

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM 2.2., 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 affecting the following:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
M & H Realty Partners IV	801 East Avenue	007-280-050
Pacific Realty Associates	860 East Avenue	007-280-053
Giampaoli	896 East Avenue	007-280-056
Wells Fargo	954 East Avenue	048-050-015
Del Carlo	958 East Avenue	048-050-030
Auer	2442 Cohasset Road	048-090-071
Main & Main Investments	2444 Cohasset Road	048-090-080
Raphael Inter Vivos Trust	2520 Cohasset Road	048-050-033
Doherty	2412 Cohasset Road	048-100-088
Nella Oil Company II	2402 Cohasset Road	048-100-089

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

1. **CALL TO ORDER** — Mayor Kirk called the January 6, 2004 - Adjourned Regular Chico City Council Meeting to order at 6:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call — Present: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
 Absent: Bertagna

2. **CLOSED SESSION**

2.1. **REVIEW OF LIST OF CANDIDATES FOR PUBLIC EMPLOYEE APPOINTMENT - CITY MANAGER POSITION**

The Council discussed the City Manager recruitment, including reviewing potential candidates. (Gov. Code Section 54957(b).)

2.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PROPERTIES FOR EAST AVENUE/COHASSET ROAD INTERSECTION PROJECT**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The items under discussion are instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

2.3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Regional Water Quality Control Board Cleanup and Abatement Order No. R5-2003-0707, Humboldt Road Burn Dump.

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — January 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the January 6, 2004 - Regular Chico Redevelopment Agency meeting to order at 7:32 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Flag Salute - Led by 4th grade students who participated in the Santa Cop program in December 2003.
 - 1.2. Invocation — Reverend Robert Sprague, Neighborhood Church
 - 1.3. Roll Call — Present: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: Bertagna
 - 1.4. Closed Session Announcement — None
 - 1.5. Proclamation — Proclaiming January 30, 2004 through April 4, 2004 as “A Season for Nonviolence.” Special Acknowledgment for Arron Clark, who died while serving in Operation Iraqi Freedom
2. **CONSENT AGENDA**
3. **NOTICED PUBLIC HEARINGS**
 - 3.1. **HEARING ON THE (1) OPTION TO PURCHASE AND (2) SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO SLATER LAND, INC. AND WAYNE COOK**

By memorandum dated 12/22/03, the Executive Director of the Redevelopment Agency submitted the Summary Report and proposed Resolution relating to the (1) option to purchase and (2) sale of Chico Redevelopment Agency owned property located on the corner of Airpark Boulevard and Fortress Street at the Chico Municipal Airport to Slater Land, Inc. and Wayne Cook. Slater Land, Inc. and Wayne Cook intend to build a 20,000 square foot building on the property to be used for an office complex.

At its 9/30/03 meeting, the Airport Commission voted (3-0, Silva and Bellin absent) that it had no objection to the proposal. At its 11/13/03 meeting, the Economic Development Committee reviewed the request from Howard Slater and Wayne Cook to secure a five-year option to purchase 2.14 acres of Agency-owned property at the Chico Municipal Airport with the following conditions: (1) the five-year option would cost \$8,000 per year, which would be a non-refundable deposit that would be applied to the purchase price when the transaction was completed; (2) the sales price of the property would be set at the fair market value of \$310,000 and would be adjusted through the date of sale, according to the Consumer Price Index (CPI-Urban, U.S. City Average), if the option is exercised within five years; and (3) the property would be sold “as is,” and the Agency will not consider reductions in cost based on any conditions that may exist on the property such as toxic or environmental hazards. The Economic Development Committee recommended (3-0) adoption of the Resolution for the (1) option to purchase and (2) sale of the Agency-owned property to Slater Land, Inc. and Wayne Cook. Howard Slater addressed the Council regarding this item.

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

RESOLUTION NO. 01-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AGREEMENT ENTITLED, "OPTION AGREEMENT PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA BENEFITTED BY ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (CHICO REDEVELOPMENT AGENCY/SLATER LAND, INC. /WAYNE COOK),"WHICH PROVIDES FOR THE (1) OPTION TO PURCHASE AND (2) SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO SLATER LAND, INC. AND

WAYNE COOK

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

4. **REGULAR AGENDA**
- 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**
5. **ITEMS ADDED AFTER POSTING OF THE AGENDA**
6. **ADJOURNMENT** — Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — January 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the January 6, 2004 - Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: Bertagna

2. **CONSENT AGENDA** — Item 2.1. was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to approve the following Consent Agenda items, as read:

- 2.1. **RESOLUTION NO. 60 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING PLANNED DEVELOPMENT PERMIT 02-07 (SAFEWAY) - NORTHEAST CORNER OF EAST AND MARIPOSA AVENUES** — This item was removed from the Consent Agenda and heard under Item 4.1.

- 2.2. **RESOLUTION NO. 61 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING FINDINGS REGARDING DEVELOPMENT IMPACT FEES**

By memorandum dated 12/3/03, the Director of Public Works forwarded the annual Development Impact Fee Report (2002-03) and the Five-Year Unexpended Funds Report for the Five-Year Period Ending 6/30/03, as required by California Government Code Sections 66001 and 66006. The City of Chico levies development impact fees to pay for facilities which are needed due to new development. These fees are adopted in compliance with the California Government Code, which requires the City to demonstrate a reasonable relationship between the fee and the purpose for which it is identified (nexus). Under State law, the City is required to prepare an annual report and a five-year unexpended funds report.

As required by Section 66006(b) of the Government Code, the City was required to make certain information available to the public within 180 days after the end of the fiscal year. The first five-year report was made for fiscal year 1997-98. To comply with the Government Code, the required findings must again be made for fiscal year 2002-03. The five-year and annual reports have been combined into one report, which was made available to the general public on 12/22/03, as required by the Government Code. The Director of Public Works recommended approval of the report and adoption of the accompanying resolution which makes findings pursuant to Government Code Section 66001.

- 2.3. **MINUTE ORDER 01-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LANDLORD'S ESTOPPEL CERTIFICATE FOR REAL PROPERTY LEASED AT THE CHICO MUNICIPAL AIRPORT (CITY OF CHICO/DOUGLAS J. GUILLON, ET AL.)**

Tehama Bank requested that the City execute a Landlord's Estoppel Certificate in connection with the bank's security interest in real property located at 109 Convair at the Chico Municipal Airport. This Estoppel Certificate confirms the details of the City's lease of airport property to Douglas Guillon, et al., and provided for notice to the lender if the terms of the lease change or if the tenant defaults on the terms of the lease. Staff has determined that the execution of the certificate would not impact the City's rights under the lease. The Airport Director recommended approval of the minute order.

- 2.4. **MINUTE ORDER NO. 02-04 — AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE WITH THE CALIFORNIA AIR RESOURCES BOARD FOR VIOLATION OF THE TRANSIT BUS FLEET REGULATIONS**

On 5/19/03 the California Air Resource Board (ARB) issued a Notice of Violation to the City for not meeting the 10/01/02 deadline to reduce the nitrogen oxide (NOx) emissions from the diesel fueled buses used for the Chico Area Transit System as required by the transit bus fleet regulations. The violation was referred to the ARB's Office of Legal Affairs. The Office of Legal Affairs recently completed its review of this issue and sent the City a Settlement Agreement and Release requiring the

City to pay a civil penalty of \$3,500. This minute order authorizes the City Manager to execute the Settlement Agreement.

After approval, the penalty will be paid from funds remaining in the Tank and Equipment Retrofit Project (24200) which was established in response to the Notice of Violation to pay the costs of retrofitting the City's fuel system and equipment to accept ultra low-sulfur fuel to reduce air pollution. The City Manager recommended approval of the minute order.

2.5. **APPROVAL OF RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING THE COMMUNITY ORGANIZATION FUNDING PROCESS**

By memoranda dated 11/03/03 and 12/29/03, the Finance Committee provided a report on its meetings held 10/22/03 and 12/03/03 regarding the community organization funding process. Committee members present were Councilmembers Wahl, Jarvis (as alternate for Councilmember Gruendl), and Nguyen-Tan, Chair. Following discussions held at both meetings, the Committee made the following recommendations:

- A. Adopt proposed criteria for evaluation of new General Fund/CDBG and TOT-Economic Development and Tourism applicants (attached to staff reports) to guide staff in recommendations to the Finance Committee including a requirement that new applicants provide a list of the organization's Board of Directors or Board of Advisors with the application.
- B. Approve minor revisions to the General Fund/CDBG and TOT-Economic Development and Tourism funding applications which would consolidate the current information requested and:
 - 1. Retain submittal of budget information in the current application City fiscal year format for program funding requests, but allow organizations to provide additional agency level budget information in an alternate format.
 - 2. Add a question which addresses the applicant's provision of essential services (those services which directly assist in the delivery of City services or which might otherwise be provided by the City).
- C. Approve further investigation of third party administration of all or parts of the program, with a recommendation to come back to the Committee prior to the 2005-06 fiscal year cycle.
- D. Authorize staff to reject late applications.

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

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: Gruendl, on Item 2.5. only

3. **NOTICED PUBLIC HEARINGS**

3.1. The California Park Association filed appeals of two adjacent planned development subdivisions. A single memorandum was prepared that addressed both appeals, with a single public hearing for both appeals being held at this meeting. The Planning Division recommendation applied to both appeals.

- A. **APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE VESTING TENTATIVE SUBDIVISION MAP S 02-19 AND PLANNED DEVELOPMENT PERMIT PDP 03-02 FOR THE YOSEMITE COMMONS SUBDIVISION AUTHORIZING THE DIVISION OF A 1.9 ACRE PARCEL INTO 12 RESIDENTIAL LOTS LOCATED AT THE SOUTHEAST CORNER OF THE YOSEMITE DRIVE/IDYLLWILD CIRCLE INTERSECTION (SUNSET DEVELOPMENT, LLC)**

By memorandum dated 12/30/03, Planning Director Seidler and Senior Planner Murphy reported that at the Planning Commission meeting of 12/18/03, the Commission voted (4 in favor, 1 in opposition, 2 absent) to adopt a mitigated negative declaration and approve a vesting tentative parcel map and planned development permit (PDP) authorizing the subdivision of a 1.9 acre parcel into twelve single-family residential lots, at a net density of 6.3 units per acre. Proposed lots range in size from 4,006 square feet to 5,312 square feet with an average lot size of 4,898 square feet. Through the PDP, the applicant is requesting approval of a density which exceeds six units per acre, lot sizes below the R1 district standards, reduced building setbacks, and maximum lot coverage up to 50% on all lots. Modifications to City subdivision design criteria and improvement standards are also being requested to allow the width of a public alley to exceed the City's standard and to allow lots with a depth to width ratio in excess of three to one. Access for the proposed subdivision would be via a two-way public alley with one access point off Yosemite Drive and one off Idyllwild Circle. The California Park Association has filed an appeal citing that the proposed development will exacerbate existing drainage problems in the area, that the density of the project is too high, and that the project is inconsistent with the City's Foothill Development Standards and R1 zoning district requirements. The property is located at the southeast corner of the Yosemite Drive/Idyllwild circle intersection (Assessor's Parcel No. 011-900-004). The site is designated Low Density Residential on the General Plan diagram with a zoning classification of R1 Low Density Residential. The Planning Division recommended that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).

B. APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE VESTING TENTATIVE SUBDIVISION MAP S 02-20 AND PLANNED DEVELOPMENT PERMIT PDP 03-01 FOR THE YOSEMITE AT 32 SUBDIVISION AUTHORIZING THE DIVISION OF A 5.27 ACRE PARCEL INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS, 3 DUPLEX LOTS, AND 4 TRIPLEX LOTS LOCATED AT THE NORTHEAST CORNER OF THE YOSEMITE DRIVE/STATE HIGHWAY 32 INTERSECTION (SUNSET DEVELOPMENT, LLC)

By memorandum dated 12/30/03, Planning Director Seidler and Senior Planner Murphy reported that at the Planning Commission meeting of 12/18/03, the Commission voted (3 in favor, 2 in opposition, 2 absent) to adopt a mitigated negative declaration and approve a vesting tentative parcel map and planned development permit (PDP) authorizing the subdivision of a 5.27 acre parcel into 25 single-family residential lots, 3 duplex lots, and 4 triplex lots. A minimum of 43 units would be located on the site at a net density of 9.4 units per acre. Proposed lots range in size from 4,000 square feet to 11,299 square feet with an average lot size of 5,156 square feet. As part of the PDP, the applicant is requesting a reduction in the City's minimum lot width requirements and reduced building setbacks. Modifications to City subdivision design criteria and improvement standards are also being requested to allow the width of public alleys to exceed the City's standard and to reduce the width of a portion of a public road below City standards. Access for the proposed subdivision would be via a series of public streets and alleys with one new access point proposed off Yosemite Drive. The California Park Association has filed an appeal citing that the proposed development will exacerbate existing drainage problems in the area, that the density of the project is too high, and that the project is inconsistent with the City's Foothill Development Standards and R2 zoning district requirements. The property is located at the northeast corner of the Yosemite Drive/State Highway Route 32 intersection (Assessor's Parcel No. 011-900-002).

The site is designated Medium Density Residential on the General Plan diagram with a zoning classification of R2 Medium Density Residential. The Planning Division recommended that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).

Mayor Kirk, Councilmember Herbert and City Manager Lando disqualified themselves from the discussion and subsequent action and left the Chamber. Vice Mayor Jarvis opened the public hearing. Addressing the City Council on this item were Judy Demorris, B.T. Chapman, Richard Armstrong, Gary Solbert, Sharon Timber, Mary Jensen, and Jim Stevens. The hearing was closed to the public for further comment.

A motion was made by Councilmember Nguyen-Tan and was seconded by Councilmember

Gruendl to: (1) uphold the decisions of the Planning Commission as to both applications, with the modification discussed in the staff memorandum to add an additional condition of approval regarding storm water quantity and quality; (2) adopt a motion of intent to adopt the mitigated negative declarations and approve the subdivisions/planned development permits with an additional condition of approval as specified; including peer review of monitoring measures during construction and that the Yosemite Commons development be reduced by one lot, but that one unit without a garage be retained; and (3) direct staff to prepare resolutions for adoption at a future Council meeting.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan
NOES: Wahl
ABSENT: Bertagna
DISQUAL: Herbert, Kirk

4. **REGULAR AGENDA**

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

- 2.1. **RESOLUTION NO. 60 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING PLANNED DEVELOPMENT PERMIT 02-07 (SAFEWAY) - NORTHEAST CORNER OF EAST AND MARIPOSA AVENUES** — This item was removed from the Consent Agenda and heard under Item 4.1.

By memorandum dated 12/17/03, Senior Planner Sigona reported that on 10/21/03, the City Council granted the appeal of Safeway and adopted a motion of intent to approve Planned Development Permit 02-07 to allow the construction and operation of a gas station at the northeast corner of East and Mariposa Avenues, within the East Avenue Marketplace Shopping Center. The Council directed staff to prepare a resolution of approval citing the required planned development permit findings, and listing appropriate conditions of approval. Council also directed staff to review the fuel delivery truck circulation path to ensure that the truck could make all turning radii, and would not conflict with vehicle movements either on site or within the adjacent public rights-of-way. The applicant has since submitted a revised circulation plan which has been reviewed and approved by the Director of Public Works, a copy of which is being forwarded with staff's memorandum. Planning staff recommended that Council adopt the mitigated negative declaration and approve Planned Development Permit 02-07 by adoption of the resolution, subject to the required findings and conditions of approval contained therein. Councilmember Wahl disqualified himself from the discussion and subsequent action.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Jarvis to adopt Resolution No. 60 03-04 and to direct staff to schedule consideration of whether to refer the Vanella use permit conditions to the Planning Commission for review on a future consent agenda.

The motion carried by the following vote:

AYES: Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: Gruendl
ABSENT: Bertagna
DISQUAL: Wahl

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON DECEMBER 10, 2003 REGARDING PARK DEVELOPMENT FINANCING OPTIONS**

By memorandum dated 12/12/03, the Finance Committee provided a report on its meeting held on 12/10/03. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

Discussion of Park Development Financing Options. The Committee recommended (3-0) that a

citizen's group be formed to discuss bond options and possible formation of Mello Roos districts, as well as any other funding options the City Council may identify. If approved, the City Council and the Chico Area Recreation and Park District (CARD) would determine membership of the citizen's group and its focus. The Committee directed staff to draft an outline of the ballot process and to begin compiling a list of qualified election consultants.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to approve the creation of a citizen's group to discuss bond options and possible formation of Mello Roos districts as well as any other funding options that are identified. CARD and City staff will work on scheduling an informational evening meeting for the public. The Park Director was requested to compile a list of people who might be interested in serving on the committee for Council review. Additional members may be added after the informational meeting. Staff was directed to draft an outline of the ballot process and to begin compiling a list of qualified election consultants.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON DECEMBER 9, 2003**

By memorandum dated 12/12/03, the Internal Affairs Committee provided a report on its meeting held on 12/9/03. Committee members present were Councilmembers Bertagna, Jarvis, and Herbert, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Request for Sewer Service to Unincorporated Property (Feeney) - 690 W 11th Avenue and Request for Sewer Service to Unincorporated Property - 1249 West Lindo Avenue (Karasinski)**. The Committee recommended (3-0) to amend the Chico Municipal Code to allow for sewer service agreements on the properties located at 690 W 11th and 1249 West Lindo Avenue, and to initiate annexation of the unincorporated area south of Lindo Channel, east of the railroad tracks, west of the Esplanade, and south to the City limits.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the Committee recommendations.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

- B. **Consideration of Request to Change Alley Setback Requirements**. The Committee recommended (3-0) that the building setback provisions of the Chico Municipal Code, for property adjacent to an alley, not be modified.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to approve the Committee recommendations.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- C. **Approval of Traffic Regulation Amendment No. 770 Which Will Authorize the Installation of Stop Signs on Patriot Way at Marigold Avenue to Assign the Vehicular Right-of Way for the Intersection.** The Committee adopted (3-0) Traffic Regulation Amendment No. 770 which will authorize the installation of stop signs on Patriot Way at Marigold Avenue to assign the vehicular right-of way for the intersection.
- D. **Consideration of Traffic Regulation Amendment No. 772 Which Will Create 22 Feet of Handicapped Parking In Front of 63 Mill Street.** The Committee adopted (3-0) Traffic Regulation Amendment No. 772 which will create 22 feet of handicapped parking in front of 63 Mill Street.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to accept the December 9, 2003 Internal Affairs Committee report.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

4.4. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETING HELD ON DECEMBER 10, 2003**

The City Council was provided with copies of the report of the Solid Waste Committee for its meeting held on 12/10/03. Committee members present were Councilmembers Gruendl, Nguyen-Tan, and Wahl, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Consideration of Chico Municipal Code Revisions Regarding Placement of Trash and Recycling Containers at Chico Residences.** The Committee recommended (3-0) that sections 8.12.040, 8.12.100, and 8.12.120 of the Chico Municipal Code be revised to include the language "and stored out of public view, unless it is determined by the Building Official or designee that this is not feasible" and also that the word "premise" be changed to "structure."

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to add an exception for alleys and to introduce the following ordinance.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 ENTITLED, "SOLID WASTE RECEPTACLES" OF THE CHICO MUNICIPAL CODE - Introductory Reading, as amended.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Bertagna
DISQUAL: None

- B. **Consideration of Issues Concerning Solid Waste Collection Rate Increase Requests.** In the Committee's discussions regarding establishing a rate methodology for solid waste collection rates, the collectors requested that the Committee consider recommending approval of an interim rate increase until the methodology is finalized. The collectors requested that the Committee consider recommending that the rates be adjusted to compensate the collectors for the increase in the consumer price index over the past two years, and to incorporate an increase in the Neal Road Landfill disposal fees which became effective on 1/1/04. Because this specific rate increase request was not on the Committee's 12/10/03 agenda, and the Committee would not be able to meet again before the landfill fee increase, the Committee requested that this request be forwarded directly to the City Council for consideration at tonight's meeting without a recommendation. By memorandum dated 12/18/03, Management Analyst erman submitted the collectors' requests for an interim solid waste collection rate increase and supporting documentation for the increase. Joe Matz and Bill Mannell addressed the City Council on this item.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to approve a 6.2% increase, 3.94% of which covers the CPI for two years and the balance to cover the recent increase for the landfill tipping fee. The Council also directed the Solid Waste Committee to develop a rate methodology to be brought back to the City Council for approval by the end of 2004.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: Wahl
ABSENT: Bertagna
DISQUAL: None

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

5. **BUSINESS FROM THE FLOOR**

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.

- 6.1. Memorandum dated 12/17/03 from the Finance Director reporting that the list of claims paid during the month of November 2003 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.2. Memorandum dated 12/12/03, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. **ADJOURNMENT**

Adjourned at 10:20 p.m. to January 27, 2004, at 9:00 a.m., in the City Council Chamber for an adjourned regular all-day work session which is being held in lieu of the regularly scheduled evening meeting.

Date Approved: March 2, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 27, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the January 27, 2004 - Adjourned Regular Chico City Council Meeting to order at 12:00 p.m. for Closed Session in the Chico Municipal Center, Conference Room #2, 421 Main Street.

2. **CLOSED SESSION**

2.1. **REVIEW OF LIST OF CANDIDATES FOR PUBLIC EMPLOYEE APPOINTMENT - CITY MANAGER POSITION**

The Council discussed the City Manager recruitment, including reviewing potential candidates. (Gov. Code Section 54957(b).)

3. **ADJOURNMENT**

Adjourned to an Adjourned Regular Chico City Council meeting in the Council Chamber at 1:00 p.m. p.m.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — January 27, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the January 27, 2004 - Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Flag Salute

- 1.2. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Item 2.1. was removed from the Consent Agenda and heard under Item 4.1.

- 2.1. **RESOLUTION NO. 62 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE PAYMENT BY THE CHICO REDEVELOPMENT AGENCY OF COSTS RELATED TO THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1 AND MAKING CERTAIN FINDINGS RELATED THERETO**

RESOLUTION NO. RDA 02-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING TAX INCREMENT REVENUES FROM THE CHICO MERGED REDEVELOPMENT PROJECT TO FUND DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. RDA 03-04 04 IN THE AMOUNT OF \$478,500 TO ALLOCATE FUNDS FOR THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS FOR THE PROPOSED MUNICIPAL PARKING LOT NO. 1 PARKING STRUCTURE — This item was removed from the Consent Agenda and heard under Item 4.1.

3. **NOTICED PUBLIC HEARINGS**

4. **REGULAR AGENDA**

- 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 2.1.

- 2.1. **RESOLUTION NO. 62 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE PAYMENT BY THE CHICO REDEVELOPMENT AGENCY OF COSTS RELATED TO THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1 AND MAKING CERTAIN FINDINGS RELATED THERETO (City Council Action)**

RESOLUTION NO. RDA 02-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING TAX INCREMENT REVENUES FROM THE CHICO MERGED REDEVELOPMENT PROJECT TO FUND DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. RDA 03-04 04 IN THE AMOUNT OF \$478,500 TO ALLOCATE FUNDS FOR THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS FOR THE PROPOSED MUNICIPAL PARKING LOT NO. 1 PARKING STRUCTURE

By memorandum dated 01/20/04, the Director of Public Works reported that at its meeting held 12/02/03,

the City Council conceptually approved the recommendations of the Parking Place Commission regarding the construction of a parking structure on Municipal Parking Lot No. 1. Staff was directed to solicit proposals for design, environmental review, and a financial analysis to identify an appropriate funding mechanism based on a three and four story structure. The Director of Public Works recommended an allocation of \$478,500 from the Chico Merged Redevelopment Project Area Fund as set forth in the Redevelopment Project Analysis attached to the staff report. The Agency/City Council was provided with a copy of the Chico Merged Redevelopment Project Area Fund (351) Fund Summary which reflects the estimated 06/30/04 fund balance. The Director of Public Works recommended adoption of the resolutions and approval of the supplemental appropriation.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to adopt the following resolutions and directed staff to (1) not award contracts for the design and environmental review until the financial analysis has been provided to the Council; (2) to ensure that there will be a public workshop discussion on the structure design; (3) investigate the feasibility of solar being included and any savings that might come from this, and (4) to also look at commercial rents.

RESOLUTION NO. 62 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE PAYMENT BY THE CHICO REDEVELOPMENT AGENCY OF COSTS RELATED TO THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1 AND MAKING CERTAIN FINDINGS RELATED THERETO (City Council Action)

RESOLUTION NO. RDA 02-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING TAX INCREMENT REVENUES FROM THE CHICO MERGED REDEVELOPMENT PROJECT TO FUND DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS IN CONNECTION WITH THE CONSTRUCTION OF A PARKING STRUCTURE ON MUNICIPAL PARKING LOT NO. 1

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. RDA 03-04 04 IN THE AMOUNT OF \$478,500 TO ALLOCATE FUNDS FOR THE DESIGN, ENVIRONMENTAL REVIEW, AND A FINANCIAL ANALYSIS FOR THE PROPOSED MUNICIPAL PARKING LOT NO. 1 PARKING STRUCTURE

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl
NOES: Kirk
ABSENT: None
DISQUAL: None

4.2. YEAR IN REVIEW PRESENTATION

The City Manager presented a slide show of operations and major projects accomplished during the past year.

4.3. CONSIDERATION OF PRELIMINARY REPORT ON THE PROPOSED CHICO PLAN AMENDMENTS

By memorandum dated 01/16/04, the Executive Director forwarded the Preliminary Report on the Proposed Chico Plan Amendments for approval and referral to each affected taxing entity. The Preliminary Report was prepared by Seifel Consulting, Inc., pursuant to the provisions of Section 33344.5 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), as an informational document so that all the taxing entities are aware of the substance of, and the reasons for fiscally merging the Chico Merged and Greater Chico Redevelopment Projects. Upon approval of Preliminary Report by the Chico Redevelopment Agency, staff will schedule informal consultations with each taxing entity. Councilmembers Bertagna, Herbert and Wahl disqualified themselves from this item based on the opinion received from the consulting law firm of McDonough, Holland & Allen. The Council directed the City Attorney to re-analyze the issue of these disqualifications, and staff to contact the California Redevelopment Association to determine if it was interested in sponsoring legislation to create an exemption for plan amendments which do not change existing project area boundaries.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Jarvis to adopt the following resolution:

RESOLUTION NO. RDA 03-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THE PRELIMINARY REPORT FOR THE CHICO PLAN AMENDMENTS REGARDING THE PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE AMENDED SOUTHEAST CHICO REDEVELOPMENT PROJECT, THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT, THE CENTRAL CHICO REDEVELOPMENT PROJECT AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
DISQUAL: Bertagna, Herbert, Wahl

3. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

4. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — January 27, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the January 27, 2004 - Adjourned Regular Chico City Council Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Items 2.1. and 2.10 were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the remaining Consent Agenda items:

- 2.1. **ORDINANCE NO. 2284 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 ENTITLED, “SOLID WASTE RECEPTACLES,” OF THE CHICO MUNICIPAL CODE** - Final Reading and Adoption - This item was removed from the Consent Agenda and heard under Item 4.1. at the request of Mayor Kirk.

- 2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND 1200 PARK AVENUE LIMITED PARTNERSHIP (L.P.) FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE** - Introductory Reading

By memorandum dated 01/6/04, Senior Planner Sigona reported that this ordinance would provide a two-year extension for execution of a development agreement between the City and “1200 Park Avenue Limited Partnership (L.P.)” for development of a 113-unit housing project for low and very low income senior households on 1.6 acres identified as 1240 Park Avenue. The previous ordinance authorizing the development agreement was approved by Council on 06/18/02, with a 09/30/03 deadline to execute the agreement. Because it took longer than expected for the project proponents to acquire the property and form a legal partnership for project funding, a two-year extension of time is requested. The agreement previously listed the Housing Authority of Butte County and the Affordable Housing Development Corporation, as developers of the project, and has been updated to reflect the new partnership (1200 Park Avenue L.P.). No other provisions of the agreement have been modified. A mitigated negative declaration of environmental impact was previously adopted pursuant to the California Environmental Quality Act (CEQA). The Planning Director recommended that the City Council introduce the ordinance by the reading of the title only, and schedule a public hearing and final adoption for 02/03/04.

- 2.3. **ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM**

By memoranda dated 12/8/03, the Director of Public Works reported that in accordance with petitions from the below property owners, adoption of the following resolutions would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' reports dated 12/8/03 attached to each resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system. The Director of Public Works recommended adoption of the resolutions.

- A. **RESOLUTION NO. 63 03-04 — A RESOLUTION OF THE CITY 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 - 848 RANCHERIA DRIVE / A.P. NO. 043-180-015** (petition from property owners Thanh Hoa Tang and Michelle P. Truong)

- B. **RESOLUTION NO. 64 03-04 — A RESOLUTION OF THE CITY 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 - 2925 GODMAN AVENUE / A.P. NO. 007-220-013** (petition from property

owners Eric R. Christensen and Liane H. Christensen)

- C. **RESOLUTION NO. 65 03-04 — A RESOLUTION OF THE CITY 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 - 1163 E. 8TH STREET / A.P. NO. 004-331-022** (petition from property owner Sandra Libby)
 - D. **RESOLUTION NO. 66 03-04 — A RESOLUTION OF THE CITY 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 - 1586 EAST AVENUE / A.P. NO. 048-070-023** (petition from property owners Marchelle P. Milligan and Jeffrey S. Baker)
 - E. **RESOLUTION NO. 67 03-04 — A RESOLUTION OF THE CITY 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 - 678 EL VARANO WAY / A.P. NO. 007-130-010** (petition from property owners Daniel C. Breedon and Dunri D. Breedon)
 - F. **RESOLUTION NO. 68 03-04 — A RESOLUTION OF THE CITY 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 - 3106 ESPLANADE / A.P. NO. 006-200-002** (petition from property owners Steven R. Martinovich and Tami R. Martinovich)
 - G. **RESOLUTION NO. 69 03-04 — A RESOLUTION OF THE CITY 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 - 1287 HOWARD DRIVE / A.P. NO. 048-192-009** (property owners David W. Hollingsworth and Patricia Carlson)
 - H. **RESOLUTION O. 70 03-04 — A RESOLUTION OF THE CITY 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 - 2612 CEANOTHUS AVENUE / A.P. NO. 048-740-008** (property owners Dayton Claudio and Katherine Claudio)
- 2.4. **RESOLUTION NO. 71 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 283 - SOLID WASTE COLLECTION AND RECYCLING FEES)**

At its 01/06/04 meeting, the City Council approved increasing the solid waste and recycling collection rates by 6.2% to compensate the solid waste collectors for increases in the Consumer Price Index since July 2001, and the landfill disposal fee increase recently adopted by the County of Butte. This resolution confirmed Council's action by amending City of Chico Fee Schedule No. 10.040 (Solid Waste Collection and Recycling Fees) to reflect this increase. The City Manager recommended adoption of the resolution.

