

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

# CITY OF CHICO CITY COUNCIL AGENDA

AMENDED

## TUESDAY, NOVEMBER 19, 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](http://www.ci.chico.ca.us)

Posted on: 11/13/19  
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.

♦♦♦

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 19, 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 – Police Chaplain Burkett
  - 1.4. Pledge of Allegiance to the Flag
  - 1.5. Roll Call
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2. **CONSENT AGENDA**

- 2.1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, AMENDING, ADDING, OR REPEALING CERTAIN CHAPTERS AND SECTIONS IN TITLE 16R OF THE CHICO MUNICIPAL CODE RELATING TO THE ADOPTION BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2019 EDITIONS OF THE CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY, GREEN BUILDING, AND FIRE CODES AND STANDARDS; AS WELL AS THE ADOPTION BY REFERENCE THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING, ADDING OR REPEALING PROVISIONS IN TITLE 16R OF THE CHICO MUNICIPAL CODE FOR THE ADMINISTRATION AND ENFORCEMENT BY THE CITY’S BUILDING DIVISION AND FIRE DEPARTMENT – *Final reading and adoption***

The proposed ordinance provides for the adoption of the latest 2019 edition of the California Building Standards Code, which encompasses the Building, Residential, Mechanical, Plumbing, Energy, Electrical, Fire, Historical Building, Existing Building and the Green Building Standards Code, and re-adopts many of the City of Chico local amendments currently in place; adopts the 2018 International Property Maintenance Code; and cleans up existing provisions of the Chico Municipal Code to reflect the aforementioned new code adoptions so that the City’s codes are current and internally consistent. **(Tony Lindsey, Community Development Director & Steve Standridge, Fire Chief)**

- 2.2. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, AMENDING TITLE 10 “VEHICLES AND TRAFFIC” OF THE CHICO MUNICIPAL CODE – *Final reading and adoption***

On November 5, 2019, staff presented the Downtown Access Action Plan (DAAP) Implementation Phase 1 to the Council and an ordinance amending Title 10 “*Vehicles and Traffic*” of the CMC was introduced. Additionally at this meeting, Council adopted Resolution No. 97-19 which amended fee schedule 15-090 “*Parking Fees and Rates*”. **(Brendan Ottoboni, Public Works Director – Engineering)**

- 2.3. **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 REGARDING THE ESTABLISHMENT OF DISTRICT-BASED ELECTIONS**

The Council will hold a public hearing to receive input from the community on City Council Districts to be established for “District-Based” elections. At its meeting of 11/12/19, the City Council adopted a resolution of intention to transition from an at-large to district-based elections in order to conform to the California Voting rights Act of 2001 (CVRA). The transition to district elections is proposed to be implemented for the November 2020 General Election.

***(Continued on next page)***

The purpose of the hearing is to: (1) provide information regarding the composition of the districts and the districting process; (2) present options available to the City; and (3) receive community input on the criteria for drawing the boundaries of the voting districts, prior to the City's independent demographer drafting district map boundary alternatives. (**Report – Andrew Jared, Assistant City Attorney and City Manager Mark Orme**)

**Recommendation:** *The Assistant City Attorney and City Manager recommend that the City Council hold the first of two public hearings to receive input on the composition of voting districts and request any additional information needed for the public hearing scheduled for December 10, 2019.*

## 5. **REGULAR AGENDA**

### 5.1. **CONSIDERATION OF AN ORDINANCE EXTENDING THE PROHIBITION OF PRICE GOUGING**

On November 8, 2018, the Town of Paradise and surrounding area experienced the largest and deadliest fire in California history. Chico, the largest neighboring city, saw a large influx of impacted residents, as well as many offers for help from private, public, and non-profit organizations. City staff received multiple reports of significant price increases on rentals and other goods and services needed during this challenging time. In using best practice implemented by the City of Santa Rosa during their recent emergency, on November 16, 2018, the City Council implemented an emergency ordinance to protect Chico residents and visitors from price gouging of housing, hotels, motels, personal housing put out as rentals, goods and services which are critical at this time. On April 16, 2019, the City Council extended the price gouging prohibition until December 31, 2019. This item would extend the price gouging prohibition until December 31, 2020 or other such time as the Camp Fire disaster declaration is in place.

