

The Council appreciates your cooperation in turning off cell phones during the meeting!

CITY OF CHICO CITY COUNCIL AGENDA

TUESDAY, JANUARY 21, 2020

CITY COUNCIL MEETING – 6:00 P.M.

CITY COUNCIL

Scott Huber
Sean Morgan
Karl Ory
Kasey Reynolds
Ann Schwab
Alex Brown, Vice Mayor
Randall Stone, Mayor

BUSINESS FROM THE FLOOR IS NOW HELD FOLLOWING THE CONSENT AGENDA

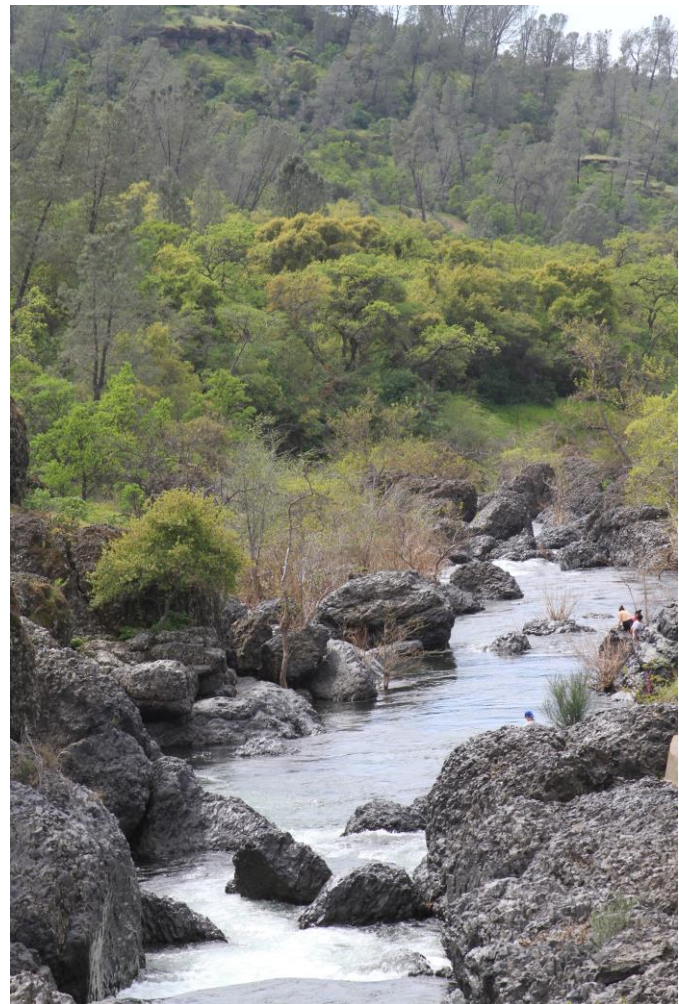
COPIES OF THIS AGENDA PACKET AVAILABLE FOR REVIEW IN THE:

CITY CLERK'S OFFICE
411 Main Street
Chico, CA 95928

OR ON THE WEB AT:
www.ci.chico.ca.us

Posted on: 1/16/20
Posting Location: 421 Main St.
Prior to: 6:00 p.m.

Note: Pursuant to Government Code 54957.5 – Effective 7/1/08: Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the City Clerk's office at the Municipal Center located at 411 Main St. from 8:00 a.m. to 5:00 p.m.



The Chico City Council welcomes you to this meeting and invites you to participate in matters before the Council.

Information and Procedures Concerning Conduct of City Council Meetings

PUBLIC PARTICIPATION:

- All members of the public may address Council on any item listed on the agenda.
- All members of the public may address Council on non-agenda items from Business from the Floor.
- Each speaker will be asked to complete a speaker card and turn it in to the City Clerk prior to the conclusion of the staff presentation and will state his/her name at the podium before speaking.
- Persons demonstrating rude, boisterous or profane behavior will be called to order by the Mayor. If such conduct continues, the Mayor may call a recess, requesting the removal of such person(s) from the Council Chamber, adjourn the meeting or take some other appropriate action.