- 2.5. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 03-04 10 TO PROVIDE FUNDS TO REIMBURSE HIGNELL DEVELOPMENT GROUP FOR THE DEDICATION OF LAND AND ACTUAL COST OF IMPROVEMENT FOR NOB HILL PARK PHASE 2 AND DEAD HORSE SLOUGH LINEAR PARK AND BIKE PATH**

By memorandum dated 01/13/04, the Assistant Community Development Director reported that at its meeting held 05/21/02, the City Council classified Nob Hill Park, located west of Bruce Road on Lakewest Drive, as a neighborhood park thus eligible for park fee credits or reimbursement. The park was improved by the Nob Hill Subdivision and Husa Ranch Estates Subdivision developers and is eligible for park fee credits pursuant to Chico Municipal Code Section 3.85.525. In addition, the developer of Husa Ranch Estates dedicated land for a linear park along Dead Horse Slough, installed improvements, and

is eligible for fee credits. As most building permits have been issued and park impact fees paid for the Husa Ranch development, reimbursement was proposed rather than fee credits.

This Supplemental Appropriation allocated \$285,592 from the Neighborhood Park Zone "I" Fund (347) for the park fee credits and overhead, and \$47,726 from the Community Park Fund (330) to cover the linear park reimbursement and overhead. The City Council was provided with copies of the respective Fund Summaries which reflect the estimated 06/30/04 fund balances. The Assistant Community Development Director recommended approval of the supplemental appropriation.

2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 03-04 12 IN THE AMOUNT OF \$75,000 TO ALLOCATE FUNDS FOR THE INCREASED COST OF BOOKING FEES

Approximately two years ago, the Butte County Sheriff's Department took over the billing for booking fees from the County Auditor. Upon doing so, the Sheriff's Department discovered that fees collected up to that point had been under-billed. The Sheriff's Department also determined that its system for capturing the information about which bookings to be billed was deficient, resulting in inaccurate and delayed billings. Since the City's 2003-04 budget request was based on prior actual expenditures, it is insufficient to cover the fees which resulted when the billings were corrected. In addition, in June of 2003, the Butte County Board of Supervisors, recognizing that there had been no increase in booking fees in the 10 years the fees had been allowed, sought to approve a fee increase. Following negotiations with law enforcement agencies, the fees were increased 50% for the 2003-04 fiscal year. This supplemental appropriation allocates \$75,000 from the General Fund (001) to provide sufficient funding to cover current and anticipated booking fees for the remainder of the 2003-04 fiscal year. The City Council was provided with a copy of the General Fund (001) Fund Summary which reflects the estimated 06/30/04 fund balance. The Chief of Police recommended approval of this supplemental appropriation.

2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 03-04 14 IN THE AMOUNT OF \$185,600 TO ALLOCATE FUNDS FOR THE NORTHWEST CHICO SPECIFIC PLAN STORM DRAINAGE MASTER PLAN (13045)

A storm drainage Master Plan (hydraulic study) for the Shasta Union Drainage Assessment District (SUDAD) was required in order to complete the Northwest Chico Specific Plan Environmental Impact Report. During work on the storm drainage portion of the EIR, it was determined that no accurate hydraulic data was available for the SUDAD to be able to derive a storm drainage criteria for the specific plan area. The Master Plan establishes the detention basin criteria for designing drainage infrastructure within the specific plan area, and provides guidance to City staff in its review of the design of proposed storm drainage infrastructure. This Supplemental Appropriation allocates \$185,600 from the Private Development Fund (862). The City Council was provided with a copy of the Private Development Fund (862) Fund Summary which reflected the estimated 06/30/04 fund balance. The Director of Public Works recommended approval of this supplemental appropriation.

2.8. APPROVAL OF CITY'S STATEMENT OF INVESTMENT POLICY

By memorandum dated 12/16/03, the Finance Director submitted the City's Statement of Investment Policy as required by California Government Code §53646, and as set forth in Administrative Procedure and Policy No. 15-13. The Finance Director recommended that no changes be made to the existing policy.

2.9. INITIATION OF MODIFICATION OF USE PERMIT 98-1 (HUGHES/PDQ MARKET) WITHOUT PAYMENT OF FEES TO MAKE THE RESTRICTION ON FUEL DELIVERIES CONSISTENT WITH FUEL DELIVERY RESTRICTIONS INCLUDED IN PLANNED DEVELOPMENT PERMIT 02-07 (SAFEWAY/RHL DESIGN)

By memorandum dated 1/20/04, the Planning Director reported that at its 1/6/04 meeting, the Council directed staff to place this matter on its 1/27/04 consent agenda. Council approval of this item would enable the holder of Use Permit 98-1 to apply at no fee for a modification of the use permit (should the permittee desire to do so) that would make fuel delivery time restrictions consistent with the restrictions included in the planned development permit approved on 1/6/04 for Safeway (PDP 02-07).

2.10. **APPROVAL OF CITY COUNCIL MINUTES FOR ITS MEETINGS HELD ON 10/21/03, 11/4/03 AND 11/18/03** — This item was removed from the Consent Agenda and heard under Item 4.1.

2.11. **ACCEPTANCE OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JANUARY 13, 2004**

By memorandum dated 1/13/04, the Internal Affairs Committee provided a report on its meeting held on 1/13/04 . Committee members present were Councilmembers Bertagna, Jarvis, and Herbert, Chair. Actions taken by the Committee included:

- A. Adoption of Traffic Regulation Amendment No. 773 which authorized the installation of stop signs on Hudson Drive at Valley Forge Drive to assign the vehicular right-of-way for the intersection.
- B. Adoption of Traffic Regulation Amendment No. 774 which authorized the installation of stop signs on Crister Avenue at Hooker Oak Avenue and on Filbert Avenue at Wayne Lane and Crister.

2.12. **ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2002-03**

By memorandum dated 12/31/03, the Housing Officer previously distributed this report to Council. The report was available for public review in the City of Chico Housing Office. Community Redevelopment Law requires that the Chico Redevelopment Agency prepare and submit an annual report to the City Council, acting in its capacity as the Executive Board of the Agency, prior to 12/31/03, and that the Council review and accept the report, or take any action deemed appropriate, at its first meeting occurring at least 21 days following receipt of the report. The Housing Officer recommended acceptance of the report.

The motion to approve the Consent Agenda, as read, with Items 2.1. and 2.10 heard under Item 4.1. carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: Wahl - Item 2.4. only
ABSENT: None
DISQUAL: Wahl - Item 2.9. only

3. **NOTICED PUBLIC HEARINGS**— None

4. **REGULAR AGENDA**

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

2.1. **ORDINANCE NO. 2284 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 8.12 ENTITLED, “SOLID WASTE RECEPTACLES,” OF THE CHICO MUNICIPAL CODE** - This item was removed from the Consent Agenda at the request of Mayor Kirk for further discussion.

At its 1/6/04 meeting, the City Council approved the recommendation from the Solid Waste Committee to amend Chapter 8.12 of the Chico Municipal Code to require solid waste and recycling receptacles to be stored at the side and rear of structures and out of public view if feasible. After adding an exemption for alleys, the Council introduced the ordinance. The City Manager recommended adoption of this ordinance by reading of title only.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to adopt:

ORDINANCE NO. 2284 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO

AMENDING CHAPTER 8.12 ENTITLED, "SOLID WASTE RECEPTACLES," OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL None

- 2.10. **APPROVAL OF CITY COUNCIL MINUTES FOR ITS MEETINGS HELD ON 10/21/03, 11/4/03 AND 11/18/03** — This item was removed from the Consent Agenda.

The City Council was provided with minutes from its meetings held on 10/21/03, 11/4/03 and 11/18/03.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Jarvis to approve the 10/21/03, 11/4/03, and 11/18/03 minutes.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL None

- 4.2. **BUDGET REVIEW** – The City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of this item.

The City Manager/Executive Director provided an update on: (1) potential impacts of Governor Schwarzenegger's proposed 2004-05 budget on the City's General Fund and on the Chico Redevelopment Agency budget; and (2) changes to revenue and expenditure forecasts. Staff was directed to provide an advance draft of the April 2004 work session agenda to all Councilmembers.

- 4.3. **DEPARTMENTAL STRATEGIC PLAN UPDATES**

By memorandum dated 1/16/04, the City Council was provided with a binder which included updated departmental Five Year Strategic Plans (2004-05 through 2008-09). Presentations were made by Park Director Beardsley, Community Development Director Baptiste, Public Works Director McKinley, Fire Chief Brown, Police Chief Hagerty, Airport Manager Grierson and Assistant City Manager Dunlap. During those presentations, Council requested additional information which included (1) a list of CDD project activity, including building construction projects in the community; (2) an innovation plan and training detail for DPW; (3) date of centennial anniversary of Bidwell Park; (4) a progress report on paperless agenda; (5) a report from Council Committee on the Chico Urban Area Fire and Rescue Agreement (CUAFRA) after its next meeting; (5) Fire Station #6 discussion to the Finance Committee as a plan is needed since the lease is up 06/05; (6) a report from the Chief of Police on the cost to fund an additional canine unit; and (7) a report from Finance Director on which IFAS modules are currently being used by Finance.

The City Council adjourned for a 10 minute break at 9:35 a.m.

4.4. CONSIDERATION OF PUBLIC RESTROOMS IN CITY PLAZA

At its 12/02/03 meeting, the City Council adopted a mitigated negative declaration and monitoring program and approved the Master Plan Update for the City Park Plaza in downtown Chico. The City Council also requested additional information regarding the possibility of including public restrooms in the project to renovate the park. By memorandum dated 01/14/04, the Park Director advised that the Bidwell Park and Playground Commission recommended (6 in favor, 1 opposed) that public restrooms be included in the project, and provided an analysis of options including on-site, off-site, and portable toilets. The Council was provided with a letter dated 1/18/04 from the Executive Director of the Downtown Chico Business Association supporting the installation of public restrooms. Staff requested Council direction on whether public restrooms should be included in the design. Councilmember Wahl disqualified himself on this item and subsequent action. Katrina Davis, DCBA Executive Director addressed the City Council on this item relaying DCBA's support for Option C.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to approve Option C, with the following additions: (1) permanent restroom facility located on the 5th Street side with the design compatible with the Post Office, with one or two units open during the day and with the number and hours of use to be determined at a later date; (2) addition of a dressing room behind the stage; and (3) staff to investigate the feasibility of the roof structure for possible lighting for the stage and/or solar power.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
DISQUAL: Wahl

The City Council adjourned at 12:10 p.m. to Closed Session in the Council Chamber, Conference Room

The City Council reconvened from Closed Session at 1:00 p.m. and adjourned for an hour lunch.

The City Council reconvened the January 27, 2004 Adjourned Regular City Council Meeting at 2:00 p.m. in the Council Chamber, 411 Main Street

4.5. CONSIDERATION OF THE GROWTH AREA FEASIBILITY STUDY OF THREE POTENTIAL URBAN GROWTH AREAS CURRENTLY LOCATED OUTSIDE OF THE CITY'S SPHERE OF INFLUENCE AND ON THE AGRICULTURAL SIDE OF THE GREENLINE

By memorandum dated 1/20/04, the Planning Director and Senior Planner Hayes forwarded the Growth Area Feasibility Study for Council review and further direction. The Study assessed the feasibility of extending City services and facilities to the following potential growth areas: (1) Area 1 (Mud Creek), consisting of approximately 490 acres located on the City's northwest side between Mud Creek and the Bell-Muir area, and extending westward to the U.P.R.R.; (2) Area 2 (MacIntosh/Estes), consisting of approximately 155 acres located east of Dayton Road on both sides of the U.P.R.R. tracks; and (3) Area 3 (Midway/Southgate), consisting of approximately 800 acres located on the City's south side between the U.P.R.R. tracks and Highway 99, on both sides of the Midway. Staff identified several options for Council consideration.

The Planning Director recommended that the Council direct staff to return with a more specific proposal for the planned annexation and urban development of Area 1. Addressing the City Council on this subject were David Palmerlee, Juanita Sumner, and George Nicolas.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to direct staff to initiate a General Plan amendment, EIR and Sphere of Influence amendment for Area 1 and to designate Area 2 as an urban reserve, with additional staff direction to communicate with LAFCo and the County about amending the greenline, and to LAFCo on a sphere of influence amendment on Areas 1 and 2. The greenline would be moved out to Mud Creek to include Bell-Muir on the urban side.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: None
DISQUAL: None

The City Council recessed for a ten minute break at 3:00 p.m.

4.6. **CONSIDERATION OF REQUEST TO ADD THE BIDWELL RANCH PROPERTY TO BIDWELL PARK**

At its 9/24/03 meeting, the Finance Committee agreed (3-0) to forward this item to the City Council without a recommendation for consideration at its 11/18/03 work session. The Committee directed staff to provide a complete fiscal analysis and estimated infrastructure cost for developing the property, a copy of the memorandum dated 8/21/00 from the City Manager outlining potential use of the Bidwell Ranch property, and information regarding recent changes to State law relating to housing. By memorandum dated 11/20/03, the Assistant Community Development Director (ACDD) forwarded the estimated on-site and off-site improvement costs for the developable portion of the property and the requested prior memorandum. By memorandum dated 1/22/04, Assistant City Attorney Barker explained the new State housing law provisions related to reductions in housing density. Addressing the City Council on this item were Gloria Bettencourt, Juanita Sumner, Suellen Rowilson, Kelly Meagher, Pat Turnbal, Bob Best, David Guzzetti, John Merz, and Michael McGinnis.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to table this item and have the Park Funding Committee look at this item.

The motion failed by the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Gruendl, Jarvis, Nguyen-Tan, Kirk
ABSENT: None
DISQUAL: None

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to initiate a General Plan amendment to designate the property as open space with no designation of use and with public access remaining the same.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: None
DISQUAL: None

4.7. CONSIDERATION OF LEASE OF CITY OWNED PROPERTY LOCATED AT 441 MAIN STREET (OLD MUNICIPAL BUILDING)

At its meeting of 12/16/03, the City Council directed staff to work with the two organizations proposing to lease the Old Municipal Building to determine if the use of the building could be shared by both groups. By memorandum dated 01/22/04 the Community Development Director provided a letter from the City's mediator, Carl Leverenz, indicating that mediation efforts were not successful. Letters from interested parties received since Council's meeting of 12/16/03 were provided to Council as part of the staff report. Staff recommended that the City Council reject the current lease proposals and re-advertise for new proposals to lease the building. Councilmember Wahl disqualified himself on this item and the subsequent action. Addressing the City Council on this item were Debra Lucero Austin, Jana Lawton, and Sarah Blackstone from CSUC.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to accept the OMB proposal.

The motion failed by the following vote:

AYES: Bertagna, Herbert
NOES: Gruendl, Jarvis, Nguyen-Tan, Kirk
ABSENT: None
DISQUAL: Wahl

A motion was made by Vice Mayor Jarvis to direct staff to go back out to bid for the lease of the Old Municipal Building using the criteria developed by the City Council.

The motion died due to a lack of a second.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Jarvis to direct staff to negotiate a lease with CARD, using the criteria developed by the City Council.

The motion failed by the following vote:

AYES: Bertagna, Gruendl, Jarvis
NOES: Herbert, Nguyen-Tan, Kirk
ABSENT: None
DISQUAL: Wahl

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to ask CARD staff to go back to the CARD Board and ask if CARD would be interested in managing the building with the uses to include: (1) Janet Turner Print Museum; (2) space for special event rentals; (3) a rotating artist gallery; (4) a community gallery; (5) a tourist information center opened six days a week and at least one evening a week; and (6) the ability for the building to be operated and maintained at no additional cost to the City.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert
ABSENT: None
DISQUAL: Wahl

4.8. **FUTURE MEETINGS**

The City Council scheduled a joint meeting with the Planning Commission regarding the Northwest specific Plan as part of the 2/17/04 regular meeting starting at 6:00 p.m. that evening.

4.9. **ITEMS ADDED AFTER 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 for referral to a Committee.

6.1. Letter of resignation from the City of Chico's Bicycle Committee dated 1/8/04 from Wm. G McGinnis. When this committee was formed in 1992, each agency invited to participate selected its own representative. ***A letter will be sent Chico State University requesting a representative be appointed to fill the vacancy created by Mr. McGinnis' resignation.***

6.2. Letter dated 01/15/04 from Elena Eisenlauer to Vice Mayor Jarvis regarding frontage improvement requirements for second dwelling units. Vice Mayor Jarvis has requested that this item be forwarded to the appropriate committee for review. ***Because this item related to improvement standards, the City Manager recommended it be forwarded to the Internal Affairs Committee.***

7. **ADJOURNMENT** — Adjourned at 4:49 p.m. to February 3, 2004, 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: March 16, 2004

Deborah R. Presson, City Clerk

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — February 3, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the February 3, 2004 - Regular Chico Redevelopment Agency Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Flag Salute
 - 1.2. Invocation — Pastor Fred Wymore, Christian Life Center - Foursquare Gospel
 - 1.3. Roll Call Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Proclamation — Proclaiming the month of April as “Parliamentary Month.”
2. **CONSENT AGENDA** — None
3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON JANUARY 28, 2004**

By memorandum dated 01/28/04, the Finance Committee provided a report on its meeting held on 01/28/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTER REQUIRING AGENCY ACTION AT THIS MEETING:

- A. **Reconsideration of Request from Butte County for the Chico Redevelopment Agency to Acquire the Site at 874 East 20th Street for Affordable Housing.** The Committee recommended (2-1, Wahl voting against) that the site be purchased with Low and Moderate Income Housing Funds from the Greater Chico Urban Area Redevelopment Project Area Low and Moderate Income Housing Fund, and directed staff to prepare a time-line for predevelopment activities that would occur over the next year. The Committee recommended that the specific use of the site be determined as soon as possible so the site does not remain vacant.

By memorandum dated 01/28/04, the Housing Officer transmitted the predevelopment time-line as requested. The Agency was also provided with a copy of the Greater Chico Urban Area Redevelopment Project Area Low and Moderate Income Housing Fund (369) Fund Summary which reflects the 06/30/04 estimated fund balance.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to approve the following supplemental appropriation:

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. RDA 03-04 05 IN THE AMOUNT OF \$183,600 FROM THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT AREA LOW AND MODERATE INCOME HOUSING FUND (369).

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: Wahl
ABSENT: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL/REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

B. **Review of Assumptions Used in the Development of Fiscal Projections and Review of Desired Fund Reserves.** The Committee requested that staff develop recommended reserve policies for the following funds: 862–Private Development; 865–Solid Waste Management; 866–Household Hazardous Materials; 301–Building/Facility Improvement; 932–Equipment Replacement; 933–Facility Maintenance; 214–Private Activity Bond Administration; and, 220–Assessment District Administration. Staff recommendations will be brought back to the Finance Committee for review at a future meeting.

C. **Housing Rehabilitation Loan Request-Maria Steffey - 1274 Normal Avenue.** The Committee approved (3-0) the housing rehabilitation loan request with a condition that it be reviewed annually for possible conversion to an installment loan when the homeowner is no longer attending school.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to accept the 1/28/04 Finance Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: Wahl
ABSENT: None
DISQUAL: None

5. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

6. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — February 3, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the February 3, 2004 - Regular Chico City Council Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Roll Call Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None
2. **CONSENT AGENDA** — Items 2.1., 2.2., and 2.3. were removed from the Consent Agenda and heard under Item 4.1. Item 2.8. was removed from the Consent Agenda and not heard. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the remaining items on the Consent Agenda:
 - 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 16.66 ENTITLED "TREE PRESERVATION REGULATIONS," TO THE CHICO MUNICIPAL CODE** – Introductory Reading — This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.
 - 2.2. **RESOLUTION NO. 72 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-19 AND PLANNED DEVELOPMENT PERMIT PDP 03-02 FOR THE YOSEMITE COMMONS SUBDIVISION AUTHORIZING THE DIVISION OF A 1.9 ACRE PARCEL INTO 11 RESIDENTIAL LOTS LOCATED AT THE SOUTHEAST CORNER OF THE YOSEMITE DRIVE/IDYLLWILD CIRCLE INTERSECTION (SUNSET DEVELOPMENT, LLC)** This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.
 - 2.3. **RESOLUTION NO. 73 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-20 AND PLANNED DEVELOPMENT PERMIT PDP 03-01 FOR THE YOSEMITE AT 32 SUBDIVISION AUTHORIZING THE DIVISION OF A 5.27 ACRE PARCEL INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS, 3 DUPLEX LOTS, AND 4 TRIPLEX LOTS LOCATED AT THE NORTHEAST CORNER OF THE YOSEMITE DRIVE/STATE HIGHWAY 32 INTERSECTION (SUNSET DEVELOPMENT, LLC)** This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.
 - 2.4. **RESOLUTION NO. 74 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE INCLUSION OF A PART OF THE CITY OF CHICO IN BUTTE COUNTY SERVICE AREA NUMBER 23 (PLEASANT VALLEY STORM DRAINAGE) - FLORAL GARDEN ESTATES SUBDIVISION**

By memorandum dated 1/21/04, the Assistant Community Development Director reported that City approval of Floral Garden Estates Subdivision requires the annexation of this property to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. The 18 lot single family residential subdivision is located on the west side of Floral Avenue, 1700 feet north of East Avenue. Prior to annexation of properties within the City limits to a County Service Area, the City Council must consent to such annexation. The Assistant Community Development Director recommended City Council adoption of the resolution.

2.5. **RESOLUTION NO. 75 03-04 — 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 - WEST LINDO AVENUE ANNEXATION DISTRICT NO. 1.**

By memorandum dated 01/23/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of a 1.5 acre parcel. The parcel at 351 West Lindo Avenue currently contains two single family residences and accessory structures. Additional single family residential development will be proposed. The property is designated and zoned for low density residential use. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

2.6. **APPROVAL OF VEHICLE FOR HIRE OWNER'S PERMIT - STAR CAB**

By memorandum dated 01/21/04, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner's permit to Star Cab of Chico (Michael Vargas Vila), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant was requesting that no limit be placed on the number of vehicles that can be operated under the permit.

Staff recommended approval of the issuance of the permit without a limitation on the number of vehicles allowed.

2.7. **APPROVAL OF VEHICLE FOR HIRE OWNER'S PERMIT - ABRACABDABRA TAXI**

By memorandum dated 01/21/04, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner's permit to AbraCabdabra Taxi of Chico (Stephen A. McKinney II), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant was requesting that no limit be placed on the number of vehicles that can be operated under the permit.

Staff recommended approval of the issuance of the permit without a limitation on the number of vehicles allowed.

2.8. **DENIAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - BLUE OVAL FOODMART, 1025 NORD AVENUE, CHICO** — This item was removed from the Consent Agenda and not considered at this meeting.

2.9. **APPROVAL OF CITY COUNCIL MINUTES FOR ITS MEETINGS HELD ON 12/2/03 AND 12/16/03, as amended**

The City Council was provided with minutes from its meetings held on 12/2/03 and 12/16/03, with the minutes of 12/16/03 amended, as requested by Council.

2.10. **ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS**

By memorandum dated 01/26/04, the Finance Director submitted, for the year ended 06/30/03, 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, and the Transportation Development Act Audits for the City of Chico Transportation Fund and the City of Chico Transit Fund.

Pursuant to the provisions of Section 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 the reports and refer the reports to the Finance Committee for review.

The motion to approve the Consent Agenda, with Items 2.1., 2.2., and 2.3. removed and heard under Item 4.1. and with Item 2.8 removed and not heard, carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CHICO AND 1200 PARK AVENUE LIMITED PARTNERSHIP (L.P.) FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE**

At its meeting held 06/18/02, the City Council adopted Ordinance No. 2250 authorizing an agreement for development of a 113-unit housing project for low and very low income senior households on 1.6 acres identified as 1240 Park Avenue with an 09/30/03 execution deadline. By memorandum dated 01/28/04, Senior Planner Sigona reported that this ordinance will provide a two-year extension to execute a development agreement between the City and 1200 Park Avenue Limited Partnership (L.P.). Because it took longer than expected for the project proponents to acquire the property and form a legal partnership for project funding, a two-year extension of time is requested. The agreement previously listed the Housing Authority of Butte County and the Affordable Housing Development Corporation, as developers of the project, and has been updated to reflect the new partnership (1200 Park Avenue L.P.). No other provisions of the agreement have been modified. A mitigated negative declaration of environmental impact was previously adopted by Council on 6/18/02 pursuant to the California Environmental Quality Act (CEQA). The ordinance received introductory reading by Council on 01/27/04. The Planning Director recommended that the City Council adopt the ordinance, granting a two-year extension of time in which to execute the development agreement between the City and 1200 Park Avenue Limited Partnership. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to adopt the following ordinance:

ORDINANCE NO. 2285 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND 1200 PARK AVENUE LIMITED PARTNERSHIP (L.P.) FOR DEVELOPMENT OF SENIOR HOUSING ON PROPERTY IDENTIFIED AS 1240 PARK AVENUE - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

3.2. **HEARING ON INITIATION OF ISLAND ANNEXATION FOR FILBERT AVENUE ANNEXATION DISTRICT NO. 11**

By memorandum dated 01/21/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of 107 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 44.444 acres, located along Palmetto Avenue, Neal Dow Avenue, Downing Avenue, Moss Avenue, Bryant Avenue, Filbert Avenue, Sierra Vista Way and Hill View Way. The area is developed with residential uses, consistent with the General Plan and R-1 Low Density residential zoning. Property owners were identified in the staff report.

State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. Jane Turney, Tony O'Hanlon, and Patricia Lindsey addressed the City Council on this item and the hearing was then closed to the public.

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

RESOLUTION NO. 76 03-04 — 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 - FILBERT AVENUE ANNEXATION DISTRICT NO. 11.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

3.3. HEARING ON INITIATION OF ISLAND ANNEXATION FOR PALMETTO AVENUE ANNEXATION DISTRICT NO. 5

By memorandum dated 01/21/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of 44 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 13.319 acres, located along Sarah Avenue, Neal Dow Avenue and Downing Avenue between East 1st Avenue and Palmetto Avenue. The area is developed with residential uses, consistent with the General Plan and R-1 Low Density residential zoning. Property owners were identified in the staff report.

State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 77 03-04 — 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 - PALMETTO AVENUE ANNEXATION DISTRICT NO. 5.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None

DISQUAL: None

3.4. HEARING ON INITIATION OF ISLAND ANNEXATION FOR LABURNUM AVENUE ANNEXATION DISTRICT NO. 5

By memorandum dated 01/23/04, the Assistant Community Development Director forwarded a report on the initiation of the annexation of 23 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 5.959 acres, located in the block bounded by East 5th Avenue, Laburnum Avenue, East 4th Avenue, and Spruce Avenue, including four parcels requesting annexation on the north side of East 5th Avenue and west of Spruce Avenue. The area is developed with residential uses consistent with the General Plan and R-1 Low Density Residential zoning. Property owners were identified in the staff report.

State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. Karen Laslo addressed the Council regarding this annexation. The Mayor closed the hearing to the public.

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

RESOLUTION NO. 78 03-04 — 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 - LABURNUM AVENUE ANNEXATION DISTRICT NO. 5.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

3.5. HEARING ON INITIATION OF ISLAND ANNEXATION FOR SUNSET AVENUE ANNEXATION DISTRICT NO. 6

By memorandum dated 01/23/04, the Assistant Community Development Director forwarded a report on the initiation of the annexation of 145 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 38.626 acres, located along East 3rd Avenue, East 5th Avenue, East 7th Avenue, East Lindo Avenue, Sheridan Avenue, Sherman Avenue, Sunset Avenue and Arbutus Avenue. The area is developed with residential and office uses, consistent with the General Plan and R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential and O-C Office Commercial zoning. Property owners were identified in the staff report.

State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk

opened the hearing to the public. Addressing the Council in opposition of the annexation was James Gard. Speaking in favor of the annexation was Patricia Lindsey. The Mayor closed the hearing to the public.

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

RESOLUTION NO. 79 03-04 — 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 - SUNSET AVENUE ANNEXATION DISTRICT NO. 6.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

4. **REGULAR AGENDA**

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

- 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 16.66 ENTITLED "TREE PRESERVATION REGULATIONS," TO THE CHICO MUNICIPAL CODE** – Introductory Reading — This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.

By memorandum dated 01/27/04, the Community Development Director reported that this ordinance includes modifications recommended by the Finance Committee and approved by the City Council at its meeting of 12/02/03. The ordinance would establish a requirement that permits be obtained for the removal of trees which are 24 inches in diameter or larger and located on vacant land 1/2 acre or larger. The ordinance also provides emergency provisions to allow the removal of hazardous trees without permits and establishes penalty provisions for violations of the ordinance. A fee schedule resolution establishing permit fees for tree removals will be agendized with final reading and adoption of the ordinance. The Community Development Director recommended that the City Council introduce the ordinance by reading of the title only and schedule final adoption for 02/17/04.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to not introduce the ordinance.

The motion failed by the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Gruendl, Jarvis, Nguyen-Tan, Wahl
ABSENT: None
DISQUAL: None

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to introduce the following ordinance, with a request for amendments from Mayor Kirk:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 16.66 ENTITLED "TREE PRESERVATION REGULATIONS," TO THE CHICO MUNICIPAL CODE

Amendments requested on Attachment 4 include: (1) Page 5, Line 4, 5, and 7: delete "landscaping;" (2) Page 5, Line 10: add the director "shall" inspect the property and evaluate each application which is not in conjunction with development; (3) Page 5, Line 20: strike this line; and (4) Page 6, Line 5: take out "reasonable." Staff was also directed to notify owners of all owners of vacant lots affected by this

ordinance.

