)*

Addressing the Council in support of the City taking over the flying of the American Flag were Sally Smith, Terry Horne, Jackie Santos, Ed Regan, Rob Ramay, Robert Roberts, Lloyd Scott, and Lt. Col. Boardman C. Reed. The Council was also provided with letters received from Josephine Roberts, Charlotte Roberts, and Betty Schumaeker.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to accept ownership on behalf of the City of Chico of the 379 U.S. Flags, poles, brackets and associated equipment currently owned by the City of Flags Committee. The Flag Committee will continue to store, replace, maintain and clean the flags for the City. The Committee will also pay for the replacement of the flags, poles and brackets as necessary. The City will install and remove the flags, at no cost to the Committee, for the three times annually agreed upon in December, 2004. The annual schedule includes Memorial Day through Independence Day, Labor Day through the Sept. 11th, and Election Day through Veteran's Day. ~~The flag policy pertaining to the flying of flags other than the American Flag will be addressed at a future meeting.~~

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Schwab, Holcombe
NOES: None

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to allow other organizations to fly their flags at their own costs, based on the number of flags that they choose to fly, with the costs to be determined accordingly to the policy and the fees established by the City which will be prepared for Council approval at a future meeting.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl



The motion to approve the Consent Agenda carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS** – None
4. **REGULAR AGENDA** – None
5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 11:09 p.m. to August 19, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: October 7, 2008

Deborah Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 5, 2008

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the August 5, 2008 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street for Closed Session at 6:00 p.m.

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, Assistant City Manager Beardsley, City Clerk Presson, City Attorney Barker, Interim Human Resources Director Campbell

2. **CLOSED SESSION MATTERS**

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisitions affecting the following:

	<u>Property Owner</u>	<u>Street Address</u>	<u>Assessor's Parcel No.</u>
A.	Sierra Entertainment Group, LLC	2465 Carmichael Drive	005-570-002
B.	McDonald's Corporation	2444 Notre Dame Boulevard	002-190-031
C.	Estate of Margaret Schwab Denton, Diana Schwab Tomseth, and Alan L. Schwab	2420 Notre Dame Boulevard	002-190-037
D.	HLS, a California general partnership	1016 Skyway	002-210-016
E.	Anthony A. Deluca and Heather Deluca	1026 Skyway	002-210-028
F.	Flyers, LLC, a limited liability company	2501 Notre Dame Boulevard	002-210-017
G.	Carwood Skypark LLC	Skyway and Notre Dame Boulevard	002-210-033
H.	Skypark Auto Wash Property, LLC	1020 Skyway	002-210-029

The City's negotiator was City Manager David Burkland and the parties with whom negotiations were proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Gov. Code §54956.8)

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: See above "Announcement of Identification" for a list of property owners or designated negotiator(s)

Staff provided an update on this item. No action was requested.

2.2. **CONFERENCE WITH LABOR NEGOTIATOR** (Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Interim Director of HR

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).

Staff provided an update on this item. No action was requested.

3. **ADJOURNMENT**

Adjourned at 6:35 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 19, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 9
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the August 19, 2008 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Jules Vautrot, Chico Baha'i Community
- 1.6. Roll Call

Present: Bertagna, Gruendl, Nickell, Wahl, Holcombe
Absent: Flynn, Schwab

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the following Consent Agenda items:
 - 2.1. **ADOPTION OF A RESOLUTION AGREEING TO HEAR RESOLUTIONS OF NECESSITY IN CONNECTION WITH PROPERTY ACQUISITIONS - STATE ROUTE 99/SKYWAY INTERCHANGE RECONSTRUCTION PROJECT**

Adopted - a resolution which was required by Caltrans to delegate hearing authority on resolutions of necessity, when required, to the City for acquisition of property which will ultimately become part of the State's highway system in connection with the SHR 99/Skyway Interchange Reconstruction Project. Adoption of this resolution required a 2/3 majority of the Council quorum. ***The Administrative Services Director recommended adoption of the resolution by the required 2/3 majority.***

RESOLUTION NO. 59-08 OF THE COUNCIL OF THE CITY OF CHICO AGREEING TO HEAR RESOLUTIONS OF NECESSITY IN CONNECTION WITH PROPERTY ACQUISITIONS FOR THE STATE ROUTE 99/SKYWAY INTERCHANGE RECONSTRUCTION PROJECT

- 2.2. **APPROVAL OF A MINUTE ORDER - ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (VARIOUS)**

Approved - a minute order authorizing acquisition of right of way easements in connection with the SHR 99/Skyway Interchange Project according to the terms set out in the minute order for the following properties:

1. Flyers, LLC, 2501 Notre Dame Boulevard, APN 002-210-017
2. HLS, a California General Partnership, 1016 Skyway, APN 002-210-016
3. Anthony A. DeLuca, 1026 Skyway, APN 002-210-028

MINUTE ORDER NO. 07-08 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (VARIOUS)



The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF USE PERMIT 08-08 (AGASY), 725 OLEANDER AVENUE**

A public hearing regarding an appeal of the Zoning Administrator's decision to approve Use Permit 08-08 (Agasy) to allow a duplex use on a corner lot, AP No. 003-176-006. Located on the northwest corner of Oleander Avenue at East Frances Willard Avenue, the site is designated Low Density Residential on the General Plan Diagram and zoned R1 Low Density Residential. The site design and architecture was approved by the Architectural Review Board on 6/04/08. The project is categorically exempt pursuant to California Environmental Quality Act Guidelines, Section 15303. **(Report - Mike Sawley, Associate Planner)**

The Planning Services Director recommended the City Council affirm the findings of the Zoning Administrator and deny the appeal, thereby upholding the approval of Use Permit 08-08 (Agasy).

The following ex-parte communication was announced: Councilmember Wahl - Karen Swartz and Karen Zinniel; Councilmember Bertagna - Karen Swartz; Mayor Holcombe - Karen Swartz, Karen Zinniel and a variety of e-mails all of which are a matter of public record; Councilmember Nickell - Ken Fleming, Karen Swartz, Karen Zinniel and the aforementioned e-mails.

The Mayor opened the hearing and the following individuals spoke. Tony Symmes addressed the Council in support of the project. Kasey Merrill, Ken Fleming, Melinda Vasquez, Karen Swartz, Kathryn Specchierle, Michael Shively, Michael Specchierle, Arnette Goodman, Steven Schuman and Tom Beer addressed the Council in support of the appeal. The hearing was closed to further public comment. The Council was also provided with an email received from Steve Stewart and a letter from Karen Zinniel.

A motion was made by Councilmember Bertagna to deny the appeal, affirming the findings of the Zoning Administrator and approving the use permit subject to additional conditions -approving the small balcony as depicted on "Attachment C" and removing the north facing balcony on the rear of the upstairs unit. Councilmember Wahl seconded the motion, proposing the Council hold a public hearing at a future date to review the design guidelines.

The Mayor reopened the public hearing to allow Ken Fleming to provide additional comments in opposition to the project. The Mayor closed the public hearing.

The motion failed by the following vote:

AYES: Bertagna, Wahl
NOES: Gruendl, Nickell, Holcombe
ABSENT: Flynn, Schwab

A motion was made by Councilmember Nickell and seconded by Councilmemeber Gruendl to uphold the appeal due to lack of compatibility of the historical footprint of neighborhood.

The motion failed by the following vote:

AYES: Gruendl, Nickell
NOES: Bertagna, Wahl, Holcombe
ABSENT: Flynn, Schwab

A motion was made by Councilmember Gruendl and seconded by Mayor Holcombe to deny the appeal, approve the use permit and refer the project back to the Architectural Review Board for design and compatibility with the neighborhood.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Holcombe
NOES: Nickell, Wahl
ABSENT: Flynn, Schwab

The Council recessed at 8:10 for a ten minute break. The meeting was reconvened and all members were present except for Councilmember Flynn and Vice-Mayor Schwab who were absent from the meeting.

3.2. HEARING AND INTRODUCTORY READING REGARDING AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE

A proposal to amend Title 19 of the Chico Municipal Code to: (1) bring the Code into conformance with changes in state and federal law; (2) resolve minor inconsistencies in the Code; (3) codify interpretations made by the Planning Services Director; (4) clarify terms and definitions; (5) correct typographic errors; (6) remove code sections which have been repealed by sunset clauses; and (7) make other minor changes. No major policy modifications are proposed. The Planning Commission considered the proposed amendments at a noticed public hearing on 5/01/08, and recommended City Council approval of the amendments. This project was determined to be exempt from the California Environmental Quality Act, pursuant to Section 15061(b)(3). (**Report - Greg Redeker, Associate Planner**)

The Planning Services Director recommended that the City Council approve the proposed amendments and introduce the ordinance by reading of the title only.

The Mayor opened the public hearing. No one spoke and the hearing was closed. The Council was also provided with copies of letters received from Augie's Fine Coffee & Tea, Chico Paper Company and The Gifted Garden.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to introduce the following ordinance by reading of the title only and asked that the issue of portable signs be put on a future work plan for the Planning Services Department.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT - Introductory Reading

The motion carried by the following vote:

Ayes: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

3.3. HEARING AND INTRODUCTORY READING REGARDING AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE

A proposal to amend Title 19 of the Chico Municipal Code in order to: (1) clarify the intent of the Planned Development Overlay Zoning District and Standards; (2) eliminate inconsistencies in the Code's treatment of Planned Development zoning and standards; and (3) clarify application requirements for Planned Development proposals involving single family homes. This project was determined to be exempt from the California Environmental Quality Act, pursuant to Section 15061(b)(3). (**Report - Mark Wolfe, Principal Planner**)

The Planning Services Director recommended that the City Council approve the proposed amendments and introduce the ordinance by reading of the title only.

The Mayor opened the public hearing. No one spoke and the hearing was closed.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to introduce the ordinance by reading of the title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO THE PLANNED DEVELOPMENT OVERLAY DISTRICT AND PLANNED DEVELOPMENT PERMITS - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

3.4. **HEARING REGARDING GENERAL PLAN AMENDMENT/SPECIFIC PLAN AMENDMENT/REZONE (DISCOVERY BUILDERS) - NORTH SIDE OF NORD HIGHWAY, EAST OF MUD CREEK**

A public hearing and introductory reading of an ordinance on APN 006-170-034 to: (1) change the General Plan Land Use Designation from Low Density Residential to Medium Density Residential; (2) change the Northwest Chico Specific Plan designation from Single Family Residential to Multi-Family Residential; and (3) rezone the site from R1 Low Density Residential to R2 Medium Density Residential.

The Planning Commission held a public hearing on 6/19/08 and recommended City Council approval of the plan amendments and rezone. The project will not result in any new significant impacts that were not previously evaluated in the Northwest Chico Specific Plan Environmental Impact Report (EIR), certified by the City Council during the approval process for the Northwest Chico Specific Plan. Pursuant to Public Resources Code Section 21166, no additional environmental review was necessary because the project falls within the scope of the adopted EIR. Copies of the EIR were available for public review in the Planning Services office. **(Report - Mike Sawley, Associate Planner)**

The Planning Services Director recommended introduction of the rezone ordinance by reading of the title only and adoption of the resolution approving the General Plan Amendment and Specific Plan Amendment (Discovery Builders).

The Mayor opened the public hearing. Addressing the Council in support of the project was Jim Mann. Addressing the Council in opposition to the project was Ken Fleming. The hearing was closed to further public comment.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to introduce the ordinance by reading of the title only and to adopt the following resolution.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 006-170-034 FROM R1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL REZONE 08-01 (DISCOVERY BUILDERS) - Introductory Reading

RESOLUTION NO. 60-08 OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT AND NORTHWEST CHICO SPECIFIC PLAN AMENDMENT 08-01 (DISCOVERY BUILDERS)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

3.5. **HEARING REGARDING REZONE AND AMENDMENT TO THE NORTHWEST CHICO SPECIFIC PLAN - DEGARMO TERRACE, NORTHWEST CORNER OF ESPLANADE AND DEGARMO DRIVE**

A public hearing on a proposal to subdivide a vacant 6.13 acre site into 41 attached single family residential lots, 5 commercial lots, and 2 common area lots for parking and common use area. The site was designated Medium-High Density and Mixed- Use Neighborhood Core and is located within the R-3 Medium-High Density Residential and Neighborhood Commercial zoning districts. The site was also designated Multi-family Residential and Mixed-Use Commercial within the Northwest Chico Specific Plan. The proposal included rezoning the site with a Neighborhood Commercial Planned Development overlay zone as well as a Specific Plan Amendment to the Northwest Chico Specific Plan to allow horizontal vs. vertical mix of use commercial and residential uses. The project received a positive recommendation from the Architectural Review Board at its meeting of 12/05/07 and was considered by the Planning Commission at its meeting of 6/19/08. The Commission voted (5-1, Barrett opposed, Hayes absent) not to amend the language in the NWCSP. The project will not result in any new significant impacts that were not previously evaluated in the Northwest Chico Specific Plan Environmental Impact Report (EIR), certified by the City Council during the approval process for the Northwest Chico Specific Plan. Pursuant to Public Resources Code Section 21166, no additional environmental review was necessary because the project falls within the scope of the adopted EIR. **(Report - Zach Thomas, Senior Planner)**

The Planning Services Director recommended introduction of the rezone ordinance by reading of the title only and adoption of the resolution approving an amendment to the Specific Plan and Tentative Subdivision Map and Planned Development Permit 07-11.

The Mayor opened the public hearing. Addressing the Council in support of the project were Jim Mann, Greg Peitz and Brian Firth. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to introduce the ordinance by reading of the title only and to adopt the following resolution.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 006-690-013, 006-690-049, AND 006-690-050 FROM R3 MEDIUM-HIGH DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO CN-PD NEIGHBORHOOD COMMERCIAL PLANNED DEVELOPMENT OVERLAY ZONE - REZONE 08-02 (DEGARMO TERRACE) - Introductory Reading

RESOLUTION NO. 61-08 OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AN AMENDMENT TO THE NORTHWEST CHICO SPECIFIC PLAN 08-02 AND TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT 07-11 (DEGARMO TERRACE) - as amended

City Attorney Barker recommended the motion be amended to include the following language in paragraph D-1 of the resolution to read: "the City Council hereby amends the Northwest Chico Specific Plan on pages 39 and 52 to apply the requirement for vertical mixed use only on the property depicted in figure 4.2 which is south of Center Street."

The amendment was accepted.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

The Council recessed at 9:25 p.m. for a five minute break. The meeting was reconvened

and all members were present except for Councilmember Flynn and Vice-Mayor Schwab who were absent from the meeting.

4. **REGULAR AGENDA**

4.1. **INTRODUCTION OF AN ORDINANCE AND ADOPTION OF A RESOLUTION THAT AMENDS THE STORM WATER DISCHARGE REQUIREMENTS, DESIGN STANDARDS AND CRITERIA** – This item was removed from the agenda by staff and tabled to a future meeting.

4.2. **CONSIDERATION OF ADMINISTRATIVE PROCEDURE AND POLICY NO. 60-19 RELATED TO DISPLAYING FLAGS ON CITY LIGHT POLES AND ADOPTION OF FEE SCHEDULE NO. 60.190 ESTABLISHING ASSOCIATED PERMIT FEES**

Consideration of Administrative Procedure and Policy (AP&P) No. 60-19, entitled "Flag Installation Encroachment Permit," which established an encroachment permit process for the display of flags on City-owned light poles by individuals, groups, and organizations. The Council was asked to consider adoption of a resolution adding Fee Schedule No. 60.190 to the City's Fee Schedule to establish permit application fees. **(Report - Cindy Pierce, Administrative Services Director)**

The Administrative Services Director recommended approval of the AP&P and adoption of the resolution.

Administrative Services Director Pierce indicated that AP&P 60-19 would be reviewed by the Internal Affairs Committee after one year to see if the public forum should remain open

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve AP&P 60-19 and to adopt the following resolution.

RESOLUTION NO. 62-08 OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 315 - FLAG INSTALLATION ENCROACHMENT PERMIT FEES)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Schwab

4.3. **CONSIDERATION OF REQUEST FROM "CHICO IMPEACH TEAM"**

At its meeting of 7/01/08 the Council voted (5-2, Bertagna and Wahl opposed) to agendize a request from Marla Crites, Project Leader, of "Chico Impeach Team" to be placed on the Council agenda in order to present a resolution in support of impeachment of the President and Vice-President.

Bill Donnelly gave a power point presentation on behalf of the Chico Impeach Team and provided multiple petitions to impeach the president for the record.

Addressing the Council in opposition to this item were Cynthia VanAuken, Rob Ramay and Erny Spears.

Addressing the Council in support of this item were Paul O'Rourke-Babb, Charles Withuhn, Greg Hubbell, Tom Blodget, Marla Crites, Todd Harris, I. Sonnett Stern, Anne Blake, Mimi Riley, Michael Pike, Chris Nelson, Donna Cook, Rob Hanford, Catherine Webster, Jennifer Geerlings, Ann Ashley, Jessica Allen, Sue Hilderbrand and Rob Montgomery. Andrea Bowman, Robert Bowman and Susan Sullivan played an audio tape in lieu of speaking. The Council was also provided with letters received from Sharon Cardenas, Rich Drouillard and Sally Jo Smith.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to not approve or support the resolution to impeach the President and Vice-President.