TIME LIMIT:

- Three minute time limit for each speaker unless Council specifies a different time limit based on the time allotted for the item and the number of speakers.
- Speakers may address Council only one time on each agenda item after turning in a Speaker Card to the City Clerk.
- A speaker may not defer his/her time to other speakers.
- Groups or organizations are encouraged to select a spokesperson to speak on their behalf. Each subsequent speaker is encouraged to submit new information, and rather than repeating comments made by prior speakers to simply indicate their agreement with a prior speaker's comments.

WRITTEN MATERIAL:

- Council is unable to read written materials presented at the meeting. If any person intends to appear before the Council and provide written material, it should be delivered to the City Clerk's office 8 days in advance of the meeting (sooner if there are holidays prior to the meeting) in order that copies may be included with the agenda and to give Council an opportunity to review the material in advance.

AMERICAN DISABILITIES ACT:

- Please contact the City Clerk at 896-7250 should you require an agenda in an alternative format or if you need to request a disability-related modification or accommodation in order to participate in a meeting. This request should be received at least three working days prior to the meeting in order to accommodate your request.
- Anyone who has difficulty hearing the proceedings of a meeting may be provided with a portable listening device by requesting one from the City Clerk.



The Chico City Council encourages citizens to participate in the development of city policies and the implementation of City programs.

♦♦♦

The Council and staff shall work to preserve appropriate order and decorum during all City meetings.



SPECIAL PRESENTATIONS:

- Special presentations which include slides, films, etc. during the course of a meeting will only be allowed with prior approval of the Mayor.

BUSINESS FROM THE FLOOR:

- A member of the general public may address the Council on any matter not appearing on the agenda that is of interest to such person and is within the jurisdiction of the Council.
- No action can be taken by Council on any items brought forward at this time. Council may request this item to be brought back at a subsequent meeting.

AGENDA COPIES

- Available at the meeting.
- May be mailed to an individual at an annual cost set forth in the City's Fee Schedule.
- May be picked up in advance in the City Clerk's Office without charge.

CLOSED SESSION:

- A description of the items, if any, to be discussed in closed session are always listed on the agenda. Any action taken during this time will be announced when the Council reconvenes to open session.

COPIES OF AGENDA ITEMS:

- Available for public inspection in the City Clerk's Office prior to a meeting.
- Copies may be obtained after payment of applicable copy fees.

USE OF CELL PHONES DURING MEETINGS:

- The Council appreciates your cooperation in turning off all cell phones

ITEMS NOT APPEARING ON POSTED AGENDA This agenda was posted on the Council Chamber Building Bulletin Board at least 72 hours in advance of this meeting. In order for the Council to take action on an item not appearing on the posted agenda, other than merely acknowledging receipt of correspondence or other information, the Council must make one of the following determinations:

1. Determine by a majority vote that an emergency exists as defined in Government Code Sec. 54956.5.
2. Determine by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Council is present, that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted.
3. Determine that the item appeared on a posted agenda for a meeting occurring not more than 5 calendar days prior to this meeting, and the item was continued to this meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING OF JANUARY 21, 2019
Chico Municipal Center, Council Chamber, 421 Main Street, Chico

- 1.1. **ADJOURNED REGULAR CITY COUNCIL MEETING** - 6:00 p.m.
 - 1.2. Call to Order - 6:00 p.m. in the Council Chamber, 421 Main Street, Chico, CA
 - 1.3. Invocation – Ray Sheldon, Police Chaplain
 - 1.4. Pledge of Allegiance to the Flag
 - 1.5. Roll Call
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2. **CONSENT AGENDA**

- 2.1. **MINUTE ORDER – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT THE CHICO MUNICIPAL AIRPORT HANGAR SPACE C-26 (CITY OF CHICO/FERREIRA WATER SERVICE, DOUG FERREIRA AND STACEY FERREIRA)**