The motion, as amended, carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: None
DISQUAL: None

- 2.2. **RESOLUTION NO. 72 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-19 AND PLANNED DEVELOPMENT PERMIT PDP 03-02 FOR THE YOSEMITE COMMONS SUBDIVISION AUTHORIZING THE DIVISION OF A 1.9 ACRE PARCEL INTO 11 RESIDENTIAL LOTS LOCATED AT THE SOUTHEAST CORNER OF THE YOSEMITE DRIVE/IDYLLWILD CIRCLE INTERSECTION (SUNSET DEVELOPMENT, LLC)** This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.

By memorandum dated 01/23/04, Senior Planner Murphy reported that at its meeting of 01/06/04, the City Council denied the appeal from the California Park Association and adopted a motion of intent to (1) adopt a mitigated negative declaration and mitigation monitoring program; and (2) approve Vesting Tentative Subdivision Map S 02-19 and Planned Development Permit PDP 03-02 for Yosemite Commons, with the elimination of one lot and as conditioned by Council. The Planning Director recommended that the Council adopt the Resolution that (1) adopts a mitigated negative declaration and mitigation monitoring program for the project and; (2) approves vesting tentative subdivision map S 02-19 and planned development permit PDP 03-02 (Yosemite Commons), as conditioned. Councilmember Herbert disqualified himself from this item and subsequent action.

A motion was made by Councilmember Nguyen-Tan to (1) adopt a mitigated negative declaration and mitigation monitoring program for the project and; (2) approve vesting tentative subdivision map S 02-19 and planned development permit PDP 03-02 (Yosemite Commons), as conditioned, with the priority to be not to remove the house without the garage unless it conflicts with the CC&R's, and if it does, then the developer is to remove one of the lots.

The motion failed due to the lack of a second.

A motion was made by Councilmember Wahl to deny the project.

The motion failed due to the lack of a second.

A motion was made by Councilmember Gruendl to (1) adopt a mitigated negative declaration and mitigation monitoring program for the project and; (2) approve vesting tentative subdivision map S 02-19 and planned development permit PDP 03-02 (Yosemite Commons), as conditioned.

The motion was rescinded.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to (1) adopt a mitigated negative declaration and mitigation monitoring program for the project and; (2) approve vesting tentative subdivision map S 02-19 and planned development permit PDP 03-02 (Yosemite Commons), as conditioned; and (3) amend the resolution to allow the construction of a garage if in fact the CC&R's require it and if the CC&R's override the subdivision map, for Items 2.2. and 2.3.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan
NOES: None
ABSENT: None
DISQUAL: Herbert
ABSTAIN: Bertagna, Wahl, Kirk

- 2.3. **RESOLUTION NO. 73 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-20 AND PLANNED DEVELOPMENT PERMIT PDP 03-01 FOR THE YOSEMITE AT 32 SUBDIVISION AUTHORIZING THE DIVISION OF A 5.27 ACRE PARCEL INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS, 3 DUPLEX LOTS, AND 4 TRIPLEX LOTS LOCATED AT THE NORTHEAST CORNER OF THE YOSEMITE DRIVE/STATE HIGHWAY 32 INTERSECTION (SUNSET DEVELOPMENT, LLC)** This item was removed from the Consent Agenda at the request of Councilmember Wahl and heard under Item 4.1. for further discussion.

By memorandum dated 01/23/04, Senior Planner Murphy reported that at its meeting of 01/06/04, the City Council denied the appeal from the California Park Association and adopted a motion of intent to (1) adopt a mitigated negative declaration and mitigation monitoring program; and (2) approve Vesting Tentative Subdivision Map S 02-20 and Planned Development Permit PDP 03-01 for Yosemite at 32, as conditioned by Council. The Planning Director recommended that the Council adopt the Resolution that (1) adopts a mitigated negative declaration and mitigation monitoring program for the project; and (2) approves vesting tentative subdivision map S 02-20 and planned development permit PDP 03-01 (Yosemite at 32), as conditioned. Councilmember Herbert disqualified himself from this item and subsequent action.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to adopt the Resolution that (1) adopts a mitigated negative declaration and mitigation monitoring program for the project; and (2) approves vesting tentative subdivision map S 02-20 and planned development permit PDP 03-01 (Yosemite at 32), as conditioned.

RESOLUTION NO. 73 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-20 AND PLANNED DEVELOPMENT PERMIT PDP 03-01 FOR THE YOSEMITE AT 32 SUBDIVISION AUTHORIZING THE DIVISION OF A 5.27 ACRE PARCEL INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS, 3 DUPLEX LOTS, AND 4 TRIPLEX LOTS LOCATED AT THE NORTHEAST CORNER OF THE YOSEMITE DRIVE/STATE HIGHWAY 32 INTERSECTION (SUNSET DEVELOPMENT, LLC

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan,
NOES: None
ABSENT: None
DISQUAL: Herbert
ABSTAIN: Bertagna, Wahl, Kirk

- 4.2. **CONSIDERATION OF RECOMMENDATIONS TO IMPLEMENT CITY/COUNTY COOPERATIVE**

PLANNING IN AND AROUND THE NORTH CHICO PLANNING AREA

By memorandum dated 01/27/04, the Planning Director reported that pursuant to a Memorandum of Agreement (MOA) entered into by the City and Butte County, the ad hoc City/County Cooperative Planning Committee has been working with staff of both jurisdictions to formulate a process for cooperative land use and infrastructure planning for an area in the northern part of the larger Chico community that is identified in the MOA as the North Chico Planning Area. The City/County Cooperative Planning Committee has recommended: (1) that Butte County initiate adoption of an overlay zoning district that would implement City land use and improvement requirements within this area; (2) that Butte County initiate a process to provide 160-acre minimum lot size zoning for properties (as specified by County staff) in the rural area that surrounds the North Chico Planning Area; (3) that City staff be directed to assist in these efforts; and (4) that the City and County share equally in the costs of environmental review. Staff will determine the costs and forward a supplemental appropriation to fund the City's share for consideration at a future meeting. It was recommended that the Council approve the above recommendations and that the County be advised of this action by letter.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the recommendations listed above to implement City/County cooperative planning in and around the North Chico Planning Area, with direction to staff to prepare a letter for Mayor Kirk's signature advising the County of this decision. In addition, staff was directed to provide the Council with one map that combines all the previous maps covering the following areas: Mud Creek, Bell-Muir, the Northwest Chico Specific Plan Area (and Alkop Farm), the former 12 growth areas, and the "North Chico Planning Area" (from the City/County MOA).

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

4.3. CONSIDERATION OF HALLOWEEN 2003 EVENT

At its meeting of 11/18/03, the City Council requested discussion of Halloween 2003. By memorandum dated 01/28/04, the Chief of Police provided a report on the event. Addressing the Council on this issue were Bob Ray, Charlie Preusser, Jon Wilkes, and an unidentified representative of the Associated Students.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Wahl to agenize this item for public discussion in April 2004, with noticing in all newspapers, including the Butte College Roadrunner, and notifying all interested parties. Staff was directed to provide additional information on the advertising costs and information on the recommendation of installation of cameras in the field.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
DISQUAL: None

4.4 ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. BUSINESS FROM THE FLOOR — None

6. **REPORTS AND COMMUNICATIONS**

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

- 6.1. Memorandum dated 01/6/04 from the Risk Manager reporting on claims denied during the quarter ending 12/31/03.
- 6.2. Memorandum dated 01/13/04 from the Finance Director reporting that the list of claims paid during the month of December 2003 has been produced and was available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. Memorandum dated 01/9/04 from the Chief of Police providing the Citizens' Option for Public Safety Grant Summary Report for the period of July 2003 - November 2003.
- 6.4. Memorandum dated 01/9/04, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. **ADJOURNMENT**

Adjourned at 9:55 p.m. to February 10, 2004, at 6:30 p.m., in the Council Chamber to consider the Airport Master Plan.

Date Approved: March 16, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING – February 10, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the February 10, 2004, Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

- 1.1. Flag Salute

- 1.2. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **PUBLIC HEARING**

- 2.1. **HEARING ON ADOPTION OF THE CHICO MUNICIPAL AIRPORT MASTER PLAN REPORT AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

The Chico Municipal Airport Master Plan Report presented a long range plan of airport development with detailed facility requirements, developments costs, and suggested programs for financing project costs. The Master Plan Report examined current and future uses of the airport, and business/industrial development of the west side of the airport property. The Master Plan Report was prepared after full consideration of the environment and compatibility with adjacent areas and communities and the City's General Plan, as well as the California Aviation System Plan and National Airport System Plan. The Airport Commission considered the Master Plan Report and Final Environmental Impact Report at public hearings held on 7/29/03 and 10/28/03. The City Council was provided with copies of the draft minutes from the 7/29/03, 10/28/03, and 12/9/03 meetings. On 12/9/03, the Airport Commission recommended that the City Council adopt the Master Plan Report and certify the Final Environmental Impact Report. The City Council was previously provided with a binder containing the Chico Municipal Airport Master Plan Report, and a copy of the Final Environmental Impact Report. By memorandum dated 1/29/04, the Airport Manager recommended that the City Council adopt a motion of intent to (1) certify the Final Environmental Impact Report making findings regarding the mitigation of potential environmental impacts and other environmental issues, and including a statement of overriding considerations consistent with the Airport Commission recommendation; (2) adopt the Chico Municipal Airport Master Plan Report; and (3) schedule the adoption of a resolution for the certification of the Final Environmental Impact Report and adoption of the Chico Municipal Airport Master Plan Report on the consent calendar of a future Council meeting.

Mayor Kirk opened the hearing to the public. Speaking in opposition to the runway extension were Lynne Kyle, Ken Lenhardt, Michael Pike, Emily Alma, Paul Hendricks Jeff Scharff, Rob Jason, Jeff Collins, and Sylvester Williams. Speaking in favor of the runway extension were John Blacklock, Bob Persons, Georgie Bellin, Bob Linscheid, Claudia Williamson-Steele, Helen Pillsbury Kuntz, John Watson, Norm Rosene, C.W. Chase, and Dean Tally. Speaking about concerns over the impact on Mud Creek were Jim Brobeck, Kris Nelson, and Roger Cole. The hearing was closed.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Jarvis to adopt a motion of intent to (1) certify the Final Environmental Impact Report making findings regarding the mitigation of potential environmental impacts and other environmental issues and including a statement of overriding considerations consistent with the Airport Commission recommendation; (2) adopt the Chico Municipal Airport Master Plan Report, including a friendly amendment by Vice Mayor Jarvis regarding the restoration of Mud Creek to include riparian buffer strips as outlined in recommendations 1-10 contained in the Streaminders' letter dated 2/10/04 provided to Council at this meeting, along with incorporating recommendations 1-9 for channel reconstruction; and a friendly amendment by Councilmember Herbert to direct staff to develop a policy for starting back 1,800 feet whenever possible for south bound take offs.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

ABSTAIN: None
DISQUAL: None

Staff was also directed to look at the feasibility of undergrounding the electrical wires south of the airport.

2.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

3. **BUSINESS FROM THE FLOOR** — None

4. **ADJOURNMENT**

The City Council adjourned at 9:30 p.m. to February 17, 2004, at 7:00 p.m. in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: April 6, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 17, 2004

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 acquisition affecting the following:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Vanella Oil	1055 Mangrove Avenue	003-220-049
Clay & Scott Kangerga	1058 Mangrove Avenue	003-220-056
Kulbhushan & Sanyogta Sharma	1101 Mangrove Avenue	003-451-026
Gregory R. Jenkins	1102 Mangrove Avenue	003-452-033
Dixie Mathews	1122 Mangrove Avenue	003-452-036

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

1. **CALL TO ORDER** — Mayor Kirk called the Adjourned Regular Chico City Council meeting to order at 6:45 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PROPERTIES FOR EAST FIRST AVENUE/MANGROVE AVENUE INTERSECTION PROJECT**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The items under discussion are instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Vanella Oil	1055 Mangrove Avenue	003-220-049
Clay & Scott Kangerga	1058 Mangrove Avenue	003-220-056
Kulbhushan & Sanyogta Sharma	1101 Mangrove Avenue	003-451-026
Gregory R. Jenkins	1102 Mangrove Avenue	003-452-033
Dixie Mathews	1122 Mangrove Avenue	003-452-036

3. **ADJOURNMENT**

Adjourned at 7:00 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — February 17, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the February 17, 2004 Adjourned Regular Chico Redevelopment Agency Meeting to order at 7:00 p.m.
- 1.1. Flag Salute
- 1.2. Invocation — Reverend Dr. Tom Shifflet, First Christian Church
- 1.3. Roll Call:

City Councilmembers:

Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk

Absent: None

Planning Commissioners:

Present: Schiffman, Brownell, Francis, Monfort, Luvaas, Hughes, Alvistur

Absent: None

2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 2.1. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the following Consent Agenda:

- 2.1. **RESOLUTION NO. RDA 04-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY, APPROVING A LOAN OF FUNDS FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC. FOR DEVELOPMENT OF A MULTI-FAMILY APARTMENT COMPLEX ON NOTRE DAME BOULEVARD, EAST OF HUMBOLDT ROAD, CHICO, CALIFORNIA, AS A LOW INCOME HOUSING PROJECT**

RESOLUTION NO. 80 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ALLOCATING EIGHTY SIX (86) UNITS OF EXISTING ARTICLE XXXIV AUTHORITY TO THE AFFORDABLE RENTAL HOUSING PROJECT ON NOTRE DAME BOULEVARD DEVELOPED BY THE COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC (City Council Action)

RESOLUTION NO. 81 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING: (1) THE LEASE OF CITY OWNED PROPERTY ON NOTRE DAME BOULEVARD (APN# 002-180-091) TO THE COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC. (CHIP) FOR DEVELOPMENT AS AN AFFORDABLE RENTAL HOUSING PROJECT AND (2) THE CONVEYANCE OF THE PROPERTY'S FEE TITLE TO CHIP IN THE EVENT A PUBLIC AGENCY REQUIRES THE CONVEYANCE AS A CONDITION OF ITS FUNDING (City Council Action)

At its meeting held 9/2/03, the Chico Redevelopment Agency adopted a motion of intent to provide financial assistance to the Community Housing Improvement Program (CHIP) for development of an 86 unit affordable rental housing project on City owned property located on Notre Dame Boulevard. The motion directed that final approval be placed on a future consent agenda together with revised elevations for the project. By memorandum dated 2/11/04, the Housing Officer provided revised architectural drawings of the proposed building exterior.

Adoption of the Chico Redevelopment Agency resolution would approve a loan in the amount of \$2,580,000 to CHIP for a portion of the project's development financing. A confirming supplemental appropriation to allocate \$2,580,000 from the Chico Merged Redevelopment Project Area Low and Moderate Income Housing Fund (371) will be processed following this meeting.

Adoption of the first City Council resolution would allocate 86 units of "Article 34" authority for this project. Article 34 of the State Constitution requires local approval of "low rent housing projects" which are defined as rental housing projects where more than 49% of the units will be rent restricted for lower income households and which is receiving public financial assistance.

The second City Council resolution authorizes the City Manager to execute a lease agreement with CHIP for the housing site. In addition, in the event one of the public agencies providing financing requires that fee title of the property be vested in CHIP, the City Manager was authorized to transfer title of the housing site to CHIP. Authority to transfer title of the property required an affirmative vote of five Councilmembers. The Housing Officer recommended adoption of the resolutions.

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

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **CONSIDERATION OF REQUEST FROM WAYNE COOK TO LEASE ADDITIONAL PARKING SPACES IN THE DOWNTOWN PARKING STRUCTURE IN MUNICIPAL PARKING LOT NUMBER THREE**

By memorandum dated 2/9/04, the Executive Director reported that Wayne Cook had requested that he be allowed to lease an additional 12 parking spaces in the downtown parking structure at Fourth and Salem Streets. In exchange, Mr. Cook would restore the Moorehead Building to its original appearance as well as create additional conference space in the downtown area. The Executive Director recommended that Mr. Cook be allowed to lease eight additional parking spaces in the parking structure contingent upon renovation of the exterior and interior of the Moorehead Building. The appropriate minute orders to confirm the number of spaces to be leased will be scheduled on a future agenda. Councilmember Wahl disqualified himself on this item and subsequent action.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the leasing of eight parking spaces in the downtown parking structure to Wayne Cook, in exchange for Wayne Cook doing exterior and interior renovation to the Moorehead building, with the lease to be tied to use and owner, parking fees and an inflator.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl

Due to this item being heard at the beginning of the meeting, the City Council re-opened this item in order to allow the parties involved an opportunity to address the Council.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to

authorize the City Manager to negotiate up to 12 parking spaces in the downtown parking structure to Wayne Cook, in exchange for Wayne Cook doing exterior and interior renovation to the Moorehead building, with the lease to be tied to use and owner, parking fees and an inflator.

The motion failed by the following vote:

AYES: Bertagna, Gruendl, Herbert
NOES: Jarvis, Nguyen-Tan, Kirk
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Jarvis to authorize the City Manager to negotiate the lease of up to 10 parking spaces in the downtown parking structure to Wayne Cook, in exchange for Wayne Cook doing exterior and interior renovation to the Moorehead building, with the lease to be tied to use and owner, parking fees and an inflator.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Kirk
NOES: Nguyen-Tan
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — February 17, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the February 17, 2004 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:00 p.m.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the Consent Agenda, as read:

- 2.1. **APPROVAL OF BUDGET MODIFICATION NO. 03-04 11 TO INCREASE HOURLY PAY RATE FOR HEAD LIFEGUARD POSITION, TO INCREASE THE HOURLY INCENTIVE PAY RATE FOR LIFEGUARDS WORKING THROUGH END OF SEASON, AND TO AUTHORIZE THE PAYMENT OF CERTAIN LIFEGUARD TRAINING COSTS**

To continue to be competitive with other agencies in attracting and retaining qualified lifeguards for summer guard duties at Sycamore Pool, and to retain their services through the season ending Labor Day weekend, the City has periodically adjusted its pay rates for the various guard positions and has offered additional hourly pay incentives. Recruiting qualified applicants for the Head Lifeguard and Assistant Head Lifeguard positions can be particularly difficult. Staff is proposing that the current incentive pay for staying through the end of the season be increased from \$0.50 per hour to \$1.00 per hour, and that the hourly pay rate for the Head Lifeguard position be increased from \$10.00 per hour to \$11.50 per hour. Also, in order to maximize the availability of trained lifeguards, and to re-certify those whose certificates may expire during the summer swimming season, staff is proposing that the City pay the cost of training the Head and Assistant Head Lifeguards as Instructor Lifeguards to provide lifeguard training. Finally, as a further incentive for lifeguards to remain through the end of the summer season, staff is proposing that the City reimburse eligible lifeguards up to a maximum of \$150 for training costs they may have incurred in order to become certified for City employment as a lifeguard. The Park Director has indicated that there are sufficient funds in the Park Operating budget to cover the increases for the 2003-04 fiscal year. Pursuant to the authority granted by Annual Budget Policy No. C.2., this request was submitted directly to the City Council without prior consideration by the Finance Committee. The Park Director and Personnel Director recommended approval of this budget modification.

- 2.2. **INCLUSION OF THE HOTEL DIAMOND BUILDING IN THE CITY'S HISTORIC RESOURCE INVENTORY**

By memorandum dated 2/10/04, the Planning Director reported that the building originally built in 1904 as the Diamond Hotel, and now being reconstructed as the Hotel Diamond, was not included in the City's Historic Resource Inventory. The Planning Director recommended that the City Council approve the inclusion of this structure in the City's Historic Resource Inventory. Councilmember Wahl disqualified himself on this item and subsequent action.

Posted Addendum Item:

- 2.3. **MINUTE ORDER - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A GRANT APPLICATION FROM THE FEDERAL AVIATION ADMINISTRATION FOR DISCRETIONARY AIRPORT IMPROVEMENT PROGRAM FUNDING**

The City of Chico was contacted by the Federal Aviation Administration (FAA) and asked to submit an application for an available discretionary Airport Improvement Program grant. The funding would be used to fund projects identified in the airport master plan and the airport capital improvement program. The amount tentatively offered by the FAA is \$3,538,750 which requires a local match of \$186,250. The funding will be predicated on several factors, including availability of funds, adoption of the airport master plan, and compliance with National Environmental Policy Act requirements. The Airport Manager recommended approval of the minute order.

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

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl, on Item 2.2

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION TO CONSIDER ALTERNATIVE CONCEPTS FOR THE NORTHWEST CHICO SPECIFIC PLAN, AND COUNCIL DIRECTION TO STAFF REGARDING AN ALTERNATIVE OR COMBINATION OF ALTERNATIVES THAT WILL PROVIDE A BASIS FOR PREPARATION OF THE SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT (EIR)** — Council and Planning Commission consideration of the Northwest Chico Specific Plan and Environmental Impact Report, was heard from 7:00 - 8:30 p.m.

By memorandum dated 2/10/04, the Planning Director reported that pursuant to Council direction, three alternative concepts have been prepared (two, Alternatives A and B, based on public participation, and one, Alternative C, representing the desires of landowners in the area who wish to develop their properties) for the Northwest Chico Specific Plan. Each of these alternatives consists of different design features and approaches to development of the area included in the Specific Plan. The Planning Director recommended that the Council and Planning Commission consider these three alternative concepts, and that the Council, with the assistance of the Commission, provide direction indicating which alternative (or combination of features) will serve as the basis for completion of the Specific Plan and the EIR. Further recommendations were included in the 2/10/04 memorandum. The members of the Planning Commission individually addressed the City Council regarding this item. Comments were heard from Jim Mann, Dave O'Farrill, Barbara Hanna, Jim Adams, Kelly Meagher, Juanita Sumner, Greg Webb, John Nock, and Rob Ramley.

The City Council recessed for a ten-minute break at 8:50 p.m. and reconvened at 9:00 p.m.

Staff received comments or questions from the Council and was directed to bring this item back at its meeting of 3/2/04. A summary of those comments/questions are listed as follows:

Mixed-Use Neighborhood Center

- No to commercial at west end of the area (no commercial at Eaton).
- Conflicted feelings about commercial being located at the school site.

- Look at the effects of having the commercial core near the school.
- Commercial at linear park is a good idea.
- Explore locating a commercial core at the entrance of the linear park adjacent to the Esplanade.

Esplanade Character

- How does bicycle circulation interface with Esplanade design?

Street Connectivity and Block Length

- Can we put more roads through the linear park?
- Cul-de-sacs should be no more than 500' long.

Development Fronting on Major Streets

- Esplanade approach to Eaton Road is a good idea.

Storm Water Detention

- Can we combine the linear park and green strips (detention swales)?
- Can we combine the linear park in Alternative A with the PG&E easement of Alternative B?
- Can the Alternative C treatment of the PG&E easement be tied into the linear park and still deal with drainage?
- Look at curving the linear park to the north at the west end to link to the Mud Creek greenway.
- The landowner adjacent to DeGarmo Park does not want the park to take his property as part of the proposed entrance in Alternative A.
- Want more information on drainage in Alternative A but generally like the concept.

Pedestrian Bridge over Highway 99

- A pedestrian bridge to DeGarmo Park seems costly. Provide some details.
- Concern about the safety of a pedestrian bridge over the freeway.

Nord Highway Overcrossing at Highway 99

- Look at an eventual street crossing of Highway 99 at Nord Highway – although not as a part of this plan.
- What are the timing and planning implications of a new overpass: who pays, when?

Treatment of the PG&E Easement

- Do Alternatives A and B respect parcel lines, especially at the PG&E easement?
- A road along the PG&E easement is a good idea.
- Alternative C for the PG&E easement may not be attractive, but it is practical.

Agricultural Buffer

- How can Alternative C be tweaked to address the agricultural buffer issue?

Sycamore Creek Bridge

- Look at the implications of a bridge to the north, across Sycamore Creek.

Street Frontage on Creeks

- What are the differing development conditions for development fronting onto, or backing onto, the creek and levee?

General Comments Requiring Response

- Most traffic seems to go through the Brentwood Subdivision.
- Roads on Alternatives A and B should avoid the Nord crossing of Mud Creek.
- Can more variety for size of lots be provided?
- Dwelling unit counts differing from the General Plan seems odd.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON FEBRUARY 10, 2004

By memorandum dated 2/10/04, the Internal Affairs Committee provided a report on its meeting held on 2/10/04. Committee members present were Councilmember Herbert, Chair and Vice Mayor Jarvis. Councilmember Bertagna was absent.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. **Consideration of the Installation of Public Improvements at 1440 Laburnum Avenue Required Under Chapter 14.14, Public Improvements - Building Permits of the City of Chico Municipal Code.** The Committee recommended (2-0, Bertagna absent) that an exception be created regarding frontage improvement requirements for second dwelling units, excluding sidewalks, as imposed under Chapter 14.14 of the Chico Municipal Code.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Jarvis to approve the Committee's recommendation, and to direct staff to prepare an ordinance amending the Chico Municipal Code for introductory reading at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

B. **Consideration of Amendments to Chico Municipal Code (CMC) Chapter 14.60, Entitled "Use of City Streets and Sidewalks for Sales of Food, Beverages or Merchandise and/or Rentals of Equipment or Other Things," to Include the Allowance of Flower Sales in the Public Right-of-Way.** The Committee recommended (2-0, Bertagna absent) that Chapter 14.60 of the Chico Municipal Code be amended to allow flower sales in the public right-of-way.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the Committee's recommendation and to direct staff to prepare an ordinance amending the Chico Municipal Code for introductory reading at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

C. **Approval of Traffic Regulation Amendment No. 775 Which Would Prohibit Parking on Amber Grove Drive, Greenfield Drive and Yellowstone Drive from 2:00 a.m. to 7:00 a.m. to Prevent Long-term Parking of Vehicles for Sale.** The Committee adopted (2-0, Bertagna absent) Traffic Regulation Amendment (TRA) No. 775 which would prohibit parking on Amber Grove Drive, Greenfield Drive and Yellowstone Drive from 2:00 a.m. to 7:00 a.m. to prevent long-term parking of vehicles for sale.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to accept the February 10, 2004 Internal Affairs Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

4.4. CONSIDERATION OF MAYOR KIRK'S REQUEST TO CONSIDER COMBINING THE PARKING STRUCTURE AND THE TRANSIT CENTER AT SECOND AND SALEM STREETS

By email dated 2/4/04, Mayor Kirk submitted a request that the City Council consider combining the parking structure and the transit center at the Second and Salem Streets parking lot.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to schedule the discussion of consolidating the parking structure and the transit center at Second and Wall Streets for consideration at the meeting of 4/20/04.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl, Jarvis
ABSENT: None
ABSTAIN: None
DISQUAL: None

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

FUTURE MEETING – Council agreed to schedule a Closed Session regarding the Humboldt Road Burn Dump for 6:00 p.m. on 3/16/04, prior to the regularly scheduled City Council meeting.

Posted Addendum Item:

- 2.3. **MINUTE ORDER - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A GRANT APPLICATION FROM THE FEDERAL AVIATION ADMINISTRATION FOR DISCRETIONARY AIRPORT IMPROVEMENT PROGRAM FUNDING** — This item was acted upon on the Consent Agenda, as Item 2.3.

5. **BUSINESS FROM THE FLOOR**

Karl Ory addressed the Council regarding the parking structure.

6. **REPORTS AND COMMUNICATIONS** — The following reports and communication items are provided for the Council's information. No action was taken on any of the items.

- 6.1. Memorandum dated 1/30/04 from the Fire Chief transmitting the "2002 Yearly Report, Butte County Interagency Hazardous Material Team."
- 6.2. Memorandum dated 2/04/04 from the Finance Director reporting that the list of claims paid during the month of January 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. Memorandum dated 2/06/04, from the City Manager transmitting copies of the annual reports required under the terms of the leases for the Chico Art Center and the Stansbury Home Preservation Association.

7. **ADJOURNMENT**

Adjourned at 9:52 p.m. to March 2, 2004, at 7:15 p.m., in Conference Room No. 2 for a closed session, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: April 6, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 2, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the March 2, 2004 - Adjourned Regular Chico City Council meeting to order at 7:15 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

2. **CLOSED SESSION**

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 Terry Deen. (Gov. Code Sec. 54956.9(a).)

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 Calvin Spear. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

Adjourned at 7:25 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — March 2, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the March 2, 2004 - Regular Chico Redevelopment Agency Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Flag Salute
 - 1.2. Invocation — Lucy Sperlin, Board Chair, Unitarian Fellowship of Chico
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. The City Council honored PFC Dayne C. Eitel, United States Army, for his participation in Operation Iraqi Freedom.
 - 1.5. Proclamation — Proclaimed March, 2004, as “**National Nutrition Month**”
Proclaimed March 7, 2004, as “**Arbor Day**”
2. **CONSENT AGENDA** — None
3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF REQUEST FROM COUNCILMEMBER BERTAGNA TO SCHEDULE A MEETING BETWEEN MEMBERS OF THE CITY COUNCIL, CITY STAFF, AND INDIVIDUALS WITH A VESTED INTEREST IN THE HUMBOLDT ROAD BURN DUMP** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of this item.

By facsimile dated 2/19/04, Councilmember Bertagna requested that a meeting be scheduled which would include several members of the City Council, City staff, and individuals with a vested interest in the Humboldt Road Burn Dump.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to deny the request to agendaize this item until after the closed session scheduled for 3/16/04.

The motion failed by the following vote:

AYES: Gruendl, Jarvis, Kirk
NOES: Bertagna, Herbert, Nguyen-Tan, Wahl

Staff was directed to provide the full Council with an update on the Humboldt Road Burn Dump.
 - 4.3. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None
5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — March 2, 2004
Minutes

1. **CALL TO ORDER** — Mayor Kirk called the March 2, 2004 - Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street, at 8:00 p.m.
 - 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None
2. **CONSENT AGENDA** — Item 2.1. was removed from the Consent Agenda by staff and will be heard at a future meeting. A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the remaining Consent Agenda items:
 - 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 14.60, ENTITLED “USE OF CITY STREETS AND SIDEWALKS FOR SALES OF FOOD, FLOWERS, BEVERAGES OR MERCHANDISE AND/OR RENTALS OF EQUIPMENT OR OTHER THINGS” OF THE CHICO MUNICIPAL CODE** - Introductory Reading - Removed from the Consent Agenda and will be heard at a future meeting.
 - 2.2. **APPROVAL OF MINUTES FROM CITY COUNCIL MEETING HELD ON 1/6/04**

The Council was provided with minutes from the City Council meeting 1/6/04.