The motion carried by the following vote:

AYES: Bertagna, Nickell, Wahl, Holcombe
NOES: Gruendl
ABSENT: Flynn, Schwab

4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

Paul O'Rourke-Babb asked that Councilmember Bertagna publicly address his reasons for not supporting the impeachment. Councilmember Bertagna, responded that this item was not within the City's jurisdiction, and has nothing to do with the City. The Council is elected to take care of the City's business and Councilmember Bertagna added that he felt this has been an incredible waste of City time.

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: October 7, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — August 19, 2008
Minutes

1. **CALL TO ORDER** – Chair Holcombe called the August 19, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Gruendl, Nickell, Wahl, Holcombe
Absent: Flynn, Schwab

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

- 4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **REPORTS AND COMMUNICATIONS**

The following reports and communication item was provided for the Council's information. No action was taken.

- 5.1. Letter dated 7/08/08 from Robert W. MacKenzie, attorney for Susan Hearne, which requested the Agency consider changes to the Bidwell Park Apartments project. ***Due to the status of this project, the Agency Secretary recommended no action be taken on this item.***

Chair Holcombe disqualified himself on this item due to his representing some of the clients from this area.

A motion was made by Boardmember Gruendl and seconded by Boardmember Bertagna that no action be taken on the item due to the status of the project.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell
NOES: Wahl
DISQ: Holcombe
ABSENT: Flynn, Schwab

6. **ADJOURNMENT**

Adjourned at 11:05 p.m. to September 2, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: October 7, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the August 19, 2008 Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Gruendl, Nickell, Wahl, Holcombe

Absent: Flynn, Schwab

Staff Members: City Manager Burkland, Interim Human Resources Director Campbell, Fire Chief Beery

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Interim Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — September 2, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 9
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the September 2, 2008 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Reg Schultz-Akerson, Faith Lutheran Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
Absent: Wahl

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – Items 2.1. and 2.3. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the remaining Consent Agenda items:
 - 2.1. **ADOPTION OF RESOLUTION AMENDING SECTION 90.010 OF THE CITY'S FEE SCHEDULE "AIRPORT FEES"** – This item was removed from the Consent Agenda for further discussion.
 - 2.2. **MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY**

Approved - a minute order authorizing acquisition of a right of way easement from Susan A. Darrough, 775 El Monte, in connection with the East 8th Street Reconstruction Project according to the negotiated terms set out in the minute order. ***The Administrative Services Director recommended approval of the minute order.***

MINUTE ORDER 08-08 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE EAST 8TH STREET RECONSTRUCTION PROJECT - DARROUGH - APN 002-050-164

- 2.3. **CONFIRMATION OF APPOINTMENT OF HUMAN RESOURCES AND RISK MANAGEMENT DIRECTOR** – This item was removed from the Consent Agenda for further discussion.

The motion to approve the Consent Agenda, with Items 2.1. and 2.3. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

ITEMS REMOVED FROM CONSENT

2.1. **ADOPTION OF RESOLUTION AMENDING SECTION 90.010 OF THE CITY'S FEE SCHEDULE "AIRPORT FEES"**

Adopted - a resolution amending Section 90.010 of the City of Chico Fee Schedule. At its meetings of 4/29/08 and 7/29/08, the Airport Commission considered adoption of a resolution amending the airport fee schedule. ***The Airport Commission and the City Manager recommended adoption of the resolution.***

The Council was also provided with a finalized copy of Exhibit "A" to Fee Schedule Resolution

This item was removed from the Consent Agenda at the request of Councilmember Gruendl in order to get clarification on the lease information.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the resolution.

RESOLUTION NO. 63-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 316 - AIRPORT FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

2.3. **CONFIRMATION OF APPOINTMENT OF HUMAN RESOURCES AND RISK MANAGEMENT DIRECTOR**

Confirmed - appointment of Teresa Campbell as Human Resources and Risk Management Director effective 09/03/08. ***The City Manager recommended confirmation of the appointment.***

This item was removed from the Consent Agenda at the request of Councilmember Bertagna in order to acknowledge the appointment of Teresa Campbell as the Human Resources and Risk Management Director.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to confirm the appointment.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON APPEAL OF THE AIRPORT COMMISSION'S RECOMMENDATION TO ALLOW THE OPERATION OF A SECOND GENERAL AERONAUTICAL OPERATOR AT CHICO MUNICIPAL AIRPORT**

At its 7/29/08 meeting, the Airport Commission recommended (3-1) approval of a proposal from Danford A. Jay to allow a second General Aeronautical Operator (Fixed Base Operator - FBO) to provide aviation and fueling services at Chico Municipal Airport (CMA). An appeal was filed on 7/30/08 by Chris and Maria Rock, owners of Northgate Aviation, the existing FBO at CMA. The appellants claim that the Commission's recommendation was made contrary to the staff report and recommendation of the City Manager which noted that a second FBO would have a devastating effect on Northgate Aviation. ***(Report - David Burkland, City Manager)***

The City Manager recommended the City Council uphold the appeal thereby denying the recommendation of the Airport Commission. The Council was provided with a copy of a fax received from Maria Rock, Northgate Aviation, Inc.

Announcement of Ex-Parte Communications

Councilmember Bertagna spoke with Maria Rock and Dan Jay.

Councilmember Gruendl spoke with Dan Jay, Maria Rock and Mike Moran.

Vice Mayor Schwab spoke with Gayle Womack, Maria Rock, and Dan Jay.

Mayor Holcombe spoke with Dan Jay and Maria Rock.

Councilmember Flynn spoke with Dan Jay and Maria Rock.

Councilmember Nickell spoke with Mike Moran, Dan Jay, and Maria Rock.

Mayor Holcombe opened the hearing to the public.

Addressing the Council in support of the appeal to overturn the Airport Commission's decision were Maria Rock, Chris Rock, Steve Larson, and Anna Rock.

Addressing the Council in opposition to the appeal were Mike Moran, Dan Jay, Floyd Sanderson, and Gayle Womack.

The hearing was closed to further public comment.

Councilmember Bertagna asked that the Council be provided with a copy of Dan Jay's agreement.

Councilmember Gruendl asked that the Council discuss at a future date the lease of that building and whether the City should own this facility.

A motion was made by Councilmember Nickell and seconded by Councilmember Flynn to uphold the appeal and deny the Airport Commission's decision to allow for a second FBO at the Chico Municipal Airport.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

3.2. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDING FOR 2008-09

The State of California appropriated funds for the Citizens Option for Public Safety (COPS) program for the twelfth consecutive year. The State Legislature approved continued funding for this program for the 2008-09 fiscal year and this hearing was required by State law prior to receiving COPS funds. Funds to cover the cost for one police officer position were included in the City of Chico 2008-09 Final Budget, subject to this hearing. ***(Report - Mike Maloney, Police Captain)***

The Chief of Police recommended approval of the proposed use of the COPS program grant funds for the 2008-09 fiscal year.

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the proposed use of the COPS program grant funds for the 2008-09 fiscal year.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

The Council recessed at 8:15 p.m. for a fifteen minute break.
The meeting reconvened and all members except Mayor Holcombe were present.

3.3. **INTRODUCTION OF AN ORDINANCE, APPROVAL OF A MINUTE ORDER AND ADOPTION OF A RESOLUTION WHICH WILL ALLOW ADVERTISING ON DESIGNATED BUS SHELTERS, TRANSFER OF OWNERSHIP OF BUS SHELTERS/BENCHES AND MAINTENANCE OF THE TRANSIT CENTER TO BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG)**

At its 5/20/08 meeting, the Council considered a recommendation of the Internal Affairs Committee regarding a request from BCAG to allow advertising on city-owned bus shelters. At this meeting the Council considered: (1) an ordinance to amend Title 19 of the CMC to allow advertising signs on benches and shelters at designated public transit locations; (2) a minute order to transfer ownership of the existing bus shelters, signs and benches to BCAG, and for BCAG to assume responsibility for the maintenance of the new Transit Center; and (3) a resolution amending the CMC authorizing the City Manager to execute agreements with BCAG to allow installation and maintenance of new bus shelters, signs and benches. **(Report - Greg Redeker, Associate Planner and Linda Herman, Management Analyst)**

The Planning Services Director and City Attorney recommended: (1) introduction of the following ordinance by reading of the title only; (2) adoption of the following resolution; and (3) approval of the following minute order. The Council was provided with a copy of a fax received from Butte Environmental Council.

Mayor Holcombe disqualified himself on this item due the location of a bus stop within 500 feet of his residence.

Vice Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Flynn and seconded by Councilmember Gruendl to: (1) introduce the following ordinance by reading of title only; (2) approve the minute order authorizing the City Manager to execute a transfer of ownership agreement; (3) adopt the resolution adding Section 2R.04.405 to the Chico Municipal Code; and (4) direct staff to bring back the specifics on placement and size of signs prior to the agreement being signed by the City Manager.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO PROHIBITED SIGNS - Introductory Reading by reading of title only

MINUTE ORDER NO. 09-08 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO TRANSFER OWNERSHIP OF THE CITY BUS STOP SHELTERS, SIGNS AND BENCHES, AND THE MAINTENANCE OF THE TRANSIT CENTER TO BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

RESOLUTION NO. 64-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.405 TO THE CHICO MUNICIPAL CODE

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab
NOES: Bertagna
DISQ: Holcombe
ABSENT: Wahl

4. **REGULAR AGENDA**

4.1. **UPDATE ON THE SUSTAINABILITY TASK FORCE WORK PLAN AND CONSIDERATION OF GREENHOUSE GAS EMISSIONS INVENTORY AND EMISSIONS REDUCTION TARGET**

As part of its mission and annual Work Plan, the Sustainability Task Force forwarded an inventory of greenhouse gas (GHG) emissions generated from the City of Chico and within the community, and is recommending establishing a GHG emissions reduction target of 25% from 2005 emission levels by 2020. With approval of the plan, the Task Force will begin developing a strategy to prepare a Climate Action Plan (CAP) outlining potential actions needed to achieve the reduction goal. **(Report - Ann Schwab, Task Force Chair and Linda Herman, Management Analyst)**

Councilmember Flynn suggested that staff investigate agencies who specialize in grant writing in order to pursue the funding sources available to aide in the reduction of greenhouse gas emissions.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to:

1. Accept the Community and Municipal Greenhouse Gas (GHG) and Criteria Air Pollutant Emissions Inventory;
2. Approve a GHG emissions reduction goal and target of a 25% reduction from 2005 emission levels by 2020;
3. Direct the Sustainability Task Force to investigate funding sources, including applying for grants, to secure funding for the preparation of the Climate Action Plan; and
4. Consider including the 25% GHG emissions reduction goal and pertinent reduction measures to be identified in a Climate Action Plan (CAP) into the 2030 General Plan policies and mitigation measures.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

4.2. **REVIEW AND CONSIDERATION OF A REQUEST TO ALLOW PARAGLIDING IN BIDWELL PARK**

On 4/28/08, the Bidwell Park and Playground Commission (BPPC) reviewed and supported (5-2, Ober and Emmerich opposed) a proposal from Bidwell Park Fliers Club to allow paragliding in Upper Bidwell Park pending environmental review and approval by the City Council. The proposal was to allow individuals to hike to three-designated take off locations, spread the fabric wings, launch, and, if desired, land at two designated sites in Upper Bidwell Park. The proponent paid for a protocol-level botanical survey of the launching and landing areas, and is prepared to pay the necessary costs and fees to

complete the environmental review for the proposal. **(Report - Dennis Beardsley, Interim Assistant City Manager)**

The Council was provided with copies of emails and letters from Simon Waddington, Jack Brown, Tom Moock, President, Bay Area Paragliding Association and Josephine Guardino.

Addressing the Council in support of the conceptual approval were John Stallman, Will Brown, Kurt Jorgensen and Martin Rolan,

Grace Marvin spoke in concern for the Upper Park being maintained in its current state.

A motion was made by Councilmember Flynn and seconded by Councilmember Bertagna conceptually support the proposal allowing paragliding in Upper Bidwell Park for a one year trial period from the date of final approval, pending completion of the environmental review and staff's preparation of the rules and regulations for such use.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

4.3. **INTRODUCTION OF AN ORDINANCE AND ADOPTION OF A RESOLUTION THAT AMENDS THE STORM WATER DISCHARGE REQUIREMENTS, DESIGN STANDARDS AND CRITERIA**

In 2003, the State of California required that the City of Chico develop a Storm Water Management Program (SWMP) to comply with the State's National Pollutant Discharge Elimination System (NPDES) Permit. As part of the NPDES Permit, the State required the City to implement design standards. An ordinance and resolution have been developed for implementation into the Chico Municipal Code (CMC) to address new storm water discharge requirements and design standards as mandated by the State of California. **(Report - Fritz McKinley, Building & Development Services Director)**

A motion was made of Vice Mayor Schwab and seconded by Councilmember Nickell to introduce the following ordinance by reading of the title only and adoption of the following resolution.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 15.50 ENTITLED "STORM WATER MANAGEMENT AND DISCHARGE CONTROLS" TO THE CHICO MUNICIPAL CODE - Introductory Reading

RESOLUTION NO. 65-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION AND AMENDING SECTION 18R.08.050 OF THE CHICO MUNICIPAL CODE REGARDING STORM DRAINAGE DESIGN CRITERIA

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

4.4. **CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDED REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-2 (ROOM RESERVATIONS)**

At its meeting of 7/1/08, the City Council asked the Internal Affairs Committee to reconsider its 6/10/08 recommendations pertaining to the room reservation policy in order to look for ways to make the facilities accessible to outside community groups, while still considering the security and potential liability issues of allowing the use of the City Municipal Building facilities. In response to the Council's request, at its meeting of 8/12/08, the Committee discussed various methods of securing the building and developed recommendations for Council's consideration. **(Report - Deborah Presson, City Clerk)**

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Internal Affairs Committee recommendations:

1. Approval of the revised AP&P 10-2, which includes the recommended changes as reflected in the staff report as follows:
 - A. Security Issues – The Committee recommends that Conference Room No. 2 be made available for use by outside groups regardless if they are a nonprofit, community group, or private entity. Access to the facilities would be limited to the East doors with the front doors remaining locked at all times. This security measure is supported by both the Committee and staff which, if implemented, would aid in limiting people from wandering into the building who are not there to attend a meeting. Insurance requirements would not be required of these groups for this limited use.
 - B. Governmental Agencies would continue to have access to the Council Chamber and Conference Room No.'s 1 and 2, when available and would abide by all rules established by AP&P 10-2, including providing proof of liability insurance. In regards to a parking availability request by BCAG, the Committee recommends that the City continue to use the policy currently in place for BCAG and Butte County Air Quality Management District for use of the employee and visitor parking spaces and that no special allowance be made for on-street parking.
 - C. Limit room availability to Monday through Thursday, 6:00 p.m. – 10:00 p.m., with no weekend usage allowed.
 - D. All agencies, including Governmental, community groups, non profits, or private groups, would be responsible for payment of all associated fees pertaining to the use of the facility; including but not limited to: overtime usage, overtime janitorial costs, and any damages that may occur to City owned property while the meeting is being held.
 - E. Reservations shall be made a minimum of two weeks in advance, with all fees to be submitted at that time in order to receive confirmation of the use, and requires the completion of a Room Reservation Form signed by an official representative of the organization.
 - F. Councilmembers may use the rooms when needed in order to carry out their elected duties. All requests will be submitted according to the procedure as outlined in the policy. Should a Councilmember wish to allow an outside community group to have access to a room, the following rules would apply:
 - 1) Councilmember would be responsible for opening and closing the room;
 - 2) The requesting Councilmember must be in attendance at the meeting; and
 - 3) The community group or organization is still responsible for all applicable fees.
 - G. If the policy is approved, the City Clerk would provide a 60-day notice to all organizations which will include information regarding other conference room options available to community groups within the City of Chico. Minute Orders, reflecting the approved changes will be brought back for Council approval for authorization of the specialized use of the Council Chamber and conference rooms by the Chico Unified School District, BCAG, and the Butte County Air Quality Management District for their monthly board meetings.
2. Adoption of the resolution amending the fee schedule (Municipal Center Use Fees):

RESOLUTION NO. 66-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 312 CHICO MUNICIPAL CENTER USE FEES); which increases the current fee from \$12.93 to \$26.00 per hour, with a one hour minimum for room set up and tear down. Equipment usage fees are also included in the proposed fee schedule in order to cover the costs associated with the set up and use of the City's equipment.
3. Direct the City Clerk to provide a 60-day notice to all organizations regarding the changes to the process as outlined in the staff report.

