

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

CITY OF CHICO CITY COUNCIL AGENDA

TUESDAY, FEBRUARY 4, 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: 1/30/20
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.

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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.

REGULAR CHICO CITY COUNCIL MEETING OF FEBRUARY 4, 2019

Chico Municipal Center, Council Chamber, 421 Main Street, Chico

- 1.1. **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 – Reverend FR. Joshua Sia - St. John the Baptist Parish
- 1.4. Pledge of Allegiance to the Flag
- 1.5. Roll Call

2. **CONSENT AGENDA**

2.1. **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 ROAD CLOSURES**

Chico City Council introduced the first reading of an Ordinance creating Chapter 10.53 of the Chico Municipal Code regarding temporary road closures at the January 21, 2020 City Council Meeting. 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. Following adoption of 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. **(Erik Gustafson, Public Works Director Operations and Maintenance)**

2.2. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE UNITED STATES BANKRUPTCY COURT TO FULLY CONSIDER A PROPOSAL TO TRANSFORM PACIFIC GAS AND ELECTRIC INTO A CUSTOMER-OWNED UTILITY**

On January 21, 2020, the City Council approved a request by Mayor Randall Stone to consider approving a resolution requesting the California Public Utilities Commission and the US Bankruptcy Court to fully consider a proposal to transform Pacific Gas and Electric into a customer-owned utility.

2.3. **AUTHORIZATION FOR THE CITY MANAGER TO DONATE SURPLUS THERMAL IMAGING CAMERAS AND CHARGERS TO BUTTE-GLENN COMMUNITY COLLEGE DISTRICT TO SUPPORT ITS FIREFIGHTER I ACADEMY**

Approve - minute order declaring the thermal imaging cameras and chargers as surplus property and authorizing the City Manager to donate the items to Butte-Glenn Community College District. **(Steve Standridge, Fire Chief)**

2.4. **APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. 2020-ASD-004**

The Deputy Director - Finance requests consideration and approval of a Supplemental Appropriation/Budget Modification to the FY 2019-20 Budget. **(Barbara Martin, Deputy Director-Finance)**

2.5. **MINUTE ORDER ALLOCATING NEIGHBORHOOD PARK DEVELOPMENT IMPACT FEES AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PUBLIC FACILITIES REIMBURSEMENT AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT FOR THE DEVELOPMENT OF THE ROTARY CENTENNIAL PARK**

Approve - Minute Order 1) allocating \$1.5 million in Neighborhood Park Fees (Fund 340) to the Chico Area Recreation and Park District (CARD) for the development of the Rotary Centennial Park and 2) authorizing the City Manager to execute a public facilities reimbursement agreement with CARD subject to the terms and conditions set forth in the Minute Order. **(Erik Gustafson, Public Works Director Operations and Maintenance)**

2.6. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF 11/26/19 & 12/3/19**

2.7. **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. **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.*

4.1. 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 and 1/21/20 meetings.*

4.2. 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 and 1/21/20 meetings.*

4.3. Councilmember Ory has submitted a request to agendize a discussion to consider the Residential Energy Conservation Ordinance for Substantial Remodels. *This item was continued from the 1/21/20 meeting.*

4.4. 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. *This item was continued from the 1/21/20 meeting.*

4.5. Councilmember Ory has submitted a request to agendize a discussion of endorsement of the Disaster Housing Budget Letter. *This item was continued from the 1/21/20 meeting.*

4.6. Councilmember Morgan has submitted a request to agendize a discussion to consider an ordinance banning needle distribution programs.

4.7. Councilmember Ory has submitted a request to agendize a discussion regarding Disaster Tax Credits.

4.8. Mayor Stone has submitted a request to agendize a discussion regarding Safe Space's downtime.

5. **PUBLIC HEARINGS**

5.1. **PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING A BY-DISTRICT ELECTION PROCESS**

Hearing (Fifth) to receive community testimony regarding the proposed Ordinance establishing District Elections. If the Council approves the Ordinance as presented, staff will bring the Ordinance to the Council for adoption on February 11, 2020. **(Report - Andrew Jared, City Attorney)**