The motion to approve the Consent Agenda, as read, with Item 2.1. removed and not considered, carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF TREE PRESERVATION REGULATIONS AND PERMIT FEES**

At its meeting of 2/3/04, the City Council introduced the tree preservation ordinance listed below after making several modifications. The Council also directed staff to notify property owners who would be subject to the regulations of this final consideration of the ordinance. By memorandum dated 2/24/04 the Community Development Director provided an overview of the ordinance, the modifications incorporated by Council on 2/3/04, and information on the notice to property owners. The Community Development Director recommended adoption of the ordinance and resolution. Addressing the City Council on this item were Marilyn Ditmanson, Catherine Fish, Jim Dwyer, Alan Gair, Lin Jensen, Karen

Laslo, and Jason Bougie'. Staff was directed by Council to review the possibility of adding agricultural exemption.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to adopt the following:

ORDINANCE NO. 2286 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 16.66 ENTITLED "TREE PRESERVATION REGULATIONS," TO THE CHICO MUNICIPAL CODE – Final Reading and Adoption

RESOLUTION NO. 82 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 282 -BUILDING DIVISION FEES)

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: None
ABSTAIN: None
DISQUAL: None

The City Council recessed for a ten minute break at 8:45 p.m.

4.3. COUNCIL DIRECTION TO STAFF REGARDING EITHER A SINGLE ALTERNATIVE OR A COMBINATION OF ALTERNATIVE FEATURES THAT WILL PROVIDE A BASIS FOR PREPARATION OF THE SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE NORTHWEST CHICO SPECIFIC PLAN

At its meeting of 2/17/04, the City Council received comments from the Planning Commission, property owners, and the public on this issue. At the conclusion of the public comment period, the Council requested additional information on the various alternatives for this meeting. By memorandum dated 2/25/04, the Planning Director provided the requested information. Each of the three alternatives presented consist of different design features and approaches to development of the area included in the Specific Plan. Planning staff led Council through the key criteria identified at the 2/17/04 meeting to develop a preferred alternative.

Public comments were received at the 2/17/04 meeting. Discussion at this meeting was limited to the City Council in order to provide staff with further direction on the development of the Northwest Chico Specific Plan.

Issue 1. Location of Mixed Use Neighborhood Center — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to: (1) locate the mixed use neighborhood center consistent with Alternative C; (2) straight commercial uses at the Esplanade/Nord Highway intersection; (3) an additional mixed-use commercial node (retail with residential/office uses above) across the Esplanade from the entrance to DeGarmo Park; and (4) confirm there would not be any commercial development built east of Highway 99.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Jarvis

Issue 2: Location of Multi-Family Residential — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to locate multi-family residential primarily along the western side of the Esplanade, centering it as close to the neighborhood center as possible, providing additional medium density residential east of Highway 99 as shown in Alternative C.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

Issue 3: Esplanade Character — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to: (1) keep the design consistent with Alternative C that on the west side, provide a frontage road on the west side extending from the trailer park property in the north all the way south to the SUDAD ditch; (2) on the east side, provide a frontage road from Nord Highway north to the Mud Creek crossing, and from the southern end of DeGarmo Park to the SUDAD ditch; and (3) where no frontage road is employed, rely on the design shown in Attachment C.

The motion failed by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan
NOES: Bertagna, Herbert, Wahl, Kirk

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve Alternative C, with reduced berms.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl, Jarvis, Nguyen-Tan

Issue 4: Street Connectivity — A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to: (1) approve a design consistent with Alternative C, but limit the length of cul-de-sacs that exceed current City standards; and (2) provide street connection from southwestern corner of plan area to potential development area immediately to the west currently on the agricultural side of the Greenline.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl, Jarvis, Nguyen-Tan

Issue 5: Development Fronting onto Major Streets — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to approve staff recommendation to design the development fronting on major streets and vary from this only when it becomes evident that this will not be reasonably feasible.

The motion carried by the following vote:

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl

Issue 6: Neighborhood Parks — A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to: (1) approve Alternative C with an additional small pocket park; and (2) the park west of Highway 99 is to be addressed similar to the combined park/storm water detention facility at Nob Hill, and increased in size as necessary to provide for both of these functions.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl, Jarvis, Nguyen-Tan

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to add a pocket park (½ to one acre) east of Highway 99.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

Issue 7: Storm Water Detention — A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to: (1) provide a linear greenway west of the Esplanade linking to DeGarmo Park at one end and connecting to Mud Creek on the western end; (2) provide median between street couplet connecting neighborhood park to Esplanade with the median wide enough to provide for conveyance of storm water; and (3) to make the park as large as needed with the spine street and similar to the Nob Hill detention single site not solely on Adams property.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

Issue 8: Pedestrian Bridge at Highway 99 — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to direct staff to prepare additional analysis for Council review, in conjunction with Issues 9 and 12, considering different options for placement of bridge.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

Issue 9: Potential Highway Crossing at Nord Highway/Sycamore Avenue — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to direct staff to prepare additional analysis in conjunction with Issues 8 and 12.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

Issue 10: PG&E Easement — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the treatment of the easement as the median of a residential street, as envisioned in Alternative C, Attachment 15.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk

NOES: None

Issue 11: Agricultural Buffer — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to provide a 300 -foot agricultural buffer along the Greenline and SUDAD ditch south of Mud Creek, but plan for development within this buffer to proceed when the agricultural properties to the west and south are re-designated for urban uses.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk

NOES: None

Issue 12: Sycamore Creek Bridge — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to direct staff to prepare additional analysis in conjunction with Issues 8 and 9.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk

NOES: None

Issue 13: Street Frontage on Creeks — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to provide single-loaded street along Mud and Sycamore Creeks along with direction to staff to look at the connectivity between the southwest corner of the Northwest Chico Specific Plan and future growth areas.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk

NOES: None

The City Council recessed for a ten minute break at 10:15 p.m.

4.4. **CONSIDERATION OF REQUEST FROM MAYOR KIRK TO APPROVE A POSITION OF OPPOSITION TO CURRENT AUTOMOBILE RATING FACTORS**

By letter dated 2/20/04, Mayor Kirk requested that the City Council approve a position of opposition to the California Insurance Commissioner's proposed alternative (Petition RH 03029826) to current automobile rating factors, and provided the Council with information regarding a public meeting scheduled in Chico on 3/3/04.

Pursuant to City Council rules of procedure, a motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to consider this matter at this meeting and to approve a position of opposition to the California Insurance Commissioner's proposed alternative (Petition RH 03029826).

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

4.5. **CONSIDERATION OF REQUEST FROM COUNCILMEMBER WAHL TO APPROVE A LETTER OF SUPPORT TO RETAIN BEALE AIR FORCE BASE IN THE UPCOMING MILITARY BASE REALIGNMENT**

By letter dated 2/24/04, Councilmember Wahl forwarded a request from Bill Simmons, Chairman of the Board for Yuba County dated 2/12/04, asking that the City Council consider sending a letter in support of retaining Beale Air Force Base in the upcoming military base realignment and closure process.

Pursuant to City Council rules of procedure, a motion was made by Councilmember Wahl and seconded by Councilmember Herbert to consider this matter at this meeting and to authorize the Mayor to send a letter of support to retain Beale Air Force Base when considering the realignment and closure process for military bases.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: Nguyen-Tan
DISQUAL: None

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

In order to consider the below matter which did not appear on the posted agenda, a motion was made by Councilmember Herbert and seconded by Councilmember Bertagna that there was 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.

The motion to add this item to the agenda carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$13,830 FOR THE PURCHASE OF AUTOCAD DESIGN AND DRAFTING SOFTWARE

By memorandum dated 03/02/04, the Director of Public Works reported that due to ongoing changes to computer design and drafting software technology and to marketing policies of the manufacturer, the City typically upgrades its AutoCAD software every two years. A request for the software was prepared for consideration by the City Council as part of the 2004-05 capital budget. However, the City was informed last week that effective 03/15/04, AutoCAD will repackage certain software products and market them in a different manner. As a result, if the City purchases the upgraded software after 03/15/04, the cost would be \$9,353 more than if it is purchased before 03/15/04. Staff is requesting approval of a supplemental appropriation in the amount of \$13,380 from the Capital Projects Fund (400) to acquire the

software this fiscal year. Because all direct expenses from this fund are allocated proportionately to all capital projects, the estimated 06/30/04 fund balance is \$0. An administrative supplemental appropriation confirming Council's action will be processed following this meeting. The Director of Public Works recommended approval of the supplemental appropriation.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the supplemental appropriation in the amount of \$13,830 for the purchase of the autocad design and drafting software.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: 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.

- 6.1. Letter dated 2/17/04 from Jack Lemley, Director of the Butte College Media and Distance Learning Center, forwarded the North Valley Community Access Channel statistical report compiled for the year 2003.
- 6.2. Letter dated 2/20/04 from Tony Symmes requesting that the City Council allow the Floral Arrangement Subdivision project to proceed despite denial of approval by the Airport Land Use Commission (ALUC) at its meeting of 2/18/04. The Planning Director recommended that this request be scheduled for Council consideration at such time as Mr. Symmes provided documentation required to support an override. It was noted that staff will write a letter to Mr. Symmes informing him that staff would support it if it meets all legal requirements.
- 6.3. Memorandum dated 2/6/04, from the Assistant City Manager provided a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
- 6.4. Memorandum dated 2/17/04 from the Finance Director provided the Financial Audit of the Downtown Chico Business Association for Fiscal Year ending 6/30/03. Finance staff reviewed the audit and determined there were no major areas of concern.
7. **ADJOURNMENT** — Adjourned at 11:23 p.m. to March 16, 2004, at 6:00 p.m., in Conference Room No. 2 for a closed session followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: June 14, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 16, 2004

Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisition:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party 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).

1. **CALL TO ORDER** — Mayor Kirk called the March 16, 2004 - Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street, at 6:00 p.m.
2. **CLOSED SESSION** — The Council recessed to closed session as the City Council for consideration of Item 2.1 and then as the Redevelopment Agency for consideration of Item 2.2 .
 - 2.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Regional Water Quality Control Board Cleanup and Abatement Order No. R5-2003-0707, Humboldt Road Burn Dump.
 - 2.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, AND 002-180-088**

Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The item under discussion was instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisition of the property. The Redevelopment Agency's negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — March 16, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the March 16, 2004 Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Reverend Father Peter Hansen, St. Augustine of Canterbury Anglican Church
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Closed Session Announcement — None
 - 1.5. Proclamation — Proclaimed March 22-28, 2004, as “**Students in Free Enterprise Week**”
2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 2.1. The Proposed Plan Amendments were previously provided to the Agency/Council.

A motion was made by Councilmember Nguyen-Tan and seconded by Vice Mayor Jarvis to approve the following Consent Agenda:

- 2.1. **RDA RESOLUTION NO. 05-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY REFERRING THE PROPOSED AMENDED AND RESTATED REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS TO THE PLANNING COMMISSION OF THE CITY OF CHICO FOR REPORT AND RECOMMENDATION** (Agency Action)

RDA RESOLUTION NO. 06-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY SUBMITTING THE PROPOSED AMENDED AND RESTATED REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS, TO THE CITY COUNCIL, DIRECTING THE EXECUTIVE DIRECTOR TO SUBMIT THE REPORT TO THE CITY COUNCIL ON THE PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLANS, AND CONSENTING TO A JOINT PUBLIC HEARING ON SAID AMENDMENTS TO THE REDEVELOPMENT PLANS (Agency Action)

RESOLUTION NO 83 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO AND CALLING A JOINT PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS (Council Action)

By memorandum dated 03/05/04, the Executive Director provided the City Council with a binder which contained the draft Amended and Restated Redevelopment Plans for the Central Chico, the Southeast Chico, the Chico Municipal Airport, and the Greater Chico Urban Area Redevelopment Projects. In accordance with the provisions of the Community Redevelopment Law, before a public hearing can be held on the proposed plan amendments, the Agency must refer them to the Planning Commission for a report and recommendation on the conformance of the proposed Amended and Restated Redevelopment Plans with the City's General Plan. Adoption by the Agency of the first resolution listed above referred the Amended and Restated Plan Amendments to the Planning Commission.

Community Redevelopment Law also requires that the Agency submit the proposed Amended and Restated Redevelopment Plans to the City Council. In addition, a joint public hearing of the Council and Agency must be held prior to adopting the plan amendments. Adoption by the Agency of the second resolution listed above: (1) submits the proposed Amended and Restated Redevelopment Plans to the City Council; (2) directs the Executive Director to complete the Report to the City Council by 04/06/04;

and (3) requests the City Council to call a joint public hearing on 05/18/04.

Adoption by the City Council of the third resolution listed above calls a joint public hearing on 05/18/04 to consider and act upon the proposed plan amendments. The Executive Director/City Manager recommended adoption of the resolutions.

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

AYES: Gruendl, Jarvis, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Bertagna, Herbert, Wahl,

- 3. **NOTICED PUBLIC HEARINGS** — None
- 4. **REGULAR AGENDA** — None
- 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
- 4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None
- 5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 16, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the March 16, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:36 p.m.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to approve the following Consent Agenda items:

- 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 14.60, ENTITLED "USE OF CITY STREETS AND SIDEWALKS FOR SALES OF FOOD, BEVERAGES OR MERCHANDISE AND/OR RENTALS OF EQUIPMENT OR OTHER THINGS" OF THE CHICO MUNICIPAL CODE TO AUTHORIZE THE SALE OF CUT FLOWERS ON CITY STREETS, SIDEWALKS, OR OTHER CITY PROPERTIES** - Introductory Reading

By memorandum dated 2/24/04, the Director of Public Works reported that this ordinance will amend Chapter 14.60 of the Chico Municipal Code to allow the sale of cut flowers on City streets, sidewalks, and other City properties. The Internal Affairs Committee recommended this amendment at its meeting of 2/10/04 and the City Council approved the recommendation at its meeting of 2/17/04.

- 2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 19.02.020 "RULES OF INTERPRETATION, CALCULATIONS - ROUNDING" AND SECTION 19.76.150B ENTITLED "SMALL-LOT SUBDIVISION" OF TITLE 19 OF THE CHICO MUNICIPAL CODE** - Introductory Reading

By memorandum dated 03/05/04, Senior Planner Murphy reported that the Planning Commission at its 01/16/03 meeting, unanimously adopted a motion (6-0, 1 absent) to recommend City Council approval of amendments to Title 19 Land Use and Development Regulations. The amendments clarify the calculation method for determining density and provide for further variation in lot sizes under the Small-lot subdivision provisions. The delay in scheduling this recommendation for Council consideration was due to other priority projects assigned to the Planning Division. The proposed amendments have no physical impact on the environment which was not contemplated with the EIR for the 1994 City of Chico General Plan. Pursuant to the California Environmental Quality Act (CEQA) Section 15162 Subsequent EIRs and Negative Declarations, no further environmental review is required. The Planning Director recommended that the City Council: (1) introduce the ordinance by the reading of the title only; and (2) schedule the amendments for a public hearing on 04/06/04.

- 2.3. **RESOLUTION NO. 84 03-04 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A PUBLIC STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SPRUCE AVENUE (HERTZFELDT) ASSESSOR'S PARCEL NO. 003-173-005)**

By memorandum dated 2/19/04, the Director of Public Works reported on a request from Gary and Virginia Hertzfeldt, owners of 397 E. Sacramento Avenue, to abandon a portion of Spruce Avenue adjacent to their residence in order to facilitate a remodel and expansion of their home. The Director of Public Works recommended adoption of the resolution which will schedule a public hearing for 4/6/04.

- 2.4. **ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM**

By memoranda dated 2/20/04, the Director of Public Works reported that in accordance with petitions from the below property owners, adoption of the following resolutions will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' reported dated 2/20/04 attached to each resolution. These assessments are in lieu of payment of the sewer system connection

fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system. The Director of Public Works recommended adoption of the resolutions.

- A. **RESOLUTION NO. 85 03-04 — A RESOLUTION OF THE CITY 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 - 2954 SAN VERBENA WAY, A.P. NO. 048-230-009** (petition from property owners Buck Ernest and Angela Peterson)
- B. **RESOLUTION NO. 86 03-04 — A RESOLUTION OF THE CITY 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 - 2925 SAN VERBENA WAY, A.P. NO. 048-230-004** (petition from property owner Deborah Santivanez-Williams)
- C. **RESOLUTION NO. 87 03-04 — A RESOLUTION OF THE CITY 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 - 1573 HOOKER OAK AVENUE, A.P. NO. 045-321-006** (petition from property owners Mark Andrew Smith and David Lee Smith)
- D. **RESOLUTION NO. 88 03-04 — A RESOLUTION OF THE CITY 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 - 1533 ARBUTUS AVENUE, A.P. NO. 003-421-011** (petition from property owner Kenneth E. Silver)

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

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

- 3. **NOTICED PUBLIC HEARINGS** — None
- 4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MARCH 3, 2004**

By memorandum dated 3/4/04, the Finance Committee provided a report on its meeting held on 3/3/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE ITEMS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Acceptance of the Community Organization Compliance Audits for FY 2002-03.** The Committee recommended (3-0) acceptance of the Community Organization Compliance Audits for FY 2002-03. The Council was previously provided with this information.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the Community Organization Compliance Audits for FY 2002-03.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

- B. **Acceptance of 2002-03 Annual Financial Reports.** The Committee recommended (3-0) acceptance of the 2002-03 Annual Financial Reports for the year ended 6/30/03. Council was provided with this information at its meeting of 2/3/04.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the 2002-03 Annual Financial Reports for the year ended 6/30/03.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

- C. **Review and Discussion on the Structure of the Park Funding Task Force.** The Committee recommended (3-0) that staff provide a report to the City Council at its 5/18/04 meeting, summarizing the comments and suggestions received from the Park Funding Task Force (PFTF), and that participation in the PFTF remain open and not restricted in membership, but be inclusive of key stakeholders in the community (such as the Chamber of Commerce, the Building Industry Association, athletic organizations, realtors, recreational groups, etc.). If the 5/18/04 report receives unanimous approval from the Council as well as full support from key stakeholders, staff will be prepared to retain a bond/election consultant to provide advice and support to determine a final funding vehicle(s) and ballot measure.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to direct staff to continue to hold the Task Force meetings and to bring back recommendations to the Council by 6/15/04 for consideration.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

- D. **Consideration of the Installation of Solar Electric Generating Systems on City Owned Facilities.** The Committee recommended (3-0) that staff solicit proposals for solar electric generation facilities on the Municipal Building, Municipal Services Center buildings, and at the Water Pollution Control Plant, and that these proposals include all warranty information, be broken down to show the cost effectiveness per facility and by fund, and include a 3-5 year history on an existing facility to compare actual savings and revenue with originally proposed estimates.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to accept the Finance Committee's recommendation to direct staff to solicit proposals and that these proposals include all information as requested by the Finance Committee.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE ITEM REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

- E. **Consideration of Draft Annual Plan for the City's 2004-2005 Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) Programs.** The Committee recommended (2-1, Wahl disqualified) that North and South Campus pedestrian lighting and

infrastructure projects be separate activities within the Proposed Annual Plan for CDBG program funds, and that \$50,000 from both the North and South Campus funds be transferred to the new activity to fully complete pedestrian lighting projects. The Committee directed staff to include a financing plan to supplement the revised engineering project to install lower, decorative lighting in the South Campus Neighborhood. The Committee recommended (3-0) approval of the activities listed in the Proposed Annual Plan for HOME program funds. A public hearing on the 2004-05 Draft Annual Plan is scheduled to be held before the City Council at its meeting of 4/6/04.

4.3 **ITEMS ADDED AFTER 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.

- 6.1. Memorandum dated 2/17/04 from the Chief of Police providing the Citizens' Option for Public Safety Grant Summary Report for the period of July 2003 - December 2003.
- 6.2. Letter dated 2/26/04 from Aristotle M. Roberts requesting Council to consider installing a crosswalk near the bus stop on East Avenue between Cohasset Road and Pillsbury Road.
- 6.3. Memorandum dated 3/02/04 from the Finance Director reporting that the list of claims paid during the month of February 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

Adjourned at 7:43 p.m. to April 6, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: June 14, 2004

Deborah R. Presson, City Clerk

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisition:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. **CALL TO ORDER** — Mayor Kirk called the April 6, 2004 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 7:00 p.m.

2. **CLOSED SESSION**

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, AND 002-180-088**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The items under discussion are instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisition of the property. The Redevelopment Agency's negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — April 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the April 6, 2004 Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Pastor Tim Ruhl, Pleasant Valley Baptist Church
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Closed Session Announcement — None
 - 1.5. Proclamation — Proclaimed April as “**Child Abuse Prevention Month**”
Proclaimed the week of April 11 – 16, 2004 as “**Barbershop Harmony Week**”
2. **CONSENT AGENDA** — None
3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON ITS MEETING HELD ON MARCH 11, 2004** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 4.2.

At its 02/17/04 meeting, the Redevelopment Agency approved a request from Wayne Cook to lease ten additional spaces in the downtown parking structure. Subsequently, Mr. Cook requested that the Economic Development Committee reconsider his request at its 03/11/04 meeting. By memorandum dated 03/26/04, the Economic Development Committee provided a report on its meeting held on 03/11/04.

COMMITTEE MATTER REQUIRING CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

Consideration of Request from Wayne Cook to Lease Additional Spaces in the Parking Structure. The Committee recommended (2-0-1, Wahl disqualified) approval of the lease of 12 additional parking spaces in the downtown parking structure for exclusive use of Diamond Hotel patrons under the same terms as the previous 40 spaces.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve (1) ten additional spaces on the 2nd floor, with unrestricted hours; (2) commitment to renovation of the Morehead Building to be included in the lease; (3) the completion of an occupancy survey every 6 months; (4) review extension at the end of the lease; and (5) direct staff to bring back the documents necessary to implement the Council/Agency’s action at a future consent agenda, along with an Agency supplemental appropriation to refund a portion of the 1994 Parking Revenue Bonds to allow private use

of the parking spaces.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — April 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the April 6, 2004 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Items 2.4. and 2.9. were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Jarvis and seconded by Councilmember Herbert to approve the remaining Consent Agenda items:

- 2.1. **ORDINANCE NO. 2287 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 14.60, ENTITLED “USE OF CITY STREETS AND SIDEWALKS FOR SALES OF FOOD, BEVERAGES OR MERCHANDISE AND/OR RENTALS OF EQUIPMENT OR OTHER THINGS” OF THE CHICO MUNICIPAL CODE TO AUTHORIZE THE SALE OF CUT FLOWERS ON CITY STREETS, SIDEWALKS, OR OTHER CITY PROPERTIES** - Final Reading and Adoption

Based on the City Council's acceptance of the Internal Affairs Committee recommendation at its meeting of 2/10/04, this ordinance was introduced at the 3/16/04 City Council meeting. The ordinance adds cut flowers to the list of items that may be sold on City streets, sidewalks or other City properties. The Director of Public Works recommended adoption of the ordinance by reading of the title only.

- 2.2. **ORDINANCE AMENDING CHICO MUNICIPAL CODE CHAPTER 14.14, ENTITLED “PUBLIC IMPROVEMENTS - BUILDING PERMITS,” TO ADD SECOND DWELLING UNITS TO THE LIST OF EXEMPTIONS FROM PUBLIC IMPROVEMENTS EXCEPT THE REQUIREMENT FOR SIDEWALK** - Introductory Reading

By memorandum dated 03/11/04, the Director of Public Works reported that this ordinance would amend Chapter 14.14 of the Chico Municipal Code to add second dwelling units to the list of projects exempt from the requirement to install public improvements, with the exception of sidewalk installation or repair. The amendment was reviewed and recommended for approval by the Internal Affairs Committee at its meeting of 02/10/04. At the City Council meeting of 02/17/04, the City Council voted 7-0 to direct staff to prepare an ordinance based on the recommendation of the Internal Affairs Committee. The Director of Public Works recommended that the City Council introduce the ordinance by reading of the title only, and schedule final adoption for the meeting of 04/20/04.

- 2.3. **RESOLUTION NO. 89 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090**

The City Attorney requested authorization to destroy certain City Attorney Office records over two years of age. The City Attorney recommended adoption of the resolution.

- 2.4. **RESOLUTION NO. 90 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CHICO MUNICIPAL AIRPORT MASTER PLAN ADOPTION AND IMPLEMENTATION** (State Clearinghouse Number 1998112034) — This item was removed from the Consent Agenda and heard under Item 4.1.

RESOLUTION NO. 91 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTION OF THE AIRPORT MASTER PLAN AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT — This item was removed from the Consent Agenda and heard under Item 4.1.

- 2.5. **RESOLUTION NO. 92 03-04 — 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 - VIA MORRO COURT ANNEXATION DISTRICT NO. 1. (BROWN - ASSESSOR'S PARCEL NO. 011-020-083)**

By memorandum dated 3/19/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of 2.33 acres, located at 116 Via Morro Court. The parcel is developed with a single residence, and connection to the sanitary sewer is required due to a failed septic system. The Assistant Community Development Director recommended adoption of the resolution.

- 2.6. **RESOLUTION NO.93 03-04 — 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 - WEST SACRAMENTO AVENUE ANNEXATION DISTRICT NO. 26. (WEBB - ASSESSOR'S PARCEL NO. 043-270-013)**

By memorandum dated 3/19/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of .733 acres, located at 1415 West Sacramento Avenue. The parcel is developed with a single residence, and creation of two additional lots for single family residential development is proposed, requiring connection to the sanitary sewer. The Assistant Community Development Director recommended adoption of the resolution.

- 2.7. **RESOLUTION NO. 94 03-04 — 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 - EAST AVENUE ANNEXATION DISTRICT NO. 20 AND COUNTY SERVICE AREA NO. 23. (ADAMS FAMILY TRUST/AGASY, INC. - ASSESSOR'S PARCEL NO. 016-160-013)**

By memorandum dated 3/19/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of 3.41 acres, located at 1666 East Avenue. The parcel is to be developed with a single family residential subdivision consistent with the General Plan and rezoning, and utilizing the sanitary sewer. The property will also be annexed to County Service Area No. 23 (Pleasant Valley Storm Drainage) for maintenance of drainage facilities. The Assistant Community Development Director recommended adoption of the resolution.

- 2.8. **APPROVAL OF BUDGET MODIFICATION NO. 03-04 21 TO AMEND CITY BUDGET POLICY NO. D.29 TO AUTHORIZE REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF ANY PERSON RESPONSIBLE FOR THE COMMISSION OF A FELONY CRIME WITHIN THE CITY OF CHICO**

This Budget Modification amends City Budget Policy No. D.29, entitled "Reward Offers - Authority to Expend" to authorize the City Manager, after consultation with the Chief of Police, to offer rewards for information leading to the arrest and conviction of any person responsible for the commission of a felony crime within the City of Chico. Such rewards shall not exceed \$10,000 per occurrence without the prior approval of the City Council. The City Manager recommended approval of the budget modification.

- 2.9. **APPROVAL OF MINUTES FROM CITY COUNCIL MEETINGS HELD ON 1/27/04, 2/3/04, 2/10/04 AND 2/17/04** — This item was removed from the Consent Agenda and heard under Item 4.1.

The motion to approve the Consent Agenda, as read, with Items 2.4. and 2.9. being removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON 2004-2005 DRAFT ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM**

By memorandum dated 3/26/04 the Housing Officer reported that the City will receive \$1,806,000 of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds for the 2004-2005 program year. The memorandum included a list of proposed housing and community development activities recommended by the Finance Committee at its 3/03/04 meeting for inclusion in the City's draft Annual Plan. At this meeting, the City Council conducted the first of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the Department of Housing and Urban Development (HUD). A second hearing and adoption of the final Plan will be scheduled for Council's meeting of 5/18/04. Councilmember Wahl was disqualified on this item and subsequent Council action. Mayor Kirk opened the hearing to the public. Addressing the Council on this item was Darrell Stevens. No one else spoke and the hearing was closed to the public.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to: (1) adopt a draft Annual Plan; and (2) direct staff to publish the draft Annual Plan as part of a 30 day public comment period. Staff was also directed to provide Council with an update on North and South Campus area improvements to date and those planned for in the future.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Wahl

3.2. **HEARING ON AMENDMENTS TO SECTION 19.02.020 ENTITLED "RULES OF INTERPRETATION, CALCULATIONS-ROUNDING" AND SECTION 19.76.150B ENTITLED "SMALL-LOT SUBDIVISIONS" OF TITLE 19 OF THE CHICO MUNICIPAL CODE**

By memorandum dated 03/26/04, Senior Planner Murphy reported that at the 03/16/04 City Council meeting, the Council introduced text amendments to Title 19 Land Use and Development Regulations related to calculating density and small lot development standards. The Planning Commission had previously adopted a motion (6-0, 1 absent) to recommend City Council approval of the amendments to Title 19 Land Use and Development Regulations at its meeting of 1/16/03. Mayor Kirk opened the hearing to the public. Addressing the Council on this item was Richard Ogden. No one else spoke and the hearing was closed to the public.

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Nguyen-Tan to (1) find that the text amendments have no physical impact on the environment which was not contemplated with the EIR for the 1994 City of Chico General Plan. Pursuant to the California Environmental Quality Act (CEQA) Section 15162 "Subsequent EIRs and Negative Declarations," no further environmental review is required; and (2) approve the amendments by adoption of the following ordinance by reading of the title only.