The motion to approve the changes to AP&P 10-2, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

4.5. **CONSIDERATION OF A RESOLUTION TO INITIATE PROCEEDINGS FOR THE FORMATION OF THE NOB HILL NEIGHBORHOOD PARK LANDSCAPE AND LIGHTING DISTRICT NO. LLD 001-08**

Neighbors had requested that the City install a playground and other improvements in the existing Nob Hill/Husa Ranch Neighborhood Park. To fund the development and maintenance of these new enhancements, which were estimated to cost \$145,000, staff was requesting approval to prepare an engineer's report that would present these costs to the affected property owners, and to initiate proceedings to form a Landscape and Lighting District (LLD). Staff also requested Council approval to allocate \$70,000 to fund a portion of the playground construction costs. **(Report - Dennis Beardsley, Interim Assistant City Manager)**

Addressing in support of this item were Jeannie Michaud and Matt Meuter.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to adopt the following resolution and direct staff to prepare a confirming supplemental appropriation to be processed following this meeting in order to add these funds and project to the City of Chico 2008-09 budget.

RESOLUTION NO. 67-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS FOR THE FORMATION OF THE NOB HILL NEIGHBORHOOD PARK LANDSCAPE AND LIGHTING DISTRICT NO. LLD 001-08; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008/2009

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
ABSENT: Wahl

4.6. **FUTURE MEETINGS**

Due to the election, the Council set the November 4, 2008, City Council meeting to begin at 5:30 p.m.

4.7. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

Lynn Haskell and Evan LaVang addressed the Council regarding the impact on health programs due to the delay by the State to approve a final budget.

6. **ADJOURNMENT**

Adjourned at 10:43 p.m. to September 16, 2008 at 5:30 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: October 7, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the September 2, 2008 – Adjourned Regular City Council Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

Absent: Wahl

2. **CLOSED SESSION MATTERS**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Interim Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:27 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 16, 2008
Minutes

- 1.1. **CLOSED SESSION** - 5:30 p.m. - see page 8
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the September 16, 2008 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Scott Dowell, Sonrise Christian Center
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.7. Closed Session Announcement – None
- 1.8. Presentation — Certificate of Appreciation for Mike Weber, retiring Police Lieutenant, for 32 years of City service.
- 1.9. Proclamation — Proclaiming September 17th - 23rd as Constitution Week
2. **CONSENT AGENDA** – Items 2.5. and 2.8. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:
 - 2.1. **ORDINANCE NO. 2380 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 006-170-034 FROM R1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL REZONE 08-01 (DISCOVERY BUILDERS)** - Final Reading and Adoption

Adopted - an ordinance to rezone a 12.6 acre site in northwest Chico, APN 006-170-034, from R1 Low Density Residential to R2 Medium Density Residential. The rezone falls within the scope of the Northwest Chico Specific Plan Environmental Impact Report (EIR), certified by the City Council during the approval process for the Northwest Chico Specific Plan and no additional environmental review is necessary. The ordinance was introduced by the Council at a noticed public hearing on 8/19/08. ***The Planning Services Director recommended adoption of the ordinance by reading the title only.***
 - 2.2. **ORDINANCE NO. 2381 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT** - Final Reading and Adoption

Adopted - an ordinance which would amend Title 19 of the Chico Municipal Code to: (1) bring the Code into conformance with changes in state and federal law; (2) resolve minor inconsistencies in the Code; (3) codify interpretations made by the Planning Services Director; (4) clarify terms and definitions; (5) correct typographic errors; (6) remove code sections which have been repealed by sunset clauses; and (7) make other minor changes. The ordinance was introduced by the Council at a noticed public hearing on 8/19/08. ***The Planning Services Director recommended adoption of the ordinance by reading of the title only.***

- 2.3. **ORDINANCE NO. 2382 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO THE PLANNED DEVELOPMENT OVERLAY DISTRICT AND PLANNED DEVELOPMENT PERMITS** - Final Reading and Adoption

Adopted - an ordinance amending Title 19 of the Chico Municipal Code in order to clarify the intent of the Planned Development Overlay Zoning District and Standards, eliminate inconsistencies in the Code's treatment of Planned Development zoning and standards, and clarify application requirements for Planned Development proposals involving single family homes. This ordinance was introduced by the Council at its meeting of 8/19/08. *The Planning Services Director recommended adoption of the ordinance by reading of the title only.*

- 2.4. **ORDINANCE NO. 2383 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 006-690-013, 006-690-049 AND 006-690-050 FROM R3 MEDIUM-HIGH DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO CN-PD NEIGHBORHOOD COMMERCIAL-PLANNED DEVELOPMENT OVERLAY ZONE - REZONE 08-02 (DEGARMO TERRACE)** - Final Reading and Adoption

Adopted - an ordinance to rezone a 6.13 acre site in northwest Chico from R3 Medium-High Density Residential and Neighborhood Commercial to CN-PD Neighborhood Commercial - Planned Development Overlay Zone. The project will not result in any new significant impacts that were not previously evaluated in the Northwest Chico Specific Plan Environmental Impact Report (EIR), certified by the Council during the approval process for the Northwest Chico Specific Plan. The ordinance was introduced by the Council at a noticed public hearing on 8/19/08. *The Planning Services Director recommended adoption of the ordinance by reading of the title only.*

- 2.5. **RESOLUTION ADDING SECTION 2R.04.305 - “CITY MANAGER AUTHORIZED TO EXECUTE AGREEMENTS WITH PUBLIC AGENCIES”** - *This item was removed from the Consent Agenda for further discussion.*

- 2.6. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT IN CONNECTION WITH THE ACQUISITION OF PROPERTY (VARIOUS)**

Approved - a minute order authorizing acquisition of right of way easements in connection with the SHR 99/Skyway Interchange Project according to the negotiated terms set out in the minute order for the following properties. *The Administrative Services Director recommended approval of the minute order.*

1. Estate of Margaret Schwab Denton, et al, 2420 Notre Dame Boulevard, APN 002-190-037
2. Carwood Skypark, et al, 2485 Notre Dame Boulevard, APN 002-210-033

MINUTE ORDER NO. 10-08 – MINUTE ORDER AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (VARIOUS)

- 2.7. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) FOR USE OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) HOME FUNDS**

Approved - a minute order authorizing execution of a Reservation Agreement with CHIP to use HOME CHDO funds. The agreement will set aside \$734,602 to be used for the development of affordable housing. *The Housing and Neighborhood Services Director recommended approval of the minute order.*

MINUTE ORDER NO. 11-08 – MINUTE ORDER AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A RESERVATION AGREEMENT FOR USE OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) HOME FUNDS WITH COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP)

- 2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 07-08 16 / RDA NO. 07-08 09 AND NO. 08-09 06** – *This item was removed from the Consent Agenda for further discussion.*
- 2.9. **ACCEPTANCE OF THE 2007/2008 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT**

Accepted - the 2007/08 Consolidated Annual Performance Evaluation Report (CAPER). In order for the City to receive federal funding for the Community Development Block Grant (CDBG) program and the Home Investment Partnerships Program (HOME), the U.S. Department of Housing and Urban Development (HUD) required that a CAPER regarding use of these funds be prepared, made available for public comment, and received and accepted by the City Council. ***The Housing & Neighborhood Services Director recommended that the Council receive and accept the 2007/08 CAPER for the CDBG and HOME Program, and authorize staff to submit the final CAPER to the U.S. Department of HUD.***

The motion to approve the Consent Agenda, with Items 2.5. and 2.8. removed for further clarification, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

- 2.5. **RESOLUTION ADDING SECTION 2R.04.305 - "CITY MANAGER AUTHORIZED TO EXECUTE AGREEMENTS WITH PUBLIC AGENCIES"**

Adopted - a resolution authorizing the City Manager to execute agreements in a standard form approved by the City Attorney with public agencies for extra-jurisdictional law enforcement services. Should such an agreement have a fiscal impact on the City beyond funds budgeted, the City Manager would be required to secure City Council approval. ***The Chief of Police recommended adoption of the resolution.***

This item was removed from the Consent Agenda at the request of Councilmember Nickell for clarification regarding the type of agreements being discussed in this resolution. The City Attorney and Police Chief provided clarification.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 68-08 – RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.305 ENTITLED "CITY MANAGER AUTHORIZED TO EXECUTE AGREEMENTS WITH PUBLIC AGENCIES FOR EXTRA-JURISDICTIONAL LAW ENFORCEMENT SERVICES"

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

- 2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 07-08 16 / RDA NO. 07-08 09 AND NO. 08-09 06** – *To consider Item 2.8., the City Council convened as both the City Council and the Chico Redevelopment Agency.*

Approved - Supplemental Appropriation No. 07-08 16/RDA No. 07-08 09 for Capital Project 17007 - Police Facility and Project 12056 - Eaton Road Extension to provide adequate funding for costs incurred during FY07-08. The supplemental appropriation will allocate \$175,000 from the Street Facility Fund (308) and \$250,000 from the 2005 Tax Allocation Bonds Fund (357). (*City Council and Redevelopment Agency Action*)

Approved - Supplemental Appropriation No. 08-09 06 for Capital Project 12077 - Historic Rehabilitation Loan Program to provide loan proceeds to the 1078 Gallery for the rehabilitation of their facility. This supplemental appropriation allocates \$2,141 from the Historic Rehabilitation Loan Program funded by the Fleet Replacement Fund (932). (*City Council Action*)

This item was removed from the Consent Agenda at the request of Councilmember Nickell for clarification.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to approve the supplemental appropriations.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

- 4.1. **CONSIDERATION OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATION REGARDING THE IMPLEMENTATION OF "SUNSHINE" AND "TRANSPARENCY" AS PART OF THE NEGOTIATIONS PROCESS**

At its meeting of 6/10/08 the Internal Affairs Committee considered the issue of "transparency" and "sunshine" bargaining as part of the negotiations process for all bargaining groups. (**Report - Teresa Campbell, HR/RM Director**)

The Internal Affairs Committee recommended (3-0) that for future bargaining the City adopt a policy to: (1) sunshine the initial proposal and include the fiscal impact; (2) continue negotiations behind closed doors with status reports to the Council in closed session; and (3) after final approval by Council, formal adoption of the proposal including fiscal impact be placed on the Council's regular agenda.

The City Manager and HR/RM Director recommended that the policy be reviewed by the Internal Affairs Committee after one year to determine whether the policy should remain in effect or whether any of the provisions should be modified.

Addressing the Council on this item in support of the efforts to sunshine the information in a public meeting were Juanita Sumner and Stephanie Taber.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to: (1) sunshine the initial proposal along with the fiscal impact; (2) continue negotiations behind closed doors with status reports to the Council in closed session; (3) following the conclusion of the negotiation process, staff is to provide a 2-week review period of the proposals (including fiscal impacts) prior to final action being taken by Council at a subsequent meeting with the item placed on the Regular Agenda; and (4) direct the Internal Affairs Committee to conduct a one year review of the process and based upon that review, include the policy as a formal budget policy.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: Flynn

4.2. **CONSIDERATION OF MAYOR HOLCOMBE'S REQUEST TO CONSIDER A PROPOSAL FROM THE CHICO FAIR TRADE TOWN COALITION**

Mayor Holcombe requested that the City Council consider a request from the Chico Fair Trade Town Coalition to have the City of Chico recognized as a Fair Trade Town by 1/01/09. Addressing the Council in opposition to agenizing this item were Jack Lee, Mike Wacker and John Chambers. The Council also received a copy of an e-mail received from Rich Drouillard.

Mayor Holcombe stated for the record that he felt that consideration of this item was a local issue dealing with the economic development of Chico and if approved, would be a statement of position for voluntary compliance with no financial consequences.

Pursuant to Council Policy AP&P 10-10, a motion was made by Councilmember Flynn and seconded by Councilmember Nickell to agendize this item for discussion at the October 21, 2008 meeting.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl

4.3. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.



Date Approved: October 7, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — September 16, 2008
Minutes

1. **CALL TO ORDER** – Board Chair Holcombe called the September 16, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

- 4.1. **CONSIDERATION OF RECOMMENDATIONS OF THE ARTS COMMISSION AND BIDWELL PARK AND PLAYGROUND COMMISSION TO ALLOCATE FUNDS FOR A CAPITAL ART PROJECT (WIND CHIMES) IN HUMBOLDT NEIGHBORHOOD PARK**

At its meeting held 7/01/08, the Agency took no action on Gregg Payne's request to allocate funds through final budget adoption for the installation of a set of 16 foot tall wind chimes suspended from a 32 foot tall tetrahedron at Humboldt Neighborhood Park. During discussion of Mr. Payne's request, Mayor Holcombe stated that the project request would need to come back within the Agency's existing process in one of three ways:

1. Submit a request to the Art in Public Places Committee to be considered in September 2008 as a potential capital art project for 2009-10 funding.
2. If there was a desire on the part of the Arts Commission to fund the project in 2008-09, the Commission could forward a recommendation for a supplemental appropriation to the Agency. The Mayor indicated if a recommendation to fund the off cycle request through a supplemental appropriation is presented to the Agency, it must be a complete funding request and must reflect the true scope of the project.
3. Within the context of the Collaborative Installation Art Project, an artist submitting a Request for Qualifications could sub-contract with Mr. Payne with the wind chimes being a component of the RFQ.

On 7/28/08, the Bidwell Park and Playground Commission voted unanimously to support the project. On 8/13/08, the Arts Commission voted (5-0 with one disqualification) to recommend approval of a supplemental appropriation to fund the wind chimes project with the specific site location within the park to be determined by a committee comprised of the artist, a member of the Bidwell Park and Playground Commission, a member of the Arts Commission, and a staff member. ***(Report - Cindy Pierce, Administrative Services Director)***

Addressing the Agency on this item were Jennifer Oman in support of the project and Mike Trolinder who had concerns about the process and requested that the Agency delay the project in order to seek neighborhood input.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to direct staff to: (1) proceed with the environmental review before presenting the project to the Agency for funding approval, including the scheduling of a public hearing at least 20 days prior to the hearing; (2) notify neighbors within a 300 foot radius of the scoping meeting; (3) solicit a volunteer to act as a neighborhood representative to the site selection committee chosen by lot from all who volunteer; and (4) when completed, the environmental document and a supplemental appropriation to allocate all the project costs will be presented to the Agency for consideration.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickel, Schwab, Holcombe

NOES: Wahl

4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA**

5. **ADJOURNMENT**

Adjourned at 8:00 p.m. to October 7, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: October 7, 2008

Deborah R. Presson, Agency Secretary

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the September 16, 2008 – Adjourned Regular Chico City Council Meeting Closed Session to order in Conference Room No. 2, City Municipal Center, 421 Main Street at 5:30 p.m.

1.1. Roll Call

1.2. Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, City Attorney Barker, Assistant City Manager Beardsley, City Clerk Presson, Human Resources Director Campbell, Finance Director Hennessy

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The Agency Counsel reviewed the following case: *Performance Excavators, Inc. v. Chico Redevelopment Agency, et al.*, State of California Office of Administrative Hearings, Case No. A-0010-06 pursuant to subdivision (a) of Government Code section 54956.9. To consider Item 2.1., the City Council convened as the City Council and the Chico Redevelopment Agency

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — October 7, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the October 7, 2008 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Dave Osborne, Seventh-day Adventist Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.7. Closed Session Announcement – None
- 1.8. Proclamation — Proclaiming October 2008 as “Domestic Violence Awareness Month”
2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2384 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 15.50 ENTITLED “STORM WATER MANAGEMENT AND DISCHARGE CONTROLS” TO THE CHICO MUNICIPAL CODE** - Final Reading and Adoption

ADOPTION OF A RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR STORM DRAINAGE DESIGN CRITERIA AMENDMENTS

Adopted - an ordinance implementing State-mandated storm water discharge requirements into the Chico Municipal Code and a resolution adopting a negative declaration. The ordinance was introduced by the Council at a noticed public hearing on 9/02/08. *The Building & Development Services Director recommended adoption of the ordinance by reading of the title only and adoption of the resolution.*

RESOLUTION NO. 69-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION FOR THE STORM DRAINAGE DESIGN CRITERIA AMENDMENTS AND STORM WATER MANAGEMENT AND DISCHARGE CONTROL ADDITIONS TO THE CHICO MUNICIPAL CODE

- 2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC UTILITY EASEMENTS - MCKINNEY RANCH**

Adopted - a resolution of intention to abandon and vacate public utility easements at McKinney Ranch Subdivision to facilitate the merging of two lots into one combined lot for construction of a duplex on the site. *The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing on 11/04/08.* The City Council was also provided with an alternate plat submitted by Lumos Engineering.

RESOLUTION NO. 70-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (MCKINNEY RANCH LOTS 22 & 23 / ASSESSOR'S PARCEL NOS. 007-260-113 & 114)

2.3. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A STORM DRAIN/BIKE PATH EASEMENT - EAST 20TH STREET & BRUCE ROAD**

Adopted - a resolution of intention to abandon and vacate a storm drain/bike path easement located on the southwest corner of East 20th Street and Bruce Road to allow for construction of a commercial building. *The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing on 11/04/08.*

Councilmember Gruendl was disqualified on this item.