Approve a Minute Order authorizing the City Manager to execute a lease of real property at the Chico Municipal Airport for Hangar Space C-26 (City of Chico/Ferreira Water Service, Doug Ferreira and Stacey Ferreira). *(Erik Gustafson, Director of Public Works – Operations & Maintenance)*

- 2.2. **MINUTE ORDER – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT THE CHICO MUNICIPAL AIRPORT HANGAR SPACE C-13 (CITY OF CHICO/THE DREW KEENAN REVOCABLE TRUST OF 2019, DREW KEENAN)**

Approve a Minute Order authorizing the City Manager to execute a lease of real property at the Chico Municipal Airport for Hangar Space C-13 (City of Chico/The Drew Keenan Revocable Trust of 2019, Drew Keenan). *(Erik Gustafson, Director of Public Works – Operations & Maintenance)*

- 2.3. **BUDGET MODIFICATION NO. 2020-CC-001**

The Budget Modification moves a \$10,000 appropriation from one category to another with Fund 001-101 (City Council) and does not increase the overall appropriation. *(Mark Orme, City Manager)*

- 2.4. **BUDGET MODIFICATION NO. 2020-PW-004**

The enclosed Budget Modification moves a \$1,000,000 appropriation from Capital Improvement Project (CIP) 18907 – Street Maintenance and Improvements (Fund 943) to another CIP, 50442 – 2020 Esplanade Road Reconstruction. *(Brendan Ottoboni, Director of Public Works – Engineering)*

- 2.5. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY INFILL INFRASTRUCTURE GRANT PROGRAM FOR THE BRUCE ROAD RECONSTRUCTION PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD AGREEMENT, IF AWARDED FUNDING, ANY AMENDMENTS THERETO, AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE PROGRAM FOR AN AWARD UP TO \$30,000,000 TO CONSTRUCT THE BRUCE ROAD RECONSTRUCTION PROJECT**

Adopt - a resolution authorizing staff to apply for the grant funding through the California Department of Housing and Community Development's Infill Infrastructure Grant Program to construct the Bruce Road Reconstruction Project. *(Brendan Ottoboni, Director of Public Works - Engineering)*

2.6. **APPROVAL OF REVISED ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) 10-10 RELATED TO COUNCIL REQUESTS**

At its meeting of 10/1/19, the City Council asked the City Attorney's office to update Administrative Procedure and Policy (AP&P) 10-10 to ensure the public's right to address Councilmember requests appearing on Council agendas as set forth by the Brown Act. While the procedure was revised on actual agendas, approval of the proposed revisions will officially amend the policy confirming the public's right to speak on these types of requests. **(Report - Deborah R. Presson, City Clerk & Elections Official)**

2.7. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF 11/19/19**

2.8. **ITEMS REMOVED FROM THE CONSENT AGENDA**

3. **BUSINESS FROM THE FLOOR** - *Members of the public may address the Council at this time on any matter not already listed on the agenda, with comments being limited to three minutes or as determined by the Mayor based on the number of speakers. The Council cannot take any action at this meeting on requests made under this section of the agenda.*

4. **PUBLIC HEARINGS**

4.1. **PUBLIC HEARING FOR DISTRICT BASED ELECTIONS – DRAFT MAPS, TIMING, AND SEQUENCING**

Public Hearing Number Four to receive community input on formation of City Council Districts to be established for district-based elections, including input on four alternative maps showing boundaries for seven potential Council Districts, and providing direction on preferred configurations and changes to draft maps. **(Report – Andrew Jared, City Attorney)**

Recommendation: *That the City Council of the City of Chico 1) hold the fourth public hearing to receive input on the composition of Council voting districts, and allow for public comment on four map alternatives (Plan Emerald, Plan Navy, Plan Lavender, and Plan Tangerine); 2) select which map, either as presented or as amended by the City Council during the meeting, best addresses the issues presented in establishing City Council districts to be in the change to district-based elections; 3) direct staff to bring an ordinance to the Council establishing direct elections and district boundaries consistent with the chosen map; and 4) provide direction on district election timing and sequencing.*

5. **REGULAR AGENDA**

- 5.1. **MAYOR STONE'S REQUEST AGENDIZED – PG&E RESOLUTION – *This item was continued from the 1/7/20 meeting.***

At its meeting of 12/17/19, the Council voted to agendize a discussion in consideration of a resolution supporting PG&E Electric Utility Customer Ownership.