ORDINANCE NO. 2288 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 19.02.020 RULES OF INTERPRETATION, CALCULATIONS - ROUNDING AND SECTION 19.76.150B SMALL-LOT SUBDIVISIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE -

Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

3.3. HEARING ON ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC STREET (SPRUCE AVENUE (HERTZFELDT) - ASSESSOR'S PARCEL NO. 003-173-005)

By memorandum dated 3/18/03, the Director of Public Works reported on a request from Gary and Virginia Hertzfeldt, owners of 397 East Sacramento Avenue, to abandon that portion of Spruce Avenue adjacent to the residence to facilitate a remodel and expansion of their home. At its meeting of 3/16/04, the City Council adopted a resolution of intention to abandon this portion of Spruce Avenue and set a public hearing tonight. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to adopt the following resolution:

RESOLUTION NO. 95 03-04 — A RESOLUTION OF THE CITY 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 (SPRUCE AVENUE (HERTZFELDT) - ASSESSOR'S PARCEL NO. 003-173-005)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — 2.4. and 2.9.

2.4. RESOLUTION NO. 90 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CHICO MUNICIPAL AIRPORT MASTER PLAN ADOPTION AND IMPLEMENTATION (State Clearinghouse Number 1998112034)

RESOLUTION NO. 91 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTION OF THE AIRPORT MASTER PLAN AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Chico Municipal Airport Master Plan Report presents a definitive plan of airport development with detailed facility requirements, development costs, and suggested programs for financing project costs. The Master Plan Report examines current and future uses of the airport, and business/industrial development of the west side of the airport property. The Master Plan Report was prepared after full consideration of the environment and compatibility with adjacent areas and communities and the City's General Plan, as well as the California Aviation System Plan and National Airport System Plan. The Airport Commission considered the Master Plan Report and Final Environmental Impact Report at public hearings held on 7/29/03 and 10/28/03. On 12/9/03, the Airport Commission recommended that the City

Council adopt the Master Plan Report and certify the Final Environmental Impact Report. The City Council was previously provided with a binder containing the Chico Municipal Airport Master Plan Report and a copy of the Final Environmental Impact Report.

On 02/10/04, the City Council adopted a motion of intent to: (1) certify the Final Environmental Impact Report making findings regarding the mitigation of potential environmental impacts and other environmental issues, and including a statement of overriding considerations consistent with the Airport Commission recommendation; and (2) adopt the Chico Municipal Airport Master Plan Report. By memorandum dated 3/30/04, the Assistant Community Development Director transmitted the resolution which would certify the Final Environmental Impact Report and approve the Chico Municipal Airport Master Plan Report consistent with the Council's 2/10/04 motion of intent.

A motion was made by Vice Mayor Jarvis and seconded by Mayor Kirk to adopt Resolution No. 90 03-04 and Resolution No. 91 03-04, and direct staff to continue working with the citizens to address neighborhood concerns while still meeting the need to extend the runway. Alternative recommendations, if developed, are to be brought back to the Airport Commission and Council for consideration.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

2.9. **APPROVAL OF MINUTES FROM CITY COUNCIL MEETINGS HELD ON 1/27/04, 2/3/04, 2/10/04 AND 2/17/04** — This item was removed from the Consent Agenda for clarification.

The City Council was provided with minutes from its meetings held on 1/27/04, 2/3/04, 2/10/04 and 2/17/04. The 1/27/04 minutes were amended to correct the name of Jana Lawton as noted on Item 4.7.

Councilmember Gruendl requested that the 1/27/04 minutes also be amended on page 3 of 13 to read as follows:

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Bertagna to adopt the following resolutions and directed staff to (1) not award contracts for the design ~~of and~~ environmental review until the financial analysis has been provided to the Council.....

A motion was made by Vice Mayor Jarvis and seconded by Councilmember Gruendl to approve the 1/27/04, 2/3/04, 2/10/04 and 2/17/04, as amended.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE COUNCIL POLICY AND PROCEDURE COMMITTEE FROM ITS MEETING OF MARCH 12, 2004**

By memorandum dated 3/29/04, the City Clerk forwarded the recommendations made by the Council Policy and Procedure Committee regarding minor changes to AP&P 10-10. In addition, the Committee recommended to the Council that it direct staff to draft an ordinance which would require members of Council to disclose, on the record and before a decision is made, the identity of all parties to, and participants in the decision, who contributed \$250 or more to a Councilmember's campaign within 12

months preceding the decision.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the following minor changes to AP&P 10-10:

II. B. 2. Preparation, Posting and Distribution

- a. One Edition -- Only one edition of the agenda will be printed and any additional agenda items added by the Mayor, City Manager, or a Councilmember will be submitted to the Council by a posted addendum prepared and posted 72 hours in advance in accordance with the requirements set forth in the Brown Act.

II. B. 4. Rules During Meetings and Public Participation

- a. Special Presentations:

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

- f. Consent Agenda:

.... "If there is a Consent Agenda item where a prior public hearing has been held for citizen input and then closed for further public comment, that item will be annotated to note that it may only be removed from the Consent Agenda at the request of a member of the Council or staff."

- m. Ex Parte Communications

Ex Parte Communications: An ex parte communication is a communication made with a Councilmember outside the Council Chambers with any person in the public concerning a quasi-judicial proceeding to be heard by the City Council. When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding, the Councilmember must state for the public record: (a) the nature of that communication, (b) with whom the ex parte communication was made, and (c) a brief statement as to the substance of the communication.

The motion to approve the above listed changes to AP&P 10-10 carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to not accept the recommendation to require a councilmember to disclose, on the record and before a decision is made by the Council the identity of all parties to and participants in the decision who contributed \$250 or more to the councilmember's campaign within 12 months preceding the decision.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk

NOES: Gruendl, Jarvis, Nguyen-Tan
ABSENT: None
ABSTAIN: None
DISQUAL: None

The Council recessed for a 15 minute break at 8:52 and reconvened at 9:07 p.m.

4.3. **CONSIDERATION OF EVALUATION PROCESS FOR THE CITY MANAGER AND CITY ATTORNEY**

Mayor Kirk requested the Council discuss the evaluation process for the City Manager and City Attorney, including Council committees. A list of the current committee members was provided to Council with the agenda. The Council concurred to change the committee evaluating the City Manager to Councilmember Bertagna, Vice Mayor Jarvis and Councilmember Herbert. The committee evaluating the City Attorney will be Councilmember Gruendl, Councilmember Nguyen Tan, and Councilmember Wahl. Each committee will select its own chair with evaluations conducted sometime in June 2004.

4.4. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON MARCH 24, 2004**— The City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of Items 4.4.B and 4.4.C.

By memorandum dated 3/25/04, the Finance Committee provided a report on its meeting held on 3/24/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.
COMMITTEE MATTERS REQUIRING CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

A. **Consideration of Options for Segregating the Community Park Fund (330)**. The Committee recommended (2-1, Nguyen-Tan opposed): (1) support for Segregation Option 3 which would distribute the balance in the Community Park Fund (330) based on the proportionate per acre cost of improved community park land (\$433,060 or 95%) and creekside greenway land (\$21,425 or 5%); and (2) that the new balance of the Community Park Fund (330) be transferred to the Chico Area Recreation and Park District (CARD) to begin Phase I of the development of DeGarmo Community Park. Within 60-90 days of receiving the funds, CARD would be required to provide the Council with a plan preparing for the 2005 season, and draft letters to County and City staff requesting that plans be expedited through the approval process.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to move forward with Option 3, which includes: (1) the establishment of the creekside greenway/linear park fund, and allocation of funds to DeGarmo Park be accomplished through the 2004-05 budget process, with no commitment for future allocations without Council approval; (2) that expenditure of the funds budgeted for DeGarmo Park be subject to prior City Manager approval based on progress of the project; and (3) that an ordinance to amend Chapter 3.85 of the Chico Municipal Code be forwarded for introductory reading on a future consent agenda.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Wahl, Kirk
NOES: Jarvis, Nguyen-Tan
ABSENT: None
ABSTAIN: None
DISQUAL: None

B. **Consideration of Request by Habitat for Humanity for City Funding to Purchase Two Residential Lots**. The Committee recommended (3-0) that the City Council allocate \$40,000 of existing HOME funds as a grant, and the Agency allocate \$40,000 of existing Low and Moderate Income Housing Funds (LMIHF) as a loan, to Habitat for Humanity for acquisition and building fees for two building lots for its Building Program, with the understanding that Habitat for Humanity will

assume all responsibility for any prevailing wage and/or volunteer issues associated with the program.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the request by Habitat for Humanity, which would allocate \$40,000 of existing HOME funds as a grant, and the Agency allocate \$40,000 of existing Low and Moderate Income Housing Funds (LMIHF) as a loan, to Habitat for Humanity for acquisition and building fees for two building lots for its Building Program, with the understanding that Habitat for Humanity will assume all responsibility for any prevailing wage and/or volunteer issues associated with the program, and direction to staff to forward an authorizing minute order to Council for approval on a future consent agenda.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

- C. **Annual Update on the Mortgage Subsidy Program (MSP).** The Committee recommended (3-0) that the sale price limit be increased to \$250,000, MSP applications for homes exceeding the sale price of \$250,000 be reviewed by the Finance Committee, and that the maximum level for eligibility be increased from 110% of local median income to 120% of median income.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to increase the MSP program sale price limit to \$250,000 and directed staff to revise the Mortgage Subsidy Program, Administrative Procedure and Policy 27-10 to reflect Council's action.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- D. **Approval of Request for Exception to Mortgage Subsidy Program (MSP) Eligibility Requirement for Local Residency - Gary and Kelsey Chapman.** The Committee approved (3-0) the request for the exception to the Mortgage Subsidy Program eligibility requirement for local residency.
- E. **Consideration of Request to Assume \$47,500 Housing Rehabilitation Loan - Manuel and Sandra O'Horan.** The Committee approved (3-0) the request from Manuel and Sandra O'Horan to assume the Housing Rehabilitation Loan for the property they are purchasing through the Mortgage Subsidy Program with a requirement that their income be reviewed annually and that installment payments be required at such time as their income allows.

Although Item F. was listed as a non-action item, the City Manager provided the City Council with a verbal update regarding the development of the East 20th Street site.

- F. **Consideration of Use of City Owned Site on East 20th Street, West of Bruce Road.** The Committee directed staff to schedule a neighborhood meeting to discuss use of the site for the development of senior housing with the proceeds of the sale used for the development of

neighborhood parks.

4.5. **ITEMS ADDED AFTER 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.

6.1. Letter dated 3/04/04 from Chico Area Recreation and Park District (CARD) stating that final payment of Oak Way Park is in the process of being prepared. Upon full reimbursement to the City, CARD is requesting an unencumbered transfer of title from the City of Chico to CARD. Additionally, CARD is requesting that the one acre parcel adjacent to Oak Way Park that was acquired as a fire station site be transferred to CARD, ensuring the potential for park expansion at this site with the community's future growth. The Council concurred with the City Manager's recommendation: (1) that a resolution be prepared for future Council action to transfer the Oak Way Park to CARD, subject to a reversionary clause requiring that the site be used for park purposes; and (2) that the adjacent fire station site not be transferred to CARD.

6.2. Memorandum dated 3/12/04, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

6.3. Letter dated 3/15/04 from Gary A. Incaudo requesting the City consider adding street parking on Mission Ranch Boulevard west of the Esplanade. This item was forwarded to the Internal Affairs Committee for consideration.

6.4. Letter dated 3/17/04 from Tom Loushine requesting a change in vehicle traffic flow at the Farmer's Market on 2nd Street and Wall Street, allowing for added pedestrian safety. This item was forwarded to the Internal Affairs Committee for consideration.

7. **ADJOURNMENT**

Adjourned at 9:20 p.m. to April 20, 2004, at 9:00 a.m., in the City Council Chamber for an adjourned regular all-day work session.

Date Approved: July 6, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — April 20, 2004

Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisitions:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey, Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088
Ed and Julie Johnson	5 acres north of Humboldt Road, east of Bruce Road	011-030-016
Fogarty Revocable Trust	Majority of property north of Humboldt Road, east of Bruce Road	011-030-136, 011-030-138, 011-030-139
Fred Bartig Trust, et al	Southeast and west corner of Bruce Road and Highway 32	002-180-084, 002-180-086
Simmons, Drake	Southeast corner of Stilson Canyon & Humboldt Road and Southwest corner of Stilson Canyon & Humboldt Road	011-780-014, 011-780-018

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. **CALL TO ORDER** — Mayor Kirk called the April 20, 2004 - Adjourned Regular Redevelopment Agency Meeting to order at 1:30 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.
2. **CLOSED SESSION**
- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, 002-180-088, 011-030-016, 011-030-136, 011-030-138, 011-030-139, 002-180-084, 002-180-086, 011-780-014, AND 011-780-018**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The item under discussion is instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisitions of the property. The Redevelopment Agency's negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Ed and Julie Johnson	North of Humboldt Road, east of Bruce Road	011-030-016
Fogarty Revocable Trust	Majority of property north of Humboldt Road, east of Bruce Road	011-030-136, 011-030-138, 011-030-139
Fred Bartig Trust, et al	Southeast and west corner of Bruce Road and Highway 32	002-180-084, 002-180-086
Simmons, Drake	Southeast corner of Stilson Canyon & Humboldt Road and Southwest corner of Stilson Canyon & Humboldt Road	011-780-014, 011-780-018

2.2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation: Three cases. (Gov. Code Sec. 54956.9(c).)

3. **ADJOURNMENT**

Adjourned at 2:00 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — April 20, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the April 20, 2004 - Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 9:00 a.m.

- 1.1. Flag Salute

- 1.2. Roll Call — Present: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
Absent: Herbert, Jarvis

2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 2.1.

- 2.1. **APPROVAL OF BUDGET MODIFICATION AND SUPPLEMENTAL APPROPRIATION TO PROVIDE FUNDING FOR THE WEST 8TH AVENUE RECONSTRUCTION PROJECT (10011)**

By memorandum dated 04/13/04, the Director of Public Works explained the need to modify the funding of the West 8th Avenue Reconstruction Project (10011), and recommended approval of a budget modification and supplemental appropriation. The project was originally programmed for the 2004 construction season with reimbursement from the State Transportation Improvement Program. The project was ready to bid for construction, but due to the State budget situation the funding had been delayed and was to be reprogrammed. The Department has identified funds in other projects which were scheduled for construction in future years, that might be utilized now to construct West 8th Avenue this year. These funds were requested in the 2004-05 budget, but to take advantage of prime construction weather and the reduction in traffic during the summer season, the most advantageous time to initiate construction is early June. To accomplish this, funding must be in place to be able to award the construction contract prior to the approval of the 2004-05 budget. A budget modification has been recommended to fund the West 8th Avenue Reconstruction Project by transferring funds from the Manzanita Avenue Corridor project (19012) to Project 10011, and then transferring funds from the Cohasset Road Widening project (12066) back into the Manzanita Avenue Corridor project. In addition, staff requested a supplemental appropriation in the amount of \$1,688,449 as outlined in the staff report. The Director of Public Works recommended approval of the budget modification and supplemental appropriation.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the budget modification and supplemental appropriation to provide funding for the West 8th Avenue Reconstruction Project (10011) with the transfers and allocations to be reflected in the 2003-04 estimated expenses and in the 2004-05 capital budget.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: Wahl

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

- 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

- 4.2. **BUDGET REVIEW**

- A. Update on Redevelopment Plan Amendments to Fiscally Merge the Chico Merged and Greater Chico Redevelopment Project Areas

By memorandum dated 04/13/04, the Budget Officer provided an update on the proposed Redevelopment Plan Amendments to fiscally merge the Chico Merged and Greater Chico Redevelopment Projects.

The Chico Redevelopment Agency was provided with, and considered, the following documents:

- B. Chico Merged Redevelopment Project Area Low and Moderate Income Housing Fund Summary
- C. Greater Chico Urban Area Redevelopment Project Area Low and Moderate Income Housing Fund Summary

4.3. **REPORT REGARDING REMEDIAL ACTION PLAN FOR HUMBOLDT ROAD BURN DUMP STATUS**

By memorandum dated 4/09/04, the City Manager submitted a status report regarding the cleanup activities underway for the Humboldt Road Burn Dump. No action was being requested or required. Staff was available to answer questions regarding the status of both the public and private property cleanup activities. Staff was directed to provide the City Council and interested parties with an outline of the formal process regarding public input on the RAP.

4.4. **CONSIDERATION OF PARKING STRUCTURE ISSUES**

A. Proposed New Parking Structure

At its meeting held 01/27/04, the Agency allocated funds for the design, environmental review, and financial analysis for a multi-story parking structure on Municipal Parking Lot No. 1, but directed staff not to award bids for the design and environmental review until the Agency had been provided with a copy of the financial analysis. By memorandum dated 04/13/04, the City Manager forwarded the financial analysis prepared by Suzanne Harrell, the City's financial advisor, and a recommendation that the Council authorize proceeding with environmental review and design of a parking structure with one ground floor and three elevated levels with the structural support designed to handle an additional level if it is determined to be necessary in the future.

In addition, at its 02/17/04 meeting, the City Council scheduled a discussion regarding consolidating the transit center with the proposed parking structure. The Council also directed staff to determine the status of CSU, Chico's parking study and to obtain an opinion from the Butte County Association of Governments (BCAG) regarding relocating the transit center from 2nd and Salem to this location. Representatives from CSU, Chico were not present to discuss the CSUC parking study. The Council was provided with the following:

1. Letter dated 03/17/04, from BCAG forwarding its recommendation regarding relocating the transit center.
2. Memorandum dated 04/01/04, from Management Analyst Herman forwarding the recommendations from the Community Transit Advisory Committee.

B. Refunding 1994 Parking Revenue Bonds

In 1994, the City issued bonds for the construction of the existing parking structure. The debt service on the 1994 Parking Revenue Bonds is funded from the Parking Revenue Fund (853). Therefore, Ms. Harrell reviewed the 1994 bonds as part of the financial analysis and has advised that because the rates are currently much lower than the 1994 bond rates, refunding the remaining bonds would reduce the City's debt service obligation. A preliminary analysis of the refunding was included in the report forwarded under Item 4.4.A. In addition, 08/01/04, is the next date on which the City could call bonds in order to allow the private use of parking spaces in the Downtown Parking Structure by the Diamond Hotel.

Therefore, since some of the bonds must be called in August, the City Manager recommended that the 1994 bonds be refunded at the same time. Since the City Council concurred, a resolution

authorizing the execution of agreements for the professional services of a financial advisor and bond counsel will be placed on a future consent agenda.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to: (1) authorize proceeding with environmental review and design of a parking structure using a series of meetings with interested parties on various design components, such as commercial space, space for the Farmer's Market, restrooms, and size of structure; (2) adopt a motion of intent to raise meter rates to fund the new structure and increase enforcement hours based on the assumptions in the staff report; and (3) proceed with refunding of 1994 bonds supported by meter revenue only.

The motion carried by the following vote:

AYES:	Bertagna, Gruendl, Wahl, Kirk
NOES:	Nguyen-Tan
ABSENT:	Herbert, Jarvis
ABSTAIN:	None
DISQUAL:	None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING— April 20, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the April 20, 2004 - Adjourned Regular Chico City Council Meeting to order in the Council Chamber, Chico Municipal Center, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
Absent: Herbert, Jarvis

2. **CONSENT AGENDA** — A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2289 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHICO MUNICIPAL CODE CHAPTER 14.14, ENTITLED “PUBLIC IMPROVEMENTS - BUILDING PERMITS,” TO ADD SECOND DWELLING UNITS TO THE LIST OF EXEMPTIONS FROM PUBLIC IMPROVEMENTS EXCEPT THE REQUIREMENT FOR SIDEWALK** - Final Reading and Adoption

By memorandum dated 03/26/04, the Director of Public Works reported that this ordinance would amend Chapter 14.14 of the Chico Municipal Code to add second dwelling units to the list of projects exempt from the requirement to install public improvements, with the exception of sidewalk installation or repair. The amendment was reviewed and recommended for approval by the Internal Affairs Committee at its meeting of 02/10/04. At the City Council meeting of 02/17/04, the City Council voted 7-0 to direct staff to prepare an ordinance based on the recommendation of the Internal Affairs Committee. The ordinance was introduced at the City Council meeting of 04/06/04. The Director of Public Works recommended adoption of the ordinance by reading of the title only.

- 2.2. **ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM**

By memoranda dated 3/22/04 and 3/31/04, the Director of Public Works reported that in accordance with a petition from the below property owners, adoption of the following resolutions would authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' reports attached to each resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system. The Director of Public Works recommended adoption of the resolutions.

- A. **RESOLUTION NO. 97 03-04 — 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 - 965 FILBERT AVENUE, A.P. NO. 003-540-010** (petition from property owners Carol L. Robinson and Mark R. Pierce)
- B. **RESOLUTION NO. 98 03-04 — 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 - 1440 LABURNUM AVENUE, A.P. NO. 003-441-019** (petition from property owner Elena A. Eisenlauer)

- 2.3. **RESOLUTION NO. 96 03-04 — 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**

By memorandum dated 4/7/04, Projects Manager Wood reported that the Lot Cleaning/Weed Abatement Program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to inspect properties located within the City limits and determine

which properties contain weeds, rubbish, refuse, and/or debris which constitute a fire hazard, or may become a fire hazard, if not abated.

Adoption of this resolution declared that noxious, combustible, or dangerous weeds and/or rubbish, refuse, and/or debris existing on the properties set forth on Exhibit "A" attached to the resolution constitute, or have the potential to constitute, a public nuisance which must be abated. The resolution also sets a public hearing for 5/4/04. The purpose of the hearing is to consider all objections to the proposed removal of weeds, rubbish, refuse, and/or debris, and the assessment of the cost of such removal and to set a deadline for the removal of weeds, rubbish, refuse, and/or debris. The Projects Manager recommended adoption of the resolution.

2.4. MINUTE ORDER NO. 04-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN ON-AIRPORT LEASE BETWEEN THE CITY OF CHICO AND THE UNITED STATES OF AMERICA AND RELATED OPERATIONS AGREEMENT (AIR TRAFFIC CONTROL TOWER)

By memorandum dated 3/31/04, the Airport Manager reported that the Federal Aviation Administration desired to enter into a lease agreement with the City of Chico for ongoing operation of the Air Traffic Control Tower at the Chico Municipal Airport. At its meeting of 3/30/04, the Airport Commission approved a minute order (4 in favor, 1 absent) recommending that the City Council authorize the City Manager to execute a lease agreement and related operations agreement.

The lease agreement will cover the 20-year period commencing 7/1/03 through 6/30/23. Because the term of the lease exceeds 15 years, City Council approval was required. The Airport Manager recommended approval of the minute order.

2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING IN THE AMOUNT OF \$65,000 TO PROCESS A SPHERE OF INFLUENCE AMENDMENT AND TO INITIATE ANNEXATION FOR THE SALVATION ARMY PROPERTY LOCATED AT 13434 BROWN'S VALLEY DRIVE AND TO PROCESS THE WEST AVENUES AND EAST LASSEN ANNEXATIONS

By memorandum dated 04/09/04, the Assistant Community Development Director advised that at its meeting held 12/16/03, the City Council allocated \$7,500 from the General Fund (001) to provide funding to process an amendment to the City's Sphere of Influence to add the property located at 13434 Brown's Valley Drive and to initiate annexation of the property. It is the intent of the Salvation Army to establish a residential rehabilitation facility at the location. The consultant's proposal to process the sphere amendment and annexation exceeds the budgeted amount by \$5,000. In addition, the Council accepted the recommendation of the Internal Affairs Committee to initiate the West Avenues annexation. Also, the Local Agency Formation Commission directed the East Lassen Avenue annexation. Due to current work load, staff is recommending the use of a consultant to complete this work. This supplemental appropriation would allocate \$65,000 from the General Fund for professional consulting services and other costs associated with the sphere amendment and the annexations. It is anticipated that revenues from the annexed areas will offset the costs incurred with the initial processing. The Assistant Community Development Director recommended approval of the supplemental appropriation. Councilmember Wahl disqualified himself on this item.

2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE FUNDING FOR THE BIDWELL PARK CENTENNIAL CELEBRATION - not approved but referred to Finance Committee

By memorandum dated 4/12/04, the Park Director forwarded a letter dated 04/01/04 from the Bidwell Park Centennial Committee indicating the Committee is coordinating a year-long series of events, activities, and celebrations as part of the 100th Anniversary of Bidwell Park. The mission of the Committee is to highlight the anniversary through existing annual events and special recognitions as well as a community event in Bidwell Park in July 2005 to coincide with the original donation by Annie Bidwell. The Committee has established a partnership with the Chico Chamber of Commerce as a co-sponsor and the Chico Creek Nature Center. The Committee intends to raise \$10,000 through fund raising events and donations and is requesting City funding in the amount of \$12,050. This supplemental appropriation would allocate \$12,050 from the General Fund (001) to partially fund the July 2005 anchor event and general support for basic office supplies, stationery, postage, advertising, insurance and bookkeeping. Staff recommended

that this item be referred to the Finance Committee for consideration.

2.7. CONFIRMATION OF APPOINTMENT OF COUNCILMEMBER GRUENDL AS THE CITY'S REPRESENTATIVE TO THE BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) AND THE BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

At its meeting of 12/17/02, the City Council confirmed Mayor Kirk's appointment of Vice Mayor Jarvis to BCAG and the Butte County Air Quality Management District. At this time, Mayor Kirk has appointed Councilmember Gruendl as the City's representative on the two above mentioned committees and was requesting Council confirmation of the appointment.

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

AYES: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: Wahl - on Item 2.5. only

3. NOTICED PUBLIC HEARINGS

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

4.2. GENERAL BUDGET REVIEW

City staff provided an overview of the 2003-04 annual budget. The City Council was provided with, and considered, the following budget documents:

A. General and Park Funds Projected Trends

In addition to a general review of the projected trends, City staff was prepared to review:

1. Factors contributing to the estimated General/Park Fund balance, including those used to balance the budget in recent years;
2. Potential revenue increases, including those related to growth, annexation, one time revenues, and fine and fee increases;
3. Potential transfer adjustments;
4. Potential operational savings;
5. Potential budget and service reductions; and
6. Potential new taxes

B. Summary of Estimated Fund Balances

Direction was given to staff to maintain a page in the budget that summarizes the reductions made to

balance the budget, in order to ensure that when the city's fiscal position improves the positions left vacant and other reductions are restored prior to adding new positions or programs.

4.3 CAPITAL BUDGET REVIEW

The City Council was provided with, and considered, the following capital project reports:

A. Capital Project Status Report

Staff was prepared to discuss the report, but specifically discussed roadways at risk. There are a number of roadway projects that are over or near capacity. The Department of Public Works has been in the process of identifying these roadways and designing solutions to fix them.

The roadway projects include, but are not limited to, the East/Esplanade, Cohasset/East, and First/Mangrove intersections; traffic signal synchronization on East and Mangrove Avenues; State Highway Route (SHR) 99 from 1st Street to 8th/9th Streets; SHR 32 from Fir to Bruce Streets; SHR 32 from 8th Avenue to 1st Street; First Avenue from Sheridan to Longfellow; and the SHR 99 interchanges at Cohasset Road and Eaton Road.

B. Preliminary Draft 2004-05 Major and Minor Capital Project Request Summaries

4.4. HALLOWEEN - DISCUSSION OF THE ISSUES

The City Council requested a discussion of the proposed approach the City intends to take for Halloween 2004. The City Manager and Chief of Police recommended using the same approach as was used for Halloween 2003, although with significantly less Police Officer resources.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to continue business as usual as recommended in the staff report and directed staff to provide an operational plan for Halloween 2004 including a recommendation on portable toilets by September 2004.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETINGS HELD ON MARCH 3, 2004 AND MARCH 24, 2004

By memorandum dated 3/26/04, the City Council was provided with a copy of the report of the Solid Waste Committee for its meetings held on 3/3/04 and 3/24/04. Committee members present were Councilmembers Gruendl, Nguyen-Tan, and Wahl, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. Consideration of a Proposed Ordinance Requiring Recycling of Demolition Debris in Large Commercial and Industrial Projects. At its meeting of 3/3/04, the Committee recommended (2-1, Wahl opposed) that a draft ordinance be forwarded to the City Council for conceptual approval after the definitions of demolition and renovation are more clearly defined and square footage and weight requirements are determined. By memorandum dated 3/26/04, Management Analyst Herman provided the requested definitions.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl

to direct staff to draft an ordinance that would be brought back to the Solid Waste Committee for consideration which would include input from Valley Exchange and the BIA.

The motion carried by the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Wahl
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

- B. **Consideration of a Request from the County of Butte That the City of Chico Establish a Flow Control Ordinance for Solid Waste Collected Within the City Limits.** Due to time constraints, the Committee agreed at its 3/3/04 meeting to continue consideration of this item to its 3/24/04 meeting. At its 3/24/04 meeting, the Committee recommended (2-1, Gruendl opposed) that the City of Chico not establish a flow control ordinance requiring City permitted solid waste collectors to dispose of municipal waste collected within the Chico city limits at the Neal Road Landfill only.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to not establish a flow control ordinance.

The motion carried by the following vote:

AYES: Bertagna, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

- C. **Consideration of the County's Request that the City of Chico Join the Butte Regional Waste Management Authority.** This item was not considered at the 3/3/04 meeting and was continued to the 3/24/04 meeting where the Committee recommended (3-0) that the City of Chico not join the Butte Regional Waste Management Authority at this time.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to not have the City of Chico join the Butte Regional Waste Management Authority at this time.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

COMMITTEE MATTER REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- D. **Consideration of Draft Solid Waste Collection Rate Methodology.** At its 3/3/04 meeting, the Committee recommended (3-0) that the current rates be used as the base rate in which a combination of Consumer Price Index and other indices (i.e. fuel and labor indices) would be applied annually. The Committee also directed staff to prepare a draft methodology for consideration by the Committee at a future meeting.

4.6. PRESENTATION AND CONSIDERATION OF THE PARK FUNDING TASK FORCE REPORT

By memorandum dated 4/5/04, the Park Director indicated that, at its 1/6/04 meeting, the City Council directed that a citizens' committee be convened to discuss funding options for the unfunded portion of the park and linear greenway system and its respective maintenance. The City Council asked for a report

before May 2004 to allow adequate time for Council discuss a ballot measure, if the Council chooses to do so, for the November 2004 election. Through a series of three meetings, the Committee reviewed funding needs and available options and expressed interest in several alternatives. The Chico Area Recreation and Park District (CARD) Board of Directors is scheduled to meet on this topic at its 4/15/04 meeting. The results of that discussion will be presented at the Council meeting. The Park Director recommended the City Council direct staff to proceed to retain a consultant to provide detailed analysis of potential funding options, and to include a community survey to explore options that may be acceptable to the citizenry.