RESOLUTION NO. 71-08 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A STORM DRAIN/BIKE PATH EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (EAST 20TH STREET & BRUCE ROAD / APN 018-390-021)

2.4. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS - WATER POLLUTION CONTROL PLANT EXPANSION OUTFALL REPLACEMENT**

Approved - a minute order authorizing acquisition of right-of-way easements in connection with the Water Pollution Control Plant Expansion Outfall Replacement project according to the negotiated terms set out in the minute order for APN 039-530-018 located on Chico River Road (M&T Ranch). *The Capital Project Services Director recommended approval of the minute order.*

MINUTE ORDER NO. 12-08 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF TEMPORARY RIGHT OF WAY AND CONSTRUCTION EASEMENT, PERMANENT SANITARY SEWER EASEMENT AND PERMANENT UTILITY EASEMENT FOR THE WATER POLLUTION CONTROL PLANT EXPANSION OUTFALL REPLACEMENT (PACIFIC REALTY ASSOCIATES, L.P. – APN 039-530-018)

2.5. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATION REGARDING THE PLACEMENT OF BASKETBALL STANDARDS IN THE PUBLIC RIGHT-OF-WAY AND REPEALING THE CODE THAT PROHIBITS PLAYING OF ANY GAME IN THE PUBLIC RIGHT-OF-WAY**

Accepted - the recommendation from the Internal Affairs Committee meeting of 9/09/08 where it considered the issue of the placement of basketball standards in the public right-of-way and repealing the code that prohibits the playing of any game in the public right-of-way. *The Internal Affairs Committee recommended (3-0) that: (1) the placement of basketball standards not be allowed by right or permit in the public right-of-way; (2) that the current enforcement policy used by Code Enforcement be formally noted by the City Council; and (3) that the Council direct staff to prepare an ordinance to repeal Section 9.26.010 of the Chico Municipal Code (Playing in Streets).*

2.6. **ACCEPTANCE OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING A REQUEST TO AMEND THE CARDROOM ORDINANCES**

Accepted - the recommendation from the Internal Affairs Committee meeting of 7/08/08, where it considered a request for consideration of certain amendments to the cardroom regulations from Alfred W. Driscoll, III, Attorney at Law, on behalf of Angie's Poker Club. The requested amendments to expand the operating hours and serve food would be permissible. If Council adopts the Internal Affairs Committee recommendation to amend the Municipal Code as to those items, an ordinance will be drafted and placed on a future agenda. *The Internal Affairs Committee recommended (2-0-1, Bertagna absent) to: (1) allow continuous cardroom operation throughout the week; (2) allow a cardroom to provide complimentary food and drink as a courtesy and accommodation to its patrons; (3) defer the increase in table capacity to a future meeting; and (4) ensure public noticing of the neighbors of the possible increase in hours of operation.*

2.7. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approved – minutes of the City Council meetings held on 8/05/08, 8/19/08, 9/02/08 and 9/16/08.

The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Gruendl - on Item 2.3.

3. **NOTICED PUBLIC HEARINGS** – None

3.1. **HEARING ON THE IMPLEMENTATION OF SEWER LIFT STATION CAPACITY FEES - COHASSET ROAD SEWER LIFT STATION**

As a condition of development of the Salvation Army facility, a sewer lift station was constructed to serve the new facility and surrounding areas. This resolution will designate the area to be serviced by the Cohasset Road Sewer Lift Station and establish the lift station capacity fees to be assessed upon connection to the City's sewer system by properties within the designated areas. **(Report - Fritz McKinley, Bldg. & Development Services Director)**

The Building & Development Services Director recommended adoption of the resolution. Councilmember Wahl was disqualified on this item.

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt the following resolution:

RESOLUTION NO. 72-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 317 - SEWER LIFT STATION CAPACITY FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES: None
DISQ: Wahl

3.2. **HEARING ON THE SELECTION OF A PREFERRED LAND USE ALTERNATIVE - GENERAL PLAN UPDATE**

Presented to the Council were the Planning Commission recommendations regarding the selection of a preferred Land Use Alternative, and a request that Council select a preferred Land Use Alternative. Significant background information related to the development of the Land Use Alternatives was provided at the 8/05/08 joint study session. The Land Use Alternatives serve to "bracket" the probable range of growth choices intended to be achievable within the 20-year time horizon of the General Plan. No single Land Use Alternative was offered as a "superior" alternative.

Since the 8/05/08 meeting, the Planning Commission has held three meetings to continue the discussion on the Land Use Alternatives and to forward a recommendation to Council on a preferred Land Use Alternative. The General Plan Team presented to Council the Commission's preferred Land Use Alternative recommendation, as well as other information that has been developed to support the Commission discussions. **(Report - Steve Peterson, Planning Services Director and Brendan Vieg, Principal Planner)**

The Planning Services Director recommended that the City Council:

- (1) Conduct a public hearing to hear testimony regarding the three Land Use Alternatives, as well as the Planning Commission's preferred Land Use Alternative.
- (2) Find that the three Land Use Alternatives A through C fully bracket the range of land use options for further analysis through the General Plan Update, Public Facilities Finance Plan, and Environmental Impact Report, including a "no project" option or alternative.
- (3) Consider the Planning Commission's preferred Land Use Alternative recommendation.
- (4) Select a preferred alternative from: (1) Land Use Alternatives A, B, C, or (2) the Planning Commission recommended Alternative, including any suggested modifications, based on a consideration of the Constrained Areas, Opportunity Sites, Special Planning Areas, and landowner requests, and (3) direct the Project Team to proceed with analysis and development of the General Plan Update.

A presentation was made by City staff and representatives of the consulting firm to discuss the process to date. Pam Johns indicated that the alternatives being presented at this meeting are initial concepts which reflect a wide range of community desires and intended viability. It was noted by staff that the alternatives can be adjusted to reflect findings of analysis and policy direction given by the City Council. In addition, Tim Snellings - Director of Butte County Department of Development Services provided an overview of the Butte County General Plan process to date.

The Land Use Alternatives process has included community workshops on vision, key issues, and land use alternatives. Stakeholder outreach on key issues and land use alternatives, property owner requests were also considered. In order to develop viable alternatives, staff used market analysis and land use absorption projections, opportunities and constraints, and input from the GPAC and Downtown Committee as well as two joint meetings between the Planning Commission and City Council.

The Council was provided with additional information which contained copies of emails and letters from the Peterson Family, Elizabeth Devereaux, Tom Lando, Lando and Associates, Rich and Bruce McGowan, and Dave Warren.

The City Council recessed at 8:10 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

Mayor Holcombe opened the hearing to the public. Addressing the Council on a wide range of concerns, suggestions on modifications, readdressing the City's sphere of influence, and support for various alternatives were Tom Lando, Alan Gair, Dorothy Daun, Joe Chiapella, Peter Peterson, Jeff Farrar, Kate Hicks, Jim Brobeck, Duke Warren, Bob Kromer, George Nicolaus, Georgie Bellin, Dale Bennett, Nani Teves, Barbara Vlamis, Sharon Wallace, Kay Simenc, Caroline Burkett, Alan Chamberlain, Jason Bougie, Luke Anderson, Debbie Villasenor, Bill Brouhard, Jody Galloway, Pete Giampaoli, Dave Kelley, Wayne Brouhard, Pamela Posey, Grant Peterson, Eric Barden, Mike O'Donnell, Elizabeth Devereaux, Lee Perrizo, Marshall Thompson, Lon Glazner, Ned Morris, Steve Schuster, Lee Altier, and Jane Dolan.

The City Council recessed at 9:35 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to find that the three Land Use Alternatives A through C fully bracket the range of land use options for further analysis through the General Plan Update, Public Facilities Finance Plan, and Environmental Impact Report, including a "no project" option or alternative.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF COUNCILMEMBER WAHL'S REQUEST FOR AN UPDATE ON THE DOWNTOWN PARKING IN LIEU FEE**

Councilmember Wahl requested that staff provide the Council with an update on the discontinuation of the Downtown parking in lieu fee which Council implemented at its meeting of 7/15/08.

Vice Mayor Schwab disqualified herself on this item as she owns a business in the area being discussed.

No action was taken on this item due to it already being scheduled for the 11/18/08 meeting. Additional information confirmed (1) prior Council action on the Downtown parking in lieu fee; (2) that the in lieu fee is currently not being charged; and (3) a time-line for the implementation of the fee elimination.

5. **BUSINESS FROM THE FLOOR**

Bob Kromer again addressed comments regarding the hearing on the General Plan Land Use Alternatives. Due to that public hearing being closed to further comment and pursuant to the Council policies contained in AP&P 10-10 and the Brown Act regulations, Mr. Kromer's comments are not included as part of the minutes.

6. **ADJOURNMENT**

Adjourned at 11:33 p.m. to October 21, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: October 21, 2008

Deborah R. Presson, City Clerk

CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the October 7, 2008 – Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

Staff Members: City Manager Burkland, Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Management Analyst Carroll, Fire Chief Beery, Finance Director Hennessy, and Director of Human Resources Campbell

2. **CLOSED SESSION MATTERS**

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisition of 2051 Humboldt Road (APN 002-110-007). The City's negotiator is City Manager David Burkland and the parties with whom negotiations are proposed to be conducted is the property owner Helen M. Brown (or such persons designated as her agent for the purpose of negotiations).

- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Gov. Code §54956.8)

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: Helen M. Brown

- 2.2. **CONFERENCE WITH LABOR NEGOTIATOR**
(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — October 21, 2008
Minutes

- 1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7
- 1.2. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the October 21, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street to order at 6:40 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Reg Schultz-Akerson, Faith Lutheran Church
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – Item 2.1. and 2.3. were removed from the Consent Agenda and heard following the approval of the Consent Agenda. A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the remaining Consent Agenda items.

- 2.1. **ORDINANCE NO. 2385 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO PROHIBITED SIGNS** - Final Reading and Adoption – At the request of BCAG, this item was continued to a future meeting.

- 2.2. **ADOPTION OF A RESOLUTION AMENDING SECTION 2R.04.180, ENTITLED "CONFLICT OF INTEREST CODE" OF THE CHICO MUNICIPAL CODE**

Adopted - a resolution which amended the portion of the City of Chico's Conflict of Interest Code which lists the required disclosure categories of designated city officials and employees pursuant to the requirements of the Political Reform Act. **The Human Resources Director recommended adoption of the resolution.**

RESOLUTION NO. 73-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.180, ENTITLED "CONFLICT OF INTEREST CODE" OF THE CHICO MUNICIPAL CODE

- 2.3. **CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY MANAGER** – This item was removed from the Consent Agenda at the request of Councilmember Bertagna.

- 2.4. **APPROVAL OF A MINUTE ORDER - APPROVING A BUDGET MODIFICATION - FUNDING FOR THE SALVATION ARMY REHABILITATION CENTER AND STAIRWAYS HARMONY HOUSE**

Approved - a Budget Modification of 2008-09 Community Development Block Grant funds to increase the Salvation Army Rehabilitation Center budget by \$69,754 to pay for City sewer and storm drain fees, and set aside \$17,000 for five beds of short-term transitional housing, provided by Club Stairways for very low income and homeless people that require medical support. **The Housing and Neighborhood Services Director recommended approval of the minute order.**

MINUTE ORDER NO. 13-08 – APPROVAL OF BUDGET MODIFICATION NO 08-09 07 TO PROVIDE ADDITIONAL FUNDING FOR THE SALVATION ARMY REHABILITATION CENTER AND STAIRWAYS HARMONY HOUSE SHORT-TERM TRANSITIONAL HOUSING

2.5. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING**

Approved – minutes of the City Council meeting held on 10/07/08.

The motion to approve the Consent Agenda, with Item 2.1. continued to a future meeting and Item 2.3. to be heard immediately following the Consent Agenda.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

ITEMS REMOVED FROM CONSENT

2.3. **CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY MANAGER** – This item was removed from the Consent Agenda at the request of Councilmember Bertagna.

Confirmed - appointment of John Rucker as Assistant City Manager effective 1/01/09. ***The City Manager recommended confirmation of the appointment.***

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to confirm the appointment of John Rucker as Assistant City Manager effective 1/1/09.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

Item 4.1. regarding a “Free Trade Resolution” was heard prior to the Noticed Public Hearings.

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE CHICO VOLKSWAGEN EXPANSION WHICH INCLUDES THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION, APPROVAL OF A GENERAL PLAN AMENDMENT AND USE PERMIT, APPROVAL OF SITE PLAN AND ARCHITECTURAL REVIEW, APPROVAL OF CERTIFICATE OF APPROPRIATENESS AND THE INTRODUCTION OF A REZONE ORDINANCE**

A request was made to amend the General Plan diagram, rezone a 0.90-acre portion of the project site and to allow outdoor display of vehicles and off-site parking. The 1.50-acre project site is located at the southwest corner of Broadway and West 9th Street and is divided into northern and southern halves by Little Chico Creek. The northern half is designated Downtown on the General Plan diagram, and contains one parcel that is located in an RD Downtown Residential zoning district and a second parcel in the C-1 Restricted Commercial zoning district. The request was to change the northern property to a Community Commercial designation on the General Plan diagram and a CC Community Commercial zoning district designation. The southern property is designated Community Commercial on the General Plan diagram and is located in the CC Community Commercial zoning district. ***(Report - Jake Morley, Assistant Planner)***

Addressing the Council in opposition to the rezone were Elizabeth Stewart, Eloise Jones, Steven Schuman, Linda Huffman, T.J. Glenn, Nani Teves, Adam Fedeli, Paul Lieberum, Janet Ellner, Debbie Villasenor, Roger Cole, Linda Hamilton, Ken Fleming, Michael Pike, and Emily Alma. Additional written material was received from Ralph Meuter.

The Council recessed at 8:15 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

Addressing the Council in support of the rezone were Lee Ann Ferrone, Steve Gonsalves, Bob Linscheid, Bob Fitzgerald, Raymond Schimmel, Kareem Abouzeid, Al Beck, Nancy Browning, Amy Abouzeid, Mark Abouzeid, Krystyna Frank, Michael Reilley, Betty Wakefield, Barry Lehrbaum, Carl Leverenz, Mike Trolinder, Rolf Dornseif, and Chris Hull.

The Council recessed at 9:50 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to introduce the ordinance and adopt the following resolution:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 004-289-003 FROM C-1 RESTRICTED COMMERCIAL TO CC COMMUNITY COMMERCIAL AND REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 004-289-002 FROM RD DOWNTOWN RESIDENTIAL TO CC COMMUNITY COMMERCIAL REZONE 07-01 (CHICO VOLKSWAGEN) - by reading of title only

RESOLUTION NO. 74-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT 08-04, CONDITIONAL USE PERMIT 07-22, SITE PLAN AND ARCHITECTURAL REVIEW 08-19, AND CERTIFICATE OF APPROPRIATENESS 08-01 AFFECTING THREE PROPERTIES LOCATED AT 900 BROADWAY, 948 BROADWAY AND 231 WEST 9TH STREET (CHICO VOLKSWAGEN)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3.2. **GENERAL PLAN UPDATE - SELECTION OF A PREFERRED LAND USE ALTERNATIVE**

On 10/07/08, the Council held a public hearing regarding the Planning Commission recommendation of a preferred Land Use Alternative, as well as the three Land Use Alternatives (A, B, and C) that were developed over the last year. At that meeting, the Council received a presentation from the General Plan Team, heard public testimony from over 40 speakers, closed the public hearing, and voted (7-0) that the Land Use Alternatives A, B, and C, as well as the No Project Alternative, fully bracket the range of land use options for further analysis through the General Plan update, Public Facilities Finance Plan, and Environmental Impact Report.

By agenda report, the Planning Services Director and Principal Planner Vieg provided a strategy for Council to efficiently and effectively move through the various Land Use Alternatives and ultimately recommend a Preferred Land Use Alternative. Staff highlighted areas where Council could consider modifications to the Commission Alternative with specific staff comments/recommendations. (**Report - Steve Peterson, Planning Services Director and Brendan Vieg, Principal Planner**)

It was noted for the record that Councilmember Wahl and Vice Mayor Schwab were disqualified from participating in the discussion and possible action taken regarding the Downtown planning area.

The Council was provided with copies of emails and letters from Bud Tracy, David Meichtry, Jerry Olio, Dave Kelley, Aaron Bowen, Peter Peterson, and Chris Nelson.

The Planning Services Director recommended that the City Council:

1. Consider the Planning Commission's preferred Land Use Alternative recommendation, including staff comments/recommendations for modifications to the Alternative.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to approve the incorporation of staff's recommendations into the information that would be brought back to the Council for consideration and a possible action on Monday, November 17, 2008:

Opportunity Sites

Conflict of Interest Sites (Must be addressed first)

1. Mangrove Avenue. *Staff recommends integration of the Commission Alternative for the Mangrove Avenue Opportunity Site into the Council's Preferred Land Use Alternative. (Maps on pages 309-311, page numbers listed reference the October 7th staff report.)*

Councilmember Bertagna was disqualified on this item due to the location of his business.

2. Downtown. *Staff recommends that Council incorporate Downtown Opportunity Site Alternative B into its Preferred Land Use Alternative because it is most consistent with the Downtown Committee's previous discussions, subject to future refinement by the General Plan Team and review by the Committee. (Maps on pages 325-329)*

Councilmember Wahl and Vice Mayor Schwab were both disqualified on this item due owning property or businesses in the downtown area.