5.2. **CONSIDERATION OF CANNABIS ADVERTISING AND POTENCY REGULATIONS**

On November 26, 2019, the City Council directed staff to bring back revisions to an ordinance regulating commercial cannabis in January 2020. Such motion included requests to further evaluate the fee structure for the commercial cannabis permit, a discussion regarding limitation of the concentration of THC in cannabis sold in the City of Chico ("potency caps"), and options for enforcing stricter standards for advertising of cannabis prior to introduction of the proposed ordinance. **(Report – Andrew Jared, City Attorney)**

Recommendation: *The City Council of the City of Chico consider and provide further direction regarding the local regulation of cannabis advertisement and cannabis potency limits.*

5.3. **CHICO ANIMAL SHELTER POSITION RECLASSIFICATION**

The City Council will consider the reclassification of 1.0 full-time Animal Services Associate to a full-time Animal Services Technician position at the City of Chico Animal Shelter. **(Report – Jamie Cannon, Human Resources and Risk Management Director)**

Recommendation: *The City Manager recommends Council approve the reclassification of 1.0 full-time Animal Services Associate to a full-time Animal Services Technician position at the City of Chico Animal Shelter and the associated amendments to the budget appendices.*

5.4. **INTRODUCTION AND FIRST READING OF AN ORDINANCE CREATING CHAPTER 10.53 OF THE CHICO MUNICIPAL CODE REGARDING TEMPORARY STREET CLOSURES**

City of Chico staff, Butte County staff, and elected officials assigned to the local government committee have discussed impacts of criminal activity on various roads and streets throughout Chico. State law allows for the temporary closure of streets pursuant to California Vehicle Code section 21101.4. After adopting this ordinance, the City may temporarily close streets and roads to deal with criminal activity, including refuse dumping, arson, street racing, and other illegal activity.

Recommendation: *The Public Works Director – Operations and Maintenance recommends the City Council introduce the following ordinance, by reading of title only:*

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 10 OF THE CHICO MUNICIPAL CODE TO ADD CHAPTER 10.53 RELATING TO TEMPORARY STREET CLOSURES

5.5. **CONSIDERATION OF RECOMMENDATIONS FROM THE BIDWELL PARK AND PLAYGROUND COMMISSION REGARDING PLACEMENT OF PORTABLE RESTROOMS**

At its 11/25/19 meeting, the Bidwell Park & Playground Commission discussed the feasibility and costs to provide eight additional portable restrooms in City Parks and greenways. After reviewing whether to place 4, 6, or 8 portable restrooms along Lindo Channel, Big Chico Creek, and Little Chico Creek, the Commission recommended that the City Council consider placing five portable restrooms at various locations on each creek or greenway. **(Report – Erik Gustafson, Director of Public Works – O & M)**

Recommendation: *The Bidwell Park and Playground Commission recommends (4-1-2) that the City Council approve 1) placing five (5) portable restrooms in City parks and greenways at the following locations (listed in order of priority); and 2) allocating \$83,500.00 in funding for this project to help cover any additional damages or cleaning costs.*

5.6. **CONSIDERATION OF RECOMMENDATIONS FROM THE BIDWELL PARK AND PLAYGROUND COMMISSION REGARDING PARK RESERVATION POLICIES AND FEES**

Over a series of meetings, the Bidwell Park & Playground Commission (BPPC) reviewed the provisions regarding permits and reservations for private and public events in Bidwell Park and other City Parks and the fees associated with these permits. The BPPC is proposing several changes to the park reservation permits, policies and fees for the City Council's consideration. **(Report – Erik Gustafson, Public Works Director – O & M)**

Recommendation: *The Bidwell Park and Playground Commission recommends (7-0) that the City Council approve increasing the proposed park reservation and special event permit fees, and the related Chico Municipal Code (CMC) revisions provided in the Staff report.*