A motion was made by Councilmember Gruendl and seconded by Councilmember Wahl to: (1) solicit a phased proposal for election services, which would include a community survey as the first task; and directed that (2) the committee continue its work and come back at an appropriate time in May or June, if it wants to place an advisory measure on the November 2004.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

4.7. **ITEMS ADDED AFTER 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 except where referred to committee.

6.1. Memorandum dated 4/5/04 from the Risk Manager reporting on claims denied during the quarter ending 3/31/04.

6.2. Memorandum dated 4/06/04 from the Finance Director reporting that the list of claims paid during the month of March 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.3. Letter dated 3/31/04 from Tony Symmes, Agasy, Inc., requesting the opportunity to build affordable housing on the Humboldt Avenue and Notre Dame property. Mr. Symmes has submitted a proposal for the site along with two proposed neighborhood layouts. This item was forwarded to the Finance Committee for consideration.

6.4. Letter dated 4/5/04 from Newton Gilliland, Vice President of Frontera, requesting sponsorship funds for "Cinco de Mayo Fiesta," an event scheduled to take place 5/1/04 at the Children's Playground. Due to the budget situation, the City Manager did not recommend funding for any new non-profit programs.

7. **ADJOURNMENT**

Adjourned at 3:30 p.m. to May 4, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: July 6, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — May 4, 2004

Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisitions:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey, Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088
Fred Bartig Trust, et al	Southeast and west corner of Bruce Road and Highway 32	002-180-084, 002-180-086

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. **CALL TO ORDER** — Mayor Kirk called the May 4, 2004 - Adjourned Regular Redevelopment Agency Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 7:00 p.m.

Roll Call: Present: Bertagna, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: Gruendl

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, 002-180-088, 002-180-084, 002-180-086**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The item under discussion was instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisitions of the property. The Redevelopment Agency's negotiator was Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted were the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088
Fred Bartig Trust, et al	Southeast and west corner of Bruce Road and Highway 32	002-180-084, 002-180-086

Posted Addendum Item:

- 2.2. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION:** Significant exposure to litigation: One case. (Gov. Code Sec. 54956.9(b).)

3. **ADJOURNMENT**

Adjourned at 7:30 p.m. to a regular Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — May 4, 2004
Minutes

1. **CALL TO ORDER** — Mayor Kirk called the May 4, 2004 - Regular Chico Redevelopment Agency Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Pastor David Leeper Moss, Chico Trinity United Methodist Church.
 - 1.3. Roll Call: Present: Bertagna, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: Gruendl
 - 1.4. Proclamations — Proclaimed May 3 through May 9, 2004 as “**Mosquito and Vector Control West Nile Virus Awareness Week**” in the City of Chico.

Proclaimed May 2004 as “**Veterans Appreciation Month**” in California.

2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Item 2.1. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to approve the following Consent Agenda items:
 - 2.1. **RDA MINUTE ORDER NO. 01-04 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE A LOAN AGREEMENT WITH HABITAT FOR HUMANITY OF CHICO FOR USE OF \$40,000 OF AGENCY FUNDS FOR ACQUISITION COSTS AND BUILDING FEES FOR DEVELOPMENT OF A LOT FOR HABITAT FOR HUMANITY’S BUILDING PROGRAM** (Agency Action)

MINUTE ORDER NO. 05-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH HABITAT FOR HUMANITY OF CHICO FOR USE OF \$40,000 OF HOME FUNDS FOR ACQUISITION COSTS AND BUILDING FEES FOR DEVELOPMENT OF A LOT FOR HABITAT FOR HUMANITY’S BUILDING PROGRAM (Council Action)

At its meeting of 4/06/04, the City Council accepted the Finance Committee’s recommendation to provide a loan of \$40,000 from the Chico Redevelopment Agency Greater Chico Urban Area Redevelopment Project Area (GCUARPA) Low and Moderate Income Housing Fund (LMIHF) and a grant of \$40,000 from the City of Chico HOME Program. The funds will be used for acquisition and development expenses for two lots, which Habitat for Humanity will develop through its building program. These minute orders provide authority for the City Manager and Agency Executive Director to execute the necessary agreements, with the loan and grant funds to be included in the 2004-05 capital budget.

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

AYES:	Bertagna, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
NOES:	None
ABSENT:	Gruendl
ABSTAIN:	None
DISQUAL:	None

3. **NOTICED PUBLIC HEARINGS**
 - 3.1. **HEARING TO RECEIVE PUBLIC COMMENTS ON THE DRAFT REMEDIAL ACTION PLAN PREPARED FOR THE CLEANUP OF THE HUMBOLDT ROAD BURN DUMP** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for

consideration of Item 3.1.

By memorandum dated 4/28/04, the Director of Public Works explained that the purpose of this meeting was to hear public comments on the Draft Remedial Action Plan (RAP) prepared for the cleanup of certain parcels associated with the Humboldt Road Burn Dump. The Director also advised that the Chico Redevelopment Agency is scheduled to consider approval of the RAP for submittal to the California Regional Water Quality Control Board at its meeting on 5/18/04. Andy Kopania provided Council with an overview of the cleanup process to date which was done in accordance with the legal requirements of the Health and Safety Code, HSC 25356.1.

Mayor Kirk opened the hearing to the public. Addressing the Council on this issue were Julie Nasr, Alan Gair, Nora Todenhagen, David Brown, and Ty Benoit. The hearing was closed to the public. No action was taken following this hearing.

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — May 4, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the May 4, 2004 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call: Present: Bertagna, Jarvis, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: Gruendl

2. **CONSENT AGENDA** — Item 2.1. was removed from the Consent Agenda at the request of Councilmember Bertagna and heard under Item 4.1. A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items, as read:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO MINIMUM DENSITIES IN THE R2 AND R4 DISTRICTS** - Introductory Reading — This item was removed from the Consent Agenda and heard under Item 4.1.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 3.85 ENTITLED, "DEVELOPMENT IMPACT FEES" OF THE CHICO MUNICIPAL CODE** - Introductory Reading

At its meeting held 04/06/04, the City Council approved the Finance Committee's recommendation to segregate the Community Park Fund and to create a new Linear Parks/Greenways Fund. This ordinance amends Chapter 3.85 of the Chico Municipal Code to reflect this action. The City Manager recommended introduction of the ordinance with final reading and adoption scheduled for 05/18/04.

2.3. **RESOLUTION NO. 99 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING ENGAGEMENT OF BOND COUNSEL AND FINANCIAL ADVISOR IN CONNECTION WITH REFINANCING OF 1994 PARKING REVENUE BONDS**

At its meeting held 04/20/04, the City Council adopted a motion of intent to proceed with refunding the 1994 Parking Revenue Bonds at the same time some of the bonds are called in order to allow the private use of parking spaces in the Downtown Parking Structure by the Diamond Hotel. As a result of recent changes in the bond market, it may not be feasible to refund the bonds. However, to ensure the City is in a position to move quickly if the market improves, the City Manager requested authority to execute agreements for the professional services of a financial advisor and bond counsel. The City Manager recommended adoption of the resolution.

2.4. **APPROVAL OF MINUTE ORDER NO. 06-04 — AUTHORIZATION FOR CITY MANAGER TO ACQUIRE A PUBLIC SERVICE EASEMENT IN CONNECTION WITH THE WEST 8TH AVENUE IMPROVEMENT PROJECT (AP NO. 003-612-013) - ASHER**

At its 07/15/03 meeting, the City Council authorized acquisition of right of way and a temporary construction easement from the property owner of 1803 Citrus Avenue needed in connection with the West 8th Avenue improvement project. It was subsequently determined that a public service easement is also required for the project in order to relocate utility poles. This minute order authorizes the City Manager to execute an agreement and other documents necessary to acquire and accept the additional public service easement for \$2,630. The Assistant City Manager recommended approval of the minute order. Councilmember Wahl disqualified himself on this item and subsequent action.

The motion to approve the Consent Agenda, as read, with Item 2.1. removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl, Jarvis
ABSTAIN: None

DISQUAL: Wahl, on Item 2.4. only

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE, AND DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING THEIR ABATEMENT AND REMOVAL**

By memorandum dated 4/21/04, Projects Manager Wood reported that the purpose of this hearing was to consider all objections to Resolution 96 03-04 which declared that weeds, rubbish, refuse, and debris must be removed and abated. Notice of the hearing was mailed to all property owners on the list attached to the resolution as Exhibit "A."

Adoption of the resolution establishes Monday, 5/31/04 as the last day for voluntary abatement and removal of weeds, rubbish, refuse, and debris and directs the Community Development Director to cause the weeds, rubbish, refuse, and debris not voluntarily removed to be removed and to maintain an accounting of costs associated with the abatement and provide the Council with a report of the costs so the City can recover the costs from the property owners. The Projects Manager recommended adoption of the resolution.

Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 100 03-04 — 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, Herbert, Nguyen-Tan, Wahl, Kirk
NOES:	None
ABSENT:	Gruendl, Jarvis
ABSTAIN:	None
DISQUAL:	None

4. **REGULAR AGENDA**

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

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO MINIMUM DENSITIES IN THE R2 AND R4 DISTRICTS** - Introductory Reading

By memorandum dated 4/26/04, Senior Planner Hayes reported that at its 4/1/04 meeting, the Planning Commission approved a motion (4 in favor, 2 opposed, 1 absent) to recommend City Council approval of amendments to Title 19 Land Use and Development Regulations. The amendments would increase the minimum density of the R2 Medium Density Residential zoning district from 4.01 to 7.01 dwelling units per acre and the R4 High Density Residential zoning district from 14.01 to 22.01 dwelling units per acre. The proposed amendments reinstate densities for these zoning districts established at the time the General Plan was adopted in 1994. The proposed amendments have no physical impact on the environment which was not contemplated with the EIR for the 1994 City of Chico General Plan. Pursuant to the California Environmental Quality Act (CEQA) Section 15162 Subsequent EIRs and Negative Declarations, no further environmental review is required. The Planning Commission and the Planning Director recommended that the City Council: 1) introduce the ordinance by the reading of the title only; and 2) schedule the amendments for a public hearing on 6/15/04.

A motion was made by Councilmember Nguyen-Tan and seconded by Mayor Kirk to introduce the

ordinance and schedule the amendments for a public hearing on 6/15/04. The motion failed by the following vote:

AYES: Nguyen-Tan, Kirk
NOES Bertagna, Herbert, Wahl
ABSENT: Gruendl, Jarvis

Councilmember Nguyen-Tan asked that the record reflect a change in his vote to one of opposition. The final vote was as follows:

AYES: Kirk
NOES Bertagna, Herbert, Nguyen-Tan, Wahl
ABSENT: Gruendl, Jarvis

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE CHARTER REVIEW COMMITTEE OF PROPOSED CHANGES TO THE CITY CHARTER

At its 12/16/03 meeting, the City Council appointed a Charter Review Committee for the purpose of reviewing the City Charter and set a deadline of 5/1/04 for the submittal of recommendations. By memorandum dated 4/23/04, the Charter Review Committee forwarded its recommendations for proposed amendments to the City Charter for Council consideration. Included in the memorandum were a disposition matrix which detailed all of the sections reviewed by the Committee, along with proposed changes. The Charter Review Committee recommended that the City Council direct staff to prepare three measures for the November ballot as detailed in the memorandum. Addressing the Council on this item were Fred Davis, Phil Smith and Bob Best.

Councilmember Herbert recommended that state guidelines be used when determining Council remuneration, thereby eliminating the need for Councilmembers to determine their own salary. He also felt that the Mayor should receive compensation for the additional duties that come with appointment to this position.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Jarvis to accept the Charter Review Committee recommendations for three proposed measures regarding: (1) Council remuneration, as amended by Council, to read "to the amount allowed by State law, including an additional 20% for the Mayor"; (2) changing the age requirement for Council candidacy to 18 ; and (3) a measure for the general cleanup of the Charter, as stated in the staff report. Items requiring further discussion were referred to the Internal Affairs Committee. Council also concurred that the Charter Review Committee would prepare the ballot arguments for the measures.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Jarvis, Nguyen-Tan, Wahl, Kirk
NOES None
ABSENT: Gruendl
ABSTAIN: None
DISQUAL: None

The City Council took a 10-minute break at 8:10, at which time Vice Mayor Jarvis left the meeting.

4.3. CONSIDERATION OF PARKING METER RATE INCREASE

At its 4/20/04 meeting, the City Council adopted a motion of intent to increase parking meter rates to fund the proposed parking structure in Municipal Parking Lot No. 1. This resolution revises City of Chico Fee Schedule 15.090 – Parking Fees and Rates, to increase the parking meter rate from 25 cents per hour

to 50 cents per hour, effective 07/01/05. Adjustments to the Municipal Parking Permit and Lease Fees included in the schedule, will be developed by staff for consideration by the City Council at a future meeting prior to the effective date of the parking meter rate increase. Addressing Council on this item were Steve Johnson and Katrina Davis.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to adopt the following resolution, along with direction to staff to forward recommendations regarding the monthly lease and permit fees based on the new meter rates to the Finance Committee for consideration.

RESOLUTION NO. 101 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 284 - PARKING FEES AND RATES)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk
NOES: Nguyen-Tan
ABSENT: Gruendl, Jarvis
ABSTAIN: None
DISQUAL: Wahl

4.4. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON APRIL 13, 2004**

By memorandum dated 4/13/04, the Internal Affairs Committee provided a report on its meeting held on 4/13/04. Committee members present were Councilmember Bertagna and Chair Herbert.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. Recommendation to Council to Approve the Engineer's Traffic and Engineering Survey Which Establishes a Speed Limit of 30 Miles Per Hour on Ceanothus Avenue from East Avenue to Colonial Drive. The Committee recommended (2-0, Jarvis absent) forwarding the Engineer's Traffic and Engineering Survey to City Council for approval.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the engineer's traffic and engineering survey which establishes a speed limit of 30 miles per hour on Ceanothus Avenue from East Avenue to Colonial Drive.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl, Jarvis
ABSTAIN: None
DISQUAL: None

- B. Consideration of Parking Violation Fine Increases. The Committee recommended (2-0, Jarvis absent) forwarding the parking violation penalty increases, as shown on the fee schedule resolution, to City Council for final discussion and action.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to adopt the following resolution, with direction to staff to establish whether a repeat offender report could be generated, along with the request for an explanation from the Chief of Police regarding the enforcement of two vehicles or motorcycles in one parking space.

RESOLUTION NO. 102 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 285 - PENALTIES FOR PARKING VIOLATIONS)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl, Jarvis
ABSTAIN: None
DISQUAL: None

- C. **Consideration of Amendments to Chico Municipal Code (CMC) Chapter 5.40, Article III, Entitled "False Alarms" to Allow for Specific Exceptions.** The Committee recommended (2-0, Jarvis absent) that Chapter 5.40, Article III, of the Chico Municipal Code be amended to: (1) allow language to eliminate premature cancellations and; (2) add an exception to provide for fees when an alarm is the result of improper notification. Councilmember Herbert left the Chamber during the discussion of this item.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to direct staff to prepare an ordinance amending the Chico Municipal Code for introductory reading at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl, Herbert, Jarvis
ABSTAIN: None
DISQUAL: None

- D. **Consideration of Tom Loushine's Request to Change the Vehicle Traffic Flow at the Farmer's Market.** The Committee recommended (2-0, Jarvis absent) to amend the Farmer's Market franchise agreement to allow for closure of the drive lane parallel to Wall Street between 2nd Street and 3rd Street.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the request to change the vehicle traffic flow at the Farmer's Market and to direct staff to prepare an ordinance amending the franchise agreement which would allow for the closure of the drive lane parallel to Wall Street between 2nd Street and 3rd Street. The ordinance will be scheduled for adoption at a future meeting.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl, Jarvis
ABSTAIN: None
DISQUAL: None

4.5. **DESIGNATION OF A DELEGATE FOR THE MAY 13, 2004 SPECIAL LEAGUE OF CALIFORNIA CITIES (LCC) GENERAL ASSEMBLY**

By facsimile received on 4/28/04, the LCC requested the designation of a voting delegate for a Special Meeting of the League of California Cities General Assembly scheduled for 5/13/04. A response was required by 5/11/04. The City Council concurred that City Manager Lando would serve as the voting delegate with Assistant City Manager Dunlap serving as the alternate at the 5/13/04 Special League of California Cities (LCC) General Assembly.

5. **BUSINESS FROM THE FLOOR**

Casey Aplanap addressed Council regarding the Park Funding Task Force Committee.

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 stated:

- 6.1. Letter dated 4/9/04 from Butte Community Coalition President Willie Hyman, requesting that Warner and Ivy Streets be renamed Dr. Martin Luther King Way. This item was referred to the Internal Affairs Committee.
- 6.2. Letter dated 4/06/04 from Sharon Nichols of the Chico Veterans' Day Committee, requesting funding in the amount of \$2,500 for the second annual celebration to honor members of the armed forces on 11/11/04. This item was referred to the Finance Committee.
- 6.3. Memorandum dated 4/09/04, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
- 6.4. Memorandum dated 4/6/04 from the Chief of Police providing the Citizens' Option for Public Safety Grant Summary Report for the period of July 2003 - February 2004.

7. **ADJOURNMENT**

Adjourned at 10:25 p.m. to May 18, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: July 6, 2004

Deborah R. Presson, City Clerk

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.1., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisitions:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey, Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party 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).

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 2.2., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

Fogarty Revocable Trust	Majority of property north of Humboldt Road, east of Bruce Road	011-030-136, 011-030-138, 011-030-139
Drake, John and Virginia & Simmons Family Trust	Southeast corner of Stilson Canyon and Humboldt Road	011-780-014
Drake, John and Virginia	Southwest corner of Stilson Canyon and Humboldt Road	011-780-018
Dodson, Bradley and Debra	188 Lazy S Lane	011-100-102

The City Council's negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted were the respective property owners (or such persons designated as their agent for the purpose of negotiations).

1. **CALL TO ORDER** — Mayor Kirk called the May 18, 2004 - Adjourned Regular Redevelopment Agency Meeting to order at 7:00 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.
2. **CLOSED SESSION**
 - 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, AND 002-180-088**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The item under discussion was instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisitions of the property. The Redevelopment Agency's negotiator was Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent

for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey, Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

The Redevelopment Agency adjourned and the City Council convened in closed session to consider the following items:

2.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 011-030-136, 011-030-138, 011-030-139, 011-780-014, 011-780-018, AND 011-100-102**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The item under discussion was instruction to the City Council's negotiator on price and terms of payment for the proposed acquisitions of the property. The City Council's negotiator is City Manager Tom Lando and the parties with whom negotiations was proposed to be conducted were the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Fogarty Revocable Trust	Majority of property north of Humboldt Road, east of Bruce Road	011-030-136, 011-030-138, 011-030-139
Drake, John and Virginia & Simmons Family Trust	Southeast corner of Stilson Canyon and Humboldt Road	011-780-014
Drake, John and Virginia	Southwest corner of Stilson Canyon and Humboldt Road	011-780-018
Dodson, Bradley and Debra	188 Lazy S Lane	011-100-102

2.3. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch. The name of the employee organization that represents employees is Chico Police Officers Association (Sworn and Non-Sworn Units) (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — May 18, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the May 18, 2004 – Adjourned Regular Chico Redevelopment Agency Meeting to order at 7:30 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.
- 1.1. Flag Salute
- 1.2. Invocation — Pastor Bruce Murray, Assembly of God Church
- 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: Jarvis
- 1.4. Closed Session Announcement — None

The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council for consideration of Items 2.1., 2.2., 2.4., 3.1., and 4.2.

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2. **CONSENT AGENDA** — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the following Consent Agenda:
 - 2.1. **RDA RESOLUTION NO. 07-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE LEASE AGREEMENT WITH THE CITY OF CHICO FOR THE LEASE OF TEN ADDITIONAL PARKING SPACES FOR THE DIAMOND HOTEL AND AMEND THE SUB-LEASE AGREEMENT WITH CHICO DIAMOND HOTEL, LLC (Agency Action)**

RESOLUTION NO. 103 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO AMEND THE LEASE AGREEMENT WITH THE CHICO REDEVELOPMENT AGENCY FOR THE LEASE OF TEN ADDITIONAL PARKING SPACES FOR THE DIAMOND HOTEL (Council Action)

By memorandum dated 05/06/04, the Economic Development/Housing Specialist transmitted two resolutions which confirmed the Council/Agency action at its 04/06/04 meeting. Adoption by the Agency of the first resolution listed above authorizes the Executive Director to amend the Lease Agreement with the City of Chico for the lease of ten additional parking spaces for the Diamond Hotel and amends the sub-lease agreement with Chico Diamond Hotel, LLC.

Adoption by the City Council of the second resolution listed above authorizes the City Manager to amend the Lease Agreement with the Chico Redevelopment Agency for the lease of ten additional parking spaces for the Diamond Hotel. An allocation in the amount of \$100,000 from the Chico Merged Redevelopment Project Fund (351) to refund a portion of the 1994 Parking Revenue Bonds to allow private use of parking spaces will be reflected in the 2004-05 final budget resolution. The Executive Director and the City Manager recommended adoption of the resolutions. It was noted that Councilmember Wahl was disqualified on this item.

- 2.2. **RDA RESOLUTION NO. 08-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND CONSENT TO CITY OF CHICO CONVEYANCE OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND EAST OF BRUCE ROAD - ASSESSOR'S PARCEL NO. 011-030-137 (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO) (Agency Action)**

RESOLUTION NO. 104 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING CONVEYANCE OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND EAST OF BRUCE ROAD TO THE CHICO REDEVELOPMENT AGENCY- ASSESSOR'S PARCEL NO. 011-030-137 (CHICO REDEVELOPMENT AGENCY/CITY OF CHICO) (Council Action)

The City of Chico is the owner of a vacant parcel of land, located north of Humboldt Road and east of Bruce Road, which was acquired from Earl and Barbara Dunn in November 2000. The property was acquired in order to obtain access to the property to perform the tests required for preparation of the risk assessment and remedial action plan for the Humboldt Road Burn Dump (HRBD). Since the property is proposed to be remediated by the Agency in conjunction with the remediation of the HRBD, it is appropriate for the Agency to acquire the property from the City for this purpose. The Executive Director and the City Manager recommended adoption of the resolutions.

2.3. RDA MINUTE ORDER NO. 02-04 — AUTHORIZATION FOR EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF BUTTE TO ACQUIRE PROPERTY LOCATED AT 874 EAST 20th STREET (APN 005-450-015)

At its meeting held 2/3/04, the Agency approved the recommendation of the Finance Committee to purchase the property at 874 East 20th Street from the County of Butte for an affordable housing site. The Agency also approved Supplemental Appropriation No. RDA 03-04 05 in the amount of \$183,600 from the Low and Moderate Income Housing Fund (369) of the Greater Chico Urban Area Redevelopment Project Area for acquisition and site clearance. This minute order authorized the Executive Director to enter into an agreement with the County of Butte to acquire the property located at 874 East 20th Street. The Housing Officer recommended approval of the minute order.

2.4. RDA MINUTE ORDER NO. 03-04 — AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE A LETTER AGREEMENT BETWEEN THE CITY OF CHICO, THE CHICO REDEVELOPMENT AGENCY AND THE COUNTY OF BUTTE REGARDING PROJECT FINANCING FOR INSTALLING PUBLIC SEWER FACILITIES IN THE CHICO URBAN AREA (Agency Action)

MINUTE ORDER NO. 07-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT BETWEEN THE CITY OF CHICO, THE CHICO REDEVELOPMENT AGENCY AND THE COUNTY OF BUTTE REGARDING PROJECT FINANCING FOR INSTALLING PUBLIC SEWER FACILITIES IN THE CHICO URBAN AREA (Council Action)

This agreement was requested by the County of Butte to recognize the cooperative nature of the fiscal merger of the Chico Merged and Greater Chico Urban Area Redevelopment projects. The Agreement provides that the County, City and Agency will work cooperatively to finance sewer facilities in the Nitrate Compliance Area. The agreement will terminate if the Redevelopment Plan Merger is not completed by 12/31/04. The Executive Director and City Manager recommended approval of the minute orders.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Wahl, on Item 2.3.
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Wahl, on Item 2.1. only

3. NOTICED PUBLIC HEARINGS

3.1. JOINT PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS, AND ON THE MITIGATED NEGATIVE DECLARATION RELATING THERETO

CHICO REDEVELOPMENT AGENCY PUBLIC HEARING ON THE ADOPTION OF THE FIVE YEAR IMPLEMENTATION PLAN FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT WHICH INCLUDES THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS

By memorandum dated 05/07/04, the Executive Director reported that the purpose of this joint public hearing to consider and act upon the proposed Amendments to the Redevelopment Plans for the Central Chico, the Chico Municipal Airport, the Southeast Chico, and the Greater Chico Urban Area Redevelopment Projects, and on the Mitigated Negative Declaration on the Amendments. In addition, the Chico Redevelopment Agency will conduct a public hearing to consider and act upon the proposed Five Year Implementation Plan. All of these documents were contained in the Report to Council binder that was provided to the Council on 04/07/04.

Included in the agenda binder for this meeting were: (1) Affidavits of Publication; (2) Affidavits of Mailing; and (3) Certification of Certain Official Actions (Agenda Binder Tab A) in order that the documents will be entered into the record of the joint public hearing. In addition, the Council was provided with a Supplemental Report to Council (Agenda Binder Tab B) which included: (1) the Planning Commission Report and Recommendations finding that the proposed Plan Amendments are consistent with the City's General Plan and recommending adoption of the Mitigated Negative Declaration; and (2) a record of all public comments received through the date this agenda was prepared.

The City Council was provided with a memorandum dated 5/18/04 from Assistant City Attorney Barker regarding the convening of a quorum by randomly selecting one of the disqualified Agency members to participate in the decisions regarding the redevelopment merger, and outlining the disclosures required prior to consideration of the merger.

Due to the disqualification of Councilmembers Bertagna, Herbert and Wahl and the incapacitation of Vice Mayor Jarvis, the City Attorney addressed the issue of whether a quorum would be able to be convened for consideration of this matter. It was noted that pursuant to the rule of "legally required participation," and because of the specific extenuating circumstances of Councilmember Jarvis' health, a quorum could be convened by randomly selecting one of the disqualified members to participate in the decisions regarding the redevelopment plan amendments.

The disqualified members drew lots and Councilmember Bertagna was selected to participate in the quorum. It was stated for the record that the original disqualification was: (1) due to Councilmember Bertagna being employed as a mortgage broker by Chico Valley Mortgage, the adoption of the plan could result in an increase of gross income to Chico Valley Mortgage of \$20,000 or more in a fiscal year; and/or (2) the plan could result in an increase of \$250 or more to Councilmember Bertagna's personal income.

Disqualified Councilmembers Herbert and Wahl left the Chamber during the public hearing and subsequent action. Mayor Kirk opened the joint public hearing. Mary Cahill, General Manager of the Chico Area Recreation and Park District (CARD), addressed Council on the redevelopment plan amendments. The Mayor closed the hearing to the public.

After the closing of the joint public hearing, the City Council recessed and the Redevelopment Agency convened. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to adopt the following resolutions:

RDA RESOLUTION NO. 09-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE FIVE YEAR IMPLEMENTATION PLAN FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT

RDA RESOLUTION NO. 10-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A MITIGATED NEGATIVE DECLARATION ON THE AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE CHICO MUNICIPAL AIRPORT, THE SOUTHEAST CHICO, AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None

ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

The Redevelopment Agency adjourned and the City Council was convened.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to adopt the following resolution:

RESOLUTION NO. 105 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE AMENDMENTS TO THE REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE CHICO MUNICIPAL AIRPORT, THE SOUTHEAST CHICO, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the introduction of the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NO. 1613 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL CHICO REDEVELOPMENT PROJECT - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the introduction of the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NO. 1498 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the introduction of the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NOS. 1408 AND 1530 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE SOUTHEAST CHICO REDEVELOPMENT PROJECT - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve the introduction of the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NOS. 1968 AND 2110 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Herbert, Wahl

The City Council adjourned and the Redevelopment Agency was reconvened.

4. **REGULAR AGENDA**

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

4.2. **HUMBOLDT ROAD BURN DUMP - CONSIDERATION OF PREFERRED REMEDIAL ALTERNATIVE, MITIGATED NEGATIVE DECLARATION, REMEDIAL ACTION PLAN AND PROPERTY ACQUISITION NEEDED TO IMPLEMENT REMEDIAL ACTION PLAN**

At its meeting held 5/04/04, the Chico Redevelopment Agency and City Council held a joint public hearing on the Draft Remedial Action Plan (RAP), accepted public testimony, and closed the public hearing. By memorandum dated 5/10/04, the Director of Public Works provided additional background information on the project, responded to recent questions and issues, and recommended actions to be taken by the Agency to meet the 6/01/04 deadline of the Cleanup and Abatement Order. The funds necessary to implement the cleanup alternative selected by the Agency will be included in the 2004-05 final budget resolution. The Director of Public Works recommended that the Agency: (1) select Alternative 4 from the RAP; and (2) adopt the first resolution below which will adopt the mitigated negative declaration and approve the RAP, and direct submittal of both documents to the Regional Water Quality Control Board for final adoption and approval.

With the approval of the RAP, implementation will require acquisition of the former Humboldt Road Burn Dump site, a 10 acre ± parcel of vacant land east of Bruce Road and north of Humboldt Road (APN 011-030-015), currently owned by George W. Scott, Jr., an individual, and George W. Scott, Sr., as Trustee of George W. Scott, Sr. Revocable Inter Vivos Trust, dated September 25, 1995. The second resolution below authorizes the Executive Director to execute an agreement which will allow immediate Agency possession of the property upon execution of the agreement in consideration of Agency reimbursement of FY 04-05 property taxes. The Agency's purchase of the parcel for \$170,000 would be contingent on: (1) approval by the appropriate State agency of a remedial action plan providing for the closure of the Humboldt Road Burn Dump by consolidation and capping of substantially all of the contaminated soils on the property, and (2) written acknowledgment by the appropriate State agency that upon completion of all the work provided for in the approved remedial action plan, the Agency shall be entitled to all of the immunities provided for in Section 33459.3 of the Health and Safety Code. The Executive Director recommended adoption of the second resolution below.