Sites for Full Council Consideration

3. Chico Nut. *Staff recommends that the General Plan land use designation for this site be commercial mixed use in conjunction with development of policies to ensure that existing uses can continue in perpetuity with special provisions for rebuilding and expansion. (Maps on pages 312-316)*
4. Lassen Avenue. *Staff recommends removing the Lassen Avenue Opportunity Site and maintaining the existing General Plan land use designation of Medium Density Residential. (Maps on pages 359-360)*
5. Eaton Road. *Staff recommends removing the Eaton Road Opportunity Site and maintaining the existing General Plan land use designation of Medium High Density Residential. (Maps on pages 361-362)*
6. *Staff recommends integration of the remaining 12 Commission-recommended Opportunity Sites into the Council's Preferred Land Use Alternative.*

Constraints Consideration Sites

7. *Staff recommends integration of the Commission's recommendation on the Constraints Sites into the Council's Preferred Land Use Alternative. (Maps on pages 258-272)*

Special Planning Areas

8. *Staff recommends integration of the four Commission-recommended SPAs (Diamond Match, South Entler, Estes, and North Chico) into the Council's Preferred Land Use Alternative with the following addition -expand the Regional Commercial acreage associated with the South Entler SPA from 25 acres to 50 acres (removing the 25 acres of NC added by the Planning Commission). (Maps of Diamond Match SPA on page 273, South Entler SPA on page 277, Estes SPA on 281, and North Chico SPA on 284)*
9. *Consider incorporation of the Bell-Muir and Doe Mill/Honey Run SPAs as they have been identified by the County as part of its General Plan Update to accommodate future growth. (Maps of Bell-Muir SPA on pages 290 and 291 and Doe Mill/Honey Run SPA on pages 294 and 295)*

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Bertagna, Wahl



A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl that prior to the meeting scheduled on November 17, 2008, staff was directed to meet one more time with the Downtown Committee for further input on the plan.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe

NOES: None

DISQ: Schwab, Wahl

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to approve the integration of the Commission Alternative for the Mangrove Avenue Opportunity Site into the Council's Preferred Land Use Alternative. *(Maps on pages 309-311, page numbers listed reference the October 7th staff report.)*

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

DISQ: Bertagna

4. REGULAR AGENDA

- 4.1. **CONSIDERATION OF FAIR TRADE RESOLUTIONS** – This item was moved and considered prior to the noticed public hearings.

At its meeting of 9/16/08, the City Council voted (5-2, Bertagna and Wahl voting no) to consider a request from the Chico Fair Trade Town Coalition to have the City of Chico recognized as a Fair Trade Town by 1/01/09.

Sue Hildebrand addressed the Council in support of adopting a resolution.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to direct the City Attorney to draft a resolution to be brought back at a future meeting for consideration by the Council.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Bertagna, Wahl

4.2. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS** – The following reports and communication items were provided for the Council's information. No action was taken on any of the items unless otherwise noted.

6.1. Letter dated 9/29/08 from Frances Farley requesting to address the Council on John Bidwell's Old Wagon Road located in the expansion area of upper park. ***The City Clerk and the Interim Assistant City Manager indicated that no action was necessary on this item, as the Bidwell Park Master Management Plan is scheduled to come before the Council at its meeting of 11/18/08.*** Francis Farley addressed the Council on this item. Council concurred to take no action on this item and will consider it on November 18, 2008.

7. **ADJOURNMENT**

Adjourned at 11:00 p.m. to November 4, 2008 for a regular meeting in the Council Chamber at 5:30 p.m.



Date Approved: December 2, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
October 21, 2008

CLOSED SESSION

1. **CALL TO ORDER** – Mayor Holcombe called the October 21, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

Staff Members: City Manager Burkland, Interim Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Human Resources Director Campbell, Finance Director Hennessy

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CHICO CITY COUNCIL MEETING — November 4, 2008
Minutes

- 1.1. **REGULAR CITY COUNCIL MEETING** - 5:30 p.m.
- 1.2. **CLOSED SESSION** - was convened at 8:10 p.m. and ended at 8:30 p.m. – See page 6.
- 1.3. Call to Order – Mayor Holcombe called the November 4, 2008 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street to order at 5:30 p.m.
- 1.4. Flag Salute
- 1.5. Invocation — Jackie Russell, Chico Baha'i Community
- 1.6. Roll Call

Present: Bertagna, Flynn, Nickell, Schwab, Wahl, Holcombe
Absent: Gruendl - arrived at 5:35 p.m.

- 1.7. Closed Session Announcement – None
2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Consent Agenda items:
 - 2.1. **ORDINANCE NO. 2386 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 004-289-003 FROM C-1 RESTRICTED COMMERCIAL TO CC COMMUNITY COMMERCIAL AND REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 004-289-002 FROM RD DOWNTOWN RESIDENTIAL TO CC COMMUNITY COMMERCIAL REZONE 07-01 (CHICO VOLKSWAGEN)** - Final Reading and Adoption

Adopted - an ordinance rezoning property located at the southwest corner of Broadway and West 9th Street. This ordinance was introduced by the Council at its meeting of 10/21/08. **The Planning Services Director recommended adoption of the ordinance by reading of the title only.**

2.2. **ADOPTION OF SEWER IN LIEU RESOLUTIONS**

Adopted - five resolutions authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee for the following properties in the City of Chico: (1) 1430 Arbutus Avenue; (2) 1302 Dayton Road; (3) 983 East Avenue; (4) 1056 East Ninth Street; and (5) 1016 Meier Drive. **The Building & Development Services Director recommended adoption of the resolutions.**

RESOLUTION NO. 75-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1430 ARBUTUS AVENUE, ASSESSOR'S PARCEL NO. 003-432-001

RESOLUTION NO. 76-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1302 DAYTON ROAD, ASSESSOR'S PARCEL NO. 003-432-001

RESOLUTION NO. 77-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 983 EAST AVENUE, ASSESSOR'S PARCEL NO. 015-310-059

RESOLUTION NO. 78-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1056 EAST NINTH STREET - ASSESSOR'S PARCEL NO. 004-320-028

RESOLUTION NO. 79-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1016 MEIER DRIVE, ASSESSOR'S PARCEL NO. 042-390-038

2.3. **APPROVAL OF RECOMMENDATIONS REGARDING RESCISSION OF COMMUNITY ORGANIZATION FUNDING (FISCAL YEAR 2008-09) AND REVISIONS TO RESCISSION POLICY**

Approved - staff recommendations on: (1) rescission of 2008-09 funding to certain community organizations; and (2) revisions to the Council rescission policy on City funding for non-profit organizations which have not yet submitted all documents required by the City to release the funds. **The Administrative Services Director recommended approval of the staff recommendations outlined in the report and approval of the revision to the Council's current rescission policy.**

2.4. **AUTHORIZATION FOR MAYOR TO SIGN AND SUBMIT A RESPONSE TO THE 2007-08 FINAL REPORT OF THE BUTTE COUNTY GRAND JURY**

Authorized - signature and submittal of the City's response to the 2007-08 Final Report of the Butte County Grand Jury to the Presiding Judge of the Butte County Superior Court. **The City Manager and City Attorney recommended such authorization.**



The motion to approve the Consent Agenda carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING ABANDONMENT AND VACATION OF A STORM DRAIN/BIKE PATH EASEMENT - EAST 20TH STREET & BRUCE ROAD**

Skyway Corners Plaza LLC petitioned the City of Chico to abandon a storm drain/bike path easement located at the northeast corner of East 20th Street & Bruce Road to allow for construction of a commercial building. The drainage facility for which the easement was created was an interim facility and is no longer in service. At its meeting of 10/07/08, Council adopted Resolution No. 71-08, stating its intent to abandon the storm drain/bike path easement, and set the public hearing for this meeting. **(Report-Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 80-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A STORM DRAIN/BIKE PATH EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (EAST 20TH STREET & BRUCE ROAD / APN 018-390-021)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3.2. **HEARING ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENTS (MCKINNEY RANCH LOTS 22 & 23)**

Rockin' M, Inc., a California corporation, petitioned the City of Chico to abandon public utility easements to facilitate the merging of two lots into one combined lot for the construction of a duplex on the site. The applicant proposed to construct a 2,287 square-foot duplex where two single-family residences were originally planned at the time of approval of the McKinney Ranch Subdivision/Planned Development. At its meeting of 10/07/08, Council adopted Resolution No. 70-08, stating its intent to abandon the public utility easements, and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 81-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (MCKINNEY RANCH LOTS 22 & 23 / ASSESSOR'S PARCEL NOS. 007-260-113 & 114)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3.3. **HEARING ON GENERAL PLAN AMENDMENT/REZONE 07-01 AND THE SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-24 (MOGAVERO NOTESTINE ASSOCIATES)**

At its 3/04/08 meeting, the Council voted unanimously to adopt a motion of intent to approve the referenced project based on 14 specific project revisions recommended by the Planning Commission, directing the applicant to revise all maps and architectural diagrams in accordance with Council direction for review at a subsequent public hearing for final approval. The applicant has incorporated all of the project revisions and requests final project approval. **(Report - Bob Summerville, Senior Planner)**

Mayor Holcombe opened the hearing to the public. David Mogavero addressed the Council regarding this item. The hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to: (1) adopt a resolution to adopt a mitigated negative declaration for the project; (2) adopt a resolution to approve General Plan Amendment 07-01; (3) introduce an ordinance for Rezone 07-01 by reading of the title only; (4) adopt a resolution approving Subdivision Map/Planned Development Permit S/PDP 03-24; and (5) schedule final adoption of the ordinance for the 11/18/08 City Council meeting.

RESOLUTION NO. 82-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT, REZONE, SUBDIVISION AND PLANNED DEVELOPMENT PERMIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SUNRISE TERRACE AND IDYLLWILD CIRCLE (GPA AND REZONE 07-01, S/PDP 03-24)

RESOLUTION NO. 83-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT 07-01 (MOGAVERO NOTESTINE ASSOCIATES)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 018-360-002 FROM R3 MEDIUM-HIGH DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL- REZONE 07-01 (MOGAVERO NOTESTINE ASSOCIATES) - Introductory Reading

RESOLUTION NO. 84-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONAL APPROVAL OF SIERRA GARDENS SENIOR HOMES TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT (S/PDP 03-24)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4. **REGULAR AGENDA**

4.1. **QUARTERLY UPDATE ON THE FINANCIAL STATUS OF THE CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY AND THE APPROVAL OF QUARTERLY SUPPLEMENTAL APPROPRIATION NO. 08-09 09 / RDA NO. 08-09 08**

As part of the Strategy to Balance the Ten Year Financial Plan, staff presented a financial update for the 1st quarter of fiscal year 2008-09. In addition, the Council was asked to approve Supplemental Appropriation No. 08-09 09 / RDA No. 08-09 08 to reflect several budgetary requests that have surfaced during the 1st quarter. ***(Report - Jennifer Hennessy, Finance Director)***

Addressing the Council on this item were Michael Reilley and Sharon Nichols.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve Supplemental Appropriation No. 08-09 09 / RDA No. 08-09 08.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

The Council recessed at 6:40 p.m. for a 10 minute break.
The meeting was reconvened and all members were present.

4.2. **CONSIDERATION AND ACCEPTANCE OF THE COUNCIL PROCEDURES COMMITTEE (3-0) RECOMMENDATION REGARDING GENERAL REVISIONS TO ADMINISTRATIVE PROCEDURES AND POLICIES (AP&P) 10-1 – BOARD AND COMMISSIONS RULES OF PROCEDURES AND AP&P 10-10 – COUNCIL RULES OF PROCEDURE**

Consideration of the recommendations made by the Council Procedures Committee at its meeting of 9/04/08 pertaining to the procedures and policies that govern Board and Commissions and procedures currently in place for Council. ***(Report – Deborah Presson, City Clerk)***

The Council Procedures Committee recommended (3-0) approval of the proposed revisions to AP&P 10-1 and AP&P 10-10.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the revised policies, as amended to reflect Council direction:

AP&P 10-10 - requested amendments:

Section II. A.

10. Rules During Meetings and Public Participation.

- a. Time Limits for the Public – Each member of the audience speaking to the Council shall limit their comments to no more than three minutes and speak one time only on each agenda item. Time limits may be waived or reduced due to the number of speakers by the Mayor or majority of Council on any specific item. A speaker may not defer his/her time to other speakers. Councilmembers will refrain from asking questions of a speaker

until that speaker has concluded his or her comments. Responses to Councilmember questions will be limited to one minute per speaker.

- d. Time Limits for Public Hearings – Unless otherwise waived, extended or changed by majority vote of the Council, all hearings will be limited to an hour and half with the suggested allotted times as follows:

Public Hearing Guidelines Sample:

1. Staff report(15 minutes)
2. Council discussion and/or questions of staff (10 minutes)
3. Open hearing for public input (45 minutes):
 - *with consideration of extended time for the applicant or appellant as determined by the Mayor*
4. Close the hearing to the public
5. Council discussion, motion and vote (20 minutes or longer, as determined by Council)

Based on the number of speakers wishing to address the Council on this item, the Mayor or Presiding Officer will determine the amount of time given to each speaker. Whenever possible, organized groups are encouraged to select a spokesperson to speak on behalf of the group.

A person who addresses the City Council during a public hearing must limit remarks to the specific subject matter being considered by the City Council in that public hearing.

AP&P 10-1 - requested amendments:

Section VII WORK PLANS - *Council added the requirement that future work plans are due within six months after the seating of the new Board or Commission members.*

Section VIII CODE OF CONDUCT- *Council clarified the policy to read:*

- i. Most importantly, advisory bodies are not to be involved in the administration or operation of City departments. Advisory body members may not conduct studies of policy nor direct administrative staff to initiate programs *without first obtaining approval of the City Council. Requests such as these should coincide with the development of the Board or Commission work plans which are presented to Council for approval.*



The motion to approve the policies, as amended, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.3. **CONSIDERATION OF RESOLUTIONS APPROVING MEMORANDUM OF UNDERSTANDINGS AND PAY AND BENEFITS RESOLUTION FOR VARIOUS BARGAINING UNITS**

Consideration of resolutions which modify the pay and benefit provisions in the memorandum of understandings and pay and benefits resolution applicable to the following bargaining units: (1) Chico Public Safety Association; (2) Service Employees International Union - Trades and Crafts; (3) Service Employees International Union - Clerical, Technical and Professional; and (4) Pay and Benefits Resolution for Public Safety Management. **(Report - Teresa Campbell, Human Resources Director)**

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt the following resolutions and direction to staff that in the future, statistics and actual costs should be included in the report.

RESOLUTION NO. 85-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE CHICO PUBLIC SAFETY ASSOCIATION REGARDING PAY, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR JANUARY 1, 2008 THROUGH DECEMBER 31, 2010 (2008 MOU - CPSA)

RESOLUTION NO. 86-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION TRADES AND CRAFTS UNIT REGARDING PAY, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR JANUARY 1, 2009 THROUGH DECEMBER 31, 2010 (2009 MOU-SEIU TC)

RESOLUTION NO. 87-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE SERVICE EMPLOYEES INTERNATIONAL UNION CLERICAL, TECHNICAL, AND PROFESSIONAL UNIT REGARDING PAY, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR JANUARY 1, 2009 THROUGH DECEMBER 31, 2010 (2009 MOU - SEIU CTP)

RESOLUTION NO. 88-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PUBLIC SAFETY MANAGEMENT EMPLOYEES OF THE CITY (2008 PBR - PSM)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 8:10 p.m. to a Closed Session meeting in Conference Room No. 2.



Date Approved: December 2, 2008

Deborah R. Presson, City Clerk

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
November 4, 2008**

CLOSED SESSION

1. **CALL TO ORDER** – Mayor Holcombe called the November 4, 2008 – Adjourned Regular Chico City Council Closed Session meeting to order at 8:10 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).



3. **ADJOURNMENT**

Adjourned at 8:30 p.m. to November 17, 2008 at 5:30 p.m. for an adjourned regular meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL – November 17, 2008

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the November 17, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chambers, 421 Main Street at 5:30 p.m.

- 1.1. Roll Call:

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Flynn - *arrived at 5:35 p.m.*

2. **REGULAR AGENDA**

- 2.1. **GENERAL PLAN UPDATE – SELECTION OF A PREFERRED LAND USE ALTERNATIVE**

On 10/21/08, the Council continued its consideration of the Planning Commission recommendation of a preferred Land Use Alternative, as well as the three Land Use Alternatives (A,B, and C) that were developed over the last year. The Council voted to use the Planning Commission Alternative as the starting place for further refinement of a preferred Land Use Alternative. Council also voted to direct staff to reconvene the Downtown Committee to clarify its preference for a Downtown Land Use Alternative and report on the Committee's preference at this meeting.