Recommendation: *Introduce the following Ordinance, waive full reading, open the Public Hearing, receive public testimony, close the Public Hearing and set the February 11, 2020 meeting for Ordinance adoption.*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 1, CHAPTER 1.30, "CITY ELECTIONS" OF THE CHICO MUNICIPAL CODE ADDING ARTICLE III "DISTRICT ELECTIONS," TO ESTABLISH A BY-DISTRICT ELECTION PROCESS

6. REGULAR AGENDA

6.1. **CONSIDERATION OF RECOMMENDATIONS FROM THE BIDWELL PARK AND PLAYGROUND COMMISSION REGARDING PARK RESERVATION POLICIES AND FEES – *Continued from the 1/21/20 Council meeting***

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 – Operations and Maintenance)**

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.*

6.2. **REQUEST TO OVER-HIRE FOR THREE (3) FIREFIGHTER POSITIONS FOR THE REMAINDER OF THE FY2019-2020 BUDGET**

The Fire Chief is requesting to over hire three (3) firefighter positions to replace current and/or expected firefighter vacancies in 2020. These vacancies are primarily as a result of two resignations and numerous long-term leaves of absence – one of which will likely end in a medical retirement. **(Report – Steve Standridge, Fire Chief)**

Recommendation: *The Fire Chief recommends approving over-hiring three firefighter positions.*

6.3. **CONSIDERATION OF AN AMENDMENT TO THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES**

On December 2, 2019, the Internal Affairs Committee heard a discussion regarding modifications to the City's noise ordinance as it pertains to amplified sound from bicycles in the downtown core. The focus was the impact of multiple citations issued to vendors who provide biking services to the public while playing loud music. Currently, amplified music is prohibited from a bicycle when it exceeds a reasonable volume.

Downtown representatives and business owners addressed Internal Affairs with their desire to allow this activity. Internal Affairs took action to recommend to the City Council allowing a change to the municipal code to require a complaint first within the downtown core before an enforcement action is taken and to leave the municipal code as is for all remaining geographic areas. On January 7, 2020, the City Council heard the Internal Affairs recommendation and gave direction to City staff to implement the change. **(Report, Chris Constantin, Assistant City Manager)**

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING SECTION 9.38.056 TO THE CHICO MUNICIPAL CITY CODE REGARDING NOISE FROM VEHICLES AND BICYCLES

6.4. **ACCEPTANCE OF GRANT TO FUND A GRANTS & PROJECTS MANAGER**

The North Valley Community Foundation, through the Butte Strong Fund, has awarded the City of Chico a grant totaling \$318,610 to fund a full-time Grants & Projects Manager to help search out, apply for, and manage grants for the City to help mitigate the impacts of the Camp Fire disaster. **(Report - Mark Orme, City Manager)**

Recommendation: *The City Manager recommends City Council accept grant funding in the amount of \$318,610 to fund a Grants & Projects Manager.*

6.5 **ITEMS ADDED AFTER THE POSTING OF THE AGENDA**

7. **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.

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

7.2. **MONTHLY FINANCIAL REPORT AND BUDGET MONITORING REPORTS** – *Information only*

7.3. **2018-19 DEVELOPMENT IMPACT FEE REPORT** – *Receive and file*

Pursuant to California Government Code §66006(b), Staff is submitting to Council the 2018-2019 City of Chico Development Impact Fee Report, which contains financial information pertaining to the collection and use of development impact fees imposed by the City for the fiscal year ending June 30, 2019. This report provides information only and does not increase or decrease the fees. The statute requires the Council to review the report, but no particular findings or actions are required. (**Brendan Ottoboni, Director of Public Works – Engineering**)

7.4. **COUNCILMEMBER COMMITTEE VERBAL REPORTS**

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

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

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

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

Agency Negotiator: Mark Orme, City Manager
Party negotiating with: Work Training Center
APN: 005-471-042
Address: 2255 Fair Street

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

Negotiator: Jamie Cannon, Human Resources & Risk Management Director
Employee Organizations: Chico Public Safety Association, Stationary Engineers - Local 39

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

8.6. **RECONVENE TO CITY COUNCIL MEETING**

8.7. **CLOSED SESSION ANNOUNCEMENT**

9. **ADJOURNMENT** - Adjourn to the Adjourned Regular City Council meeting on Tuesday, February 11, 2020 at 6:00 p.m. in the Council Chamber at 421 Main St. Chico, CA.