5.7. **CONSIDERATION OF A RESOLUTION TO RECEIVE AIRPORT GRANT FUNDS FOR RUNWAY RECONSTRUCTION AT THE CHICO MUNICIPAL AIRPORT**

On March 23, 2018, the President signed H.R. 1625, the Consolidated Appropriations Act, 2018. The legislation provided the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP) an additional \$1 billion in discretionary grants, to enable the Secretary of Transportation to fund grant projects at qualifying airports. Currently, the runway at Chico Municipal Airport (CIC) is identified for reconstruction in 2026. On January 9, 2020 Airport Manager, Sherry Miller received a call from the FAA asking if the City is able to receive runway improvement funds now to accelerate the construction schedule for the project.
(Report – Erik Gustafson, Public Works Director – O & M)

Recommendation: *The Public Works Director of Operations and Maintenance recommends that the City Council approve the following resolution accepting the FAA grant funds if formally offered and commit to fund the 10% match of \$1,403,500 in FY2020-21.*

RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT FOR THE CHICO MUNICIPAL AIRPORT RUNWAY RECONSTRUCTION PROJECT

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

6. **REPORTS AND COMMUNICATIONS** - The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda.

6.1. **CITY MANAGER'S REPORT** - *Verbal Report, City Manager Orme*

6.2. **COUNCILMEMBER REQUESTS** - *Pursuant to AP&P 10-10, a majority vote of Council will be needed to agendize these items for discussion at a future meeting. Speaker cards will be accepted.*

A. Mayor Stone and Vice Mayor Brown have submitted a request to agendize a discussion to rescind the Sit & Lie Ordinance and to amend the Offenses Against Public Property Ordinance. *This item was continued from the 1/7/20 meeting.*

B. Councilmember Huber has submitted a request to agendize a discussion of creating a committee for the purpose of developing a comprehensive strategy for reducing homelessness and its impacts in Chico. *This item was continued from the 1/7/20 meeting.*

C. Councilmember Ory has submitted a request to agendize a discussion to consider the Residential Energy Conservation Ordinance for Substantial Remodels.

D. Councilmember Ory has submitted a request to agendize a discussion on the draft Extreme Heat Preparedness Plan and the cost of cooling shelters to be considered during budget time.

E. Councilmember Ory has submitted a request to agendize a discussion of endorsement of the Disaster Housing Budget Letter.

7. **CLOSED SESSION** - *Council will recess to Closed Session in Conference Room 2.*

7.1. **CLOSED SESSION PUBLIC COMMENTS OR COUNCIL DISQUALIFICATIONS**

7.2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT/DISMISSAL/RELEASE:** *(Gov. Code section 54957(b)(1).) Title: City Attorney*

7.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Pursuant to Gov. Code Sec. 54956.8.

Agency Negotiator: Mark Orme, City Manager

Negotiating Parties: Rebecca Rehkla, John Rehkla, and Leslie Rehkla

Property: APN 007-390-00; 3415 Silverbell Road

Under Negotiation: Price and Terms

Agency Negotiator: Mark Orme, City Manager

Negotiating Parties: Charles R Priddy Jr. and Mary Ann Priddy, Trustees of The Priddy Family

Property: APN 007-390-025; 427 Eaton Road

Under Negotiation: Price and Terms

Agency Negotiator: Mark Orme, City Manager

Negotiating Parties: No. CA Prod. Credit Assn. & No. CA Fed. Land Bank Assn.

Property: APN 007-390-026; 3435 Silverbell Road

Under Negotiation: Price and Terms

7.4. **CLOSED SESSION ITEMS ADDED AFTER THE POSTING OF THE AGENDA**

7.5. **RECONVENE TO CITY COUNCIL MEETING**

7.6. **CLOSED SESSION ANNOUNCEMENT**

8. **ADJOURNMENT** - Adjourn to the Regular City Council meeting on Tuesday, February 4, 2020 at 6:00 p.m. in the Council Chamber at 421 Main St. Chico, CA.