The Planning Services Director and Principal Planner Vieg reported back to Council on the outcome of the 11/06/08 Downtown Committee meeting, and provide a strategy for developing a preferred Land Use Alternative by utilizing the Planning Commission Alternative as a starting place, and identifying changes to the Opportunity Sites, Constraints Consideration Sites, Special Planning Areas, and Landowner Suggestions. **(Report — Steve Peterson, Planning Services Director and Brendan Vieg, Principal Planner)**

The Planning Services Director recommended that the City Council:

1. Consider the Planning Commission's preferred Land Use Alternative recommendation, including staff comments/recommendations for modifications to the Alternative;
2. Consider the Ad Hoc Downtown Committee's recommendations for the Downtown Opportunity Site; and
3. Building upon the Planning Commission Alternative, identify any changes to the Opportunity Sites, Constraints Consideration Sites, Special Planning Areas, and Landowner Suggestions, and direct the Project Team to proceed with further analysis and development of the General Plan update.

Opportunity Sites:

1. ***Downtown***

Due to being disqualified because of ownership of property in the downtown area, Councilmember Wahl and Vice Mayor Schwab did not participate in the discussion of the Ad Hoc Downtown Committee's recommendations.

Staff was asked at the 10/21/08 Council meeting to convene once again with the Ad Hoc Downtown Committee in order to solicit more input about the Downtown Opportunity Site. The Committee's recommendations regarding minor changes as shown on the plat (Attachment B) were supported by staff.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to move forward with the Downtown Opportunity Site which included additional recommendations from the Downtown Committee.

The motion carried by a 5-0-2 vote, with Vice Mayor Schwab and Councilmember Wahl disqualified.

2. **Chico Nut**

Staff recommended that Council support the landowner's request for certainty of the existing use with MW designation on Chico Nut properties and CMU designation for the remaining area.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve staff's recommendation.

The motion carried by a 7-0 vote.

3. **Lassen Avenue**

Staff recommended, along with the Planning Commission, that the site not be designated "Neighborhood Commercial" but leave the existing MDR designation in place.

A motion was made by Councilmember Flynn and seconded by Councilmember Bertagna to approve staff's recommendation.

The motion carried by a 7-0 vote.

4. **Eaton Road**

Staff recommended removing this area from Opportunity Sites and retain the current MHDR designation.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to change the zoning to "Neighborhood Commercial."

The motion carried 5-2, with Councilmembers Bertagna and Wahl voting against.

5. **North Esplanade**

Staff supports the Planning Commission Alternative regarding this area.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Planning Commission Alternative regarding this area.

The motion carried by a 7-0 vote.

6. **North Valley Plaza**

Staff supports the Planning Commission Alternative of "Regional Commercial."

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the recommendation.

The motion carried by a 7-0 vote.

7. ***Vanella Orchard***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the Planning Commission Alternative pending confirmation that the water rates won't change due to the new designation.

The motion carried by a 7-0 vote.

8. ***Train Depot/South Campus***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the Planning Commission Alternative.

The motion carried by a 7-0 vote.

9. ***East 8th & 9th St. Corridor***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve with a note to address land use/circulation issues related to safe pedestrian crossings at 8th and 9th through coordination with Cal Trans and Circulation Element policies.

The motion carried by a 7-0 vote.

10. ***Park Avenue South***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the Planning Commission Alternative.

The motion carried by a 7-0 vote.

11. ***The Wedge***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Planning Commission Alternative which is consistent with the draft Southwest Chico Neighborhood Plan.

The motion carried by a 7-0 vote.

12. ***East 20th Street***

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Planning Commission Alternative.

The motion carried by a 7-0 vote.

13. **Skyway**

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Planning Commission Alternative.

The motion carried by a 7-0 vote.

14. **Pomona Avenue**

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Planning Commission's Alternative noting that transition is critical when considering the greenline and that City policies will be developed later in cooperation with Butte County to include a buffer zone for residential uses in this area.

The motion carried by a 7-0 vote.

15. **Nord Avenue**

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Planning Commission Alternative depicted in the map provided at the meeting rather than the one included in the staff report.

The motion carried by a 7-0 vote.

16. **East Avenue**

Staff supports the Planning Commission Alternative.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Planning Commission Alternative regarding this area.

The motion carried by a 7-0 vote.

—————●●●●—————
The Council recessed at 7:40 p.m. for a ten minute break.
The meeting was reconvened and all members were present.
—————●●●●—————

Constraints Consideration Sites

Constraints Sites A, B, and C

Staff recommended the integration of the Planning Commission Alternative designation of RM-HCP on Constraints Sites A, B, and C, with staff to further investigate HCCP relationship and past sewer assessment fees.

17. **Area A - Airport**

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to include the Planning Commission Alternative for Area A by the Airport, and explore additional related development potential in the airport flight-line area.

The motion carried by a 5-2 vote, with Councilmember Nickell and Vice Mayor Schwab voting against.

18. **Area B - Bruce Road**

Councilmember Gruendl was disqualified on this item due the proximity of the land in question to his residence.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to direct staff to continue to look at this area, but in the meantime, support the Planning Commission Alternative.

The motion carried 5-1-1, with Councilmember Wahl voting against and Councilmember Gruendl disqualified.

19. **Area C - Humboldt Road**

A motion was made by Councilmember Flynn and seconded by Vice Mayor Flynn to approve the Planning Commission recommendation.

The motion carried by a 5-2 vote, with Bertagna and Wahl voting against.

Special Planning Areas

20. **Diamond Match Special Planning Area**

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the Planning Commission recommendation regarding this special planning area, with a note to revisit land uses based on environmental review of hazardous materials on site.

The motion carried by a 7-0 vote.

21. **Estes Special Planning Area**

A motion was made by Councilmember Nickell and seconded by Councilmember Flynn to keep this land as ag land as it would not be needed to meet future housing needs.

It was noted by Councilmember Bertagna that this land was clearly not ag land. Councilmember Gruendl stated the Greenline should be studied as it represents development potential in the future.

The motion carried 5-2, with Councilmember Bertagna and Councilmember Wahl voting against.

22. **North Chico**

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Planning Commission Alternative, which is supported by staff.

The motion carried by a 5-2 vote, with Councilmember Bertagna and Councilmember Wahl opposed.

23. **South Entler**

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the integration of the Planning Commission recommendation and staff's recommendation to change the 25 acres of "Neighborhood Commercial" to "Regional Commercial."

The motion carried by a 7-0 vote.

The Council recessed at 8:55 p.m. for a ten minute break.
The meeting reconvened and all members were present.

24. ***Bell Muir Special Planning Area***

Staff confirmed that this area was identified as a viable growth area by both City staff as well as the County.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to include Alternative A with a boundary modification to follow Bell and Muir Roads.

The motion carried by a 7-0 vote.

25. ***Doe Mill/Honey Run Special Planning Area***

A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to approve the incorporation of Alternative A.

The motion carried 6-1, with Vice Mayor Schwab voting against.

26. ***Mud Creek Special Planning Area***

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to not consider the inclusion of this area.

Councilmember Gruendl noted that perhaps a policy discussion should be held considering this area.

The motion carried by a 5-2 vote, with Councilmember Bertagna and Councilmember Wahl opposed.

27. ***Macintosh Special Planning Area***

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to not include this planning area.

The motion carried by a 7-0 vote.

28. ***Midway Special Planning Area***

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to not include this planning area.

The motion carried by a 7-0 vote.

29. ***Nance Canyon Special Planning Area***

A motion was made by Councilmember Wahl to add this area. The motion failed due to the lack of a second.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to not include this area.

The motion carried 6-1, with Councilmember Wahl voting against.

Landowner Requests

30. ***Garner Lane - 31 acres - (# 3 & 4)***

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the landowner's request to have the 30 acres designated Community Commercial, as in Alternative A.

The motion carried by a 7-0 vote.

31. ***McGowan Lane - 21 acres***

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the request to be designated Regional Commercial.

The motion carried by a 7-0 vote.

32. ***Peterson Tractor - 54 acres***

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the landowner's request for a designation of Regional Commercial.

The motion carried by a 7-0 vote.

33. ***Skyway Park***

A motion was made to approve the landowner's request for 32 acres to be given a mixture of commercial designations allowing commercial and office uses.

The motion carried by a 5-2 vote, with Councilmember Gruendl and Councilmember Flynn opposed.

3. **Adjournment**

Adjourned at 9:10 p.m. to November 18, 2008 at 6:00 p.m. in Conference Room 2 for closed session, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.



Date Approved: December 2, 2008

Deborah R. Presson, City Clerk

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING
November 18, 2008**

Minutes

- 1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.2. Call to Order – Mayor Holcombe called the November 18, 2008 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal center, Council Chamber, 421 Main Street at 6:30 p.m.
- 1.3. Flag Salute
- 1.4. Invocation — Bruce Finch, Assistant Committee, First Church of Christ, Scientist
- 1.5. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None
- 1.6. Closed Session – None
- 1.7. Proclamation – Proclaiming November 2008 as “Homeless and Runaway Youth Awareness Month”
- 1.8. Moment of Silence – Al Silva, former City of Chico Airport Commissioner who passed away on 11/17/08.
2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the following Consent Agenda, with Item 2.6. which was tabled to a future meeting at the request of staff:
 - 2.1. **ORDINANCE NO. 2387 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IDENTIFIED AS ASSESSOR’S PARCEL NO. 018-360-002 FROM R3 MEDIUM-HIGH DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL, REZONE 07-01 (MOGAVERO NOTESTINE ASSOCIATES)** - Final Reading and Adoption

Adopted - an ordinance in conjunction with the Sierra Gardens Senior Homes Tentative Subdivision Map/Planned Development Permit 03-24 and General Plan Amendment/Rezone 07-01 (Mogavero Notestine Associates). This ordinance was introduced by the Council at its meeting of 11/04/08. ***The Planning Services Director recommended adoption of the ordinance by reading of the title only.***
 - 2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A PORTION OF PUBLIC RIGHT OF WAY - PARK FOREST SUBDIVISION**

Adopted - a resolution of intention to abandon and vacate a portion of East 8th Street right of way adjacent to the Park Forest subdivision. The abandonment will be the first step in a process to convey the abandoned property to contiguous property owners for perpetual maintenance purposes. ***The Building & Development Services Director recommended adoption of the resolution which will schedule a public hearing on 12/16/08.***

RESOLUTION NO. 89-08 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION RIGHT OF WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (EAST 8TH STREET - PARK FOREST SUBDIVISION / APN 002-050-216 AND 259)

2.3. **ADOPTION OF A RESOLUTION AUTHORIZING THE EXCHANGE AND CONVEYANCE OF REAL PROPERTY - ESPLANADE AND EAST LASSEN AVENUE**

Adopted - a resolution authorizing the conveyance of 2,281± square feet of excess City right of way owned in fee at the southeast corner of Esplanade and East Lassen Avenue in exchange for a dedication of a 3,336± square foot easement from LBK Trust for right of way along the Esplanade for a bus shelter and future right turn lane. Pursuant to the City's Charter Section 614, adoption of this resolution requires the affirmative vote of at least five members of the City Council. ***The Building & Development Services Director recommended adoption of the resolution by the required affirmative vote of at least five Councilmembers.***

RESOLUTION NO. 90-08 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING THE EXCHANGE AND CONVEYANCE OF REAL PROPERTY LOCATED AT ESPLANADE AND EAST LASSEN AVENUE (CITY OF CHICO/LBK TRUST)

2.4. **ADOPTION OF A RESOLUTION - CALTRANS COMMUNITY-BASED TRANSPORTATION PLANNING GRANT**

Adopted - a resolution authorizing the City Manager to execute contracts and documents related to the CalTrans Community-Based Transportation Planning Grant. The City received notification from the California Department of Transportation that a grant submission from last spring has been selected for funding in Fiscal Year 2008/09. The grant is a Community-Based Transportation Planning Grant (\$62,490) that will provide funds to allow the City's General Plan traffic consultant to enhance the City's Travel Demand Forecasting Model in order to analyze the effects of smart growth land use strategies on the Land Use Alternatives. The smart growth transportation analysis is a comparative analysis, and will aid the community and decision-makers in better understanding the cumulative benefits of incorporating smart growth principles into the General Plan Update. ***The Planning Services Director recommended adoption of the resolution.***

RESOLUTION NO. 91-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND DOCUMENTS RELATING TO THE CALTRANS COMMUNITY-BASED TRANSPORTATION PLANNING GRANT

2.5. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 08-09 10, TO FULLY REDEEM ALL OUTSTANDING BONDS RELATED TO THE NORTHEAST CHICO SEWER ASSESSMENT DISTRICT, AND PARTIALLY REDEEM THE 1994 PARKING REVENUE BONDS**

Approved - a supplemental appropriation to redeem bonds. As of 6/30/08, the Northeast Chico Sewer Assessment District (NECSAD) Redemption and Reserve Funds have accumulated adequate fund balance to fully redeem the \$880,000 of outstanding bonds for this district. Additionally, the Parking Revenue Fund has accumulated adequate fund balance to redeem \$1,050,000 of the \$2,165,000 of outstanding 1994 Parking Revenue Bonds. A sixty day written notice must be provided to the bond Trustee in order to call the necessary bonds on the designated 2/01/09 and 3/02/09 call dates, as outlined in each bond's Indenture of Trust. ***The Finance Director recommended approval of Supplemental Appropriation No. 08-09 10.***

2.6. **APPROVAL OF THE INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS REGARDING THE LEAF PICK UP PROGRAM AND INTRODUCTORY READING OF AN ORDINANCE AMENDING SECTION 8.12.120 OF THE CHICO MUNICIPAL CODE_ – *tabled to a future meeting***



The motion to approve the Consent Agenda, as read, with Item 2.6. tabled to a future meeting, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

3. **NOTICED PUBLIC HEARINGS** – *Item 3.2. was heard before Item 3.1.*

3.1. **HEARING ON THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE AND ASSOCIATED ENVIRONMENTAL IMPACT REPORT**

At its 8/25/08 meeting, the Bidwell Park and Playground Commission recommended that the City Council: (1) certify the Environmental Impact Report prepared for the Bidwell Park Master Management Plan; (2) adopt the Bidwell Park Master Management Plan; and (3) incorporate Disc Golf Option A (an 18-hole long course and an 18-hole short course) into the Disc Golf/Trailhead Area Concept Plan with the understanding that: (a) all required mitigation must be in place; (b) maintenance and operation of the disc golf facility shall not be the financial responsibility of the City; and (c) periodic reviews shall take place to evaluate the condition of the site.

The Interim Assistant City Manager and Principal Planner Vieg provided an overview of the Bidwell Park Master Management Plan Update and its associated environmental review, and provide additional background regarding the four Disc Golf/Trailhead Area Concept Plan options before Council. (***Report - Dennis Beardsley, Interim Assistant City Manager and Brendan Vieg, Principal Planner***)

The City Council recessed at 7:48 p.m. for a five minute break.
The meeting was reconvened and all members were present.

It was announced that due to residing within 500 feet of the park, Councilmember Nickell and Vice Mayor Schwab were disqualified from the overall discussion on the Bidwell Master Management Plan and adoption of the: (1) resolution certifying the adequacy of the Final Environmental Impact Report for the Bidwell Park Master Management Plan update: (2) resolution making findings regarding environmental effects, and adopting a mitigation and monitoring program for the project: and (3) resolution adopting the Bidwell Park Master Management Plan, with guidance on the incorporation of a Disc Golf/Trailhead Area Concept Plan option to be determined separately. They both left the Chamber.

The Council was provided with copies of correspondence from Kristen Ballew, Kurt Young, Catherine Bengamin, Mark Bohn, Jennifer Nelsen, Trent Kenney, Norma Odell, Kasey Merrill, Brian Solecki, Eve Robida, Jullian Powell III, Roger Marshall, Stephanie Taber, Patricia Puterbaugh, Grace Marvin, Russell Mills, Lori Grady, Peter & Kim Tichinin, Lea McCleary & Greg Miller, Chris Colson, Susan Mason, Susan Mason on behalf of the Friends of Bidwell Park, Nhu Huynh, Mary Mclialson, Katie Strand, Davis Stewert, Sue Hilderbrant, Marley Zalay, Halli Baria, Desi Hatton, Mary, Duane Lindsay, Fomiko Motohashi, Brittney Patery, Brian Pihl, Shelli Grant, Mike Fisher, John Merz, Meghan Monarty, Hayley A., Jennifer Kreidel, Bill & Gloria Bettencourt, Suzanne Caraveo, and Gary Gregg.

Mayor Holcombe opened the public hearing to hear testimony regarding the Bidwell Park Master Management Plan Update and the associated environmental impact report.

Addressing the Council on this issue were Steve Gonsalves, Scott Riemens, Brenden Phillips, Ken Anderson, Tom Haithcock, Randy Abbott, Mark Bohn, O.J. McMillian, Susan Mason, Lisa Young, Francois Vanderspry, Nancy Park, Hilary Locke, Emerald Behrens, Bruce Norlie, Kevin Ahlswede, Todd Cathers, Chad Allen, Lise Emmerich, Mark Hoover, Josephine Guardino, Shawn Hughes, Patsy Schultz, Gregg Payne, Clint McConnell, Jim Mellem, Jessica Burdett, John Coutts, Jennifer Oman, Lin Jensen, Vince Frey, Bob Woods, Kasey Merrill, Maria Phillips, Jake Harrison, Eric Forsman, John Merz, Grace Marvin, Jane Turney, Mark Herrera, Becket Glazner, Jennifer Nelsen, Lon Glazner, David Wood, Tony Nicosia, Pete Carr, Andy Tomaselli, Dusty Carr, Matt Meuter, Emily Alma, Christina Aranguren, Phil Johnson, Sean Baber, Trent Kenney, Dave Brobst, Marc Kessler, Derek Spainhower, Bryan Cannon, Tyler Cole, Heather Claibourn, Alan Chamberlain, Jon Luvaas, Merlinda Fournier, Billie Bresnahan, Juanita Sumner, and Arlene Ward.