The Redevelopment Agency recessed for a ten minute break at 8:33 p.m.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to: (1) select Alternative 4 from the RAP; and (2) adopt the first resolution below which will adopt the mitigated negative declaration and approve the RAP and direct submittal of both documents to the Regional Water Quality Control Board for final adoption and approval.

The motion failed due to the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) select Alternative 3 and if that is unacceptable to the State then use Alternative 4; (2) adopt Resolution No. 11-04 which will adopt the mitigated negative declaration and approve the RAP and direct submittal of both documents to the Regional Water Quality Control Board for final adoption and approval; (3) adopt Resolution No. 12-04; and (4) direct staff to bring back the property acquisitions for Council consideration at the 6/14/04 meeting.

RESOLUTION NO. 11-04 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE AGENCY TO UNDERTAKE THE REMEDIATION OF THE HUMBOLDT ROAD BURN DUMP AND CERTAIN ADJACENT PRIVATE PROPERTIES AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A REMEDIAL ACTION PLAN FOR TRANSMITTAL TO THE REGIONAL WATER QUALITY CONTROL BOARD

RDA RESOLUTION NO. 12-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR AGENCY POSSESSION AND ACQUISITION OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND EAST OF BRUCE ROAD - ASSESSOR'S PARCEL NO. 011-030-015 (CHICO REDEVELOPMENT AGENCY/SCOTT)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

The Redevelopment Agency adjourned and the City Council convened for consideration of Item 4.3.

4.3. CONSIDERATION OF SECONDARY ACCESS TO STILSON CANYON DURING THE HUMBOLDT ROAD BURN DUMP CLEANUP ACTIVITIES

At its 12/02/03 meeting, the City Council requested that staff pursue alternatives to provide a secondary access for residents of Stilson Canyon during cleanup of Humboldt Road Burn Dump property east of Bruce Road. By memorandum dated 5/10/04, the Director of Public Works provided an update of the secondary access issue and presented three options for an alternative secondary access route. The Director of Public Works recommended: (1) selection of proposed Access Route No. 2; and (2) authorization for the City Manager to proceed with the process for acquisition of the property rights needed for the access route. Addressing the Council on this item were Barbara Vlamis, Dave Brown,

Jim Conklin, Ed Mannion, Tony Jewett, Julie Nasr, and Ty Benoit.

The Council recessed for a ten minute break at 9:35 p.m.

The City Manager indicated that staff will continue to work toward identifying a secondary access which will be brought back to the Council for consideration at a future meeting. Meetings will continue between staff and the Lazy S Homeowners Association.

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — May 18, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the May 18, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: Jarvis

2. **CONSENT AGENDA** — Item 2.5 was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the remaining Consent Agenda items:

- 2.1. **ORDINANCE NO. 2290 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 3.85 ENTITLED, “DEVELOPMENT IMPACT FEES” OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

At its 5/04/04 meeting, the City Council approved the introductory reading of the ordinance to amend Chapter 3.85 of the Chico Municipal Code to segregate the Community Park Fund and to create a new Linear Parks/Greenways Fund as recommended by the Finance Committee at its 4/06/04 meeting. The City Manager recommended adoption of this ordinance by reading of the title only.

- 2.2. **RESOLUTION NO. 106 03-04 — 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 - NORTH AVENUE ANNEXATION DISTRICT NO. 12 (HUGHES - ASSESSOR'S PARCEL NO. 048-270-029)**

By memorandum dated 4/21/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of .46 acres, located at 1056 Verde Drive. The parcel is developed with a single residence, and creation of an additional lot for single family residential development is proposed, requiring connection to the sanitary sewer. The Assistant Community Development Director recommended adoption of the resolution.

- 2.3. **RESOLUTION NO. 107 03-04 — 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 - GODMAN AVENUE ANNEXATION DISTRICT NO. 1 (LOWER/HAWES - ASSESSOR'S PARCEL NO. 007-220-020)**

By memorandum dated 4/23/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of .62 acres, located at 2877 Godman Avenue. The subject parcel will be combined with the adjacent 6.84 acres, which are already within the City limits, to facilitate the development of the 30 lot Baltar Estates Subdivision, which was approved by the City of Chico Planning Commission on 4/15/04. The existing single family residence will be retained on one of the lots in the subdivision. The Assistant Community Development Director recommended adoption of the resolution.

- 2.4. **RESOLUTION NO. 108 03-04 — 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 - EAST 23rd STREET ANNEXATION DISTRICT NO. 1 (SOUZA - APN 005-490-037)**

By memorandum dated 4/26/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of 1.94 acres, located at 385 East 23rd Street. The parcel is to be developed with a single family residential subdivision consistent with the General Plan and rezoning, and utilizing the sanitary sewer. The Assistant Community Development Director recommended adoption of the resolution.

- 2.5. **APPROVAL OF VEHICLE FOR HIRE OWNER'S PERMIT - ECOCAB CO.** — This item was removed from the Consent Agenda and heard under Item 4.1.

The motion to approve the Consent Agenda, as read, with Item 2.5. removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON INITIATION OF ISLAND ANNEXATION FOR EAST 20TH STREET ANNEXATION DISTRICT NO. 13**

By memorandum dated 4/16/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of 44 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 9.55 acres, located between East 16th Street and East 20th Street, east of Elm Street. The area is developed with residential uses, consistent with the General Plan and R-1 Low Density residential zoning. Property owners were identified in the staff report. State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 109 03-04 — 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 - EAST 20TH STREET ANNEXATION DISTRICT NO. 13

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

3.2. **HEARING ON INITIATION OF ISLAND ANNEXATION FOR TERRACE DRIVE ANNEXATION DISTRICT NO. 1**

By memorandum dated 4/16/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of 83 parcels which comprise the entirety of an "island of unincorporated territory," with a total area of 23.58 acres, located on Terrace Drive and Mione Way. The area is developed with residential uses, consistent with the General Plan and R-1 Low Density Residential zoning. Property owners were identified in the staff report. State law provides that a resolution initiating proceedings for the annexation of an "island" of unincorporated territory can be adopted only after a public

hearing on the proposal, providing an opportunity for those residing and/or owning property within the area to comment on the proposal. Notice of the hearing was provided by publication and direct mailing to those parties requesting such notice. The Assistant Community Development Director recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 110 03-04 — 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 - TERRACE DRIVE ANNEXATION DISTRICT NO. 1

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

3.3. HEARING ON THE PROPOSED HISTORICAL PROPERTY PRESERVATION AGREEMENT FOR 256 EAST 12TH STREET (SHOVER)

By memorandum dated 4/19/04, the Assistant Community Development Director forwarded a report on the application for a historic property preservation agreement for the property at 256 East 12th Street, commonly known as the Little Chapman Mansion. The application was initiated by the owners of the property. At the conclusion of the hearing, the Assistant Community Development Director recommended the City Council adopt the resolution authorizing the City Manager to execute the agreement. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 111 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE A HISTORICAL PROPERTY PRESERVATION AGREEMENT - 256 EAST 12TH STREET (CITY OF CHICO/MICHELE SHOVER)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

3.4. SECOND HEARING ON THE 2004/2005 ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS — This item was heard at the beginning of the meeting at the request of Councilmember Wahl.

By memorandum dated 5/6/04, the Housing Officer reported on the 2004-2005 Annual Plan for the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. The memorandum included the 2004-2005 Proposed Annual Plan adopted by Council at its 4/6/04 meeting and published for a 30 day comment period. There were two letters received during the comment period addressing the Proposed Annual Plan. Copies of the letters were included in the Council packet and staff responses to the letters are outlined in the memorandum. No additional comments were received subsequent to the preparation of this agenda. The Council was provided with previous staff

reports regarding the CDBG/HOME Programs.

At this meeting, the City Council conducted the second of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the Department of Housing and Urban Development (HUD). Councilmember Wahl disqualified himself on this item and left the Council Chamber. Mayor Kirk opened the hearing to the public. Addressing the Council were Mark Bledsoe and Cindy McDermott regarding the Butte County Homeless and Emergency Runaway Effort (HERE) program. The hearing was then closed.

Councilmember Bertagna asked about the status of the facility to serve runaway and homeless youth in the Chico area as proposed by Butte County Department of Behavioral Health. Staff indicated that a formal request has not yet been received but is anticipated in the next funding cycle. City Manager Lando informed the Council that staff is supportive of the project and once Behavioral Health is ready, the request would follow the normal cycle and be sent to the Finance Committee for review and possible funding.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to: (1) adopt the final "2004-2005 Proposed Annual Plan;" and (2) authorize the City Manager to submit the "2004-2005 Proposed Annual Plan" to the Department of Housing and Urban Development along with the required certifications.

The motion carried by the following vote:

AYES:	Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES:	None
ABSENT:	Jarvis
ABSTAIN:	None
DISQUAL:	Wahl

4. **REGULAR AGENDA**

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

2.5. **APPROVAL OF VEHICLE FOR HIRE OWNER'S PERMIT - ECOCAB CO.**

By memorandum dated 5/3/04, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner's Permit to EcoCab Co. of Chico (Matthew D. Escobar and Teevan McManus), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicant meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicant was requesting that no limit be placed on the number of vehicles that can be operated under the permit.

In lieu of approving the issuance of the permit, the Council had the option to remove this item from the Consent Agenda and consider: (a) denying the permit application finding that the public convenience and necessity do not warrant its issuance; or (b) make no decision at this time and schedule a hearing on the application at a future meeting, and direct the City Clerk to appropriately notice such hearing. All current Vehicle for Hire permittees were notified of the Council's consideration of this matter on this agenda. The Risk Manager recommended approval of the issuance of the permit without a limitation on the number of vehicles allowed.

Councilmember Gruendl questioned whether or not the type of vehicle requested to be permitted could actually be driven on all streets due to its top speed be limited to 25 miles per hour. It was acknowledged that the routes would be limited to streets where that speed limit is posted. Responding to Council's questions was Matthew D. Escobar, an owner of Ecocab Company.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan for the approval of Vehicle For Hire Owner's Permit - Ecocab Company.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

- 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD ON APRIL 22, 2004** — The City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of this item.

By memorandum dated 4/24/04, the Finance Committee provided a report on its meeting held on 4/22/04. Committee members present were Councilmembers Gruendl, Wahl and Nguyen-Tan, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL / REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

- A. **Approval of 2004-05 Annual Funding Request from Community Housing and Credit Counseling Center (CHCCC)**. The Committee recommended (3-0) approval of the request for \$30,106, which would be allocated from the Chico Redevelopment Agency Low and Moderate Income Housing Fund (LMIHF).

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the request.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

- B. **Consideration of Proposal from Tony Symmes for Development of City Owned Site at Humboldt Road and Notre Dame Boulevard as an Affordable Single Family Subdivision**. The Committee directed (3-0) staff to write a letter to Mary Cahill, General Manager of the Chico Area Recreation and Park District (CARD), asking her to identify CARD's intentions for the Humboldt Road site and whether there is an alternative site available should this one be used for single family housing. By letter dated 5/5/04, CARD requested that this location be reserved for a park site and future recreational use.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to table this item.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

- C. **Review of Insurance Requirements for City Contracts, Agreements and Permits**. The Committee recommended (3-0) to: (1) accept the Risk Manager's recommendation that the City accept the standard "qualified" policy cancellation language which is contained on certificates of

insurance; (2) accept the Risk Manager's recommendation to change the types and limits of insurance required for a taxi permit by separating the auto and business liability coverages into two policies; (3) forward the insurance issues specific to the Chico Municipal Airport to the Airport Commission for review; and (4) form an advisory group made up of staff, insurance agents, contractors, and developers to make recommendations to the Committee following a review of the City's insurance requirements for passive negligence.

A motion was made by Councilmember Gruendl and seconded by Councilmember Herbert to: (1) accept the Risk Manager's recommendation that the City accept the standard "qualified" policy cancellation language which is contained on certificates of insurance; (2) accept the Risk Manager's recommendation to change the types and limits of insurance required for a taxi permit by separating the auto and business liability coverages into two policies; (3) forward the insurance issues specific to the Chico Municipal Airport to the Airport Commission for review; and (4) form an advisory group made up of staff, insurance agents, contractors, and developers to make recommendations to the Committee following a review of the City's insurance requirements for passive negligence.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: None

- D. **Consideration of Increasing the Current In-Lieu Parking Fee for the Downtown Area.** The Committee recommended (2-0-1, Wahl disqualified) to increase the current In-Lieu Parking Fee for the downtown area from the current \$2,000 per space established in 1977, to \$16,000, (with inflationary adjustments) which represents the actual cost of furnishing a parking space in a parking structure. Councilmember Wahl was disqualified on this item and subsequent action.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to increase the current In-Lieu Parking Fee for the downtown area from the current \$2,000 per space to \$16,000, (with inflationary adjustments) which represents the actual cost of furnishing a parking space in a parking structure.

RESOLUTION NO. 112 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 286 - PUBLIC WORKS FEES)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Jarvis
ABSTAIN: None
DISQUAL: Wahl

COMMITTEE MATTER REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- E. **Consideration of Acquisition of Property at 992 and 996 East 16th Street.** The Committee recommended (2-1, Wahl opposed) that this item be tabled and reconsidered after the property has been listed for sale.
- 4.3. **ITEMS ADDED AFTER 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. Memorandum dated 4/19/04 from the Chief of Police providing the Citizens' Option for Public Safety Grant Summary Report for the period of July 2003 - March 2004.
- 6.2. Memorandum dated 4/30/04 from the Finance Director reporting that the list of claims paid during the month of April 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. Letter dated 3/3/04 from Jerry J. Finch, Commander, American Legion, Chico Post No. 17, and signed by various other veteran's organizations, requesting a small permanent memorial honoring veterans be created and placed in City Plaza. This item was referred to Internal Affairs for consideration at its June 2004 meeting.

7. **ADJOURNMENT**

Adjourned at 10:27 p.m. to June 14, 2004, at 6:00 p.m., in the City Council Chamber for an adjourned regular meeting.

Date Approved: July 6, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CITY COUNCIL/CHICO REDEVELOPMENT AGENCY MEETING

June 14, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the June 14, 2004 – Adjourned Regular City Council/Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:00 p.m.
 - 1.1. Flag Salute
 - 1.2. Moment of silence in remembrance of Vice Mayor Coleen Jarvis and former Mayor, Ross Lawler.
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

The Chico City Council was convened for the consideration of Item 1.4. Council Vacancy.

1.4. **CONSIDERATION OF APPOINTMENT TO FILL COUNCIL VACANCY**

By memorandum of 6/3/04, the City Attorney advised that the death of Vice Mayor Jarvis on 5/21/04 created a vacancy in the office of Councilmember. The City Council had 30 days, beginning 5/22/04, in which to fill the vacancy by appointment for the remainder of the term, which expires on 12/7/04. If the City Council wished to do so, the Council could determine the method, if any, by which it wished to fill the vacancy. The City Council could have, by majority vote, filled the vacancy at this meeting.

If an appointment was not made before 6/22/04, the City Charter directed the City Council to call a special election to fill the vacancy for the remainder of the unexpired term. Addressing the City Council on this item were Michael Stauffer, Kelly Meagher, Jim Dwyer, Lin Jensen, Sue Good, Bob Ray, Laurel Blankenship, and Michael Pike. Included in the Additional Information Packet was an e-mail dated 6/10/04 from Juanita Sumner and Andy Bruckman opposing the appointment of Michael Stauffer to the Chico City Council, an e-mail dated 6/12/04 from Grace Marvin, and an e-mail dated 6/14/04 from Kim Weir, supporting the appointment of Michael Stauffer to the Chico City Council.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to appoint Michael Stauffer.

The motion failed due to the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to appoint Mary Flynn.

The motion failed due to the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to appoint Jim Fletcher to fill the Council vacancy.

The motion failed due to the following vote;

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Gruendl to establish a recruitment process for candidates to fill the Council vacancy. The motion died for a lack of a second.

Council recessed for a 10 minute break at 6:55 p.m.

- 1.5. The Chico Redevelopment Agency/City Council determined that it would meet in closed session at the end of the meeting. The closed session agenda was found on pages 11 - 13 of this agenda.
2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Redevelopment Agency and the City Council for consideration Item 2.1. A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the following Consent Agenda, as read:
 - 2.1. **RESOLUTION NO. 113 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING CONVEYANCE OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND WEST OF BRUCE ROAD TO THE CHICO REDEVELOPMENT AGENCY- ASSESSOR'S PARCEL NO. 002-180-095 (Council Action)**

RDA RESOLUTION NO. 13-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND CONSENT TO CITY OF CHICO CONVEYANCE OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND WEST OF BRUCE ROAD - ASSESSOR'S PARCEL NO. 002-180-095 (Agency Action)

The City of Chico is the owner of a vacant parcel of land, approximately one acre in size, located north of Humboldt Road and west of Bruce Road. Since the property is proposed to be remediated by the Agency in conjunction with the remediation of the Humboldt Road Burn Dump, it is appropriate for the Agency to acquire the property from the City for this purpose. The Executive Director and the City Manager recommended adoption of the resolutions.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

3. **NOTICED PUBLIC HEARINGS** - None
4. **REGULAR AGENDA**
 - 4.1. **REDEVELOPMENT BUDGET REVIEW AND CONSIDERATION**
 - A. **General Budget Review and Consideration**

The Executive Director provided an overview of the 2004-05 Proposed Chico Redevelopment Agency Budget, including a review of the Chico Merged and Greater Chico Urban Area

Redevelopment Project Areas Five Year Trends, the Operating Budget, Capital Budget, and the Low and Moderate Income Housing Fund Summaries. The Agency was provided with copies of the Low and Moderate Income Housing Fund Summaries and a memorandum dated 05/24/04 from the Executive Director forwarding Redevelopment Project Analyses on 2004-05 recommended redevelopment capital projects for which redevelopment funding was being requested for the first time.

B. Conclude Redevelopment Agency Budget Review

In order to review both the 2004-05 Proposed City Budget and the 2004-05 Proposed Redevelopment Agency Budget prior to the City Council taking action, the resolution adopting the 2004-05 Tentative Budget was moved to the end of the City budget review agenda (City Council Agenda Item No. 4.1.).

4.2. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — June 14, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the June 14, 2004 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Items 2.14. and 2.15. were removed from the Consent Agenda and heard under item 4.2. A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the remaining Consent Agenda items:

- 2.1. **ORDINANCE NO. 2291 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NO. 1613 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL CHICO REDEVELOPMENT PROJECT** - Final Reading and Adoption

ORDINANCE NO. 2292 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NO. 1498 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT - Final Reading and Adoption

ORDINANCE NO. 2293 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NOS. 1408 AND 1530 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE SOUTHEAST CHICO REDEVELOPMENT PROJECT - Final Reading and Adoption

ORDINANCE NO. 2294 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ORDINANCE NOS. 1968 AND 2110 AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT - Final Reading and Adoption

By memorandum dated 05/24/04, the City Manager reported that a joint public hearing was held on 05/18/04 to consider and act upon the proposed Amendments to the Redevelopment Plans for the Central Chico, the Chico Municipal Airport, the Southeast Chico, and the Greater Chico Urban Area Redevelopment Projects, the Mitigated Negative Declaration on the Amendments, and the Five Year Implementation Plan. Following the public hearing, the Chico Redevelopment Agency adopted the Mitigated Negative Declaration and the Five Year Implementation Plan. The City Council adopted the Mitigated Negative Declaration and introduced the above ordinances to approve the Plan Amendments.

The City Manager recommended adoption of the ordinances by reading of the titles only. Councilmembers Herbert and Wahl were disqualified on this item.

- 2.2. **ORDINANCE OF CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - CHICO CERTIFIED FARMERS MARKET, MUNICIPAL PARKING LOT NO. 1 - AMENDMENT NO. 4** - Introductory Reading

At its meeting of 5/4/04, the City Council approved the recommendation of the Internal Affairs Committee to amend the Chico Certified Farmers Market franchise to allow for the closure of the drive lane parallel to Wall Street between 2nd and 3rd Streets to provide for increased pedestrian safety. By memorandum dated 5/18/04, the Director of Public Works transmitted the ordinance which will amend Exhibit "A" of the franchise to reflect closing of the drive lane, thereby changing the vehicle traffic flow. A public hearing will be scheduled for 7/6/04, a notice of which will be published in the newspaper and mailed to all franchisees and permittees who are authorized by the City to sell food and beverages from City streets and sidewalks. The Director of Public Works recommended introduction of the ordinance and scheduling the amendment for a public hearing on 7/6/04.

2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 5.28.125, ENTITLED "PERMITS - INSURANCE REQUIREMENTS," OF CHAPTER 5.28, ENTITLED "VEHICLES FOR HIRE," OF THE CHICO MUNICIPAL CODE TO CHANGE INSURANCE REQUIREMENTS -**
Introductory Reading

At its 5/18/04 meeting, the Council accepted the recommendation of the Finance Committee to modify the types and limits of insurance required for a vehicle for hire permit by separating the auto and business liability coverages into two policies, and to modify the limits of insurance.

The ordinance establishes a requirement for automobile liability coverage for each taxi vehicle in the amounts of \$100,000 per person and \$300,000 per occurrence, with a minimum property damage limit of \$50,000, and a requirement for business liability coverage with a minimum policy limit of \$500,000. Under the ordinance, current vehicle for hire operators would be allowed to retain their current insurance coverages until the policies expire or come up for renewal, at which time they will be required to meet these new requirements. The Risk Manager recommended that the City Council introduce the ordinance by reading of title only and schedule final adoption for the 7/6/04 meeting.

2.4. **RESOLUTION NO. 114 03-04 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (EAST 7TH AVENUE (THOMAS) ASSESSOR'S PARCEL NO. 003-411-002)**

By memorandum dated 4/28/04, the Director of Public Works reported on a request from Kevin and Lisa Thomas to abandon a portion of public right-of-way adjacent to their property at 465 East 7th Avenue to facilitate development of the parcel. The Director of Public Works recommended adoption of the resolution which will schedule a public hearing for 7/6/04.

2.5. **RESOLUTION NO. 115 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION (AMENDMENT NO. 779)**

At its meeting held 05/04/04, the City Council approved the recommendation of the Internal Affairs Committee to establish a speed limit of 30 mph on Ceanothus Avenue. This resolution formalizes the Council's approval. The Director of Public Works recommended adoption of the resolution.

2.6. **MINUTE ORDER NO. 08-04 — APPROVAL OF THE BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET FOR FY 2004-05**

By Minute Order No. 06-02, adopted 3/05/02, the City Council authorized execution of the consolidation of the Butte Interagency Narcotics Task Force (BINTF) and Butte Anti-Drug and Gang Special Supervision Unit (BASS). The minute order also authorized execution of the revised Butte Interagency Narcotics Task Force Memorandum of Understanding which effects the consolidation of BINTF and BASS operation and authorizes the City to participate, along with various other agencies in Butte County, in a task force targeting the illegal production, distribution, and use of narcotics and other controlled substances. The BINTF Memorandum of Understanding is extended on a year-to-year basis and provides that each participating agency shall approve or disapprove the BINTF budget by no later than June 30 of each year. This minute order approves the BINTF General Budget for 2004-05. Because of the budget situation of all affected agencies and the availability of asset seizure funds, none of the local agencies are being asked to contribute funding for BINTF expenses for 2004-05. Contributions are expected to be required again in 2005-06. The Chief of Police has requested that the usual City contribution of \$12,500 budgeted for BINTF non-salary expenses be used instead for department training and overtime costs in 2004-05. By approval of the minute order, this transfer will be reflected in the final budget resolution. The Chief of Police recommended approval of the minute order.

2.7. APPROVAL OF MINUTE ORDERS AUTHORIZING ACQUISITION OF VARIOUS PROPERTIES ON COHASSET ROAD

At its 01/06/04 closed session, the City Council authorized the negotiated purchase of the following properties in connection with the City's East Avenue/Cohasset Road reconstruction project and the associated Rule 20A undergrounding project.

A. MINUTE ORDER NO. 09-04 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE EAST AVENUE/COHASSET ROAD RECONSTRUCTION AND RELATED UNDERGROUNDING PROJECT (AP NO. 048-100-089) - NELLA OIL COMPANY

This minute order authorizes the City Manager to execute agreements and other documents to acquire property rights needed for the undergrounding project associated with the reconstruction of East Avenue and Cohasset Road from the property owner of 2402 Cohasset Road for \$5,900 according to the terms outlined in the minute order.

B. MINUTE ORDER NO. 10-04 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS FOR THE EAST AVENUE/COHASSET ROAD RECONSTRUCTION AND RELATED UNDERGROUNDING PROJECT (AP NO. 048-100-088) - BEVERLY L. DOHERTY

This minute order authorizes the City Manager to execute agreements and other documents to acquire property rights needed for the undergrounding project associated with the reconstruction of East Avenue and Cohasset Road from the property owner of 2412 Cohasset Road for \$4,200 according to the terms outlined in the minute order.

2.8. APPROVAL OF THE LIST OF PRIORITY PROJECTS FOR THE 2004-05 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY ANNUAL UPDATE

By memorandum dated 6/02/04, the Economic Development/Housing Specialist provided background on the annual update of the Comprehensive Economic Development Strategy (CEDS) requested by the Tri-County Economic Development Corporation (TCEDC). The Federal Economic Development Administration (EDA) requires that the CEDS project list be updated each year by each jurisdiction within the District. The projects contained in the CEDS must be consistent with the EDA's economic development priorities and must provide technical assistance, financing or infrastructure. Because there have been no changes in the EDA's priorities for the 2004-05 planning year, staff is recommending that the City submit the prior project list to TCEDC without changes. The Economic Development/Housing Specialist recommended that the City Council approve submitting the prior list of priority projects with no revisions or additions to TCEDC for the 2004-05 Comprehensive Economic Development Strategy annual update.

2.9. APPROVAL OF AWARD OF BIDS FOR LEGAL PUBLICATIONS FOR THE 2004-05 FISCAL YEAR

By memorandum dated 6/8/04, the City Clerk forwarded pertinent information on the bid received for Legal Publications; and the bids received for Display Publications for the 2004-05 fiscal year. It was noted that in 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 bids for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review, with display publications to be placed in both newspapers as equally as possible.

2.10. APPROVAL OF VEHICLE FOR HIRE OWNER'S PERMIT- PRECIOUS CARGO TRANSPORTATION

By memorandum dated 5/17/04, the Risk Manager recommended that the City Council approve the issuance of a Vehicle for Hire Owner's Permit to Precious Cargo Transportation (Lee P. & Stacy D. Federico), finding that the public convenience and necessity warrant the issuance of such a permit, subject to the applicants meeting all Chico Municipal Code requirements relating to Vehicle for Hire permits. The applicants requested authorization to operate one vehicle under the permit.

This application is for non-emergency medical transportation services. Permits previously have been issued for this type of service to Merit Medi-Trans and First Responder Emergency Medical Services. All current Vehicle for Hire permittees have been notified of the Council's consideration of this matter on this agenda. Staff recommended approval of the issuance of the permit for the operation of one vehicle.

2.11. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON 3/2/04 AND 3/16/04

The City Council was provided with the minutes of its meetings held on 3/2/04 and 3/16/04.

2.12. ACCEPTANCE OF BUILDING OFFICIAL'S ANNUAL REPORT TO COUNCIL FOR CALENDAR YEAR 2003 – REVENUE AND TAXATION CODE REQUIREMENT FOR SUBSTANDARD HOUSING CODE ENFORCEMENT (RENTAL)

By memorandum dated 5/20/04, the Building Official reported that there were no substandard rental units reported to the Franchise Tax Board during the 2003 calendar year. Two violation notices were issued for substandard rental housing units during that time period, both of which were cleared within the calendar year. The Building Official recommended acceptance of the report.

2.13. ACCEPTANCE OF THE COMMUNITY ORGANIZATION COMPLIANCE AUDIT FOR MEDIATION CENTER OF THE NORTH VALLEY

By memorandum dated 5/28/04, the Finance Director reported on the Community Organization compliance audit conducted by staff of the Mediation Center of the North Valley for the period from 7/1/03 through 12/31/03. The organization ceased operations in December and plans to disband by the end of the current fiscal year. Audits are conducted of all recipient organizations, except those funded on a reimbursement basis, to verify compliance with the Community Organization Funding Program's policies and procedures. The Finance Director recommended acceptance of the audit of Mediation Center of the North Valley for the period from 7/1/03 through 12/31/03.

2.14. ACCEPTANCE OF REPORT OF THE PARK FUNDING TASK FORCE — This item was removed from the Consent Agenda and heard under Item 4.2.

2.15. CONFIRMATION OF FINANCE DIRECTOR — This item was removed from the Consent Agenda and heard under Item 4.2.

The motion to approve the Consent Agenda, with Items 2.14. and 2.15. removed and heard under Item 4.2., as read, carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None
DISQUAL: Herbert, Wahl on Item 2.1. only

3. **NOTICED PUBLIC HEARINGS** - No items.

4. **REGULAR AGENDA**

4.1. **BUDGET REVIEW**

A. **General Budget Review and Consideration**

The City Manager provided an overview of the 2004-05 Proposed Budget, including a review of the Budget Message, Budget Policies, General Fund, Capital Projects, and Estimated Fund Balances. Staff was prepared to discuss all aspects of the budget.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to direct the City Manager (after meeting with Chief of Police regarding staffing needs) to provide Council with a memorandum on the outcome of the discussion. That memorandum, along with the 5-year staffing needs from the Strategic Plan, is to be forwarded to Internal Affairs for consideration on: (1) how to fully fund all open positions; (2) communications buildout; and (3) development of 5, 10, and 15 year staffing needs.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl

B. **Community Organization Funding** — Community Organization Funding was considered at 8:00 p.m. The funding recommendation for the Butte County Library, Chico Branch, was also considered at this time.