**Recommendation:** *The City Manager recommends the introduction of the following ordinance by reading of the title only:*

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.55 TO THE CHICO MUNICIPAL CITY CODE TO IMPOSE A PROHIBITION ON PRICE GOUGING DURING AND FOLLOWING A DECLARED EMERGENCY**

### 5.2. **CONSIDERATION OF CANNABIS RECOMMENDATIONS**

On February 5, 2019, the City Council approved the creation of a Commercial Cannabis Citizen's Advisory Committee to evaluate various aspects of commercial cannabis. After conducting ten meetings between May 22, 2019 and August 14, 2019, Vice Mayor Brown presented the proposal of the Advisory Committee to the Internal Affairs Committee. On September 9, 2019, the Internal Affairs Committee in turn approved (3-0) recommending the proposal to the City Council. The Office of the City Attorney has prepared text amendments of the Chico Municipal Code, Chico Zoning Code, and a codified resolution to incorporate those issues and policy considerations raised by the Advisory Committee and Internal Affairs Committee.

**Recommendation:** *City Manager recommends the City Council consider one of the following options:*

1. **Direct Adoption and First Reading** – Consider the ordinance and codified resolution creating a Commercial Cannabis Permit system, and direct City staff to return the items for adoption, and direct the Planning Commission to conduct the appropriate hearings on amendments to the zoning code ordinance as presented;
2. **Revise and Amend** – Revise the ordinance and codified resolution creating a Commercial Cannabis Permit system, and direct City staff to return the items for adoption, and direct the Planning Commission to conduct the appropriate hearings on amendments to the zoning code ordinance; or
3. **Alternate Direction** – provide City staff with alternate direction or consider directing additional consideration by the Internal Affairs Committee and/or the Cannabis Advisory Committee.

5.3. **CERTIFICATION OF NON-PUBLIC SAFETY MANAGMENT EMPLOYEES AS THE CHICO MANAGEMENT EMPLOYEES**

The proposed resolution, based on the results of a secret ballot election, certifies that formal recognition should be granted to the Chico Management Employees (CME). **(Report – Mark Orme, City Manager)**

**Recommendation:** *The City Manager recommends adoption of the following Resolution:*

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO RECOGNIZING THE CHICO MANAGEMENT EMPLOYEES AS A MAJORITY REPRESENTATIVE**

5.4. **CONFIRMATION OF DEPARTMENT HEAD APPOINTMENT**

Section 605 of the City Charter states that the appointment of department heads is subject to confirmation by the City Council. In order to meet this requirement, City Council is being presented with the employment agreement for the Director of Human Resources & Risk Management. **(Report – Mark Orme, City Manager)**

**Recommendation:**

A. In compliance with Government Code Section 54953(c)(3), the City Manager shall first orally report a summary of the recommendation for final action related to the Director of Human Resources & risk Management employment agreements as follows:

*“The City Manager is proposing to enter into an employment agreement with Jamie Cannon as the Director of Human Resources and Risk Management; and*

*The City Manager is proposing to appoint Jamie Cannon with an annual salary of \$123,531.”*

B. The City Manager recommends Council Confirmation of the appointment of Jamie Cannon as the Director of Human Resources and Risk Management.

5.5. **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.*

Councilmember Huber has submitted a request to discuss Laura’s Law.

6.3. **SUNSHINING OF NEGOTIATION PROPOSALS – CPSA** *(Information only)*

Under the terms of the Council’s request to sunshine Union Proposals, Council is provided the initial proposals from the Chico Public Safety Association (CPSA). Additionally, Council is provided with the City’s initial/counter proposals for the CPSA. Once negotiations conclude, the final draft agreements will be brought back to Council for action in open session **(Jamie Cannon, Human Resources & Risk Manager)**

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

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

7.2. **CONFERENCE WITH LABOR NEGOTIATOR** - Pursuant to Gov. Code Sec. 54957.6

**Negotiator:** Mark Orme, City Manager

**Employee Organizations:** Chico Police Officers Association, Chico Public Safety Association, Confidentials, International Association of Fire Fighters, Stationary Engineers – Local 39, Management, Public Safety Management, Service Employees International Union – Trades & Crafts, United Public Employees of California – Local 792

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

**Agency Negotiator:** Mark Orme, City Manager

**Negotiating Parties:** None

**Property:** APNs 039-620-012, 039-060-062, 039-420-002

**POSTED ADDENDUM – ITEM ADDED AFTER THE POSTING OF THE AGENDA**

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

7.4. **RECONVENE TO CITY COUNCIL MEETING**

7.5. **CLOSED SESSION ANNOUNCEMENT**

8. **ADJOURNMENT** - Adjourn to the Adjourned Regular City Council meeting on Tuesday, November 26, 2019 at 6:00 p.m. in the Council Chamber at 421 Main St. Chico, CA.