

CITY OF CHICO CITY COUNCIL AGENDA

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

TUESDAY, NOVEMBER 12, 2019

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: 11/8/19
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.

COUNCIL APPOINTEES

Mark Orme
City Manager

Vincent C. Ewing
City Attorney

Deborah R. Presson
City Clerk

DEPARTMENT HEADS

Chris Constantin
Assistant City Manager

Scott Dowell
Administrative Services Dir.

Erik Gustafson
Public Works Dir. – Operations & Maintenance

Anthony Lindsey
Community Dev. Director - Building

Michael O'Brien
Chief of Police

Brendan Ottoboni
Public Works Dir. – Engineering

Steven Standridge
Fire Chief

Brendan Vieg
Community Dev. Director - Planning

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.

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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 NOVEMBER 12, 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. Pledge of Allegiance to the Flag
 - 1.4. Roll Call
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2. **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.*

3. **REGULAR AGENDA**

3.1. **CONSIDERATION OF A RESOLUTION OF INTENTION TO TRANSITION TO DISTRICT-BASED ELECTIONS**

The City of Chico ("City") has received two notices of violation of the California Voting Rights Act ("CVRA"). Such written notice is a prerequisite to filing suit for enforcement of a CVRA. Plaintiffs in CVRA actions are entitled to recover attorney's fees and costs. Such awards can exceed \$1 million. A "safe-harbor" provision exists whereby cities may cap attorney's fees associated with such violation at \$30,000 if the City adopts a resolution of intention to move to district elections within 45 days of the receipt of a notice of violation letter, and then thereafter adopts an ordinance moving to district-based elections within 90 days of the resolution.

On November 5, 2019, the City Council considered this threat of litigation in closed session and directed staff to place for consideration a Resolution of Intention to Transition to District-based Elections.

Recommendation: *That the City Council of the City of Chico 1) review and adopt the following resolution; and 2) direct staff to take all other actions necessary to effectuate the intent of such resolution.*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS FOR MEMBERS OF CITY COUNCIL, OUTLINING SPECIFIC STEPS TO BE UNDERTAKEN TO FACILITATE THE TRANSITION, AND ESTIMATING A TIME FRAME FOR ACTION PURSUANT TO ELECTIONS CODE SECTION 10010

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

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

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

4.2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: GOV. CODE §54956.9 (D)(2):**
(Two Cases)

4.3. **RECONVENE TO CITY COUNCIL MEETING**

4.4. **CLOSED SESSION ANNOUNCEMENT**

5. **ADJOURNMENT** - Adjourn to the Adjourned Regular City Council meeting on Tuesday, November 19, 2019 at 6:00 p.m. in the Council Chamber at 421 Main St. Chico, CA.