The Council recessed at 8:50 p.m. for a ten minute break. The meeting was reconvened and all members were present except for Councilmember Nickell and Vice Mayor Schwab who were disqualified from participating in the overall discussion and on the Bidwell Master Management Plan.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to:

- (1) Adopt a resolution certifying the adequacy of the Final Environmental Impact Report for the Bidwell Park Master Management Plan update:

RESOLUTION NO. 92-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE (State Clearinghouse Number 2004102045);

- (2) Adopt a resolution making findings regarding environmental effects, and adopting a mitigation and monitoring program for the project:

RESOLUTION NO. 93-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND 2) ADOPTING A MASTER MITIGATION MONITORING PROGRAM FOR THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE (State Clearinghouse Number 2004102045); and

- (3) Adopt a resolution adopting the Bidwell Park Master Management Plan, with guidance on the incorporation of a Disc Golf/Trailhead Area Concept Plan option to be determined separately:

RESOLUTION NO. 94-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE (CITY OF CHICO)

The motion to adopt the three resolutions carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Wahl, Holcombe
NOES: None
DISQ: Nickell, Schwab

Councilmember Nickell and Vice Mayor Schwab rejoined the meeting.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the Restoration Option identified in the Draft EIR (existing disc golf course to be eliminated and the site to be restored) for the SR 32 in Upper Bidwell Park.

Councilmember Wahl asked for a friendly amendment that, if accepted, would continue to allow play in Upper Park until such a time that the City can locate, purchase and find a way to maintain a suitable alternate site for disc golf.

Vice Mayor Schwab and Councilmember Nickell did not accept the amendment.

Staff asked for clarification on whether the motion was “with” or “without” a trail head at that location.

Interim Assistant City Manager Beardsley indicated that staff’s interpretation of that motion did not include any improvements at all.

Mayor Holcombe stated that as he understood the motion, it was to shut down the site, stop the environmental degradation and allow the land to heal. Whether the City could allocate funds in the future to provide other uses and if the dollars became available would all be part of the Bidwell Park Master Management Plan and those improvements would be on the list of unfunded projects.

Councilmember Gruendl asked for a friendly amendment to at least include trail head access because he felt that closing the area was the least appropriate form of management of a public site.

Vice Mayor Schwab accepted the friendly amendment requesting trail head access but reiterated that there has to be a transition plan in place.

Mayor Holcombe restated that he understood that Vice Mayor Schwab was willing to accept the friendly amendment to the original motion to close the area down to disc golf and include the development of a trail head access in Upper Park. Councilmember Nickell also accepted the friendly amendment.

The motion carried by the following vote:

AYES: Flynn, Nickell, Schwab, Holcombe
NOES: Bertagna, Gruendl, Wahl

3.2. **HEARING TO CONSIDER AMENDMENTS TO THE BELVEDERE HEIGHTS DEVELOPMENT AGREEMENT (DA 03-02)** – *This item was heard prior to Item 3.1.*

The applicant, MBD, Inc., submitted a request to: (1) extend the term of the development agreement (and conforming tentative map) three years; (2) defer for three years payment of development agreement fees as a settlement of litigation; and (3) reduce the amount of general liability aggregate coverage from \$3 million to \$2 million. This project is located at the northeast corner of Bruce Road and East 20th Street/Doe Mill Road. **(Report - Steve Peterson, Planning Services Director)**

The Planning Services Director recommended introductory reading of the following ordinance which extends the term of the development agreement (and conforming tentative map) for three years and approves the reduction in the amount of general liability coverage from \$3 million to \$2 million.

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to approve the introductory reading of the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MBD, INC. REGARDING THE “BELVEDERE” PROJECT LOCATED AT THE NORTHEAST CORNER OF BRUCE ROAD AND EAST 20TH STREET (AP NOS. 018-390-045, -046, -047 AND -048; Formerly AP Nos. 001-780-002, -003 AND -004) - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

4. **REGULAR AGENDA** - None

4.1. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** - None

5. **BUSINESS FROM THE FLOOR**

Juanita Sumner addressed the Council with questions regarding the fines associated with getting caught throwing a frisbee in the park.

The Council recessed at 10:30 p.m. for a five minute break to clear the room.
The meeting reconvened and members of the Council were present.

Terry Moore, President of the Policer Officer's Association addressed the Council regarding the effect that the 7.5% budget reduction has had on the department and stated that salary savings could be found elsewhere in the budget.

6. **REPORTS AND COMMUNICATIONS** – The following communication was provided for the Council's information. No action was taken on this item unless otherwise noted.

- 6.1. Letter dated 10/31/08 from Jim Ausman proposing a banner across Main Street to honor public safety. *The Capital Project Services Director indicated that there was a process already in place to handle this request and he would have staff look at the request.*

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: December 2, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING – November 18, 2008

Minutes

1. **CALL TO ORDER** – Board Chair Holcombe called the November 18, 2008 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

Absent: None

2. **CONSENT AGENDA** – *The Chico Redevelopment Agency acted in its capacity as the Chico Redevelopment Agency and the Chico City Council to consider Item 2.1.*

A motion was made by Board Member Bertagna and seconded by Board Member Wahl to approve the Consent Agenda.

- 2.1. **ACCEPTANCE OF THE FINANCE COMMITTEE RECOMMENDATION AND ADOPTION OF RESOLUTIONS AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT AND REVISED LOW AND MODERATE INCOME HOUSING FUND (LMIHF) LOAN AGREEMENT WITH CATALYST**

Accepted - the recommendation (2-0-1, Flynn absent) of the Finance Committee at its 10/29/08 meeting, to forward adoption of the resolutions to the City Council. **Adopted** - resolutions authorizing the City Manager to enter into: (1) a CDBG Grant Agreement with Catalyst for the development of a new facility at 1321 Ivy Street in the amount of \$450,000; and (2) a revised LMIHF loan agreement with Catalyst for development of the same facility in the amount of \$1,650,000. This revised LMIHF loan agreement supercedes Agency Resolution No. 07-06 adopted on 11/07/06 that authorized a loan in the amount of \$1,150,000 for the same project. **The Finance Committee recommended adoption of the resolutions.**

RESOLUTION NO. 95-08 – A RESOLUTION OF THE CHICO CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT WITH CATALYST DOMESTIC VIOLENCE SERVICES FOR THE DEVELOPMENT OF A NEW FACILITY AT 1321 IVY STREET, CHICO, CALIFORNIA (City Council Action)

RDA RESOLUTION NO. 09-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN IN THE AMOUNT OF \$1,650,000 FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO CATALYST DOMESTIC VIOLENCE SERVICES FOR DEVELOPMENT OF A TRANSITIONAL HOUSING FACILITY AT 1321 IVY STREET, CHICO, CALIFORNIA (Redevelopment Agency Action)

The motion to approve the Consent Agenda, as read, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

NOES: None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

- 4.1. **CONSIDERATION OF AUTHORIZATION TO PURCHASE PROPERTIES AT 871, 879 AND 899 EAST 19TH STREET**

The Chico Redevelopment Agency (Agency) currently owns adjacent vacant properties at 856 and 874 East 20th Street that total 0.67 acre in size. The Agency acquired the sites with Low and Moderate Income Housing Funds (LMIHF) for the purpose of developing new affordable housing. In order to present a viable project to a potential developer, Housing and Neighborhood Services (HNS) staff has been investigating opportunities to assemble nearby parcels.

Owners of adjacent properties at 871, 879 and 899 East 19th Street have offered to sell to the Agency for the total appraised price of \$480,000. At its meeting of 10/29/08, the Finance Committee reviewed this project and forwards it to the Council with no recommendation (2-0-1, Flynn absent). **(Report - James Coles, Housing Manager)**

A motion was made by Board Member Gruendl and seconded by Board Member Nickell to approve the purchase and adopt the following resolutions:

RESOLUTION NO. 10-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE ACQUISITION OF PARCELS LOCATED AT 871 AND 879 EAST 19TH STREET, CHICO, CALIFORNIA, ASSESSOR’S PARCEL NOS. 005-450-048 AND 005-450-049, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SALES AGREEMENT WITH THE PROPERTY OWNER, AND TO ACCEPT AND CONSENT TO CONVEYANCE OF THE PARCELS

RESOLUTION NO. 11-08 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE ACQUISITION OF THE PARCEL LOCATED AT 899 EAST 19TH STREET, CHICO, CALIFORNIA, ASSESSOR’S PARCEL NO. 005-450-052, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SALES AGREEMENT WITH THE PROPERTY OWNER, AND TO ACCEPT AND CONSENT TO CONVEYANCE OF THE PARCEL

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

NOES: Wahl

4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **ADJOURNMENT**

Adjourned at 10:57 p.m. to December 2, 2008 at 7:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: December 2, 2008

Deborah R. Presson, Agency Secretary

REGULAR CHICO CITY COUNCIL MEETING — December 2, 2008
Minutes

1. **CLOSED SESSION** – Canceled
- 1.2. **REGULAR CITY COUNCIL MEETING** - 7:30 p.m.
- 1.3. Call to Order – Mayor Holcombe called the December 2, 2008 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
- 1.4. Presentation of Colors and Pledge of Allegiance – Chico Police and Fire Department Color Guard National Anthem – Chico High School Women’s Quartet “Chic”
- 1.5. Invocation — Pastor Jim Peck, Congregational Church of Chico, United Church of Christ
- 1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: None

1.7. **ADOPTION OF A RESOLUTION DECLARING THE RESULTS OF THE 2008 GENERAL MUNICIPAL ELECTION**

Adopted - a resolution declaring the results of the General Municipal Election held on 11/04/08 in the City of Chico pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code. The election results received from the Butte County Clerk were certified by the City Clerk and attached to the resolution as Exhibit “A.” ***The City Clerk recommended adoption of the resolution.***

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to adopt the following resolution:

RESOLUTION NO. 96-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE NOVEMBER 4, 2008 GENERAL MUNICIPAL ELECTION

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

1.8. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS**

Approve – minutes of the City Council meetings held on 10/21/08, 11/04/08 - as amended, 11/17/08 and 11/18/08 - as amended.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the minutes as amended.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

RECOGNITION OF OUTGOING COUNCILMEMBER BERTAGNA

Glenn Taylor
Nick Bertagna
Mayor Andy Holcombe

SWEARING-IN OF COUNCIL
City Clerk Deborah Presson

SELECTION OF MAYOR AND VICE MAYOR
City Clerk Deborah Presson

The Council voted 7-0 to select Councilmember Ann Schwab as the Mayor and Councilmember Tom Nickell as the Vice Mayor, both serving a term of two years.

RECOGNITION OF OUTGOING MAYOR ANDY HOLCOMBE

Mayor Schwab presented outgoing Mayor Holcombe with an appreciation plaque for serving as the Mayor of Chico from 2006 - 2008.

3 **ADJOURNMENT**

- 3.1. The City Council recessed at 8:20 p.m. and reconvened at 8:40 p.m. for a regular meeting in the Council Chamber.



Date Approved: December 16, 2008

Deborah R. Presson, City Clerk

REGULAR CHICO CITY COUNCIL MEETING — December 2, 2008
Minutes

1.1. Call to Order – Mayor Schwab called the December 2, 2008 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:45 p.m.

1.2. Roll Call

Present: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

Absent: None

1.3. Presentation –“Vision Award” presented to the City and the Sustainability Task Force from the Sacramento Valley American Planning Association in recognition of their efforts to reduce greenhouse gas emissions. Linda Herman, Management Analyst accepted the award on behalf of the City.

2. **CONSENT AGENDA** – A motion was made by Councilmember Gruendl and seconded by Vice Mayor Nickell to approve the Consent Agenda, as read:

2.1. **ORDINANCE NO. 2388 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MBD, INC. REGARDING THE “BELVEDERE” PROJECT LOCATED AT THE NORTHEAST CORNER OF BRUCE ROAD AND EAST 20TH STREET (AP Nos. 018-390-045, -046, -047, and -048; Formerly AP Nos. 001-780-002, 003 and 004) - Final Reading and Adoption by reading of title only.**

Adopted - an ordinance to amend the Belvedere Development Agreement Amendment (DA 03-02). This ordinance was introduced by the Council at its meeting of 11/18/08. *The Planning Services Director recommended adoption of the ordinance by reading of the title only.*

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REPEAL CHAPTER 9.26, ENTITLED “PLAYING IN STREETS” - Introductory Reading**

Introduced - an ordinance which would repeal Chapter 9.26 of the Chico Municipal Code entitled “Playing in Streets.” The City Council directed staff to prepare this ordinance at its meeting of 10/07/08 *The Housing and Neighborhood Services Director recommended introduction of the ordinance by reading of the title only.*

2.3. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (McDONALD’S CORPORATION)**

Approved - a minute order authorizing acquisition of a right of way easement in connection with the SHR 99/Skyway Interchange Project according to the negotiated terms set out in the minute order for the property owned by McDonald’s Corporation, 2444 Notre Dame Boulevard. *The Administrative Services Director recommended approval of the minute order.*

MINUTE ORDER NO. 14-08 – AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE RECONSTRUCTION OF THE SHR99/SKYWAY INTERCHANGE (McDONALD’S CORPORATION - ASSESSOR’S PARCEL NO. 002-190-031)



3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 587 - PARK FOREST SUBDIVISION**

A condition of approval of the Park Forest Subdivision required the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities that are of special benefit to the subdivision located on the southwest corner of East Eighth Street and Forest Avenue. **(Report - Fritz McKinley, Building & Development Services Director)**

Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Gruendl and seconded by Councilmember Holcombe to adopt the following resolution:

RESOLUTION NO. 97-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 587 - PARK FOREST SUBDIVISION

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

NOES: None

3.2. **HEARING ON THE ADOPTION OF THE SOUTHWEST CHICO NEIGHBORHOOD IMPROVEMENT PLAN AND ADOPTION OF A NEGATIVE DECLARATION**

The Southwest Chico Neighborhood Improvement Plan (Plan) sets a vision for the future and establishes neighborhood-based priorities for future improvement initiatives that were developed through a consensus planning process. The Plan recommended a range of potential actions that could be taken to address issues, opportunities and concerns in the 654-acre Southwest Chico neighborhood. **(Report - Shawn Tillman, Senior Planner for Housing and Neighborhood Services)**

The Council was provided with copies of correspondence from Jeff Collins, Bill Brouhard, and Mark Sorensen.

Addressing the Council on this item were Michael Pike, Adam Fedeli, Chris Nelson, Jeff Collins, Matt Gallaway, Ken Fleming, Mike Trolinder, Becky Barnes-Bauers, Steven Schuman, Mark Stefan, Bill Brouhard, and Emily Alma.

A motion was made by Councilmember Holcombe to adopt the following resolutions:

RESOLUTION NO. 98-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION PREPARED FOR THE SOUTHWEST CHICO NEIGHBORHOOD IMPROVEMENT PLAN

RESOLUTION NO. 99-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE SOUTHWEST CHICO NEIGHBORHOOD IMPROVEMENT PLAN

Councilmember Wahl asked for a friendly amendment that would include Jeff Collin's comments into the plan.

The friendly amendment was not accepted by Councilmember Holcombe.

Councilmember Gruendl seconded the motion and asked for a friendly amendment to the motion to acknowledge that the adoption of the Plan will neither prejudice the General Plan analysis of circulation issues, nor prescribe the manner in which the RDA-owned property along the creek can be used.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Walker, Schwab
NOES: Wahl

The Council recessed at 9:40 p.m. for a 10 minute break.
The meeting was reconvened and all members were present.

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF A REQUEST FOR SUPPLEMENTAL FUNDING FROM THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, CHICO COMMUNITY SHELTER PARTNERSHIP**

Staff received a request from the Chico Community Shelter Partnership Board for a supplemental allocation of CDBG funds, to assist with the current operational shortfall at the Torres Community Shelter. Staff determined that an allocation of \$5,200 may be made within CDBG program guidelines, to be reallocated from the Shelter's existing allocation for a Phase II expansion which is on hold. **(Report—Sherry Morgado, Housing and Neighborhood Services Director)**

Addressing the Council on this item were Michael Reilley and Sheryl McWatters.

A motion was made by Councilmember Holcombe and seconded by Councilmember Walker to approve an allocation of \$5,200 in Community Development Block Grant funds for the Chico Community Shelter Partnership's operation of the Torres Community Shelter. The necessary supplemental allocation and budget modification will be processed at the time of the City's next quarterly Supplemental Allocation.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

4.2. **CONSIDERATION OF AMENDMENT TO THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN AND CONSIDERATION OF THE FORMATION OF A CITIZEN'S COMMITTEE**

The City Council approved ADA improvement recommendations by a citizen's committee in 1995, which became the City's Transition Plan in 1996. In 2006, the City began an ADA evaluation of its rights-of-way and parking lots which identified 1800 locations where access deficiencies exist. In order to comply with the ADA, the City now needs to amend its Transition Plan to address these deficiencies, which includes the formation of a citizen's committee. **(Report - Teresa Campbell, Human Resources Director)**

A motion was made by Vice Mayor Nickell and seconded by Councilmember Holcombe to approve the proposed amendment to the Transition Plan and formation of a limited-term citizen's committee.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

4.3. **CONSIDERATION OF RESOLUTIONS AUTHORIZING PAYING AND REPORTING OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SPECIAL COMPENSATION - VARIOUS EMPLOYEE GROUPS**

As a result of recent contract negotiation with the following bargaining groups: (1) Confidential; (2) Management; and (3) Service Employees International Union Employee Groups, the parties have reached agreement to enter into new contracts, which include the reporting of EPMC as special compensation (Gov. Code 20636c). **(Report - Teresa Campbell, Human Resources Director)**

A motion was made by Councilmember Holcombe and seconded by Vice Mayor Nickell to approve the adoption of the following resolutions:

RESOLUTION NO. 100-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SPECIAL COMPENSATION FOR CONFIDENTIAL EMPLOYEE GROUP

RESOLUTION NO. 101-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SPECIAL COMPENSATION FOR MANAGEMENT EMPLOYEE GROUP

RESOLUTION NO. 102-08 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SPECIAL COMPENSATION FOR SERVICE EMPLOYEES INTERNATIONAL UNION CLERICAL, TECHNICAL AND PROFESSIONAL AND TRADES AND CRAFTS UNITS

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

4.4. **CONSIDERATION OF A FORMAL STATE OF THE CITY PRESENTATION**

The City Council was asked to consider whether it wishes to hold a formal “State of the City” presentation for the community and if it did, determine if it should be held at the beginning of a regularly scheduled meeting or at a separate meeting. **(Report - Deborah Presson, City Clerk)**

A motion was made by Councilmember Wahl and seconded by Councilmember Flynn to not change the Chamber of Commerce event regarding “A.M. issues” which is more business oriented and directed staff to schedule a formal “State of the City” presentation sometime in September as a separate event with participation by all members of Council.

Michael Reilly addressed the Council in support of this item.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

Mayor Schwab asked that the Chamber be sent a letter confirming Council’s action with a request to receive an early notification of future Chamber events in order to get them on the Council’s schedule.

4.5. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None

5. **BUSINESS FROM THE FLOOR**

Terry Moore, President of the Police Officer’s Association addressed the Council regarding the impacts that the Police Department was experiencing due to the 7.5% budget reductions approved by Council.

6. **ADJOURNMENT**

Adjourned at 11:20 p.m. to the December 16, 2008 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: December 16, 2008

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — December 16, 2008
Minutes

- 1.1. **CLOSED SESSION - 6:00 p.m. - see page 8**
- 1.2. **REGULAR CITY COUNCIL MEETING - 6:30 p.m.**
- 1.3. **Call to Order - Mayor Schwab called the December 16, 2008 Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:00 p.m.**
- 1.4. **Flag Salute**
- 1.5. **Invocation — Pastor Scott Dowell, Sunrise Christian Center**
- 1.6. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab
Absent: None
- 1.7. **Closed Session Announcement - None**
- 1.8. **Presentation - Certificate of Appreciation for Bob Donohue "Ranger Bob," retiring Supervising Park Ranger, for 19 years of City service.**
- 1.9. **Proclamation - Acknowledging Scott Bauhs on his accomplishments in Track and Field and Cross Country.**
2. **CONSENT AGENDA - Item 2.3 was removed from Consent for further discussion at the request of Councilmember Wahl.**

A motion was made by Flynn and seconded by Holcombe to approve the Consent Agenda, as read, with Item 2.3. removed for further discussion and an amendment noted on the minutes listed under Item 2.9. It was also noted that Councilmember Walker abstained from voting on Item 2.4 and Mayor Schwab was disqualified from participating on Item 2.5. due to her residence being within 500 feet of a park. Vice Mayor Nickell was absent.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

- 2.1. **ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32 OF THE CHICO MUNICIPAL CODE REGARDING THE REGULATION OF CARDROOMS - Introductory Reading**

Introduced an ordinance to amend Chapter 5.32 of the Chico Municipal Code to allow cardrooms to operate 24 hours a day, seven days a week and to serve complimentary food and beverages. The City Attorney recommended introduction of the ordinance by reading of the title only.

- 2.2. ORDINANCE NO. 2389 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO REPEAL CHAPTER 9.26, ENTITLED "PLAYING IN STREETS" - Final Reading and Adoption

Adopted - an ordinance which repeals Chapter 9.26 of the Chico Municipal Code entitled "Playing in Streets." This ordinance was introduced by the City Council at its meeting of 12/02/08. The Housing and Neighborhood Services Director recommended adoption of the ordinance by reading of the title only.

- 2.3. ADOPTION OF RESOLUTION NO. 103-08 - A RESOLUTION SUPPORTING FAIR TRADE - At the request of Councilmember Wahl, this item was removed for further discussion and heard immediately following the approval of the Consent Agenda.

- 2.4. ADOPTION OF RESOLUTION NO. 104-08 - A RESOLUTION OF INTENTION TO ABANDON A PORTION OF AN ALLEY - SIERRA NEVADA BREWERY - FRANKLIN STREET

Adopted a resolution of intention to abandon and vacate a remainder portion of an alley located west of Franklin Street to facilitate the use of the property. The southerly portion of the same alley was previously abandoned in 2006, and this will complete the action. The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing on 1/06/09. Councilmember Walker abstained on this item.

- 2.5. ADOPTION OF RESOLUTION NO. 105-08 - A RESOLUTION AMENDING SECTION 12R.04.370 ENTITLED "CLOSURE OF CERTAIN PARKS" OF THE CHICO MUNICIPAL CODE - Vice Mayor Schwab was disqualified on this item due to her residence being within 500 feet of a park.

Adopted a resolution which amended Section 12R.04.270 of the Chico Municipal Code to remove the sunset date and to add neighborhood parks to the park closing provisions. The Interim Assistant City Manager and Bidwell Park and Playground Commission recommended adoption of the resolution.

- 2.6. APPROVAL OF MINUTE ORDERS - TEMPORARY USE OF COUNCIL CHAMBERS AND CONFERENCE ROOMS BY LOCAL GOVERNMENT AGENCIES

Approved minute orders allowing the temporary use of the Council Chambers and Conference Rooms to local government agencies for board meetings pursuant to Administrative Policy and Procedure No. 10-2. The City Clerk recommended approval of the following minute orders:

MINUTE ORDER NO. 15-08 - AUTHORIZATION FOR TEMPORARY USE OF COUNCIL CHAMBER AND CONFERENCE ROOM BY CHICO UNIFIED SCHOOL DISTRICT (CUSD) FOR BOARD OF EDUCATION MEETINGS

MINUTE ORDER NO. 16-08 - AUTHORIZATION FOR TEMPORARY USE OF COUNCIL CHAMBER BY BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG)

MINUTE ORDER NO. 17-08 - AUTHORIZATION FOR TEMPORARY USE OF COUNCIL CHAMBER AND CONFERENCE ROOM BY BUTTE COUNTY AIR QUALITY

MANAGEMENT DISTRICT (BCAQMD)2.7. APPROVAL OF MINUTE ORDER NO. 18-08 - AUTHORIZATION FOR THE CITY MANGER TO EXECUTE AND RECORD CONSENT TO IRREVOCABLE OFFER OF DEDICATION

Approved a minute order authorizing the City Manager to execute and record a consent to the irrevocable offer of dedication of approximately 4.89 acres of real property located along Dead Horse Slough, adjacent to the Oak Valley Subdivision, and between State Highway 32 and Humboldt Road. The dedication is made by the Thomas V. and Mary R. Fogarty Revocable Trust to the City of Chico for future ownership and maintenance of the Dead Horse Slough Creekside Setback and Open Space, to provide future connectivity of public streets, and future use for storm drainage purposes. The Building and Development Services Director recommended approval of the minute order.

2.8. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS

Confirmed the appointments of Councilmembers to Committees and other agencies and organizations as recommended by the Mayor.

2.9. APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON 12/02/08 - as amended.

Amendments to the minutes of 12/02/08 - as amended to include Michael Reilley and Sheryl McWatters addressing the Council on Item 4.1. Chico Community Shelter Partnership.

2.10. ADOPTION OF RESOLUTION NO. 109-08 - REPEALING RESOLUTION NO. 102-08 AND AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION - SERVICE EMPLOYEE INTERNATIONAL UNION (SEIU) EMPLOYEE GROUPS

Adopted - a resolution which repealed Resolution No. 102-08 and was adopted by the City Council on 12/02/08 and was clerically incorrect and authorized paying and reporting the value of EPMC to PERS as special compensation for the SEIU employee groups following their recent contract negotiations. The Human Resources Director recommended adoption of the resolution.

ITEMS REMOVED FROM CONSENT2.3. ADOPTION OF RESOLUTION NO. 103-08 - A RESOLUTION SUPPORTING FAIR TRADE - At the request of Councilmember Wahl, this item was removed for further discussion and heard immediately following the approval of the Consent Agenda.

A motion was made by Flynn and seconded by Holcombe to adopt the following resolution with it noted that Vice Mayor Nickell was absent:

RESOLUTION NO. 103-08 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO SUPPORTING FAIR TRADE AND THE PURCHASE OF FAIR TRADE PRODUCTS

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Schwab

NOES: Wahl

ABSENT: Nickell

3.1. **HEARING ORDERING ABANDONMENT AND VACATION OF A PORTION OF RIGHT OF WAY ON EAST 8TH STREET ADJACENT TO THE PARK FOREST SUBDIVISION AND ADOPTION OF A RESOLUTION AUTHORIZING THE CONVEYANCE OF RIGHT OF WAY OWNED IN FEE TITLE ON EAST 8TH STREET TO ADJACENT PROPERTY OWNERS**

At its meeting of 11/18/08, the City Council adopted Resolution No. 89-08, stating its intent to abandon a portion of right of way along the East 8th Street frontage abutting the Park Forest subdivision, and set the public hearing for this meeting. The Council was also asked to adopt a resolution authorizing the conveyance of the abandoned right of way, which is owned by the City in fee title, to contiguous property owners with approval of a covenant obligating the owners to retain and maintain existing trees within the right of way in accordance with the conditions of approval of the Park Forest Subdivision.

Pursuant to the City's Charter Section 614, adoption of the resolution authorizing conveyance of City property requires the affirmative vote of at least five members of the City Council. (Report-Fritz McKinley, Building & Development Services Director)

The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Flynn and seconded by Holcombe to adopt the following resolutions:

RESOLUTION NO. 106-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF RIGHT OF WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (EAST 8TH STREET ADJACENT TO APN 002-050-216 & 002-050-259)

RESOLUTION NO. 107-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED ON THE SOUTH SIDE OF EAST 8th STREET ADJACENT TO ASSESSOR'S PARCEL NOS. 002-050-216 AND 002-050-259

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

4. **REGULAR AGENDA**

4.1. **PRESENTATION AND ACCEPTANCE OF AUDIT REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

The City Council was provided a brief presentation outlining the City's auditing requirements, including the results for fiscal year ended 6/30/08. The audit was conducted by the certified public accounting firm of Richardson & Company, LLP, and was presented to the City Council in accordance with Sections 908 and 1109 of the City's Charter. (Report - Jennifer Hennessy, Finance Director)

A motion was made by Flynn and seconded by Gruendl to accept - Report to Management, City of Chico Comprehensive Annual Financial Report, Compliance Reports, Chico Redevelopment Agency Component Unit Financial Report and the Chico Public Financing Authority Component Unit Financial Report for the fiscal year ended 6/30/08. Vice Mayor Nickell was absent.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

4.2. **CONSIDERATION OF MINUTE ORDER NO. 19-08 - AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR INTERGOVERNMENTAL COOPERATION AND COORDINATION - CHICO AREA PARK AND RECREATION DISTRICT AND CITY OF CHICO**

At its meeting of 2/19/08, the City Council unanimously directed that an Ad-Hoc Committee be formed to pursue ways and means of extending intergovernmental cooperation and coordination between the Chico Area Recreation and Park District (CARD) and the City that will benefit the citizens of Chico and the surrounding areas. The Ad-Hoc Committee recommended that a Memorandum of Understanding be executed to formalize the existing informal agreements, understandings, and cooperative programs between the City and CARD, and to clarify each agency's roles and responsibilities for current and future recreational programs and facilities. (Report - Dennis Beardsley, Interim Assistant City Manager)

A motion was made by Flynn and seconded by Holcombe to approve MINUTE ORDER NO. 19-08 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR INTERGOVERNMENTAL COOPERATION AND COORDINATION BETWEEN THE CHICO AREA PARK AND RECREATION DISTRICT (CARD) AND THE CITY OF CHICO - Vice Mayor Nickell was absent.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

4.3. **CONSIDERATION OF THE SCHEDULE AND PROCEDURE TO APPOINT MEMBERS TO CITY BOARD AND COMMISSIONS**

The Council considered the scheduling and appointment process of its members to the City's Board and Commissions. The City Clerk also provided the Council with an "Appointment Process Summary" from surveyed cities. Jason Bougie addressed the Council regarding this item. (Report - Deborah Presson, City Clerk)

A motion was made by Flynn and seconded by Gruendl to direct staff to: (1) schedule a separate meeting to be held on 1/08/09 for the interviewing of applicants with time allotted for Council discussion on the criteria for appointment; (2) schedule the appointments to be made at the meeting of 1/20/08 in order to allow time for the Council to review all the information in order to select their nominees for each Board and Commissions; and (3) have the City Clerk prepare an outline of the appointment process based on the suggestions provided by Council which includes a nomination process. Vice Mayor Nickell was absent.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

4.4. **CONSIDERATION OF CITY OF CHICO FIVE-YEAR DEVELOPMENT IMPACT FEE REPORT AND ADOPTION OF A RESOLUTION MAKING FINDINGS RELATED TO DEVELOPMENT IMPACT FEES**

The City of Chico levies development impact fees to pay for facilities which are required due to new development. These fees are adopted in compliance with California Government Code Sections 66001 and 66006 which requires the City to demonstrate a "reasonable relationship between the fee and the purpose for which it is identified" (nexus). The City is required to make findings set forth in California Government Code Section 66001 with respect to the portion of the development impact fee account balances which remain unexpended, whether committed or uncommitted. The report was made available to the general public on 12/02/08, as required by the Government Code. (Report - Fritz McKinley, Building & Development Services Director)

A motion was made by Gruendl and seconded by Holcombe to adopt RESOLUTION NO. 108-08 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING FINDINGS REGARDING DEVELOPMENT IMPACT FEES - Vice Mayor Nickell was absent.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab

NOES: None

ABSENT: Nickell

4.5. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA**

5. **BUSINESS FROM THE FLOOR - No speakers.**

6. **REPORTS AND COMMUNICATIONS** The following reports and communication

items were provided for the Council's information. No action was taken on any of the items unless the Council agrees to include them on a subsequent posted agenda.

- 6.1. E-mail dated 11/23/08 from Juanita Sumner asking the City Council to agendize the discussion of the conduct of Bidwell Park and Playground Commissioner Tom Barrett as it pertains to Administrative Procedure and Policy No. 10-1(Code of Conduct). No action was taken on this item as the City Clerk confirmed that the Code of Conduct is covered in the mandatory orientation that all members of Boards and Commissions are required to attend. It was also noted that Tom Barrett's term on the Park Commission will expire in 1/09 and he has not submitted an application for reappointment.
- 6.2. E-mail dated 12/15/08 from Councilmember Holcombe requesting reconsideration of the disc golf decision of 11/18/08. Council concurred 6-0-1, with Vice Mayor Nickell absent, to agendize the discussion of reconsideration of the Council's decision regarding removal of disc golf from the Upper Park to its meeting of 1/06/09.
7. ADJOURNMENT- Meeting adjourned at 8:35 p.m. to January 6, 2009 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: February 17, 2009

Deborah R. Presson, City Clerk

Closed Session Meeting

1. CLOSED SESSION CALL TO ORDER - The Mayor called the Adjourned Regular Chico City Council Closed Session Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

Council Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Schwab
Council Absent: Nickell

Staff Present: City Manager Burkland, City Attorney Barker, Assistance City Manager Rucker, General Services Director Beardsley, City Clerk Presson, Human Resources Director Campbell

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following cases:

Danford A. Jay and Sandra R. Jay v. City of Chico, et al., Butte County Superior Court Case No.145202, pursuant to subdivision (a) of Government Code section 54956.9.

Danford A. Jay and Sandra R. Jay v. City of Chico, et al., Butte County Superior Court Case No.145203, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).

3. ADJOURNMENT - The Closed Session meeting adjourned at 6:25 p.m.