Addressing the City Council regarding Library funding were Anne Nordhus, Ilona Toko, and Marian Milling.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to fund the Butte County Library at the requested amount of \$120,000.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Wahl, Kirk
NOES: Nguyen-Tan

By memorandum dated 6/01/04, the Assistant City Manager provided the following:

1. Worksheet showing the 2004-05 community organization funding recommendations made by the Finance Committee in the General Fund/CDBG and TOT - Economic Development and Tourism categories and by the Arts Commission in the TOT - Arts category.
2. Finance Committee reports and related documents for its meetings held 4/1/04 and 4/14/04.
3. Memorandum dated 6/1/04 from the Arts Project Coordinator providing the Arts Commission's funding recommendations.

Additional information provided to the Council at the meeting was a copy of an e-mail dated 6/12/04 from Kenneth C. Edson, Ph.D., and an e-mail dated 6/14/04 from Debra Abbott supporting continued City funding of extended hours for the Chico Branch of the Butte County Library. A copy of a letter dated 6/9/04 from Diane Cooper, Executive Director, and James Holt, Board President of Innovative Health Care Services, providing information on the organization's services and

historical support by the City and requesting that the Council reconsider the Finance Committee's recommendation for 2004-05 funding. Addressing the Council on CDBG funding were Diane Cooper and James Adams.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the Finance Committee recommendations regarding CDBG funds with Innovative Health Care Services being funded at \$30,122.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the Finance Committee recommendations regarding TOT - Tourism Funding with the DCBA being funded at \$28,400.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to approve the Finance Committee recommendations regarding TOT - Arts Funding.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

C. Conclude Budget Review

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following budget resolutions:

RESOLUTION NO. 116 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 2004-05 TENTATIVE BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY

RDA RESOLUTION NO. 14-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2004-05 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

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

- 2.14. **ACCEPTANCE OF REPORT OF THE PARK FUNDING TASK FORCE** — This item was removed from the Consent Agenda for further discussion.

At its 1/6/04 meeting, the City Council directed that a citizens' committee be convened to discuss funding options for the unfunded portion of the park and linear greenway system and the respective maintenance and operation of these facilities.

The City Council requested a report from the committee before July 2004 to allow adequate time for

Council to consider submitting a park funding ballot measure for the November 2004 election. A Park Funding Task Force was convened and has met several times. By memorandum dated 5/14/04, the Park Director provided information regarding the 5/5/04 meeting of the Task Force and the comments received regarding this issue. The Committee did not recommend proceeding with a ballot measure at this time. The Park Director recommended that the City Council refer consideration of funding a community survey to assess the public's interest in funding these facilities to the Finance Committee and that the Committee's recommendation be considered by the City Council at its 11/16/04 work session. Addressing the Council on this item were David Bisson, Kelly Meagher, John Blacklock, Jim Garton, Marilyn Ey and Bob Best. Additional information provided to Council at this meeting was a fax received 6/14/04 (dated 6/15/04) from several members of the Park Funding Task Force requesting the City Council to include an advisory measure on the November ballot proposing the sale of Bidwell Ranch property to acquire and develop City parks.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to add the discussion of an advisory measure regarding Bidwell Ranch on the 7/6/04 agenda.

The motion failed due to the following vote:

AYES: Bertagna, Herbert, Wahl
NOES: Gruendl, Nguyen-Tan, Kirk

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to refer consideration of funding a community survey to assess the public's interest in funding these facilities to the Finance Committee and that the committee's recommendation be considered by the City Council at its 11/16/04 work session. The survey is to include a question regarding the sale of a portion of Bidwell Ranch. All Park Fund Task Force members need to be notified of this meeting.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- 2.15. **CONFIRMATION OF FINANCE DIRECTOR** — This item was removed from the Consent Agenda for further discussion.

By memorandum dated 5/19/04, the City Manager recommended to the City Council that Jennifer Hennessy be appointed as Finance Director for the City of Chico. The current Finance Director, Marsha Martin, is retiring effective 12/30/04. Jennifer Hennessy currently works as an accountant in the Finance Office.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to confirm the appointment of Jennifer Hennessy as Finance Director for the City of Chico.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- 4.3. **CONSIDERATION OF THE ACQUISITION OF PROPERTY IN CONNECTION WITH IMPLEMENTATION OF THE HUMBOLDT ROAD BURN DUMP REMEDIAL ACTION PLAN** — The City Council acted in its capacity as the Chico Redevelopment Agency for this item.

At its meeting of 5/18/04, the Chico Redevelopment Agency adopted a mitigated negative declaration, selected a Remedial Action Plan (RAP) and directed the submittal of both documents to the Regional Water Quality Control Board. The Agency also requested consideration at this meeting of whether to purchase an acre parcel owned by the Donald and Yonne Mulkey Family Trust and two parcels totaling 1.75± acres owned by Chico Development Corporation, Inc. Once acquired, the properties would be remediated as part of the implementation of the RAP. A map showing the parcels was

included in the agenda packet. Addressing the Council on this item were James Adams and Andy Holcombe.

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

UDA RESOLUTION NO. 15-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR AGENCY ACQUISITION OF A VACANT PARCEL LOCATED NORTH OF HUMBOLDT ROAD AND WEST OF BRUCE ROAD - ASSESSOR'S PARCEL NO. 002-180-089 (MULKEY 1997 FAMILY TRUST)

UDA RESOLUTION NO. 16-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR AGENCY ACQUISITION OF TWO VACANT PARCELS LOCATED NORTH OF HUMBOLDT ROAD AND WEST OF BRUCE ROAD - ASSESSOR'S PARCEL NOS. 002-180-087 & 002-180-088 (CHICO DEVELOPMENT CORPORATION)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl, Nguyen-Tan

The Redevelopment Agency adjourned and reconvened as the City Council for consideration of
Items 4.4. through 4.8.

4.4. **CONSIDERATION OF ADDITIONAL ISSUES RELATED TO NORTHWEST CHICO SPECIFIC PLAN, AND COUNCIL DIRECTION TO STAFF RELATED TO PREPARATION OF THE SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT (EIR)**

By memorandum dated 6/9/04, the Planning Director provided information and was seeking Council direction on several issues regarding the Northwest Chico Specific Plan, including design and alignment of the street connecting the neighborhood park to the Esplanade, and overcrossings of Highway 99 and Sycamore Creek.

By email dated 6/8/04, the Mayor also requested that the issue of development fronting on Eaton Road (with clarification of Council's earlier direction) be addressed. In addition, the Mayor requested information on the traffic study and a brief verbal report on the timing and schedule for the specific plan.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to: (1) design the connecting street through the panhandle of the cold storage (Adams) property to connect with the main entrance to DeGarmo Park, with a 30 foot landscaped median (may be expanded up to 70 feet as needed, but with direction to keep it as close to 30 feet as possible) and include a two-way bike path within the median; (2) remove the pedestrian crossing over State Highway 99 and study it separately; (3) remove the vehicle crossing over State Highway 99, but stub the street to the north from Sycamore Road for a possible future crossing of Sycamore Creek, with appropriate urban design that will accommodate more than a local street; and (4) continue the Brentwood treatment down Eaton Road to the southern boundary of the specific plan area.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl, Nguyen-Tan

4.5. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON MAY 11, 2004**

By memorandum dated 5/14/04, the Internal Affairs Committee provided a report on its meeting held on 5/11/04. Committee members present were Councilmembers Bertagna, Wahl, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Approval of Amendments to Chico Municipal Code Repealing Section 1.04.070, Entitled "Effect of Mailing on Due Dates," and Adding Section 1.04.070, Entitled "Time of Receipt of Notices, Other Documents, or Payments."** The Committee recommended (3-0) that Chico Municipal Code amendments repealing Section 1.04.070, entitled "Effect of Mailing on Due Dates," and adding Section 1.04.070, entitled "Time of Receipt of Notices, Other Documents, or Payments" be approved for introductory reading and scheduled for final reading and adoption at a future meeting. It was noted that the City Council was provided with a version of the ordinance which had been amended since its review by the Internal Affairs Committee. Staff amended Section 2.B.2. (Line 12) to include an exception for payments for parking citations.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to introduce the following ordinance and directed staff to schedule it for final adoption at a future meeting:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING SECTION 1.04.070, ENTITLED "EFFECT OF MAILING ON DUE DATES," AND ADDING SECTION 1.04.070, ENTITLED "TIME OF RECEIPT OF NOTICES, OTHER DOCUMENTS, OR PAYMENTS," TO THE CHICO MUNICIPAL CODE - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- B. **Consideration of Request to Remove Prohibited Parking Restriction on Mission Ranch Boulevard.** The Committee recommended (3-0) that prohibited parking restrictions along the commercial frontage of Mission Ranch Boulevard be removed.

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

RESOLUTION NO. 117 03-04 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 780

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- C. **Consideration of Recommendations from the Charter Review Committee of Proposed Changes to the City Charter.** The Committee recommended (3-0) that the Charter be amended to remove the word "general" in Section 502, add public contracts code language in Section 1112, simplify the language in Section 1113, strike the word Penal Code replacing it with State Law, and add additional language from City Attorney's Office to Section 1505.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the committee recommendations, as stated above, including direction to the City Attorney to review the issue of vacancies. The City Attorney was directed to meet with Mayor Kirk and Councilmember Bertagna on this issue.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- D. **Approval of Traffic Regulation Amendment (TRA) No. 776 Which Would Authorize the Installation of a Stop Sign on Silver Lake Drive at its Intersection with Hidden Creek Drive.** The Committee adopted (3-0) Traffic Regulation Amendment No. 776 which would authorize the installation of a stop sign on Silver Lake Drive at its intersection with Hidden Creek Drive.
- E. **Approval of Traffic Regulation Amendment (TRA) No. 777 Which Would Add Motorcycle Parking on the Corner of W 16th Street and Park Avenue.** The Committee adopted (3-0) Traffic Regulation Amendment No. 777 which would add motorcycle parking on the corner of West 16th Street and Park Avenue.
- F. **Review and Consideration of Matters Related to the One Mile Bridge - Bidwell Park.** The Committee agreed (3-0) to make no changes at One Mile Bridge.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to accept the report from the Internal Affairs Committee held on May 11, 2004.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

4.6. **CONSIDERATION OF REPORT FROM THE FINANCE COMMITTEE ON ITS MEETING HELD MAY 26, 2004**

COMMITTEE MATTERS REQUIRING COUNCIL ACTION AT THIS MEETING: By memorandum dated 5/27/04, the Finance Committee provided a report on its meeting held on 5/26/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

- A. **Consideration of Request from the Downtown Chico Business Association (DCBA) for Support of the Property and Business Improvement District (PBID) in Downtown Chico.** The Committee recommended (2-0-1, Wahl disqualified) that the City Council authorize the City Manager to sign the property owner petition to form the PBID in downtown Chico. The Council was provided with a letter dated 6/8/04 from Vicki and Giff Berry, owners of Giff's Automotive, opposing the formation of the Property and Business Improvement District.

This item was withdrawn at the request of DCBA and no action was taken. Addressing the Council on this item were Charlie Osborn, Jon Marcheall, and Vicki Berry.

- B. **Consideration of Supplemental Appropriation to Provide Funding for the Bidwell Park Centennial Celebration.** The Committee recommended (3-0) approval of City funding in the amount of \$2,500 with the remainder of the requested funds to be raised privately. A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the Committee recommendation and direct staff to include the funding allocation in the final budget resolution.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- C. **Consideration of Request from the Chico Veterans' Day Committee for Funding of the Second Annual Celebration to Honor Members of the Armed Forces.** The Committee recommended (3-0) approval of the request in the amount of \$2,500 for this year's celebration with the condition that the Veterans' Day Committee apply for future funding through the Community Organization Funding process.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the funding request and directed staff to include this item in the final budget resolution.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- D. **Consideration of Installation of Solar Electric Systems at the Chico Municipal Center, Municipal Services Center and Water Pollution Control Plant.** The Committee recommended (3-0) approval of the financing and installation of a full megawatt solar electric generating system at the Water Pollution Control Plant and directed staff to provide the City Council with additional information regarding costs and savings using less conservative assumptions and showing projected savings without the Green Tag component. The Committee also directed staff to provide more information regarding the installation of systems at the Municipal Services Center and Municipal Building for consideration at a future meeting.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve the full megawatt solar electric generating system at the WPCP and directed staff to go back out for bids for the WPCP project with a requirement that the proposals include the impact with and without green tags. Staff was also directed to provide more information regarding the installation of systems at the Municipal Services Center and the Municipal Building.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE MATTER REQUIRING NO COUNCIL ACTION AT THIS MEETING

- E. **Consideration of the City of Chico 2004-05 Update of Development Impact Fees Analysis and Recommended Assumptions (Nexus Study).** The Committee directed staff to provide information on resulting fees for multi-family and commercial/industrial uses, as well as clarification of the buildout population and of the Congestion Mitigation and Air Quality Improvement Program (CMAQ) offset. The Committee also directed staff to place this item on the consent agenda for its meeting of 6/15/04.

4.7. FUTURE MEETINGS

The City Council was advised that the interviews for the position of Assistant City Manager are scheduled for July 9, 2004 at 8:30 a.m.

4.8. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

5. CLOSED SESSION

6. BUSINESS FROM THE FLOOR — None

7. REPORTS AND COMMUNICATIONS

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

- 7.1. Memorandum dated 5/14/04, from the Assistant City Manager which provided a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

8. **ADJOURNMENT**

The City Council/Redevelopment Agency adjourned to Closed Session at 10:05 p.m. and then reconvened at 10:30 p.m. The City Council then adjourned to July 6, 2004, at 7:00 p.m. in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting at 7:30 p.m. in the City Council Chamber.

CLOSED SESSION — The City Council/ Redevelopment Agency adjourned to Closed Session at 10:05 p.m.

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 5.2., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Redevelopment Agency adjourned to closed session to discuss negotiations with the Redevelopment Agency's real property negotiator regarding the following proposed acquisitions:

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087,002-180-088

The Redevelopment Agency's negotiator is Executive Director Tom Lando and the party with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM NO. 5.3., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Fish Charitable Remainder Trust	880 East Avenue	007-280-055

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

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM NO. 5.4., CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Drake Revocable Trust- 2001, et al	Portion of vacant parcel north of Stilson Canyon Road	011-780-017
Dodson, Bradley and Debra	188 Lazy S Lane	011-100-102
Millard, Garry and Stacey	198 Lazy S Lane	011-100-103

The City Council's negotiator is City Manager Tom Lando and the party with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for the purpose of negotiations).

5. **CLOSED SESSION**

5.1. **CALL TO ORDER** — Closed Session was convened at 10:05 p.m. in the Conference Room No. 2, Chico Municipal Center, 411 Main Street. All members of Council were present.

5.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 002-180-089, 002-180-087, AND 002-180-088**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The item under discussion is instruction to the Redevelopment Agency's negotiator on price and terms of payment for the proposed acquisition of the property. The Redevelopment Agency's negotiator is Executive Director Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Mulkey Donald & Yvonne Family Trust	Northwest corner of Bruce Road and Humboldt Road	002-180-089
Chico Development Corporation, Inc.	500' west of the intersection of Bruce Road and Humboldt Road	002-180-087, 002-180-088

The Redevelopment Agency adjourned from closed session and the City Council convened to consider the following closed session items.

5.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PROPERTIES FOR EAST AVENUE/COHASSET ROAD INTERSECTION PROJECT**

Pursuant to Government Code Section 54954.8, the item of business discussed was a conference with the real property negotiator. The items under discussion are instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<u>Property Owner No.</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Fish Charitable Remainder Trust	880 East Avenue	007-280-055

5.4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR REGARDING THE PROPOSED ACQUISITION OF ASSESSOR'S PARCEL NOS. 011-030-136, 011-030-138, 011-030-139, 011-780-014, 011-780-018, AND 011-100-102**

Pursuant to Government Code Section 54954.8, the item of business to be discussed was a conference with the real property negotiator. The item under discussion was instruction to the City Council's negotiator on price and terms of payment for the proposed acquisitions of the property. The City Council's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations).

<u>Property Owner</u>	<u>Property Location</u>	<u>Assessor's Parcel No.</u>
Drake Revocable Trust- 2001, et al	Portion of vacant parcel north of Stilson Canyon Road	011-780-017
Dodson, Bradley and Debra	188 Lazy S Lane	011-100-102

- 5.5. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
- 5.6. **CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER – EXISTING LITIGATION:** The City Attorney and Risk Manager reviewed settlement of the workers compensation claim of Troy Morse. (Gov. Code Sec. 54956.9(a).)
- 5.7. **ADJOURNMENT**

Adjourned at 10:30 p.m. to a City Council meeting to complete Business from the Floor and Reports and Communications.

Date Approved: September 21, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 6, 2004

Minutes

1. **CALL TO ORDER**— Mayor Kirk called the July 6, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 7:00 p.m.
2. **CLOSED SESSION**
 - 2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
 - 2.2. **CONFERENCE WITH LEGAL COUNSEL — PENDING LITIGATION:** The City Attorney provided a review of the following: *Luallen v. City of Chico, et al.*, Butte County Superior Court Case 128539. (Gov. Code Sec. 54956(a).)
 - 2.3. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).) The City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of this item.
 - 2.4. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Council reviewed the City Manager's performance. (Gov. Code Section 54957.)
3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — July 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the July 6, 2004 - Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — John Warwick, Pacific Asian Missions, Inc.
 - 1.3. Roll Call – Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Closed Session Announcement – None
2. **CONSENT AGENDA** – None
3. **NOTICED PUBLIC HEARINGS** – None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** – None
 - 4.2. **CONSIDERATION OF REPORT FROM THE FINANCE COMMITTEE ON ITS MEETING HELD JUNE 15, 2004**

By memorandum dated 6/18/04, the Finance Committee provided a report on its meeting held on 6/15/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING CITY COUNCIL/REDEVELOPMENT AGENCY ACTION AT THIS MEETING:

- A. **Approval of Fund Balance Reserve Policies.** The Committee recommended (3-0) approval of the Fund Balance Reserve Policies. The recommended budget policy language was included in the final budget resolution under City Council Agenda Item 2.4.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to approve the recommended budget policy language included in the final budget resolution under City Council Agenda Item 2.4.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

The City Council acted in its capacity as both the Chico City Council and the Chico Redevelopment Agency for consideration of Item 4.2.B.

- B. **Proposal to Acquire Portion of Park Site on East 20th Street and Notre Dame Boulevard for Affordable Senior Housing.** The Committee recommended (3-0): (1) that a portion of the 10 acre site be designated as a senior housing site; (2) that the site be purchased from the City by the Redevelopment Agency; and (3) that the housing site be made available to Northern Valley Catholic Social Services (NVCSS) through a one year option to enable NVCSS to apply for project funding. Based on the Committee's recommendation, an allocation of \$969,000 from the Chico Merged Low and Moderate Income Housing Fund (371) for expenses related to acquisition and environmental assessment has been included in the final budget resolution under City Council Agenda Item 2.4.

By memorandum dated 6/28/04, the Housing Officer provided background on the project proposal and explanation for the actions set forth in the resolutions. Staff indicated that the development agreement previously entered into with Enloe for this property will require amendment as well. Addressing the City Council on this item were Robert Michaels and Ken Donnell.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the Committee recommendations and adopt the following resolutions, as amended to include "senior housing" in the title and first sentence of the City Council resolution:

RESOLUTION NO. 02 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO INITIATE A GENERAL PLAN AMENDMENT AND REZONE OF A 3.5+ ACRE PORTION OF THE CITY OWNED 10.78 ACRE PARCEL LOCATED ON EAST 20TH STREET, EAST OF NOTRE DAME BOULEVARD (APN 002-220-005) TO R-3 MULTI-FAMILY RESIDENTIAL FOR AN AFFORDABLE SENIOR HOUSING PROJECT SITE (Council Action)

RESOLUTION NO. 18-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY REQUESTING THE CITY OF CHICO TO INITIATE A GENERAL PLAN AMENDMENT AND REZONE OF A 3.5+ ACRE HOUSING SITE OWNED BY THE CITY OF CHICO AND A STATEMENT OF INTENT TO ACQUIRE THE SITE AND PROVIDE A LOAN OF LOW AND MODERATE INCOME HOUSING FUNDS TO NORTHERN VALLEY CATHOLIC SOCIAL SERVICES (NVCSS) (Agency Action)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- C. **Consideration of Animal Shelter Operating Service Agreement Alternatives.** The Committee recommended (3-0): (1) renewal of the animal shelter operating service agreement with the Butte Humane Society; (2) that staff approach Paradise officials about an alternate proposal, with animals from Paradise being sheltered at the Chico facility; and (3) directed staff from the City and the Butte Humane Society to work together to develop a 5-year strategic plan for the animal shelter. Based on the Committee's recommendation, an additional \$30,000 for Humane Society expenses was included in the final budget resolution under City Council Agenda Item 2.4.

By letter received 6/25/04, a copy of which was provided to the Council with this agenda, Linda Kline, President of the Butte County Humane Society Board of Directors, gave notice that the shelter will be vacating the premises at 2579 Fair Street by 7/15/04. Addressing the City Council on this item were Cathy Augros and Linda Kline.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to: (1) approve a 2-year animal shelter operating service agreement with the Butte Humane Society, to be effective 7/01/04; (2) authorize \$260,000 for fiscal year 04-05; (3) the shelter to be open five days a week, effective immediately; (4) staff to evaluate and determine costs for the electrical system, a fire alarm/ sprinkler system, and sealing the parking lot and bring those costs back for Council review; (4) that the air conditioning problems be fixed immediately; (5) that the agreement include a revised injured animal policy; (6) that staff approach Paradise officials and other jurisdictions about an alternate proposal, with animals from Paradise being sheltered at the Chico facility; and (7) directed staff from the City to work with the Butte Humane Society to work together to develop a 5-year strategic plan for the animal shelter.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to allocate \$5,000 to repair the air conditioning and to authorize the City Manager to execute the agreement.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL/REDEVELOPMENT AGENCY ACTION AT THIS MEETING

- D. **Approval of Recommendations Regarding Assumptions, Project List, and Proposed Changes to Development Impact Fees for the City of Chico 2004-05 Update of Development Impact Fees Analysis (Nexus Study)**. The Committee recommended (2-1, Wahl opposed) that the City Council approve the Nexus assumptions, project list and changes to the development impact fees as set forth in the staff memorandum, and that a public hearing be scheduled. The public hearing was scheduled for 07/20/04.
- E. **Initial Consideration of Request for \$5,760,000 in Low and Moderate Income Housing Funds (LMIHF) from Pacific West Communities (PWC) for a 144-Unit Affordable Rental Housing Project at the Northeast Corner of Bruce Road and East 20th Street**. The Committee agreed (2-0-1, Gruendl disqualified) to review the request with PWC and scheduled the item for further consideration at the 7/21/04 meeting. It was noted that Councilmember Gruendl was disqualified on this item.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to accept the June 15, 2004 Finance Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — July 6, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the July 6, 2004 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call – Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Item 2.5 was removed and heard under Item 4.1. A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the remaining Consent Agenda items, as read.

- 2.1. **ORDINANCE NO. 2295 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING SECTION 1.04.070, ENTITLED “EFFECT OF MAILING ON DUE DATES,” AND ADDING SECTION 1.04.070, ENTITLED “TIME OF RECEIPT OF NOTICES, OTHER DOCUMENTS, OR PAYMENTS,” TO THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

Based on the City Council's acceptance of the Internal Affairs Committee recommendation at its meeting of 5/11/04, this ordinance was introduced at the 6/14/04 City Council meeting. This ordinance allows the City to receive notices, documents, and payments via electronic mail, facsimile, personal delivery, and through the U. S. Postal Service. The City Attorney recommended adoption of the ordinance by reading of the title only.

- 2.2. **ORDINANCE NO. 2296 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 5.28.125, ENTITLED “PERMITS - INSURANCE REQUIREMENTS,” OF CHAPTER 5.28, ENTITLED “VEHICLES FOR HIRE,” OF THE CHICO MUNICIPAL CODE TO CHANGE INSURANCE REQUIREMENTS - Final Reading and Adoption**

At its 5/18/04 meeting, the Council accepted the recommendation of the Finance Committee to modify the types and limits of insurance required for a taxi permit by separating the auto and business liability coverages into two policies, and to modify the limits of insurance.

The ordinance establishes a requirement for automobile liability coverage for each taxi vehicle in the amounts of \$100,000 per person and \$300,000 per occurrence, with a minimum property damage limit of \$50,000, and a requirement for business liability coverage with a minimum policy limit of \$500,000. Under the ordinance, current taxi operators would be allowed to retain their current insurance coverages until the policies expire or come up for renewal, at which time they will be required to meet these new requirements.

All currently permitted taxi operators were provided with a copy of the ordinance, and notice that this matter is on the agenda at this meeting. In response to the notice, San Gungl of Merit Medi-Trans contacted staff to indicate that, unlike the taxi operators, the new insurance requirements would cause a significant increase in his insurance premiums. He requested that consideration be given to exempting non-emergency medical transport companies such as his from the Vehicle for Hire regulations since they are also regulated by the State. Mr. Gungl's 6/25/04 letter explaining this request was provided to the Council with this agenda. The Risk Manager recommended: (1) that the City Council adopt the ordinance; and (2) that Mr. Gungl's request be referred to the Internal Affairs Committee for review and recommendation.

- 2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 042-140-077, -098, AND -103 LOCATED ON THE NORTH SIDE OF NORD AVENUE/STATE HIGHWAY ROUTE 32 BETWEEN W. 8TH AVENUE AND W. LINDO AVENUE (RZ 03-03; DUFOUR INVESTMENTS/DIGIOVANNI & DIGIOVANNI/VRISIMO) AND AMENDING CHAPTER 19.52, ENTITLED "OVERLAY ZONES," OF THE CHICO MUNICIPAL CODE - Introductory Reading**

By memorandum dated 6/23/04, Senior Planner Murphy reported that at the Planning Commission meeting of 6/17/04, the Commission voted (4 in favor, 2 disqualified, and 1 absent) on a request to change the existing land use designation for three properties totaling approximately 32 acres from Manufacturing and Warehousing to Medium Density Residential (4.01 to 14 units per acre) and Community Commercial and change the corresponding zoning designation from ML Light Manufacturing/Industrial to R2 Medium Density Residential and CN Neighborhood Commercial, with an -SD Special Design Considerations Overlay Zone. The properties are located on the north side of Nord Avenue/State Highway Route 32, between West 8th Avenue and West Lindo Avenue and are identified as Assessor's Parcel Nos. 042-140-077, -098, and -103.

The Planning Commission also conditionally approved a vesting tentative subdivision map and planned development permit for the Westside Place development which would divide two of the aforementioned parcels totaling approximately 20 acres into 141 lots to be developed with a mix of single-family units, multi-family units, and live/work units using a Traditional Neighborhood Design, contingent upon the Council approving the General Plan amendment and rezone. A mitigated negative declaration was proposed for this project pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: (1) introduce the ordinance by reading of the title only; and (2) schedule General Plan Amendment/Rezone 03-03 for public hearing for 7/20/04.

- 2.4. **RESOLUTION NO. 01 04-05 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 2004-05 FINAL BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY (Council Action)**

RESOLUTION NO. RDA. 17-04 — RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2004-05 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY (Agency Action) — To consider this item, the City Council convened as both the City Council and the Chico Redevelopment Agency.

By memorandum dated 06/18/04, the City Manager submitted the Final Budget resolutions for the 2004-05 City of Chico and Chico Redevelopment Agency Annual Budgets, together with budget adjustments which included those approved at the 05/04/04, 05/18/04, and 06/14/04 meetings, additional requests and corrections that were discovered by staff following adoption of the Tentative Budgets on 06/14/04, and budget adjustments recommended by the Finance Committee at its meeting held 06/15/04. The budget adjustments adopted by the above resolutions will be incorporated into the Final Budget. The City Manager and Executive Director recommended adoption of the resolutions.

- 2.5. **RESOLUTION NO. 03 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 2, 2004, 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 2, 2004** — This item was removed from the Consent Agenda and heard under Item 4.1.
- 2.6. **RESOLUTION NO. 04 04-05 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (1240 PARK AVENUE - APN 005-135-005)**

By memorandum dated 5/26/04, the Director of Public Works reported on a request from the Butte

County Housing Authority to abandon a sanitary sewer easement located mid-block between Main Street and Park Avenue from West 12th to West 13th Streets to facilitate development of the site for senior housing. The Director of Public Works recommended adoption of the resolution which schedules a public hearing for 8/3/04.

2.7. RESOLUTION NO. 05 04-05 — A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (HARTFORD PARK INVESTMENT GROUP - APN 002-580-070)

By memorandum dated 5/26/04, the Director of Public Works reported on a request from Hartford Park Investment Group to abandon a public utility easement to allow for the future development of townhouse units on Hartford Drive. The Director of Public Works recommended adoption of the resolution which schedules a public hearing for 8/3/04.

2.8. ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM

By memoranda dated 6/1/04, the Director of Public Works reported that in accordance with a petition from the below property owners, adoption of the following resolutions which authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' reports dated 6/1/04 attached to each resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system. The Director of Public Works recommended adoption of the resolutions.

A. RESOLUTION NO. 06 04-05 — 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 - 1079 FILBERT AVENUE, ASSESSOR'S PARCEL NO. 045-260-037 (petition from property owners Genevieve L. Hans and Joseph Jr. Acquistapace)

B. RESOLUTION NO. 07 04-05 — 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 - 1692 OAK WAY, ASSESSOR'S PARCEL NO. 042-750-015 (petition from property owners James C. and Debra J. Irick)

2.9. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON 4/6/04, 4/20/04, 5/4/04 AND 5/18/04

The City Council was provided with the minutes of its meetings held on 4/6/04, 4/20/04, 5/4/04 and 5/18/04.

2.10. APPROVAL OF REVISION TO VEHICLE FOR HIRE OWNER'S PERMIT - PRECIOUS CARGO TRANSPORTATION

At its 6/14/04 meeting the City Council approved the issuance of a Vehicle for Hire Owner's Permit to Precious Cargo Transportation (Lee P. & Stacy D. Federico), finding that the public convenience and necessity warranted the issuance of such permit. The applicant had requested and was authorized to operate one vehicle for its non-emergency medical transportation services.

Staff received a letter from Lee Federico dated 6/21/04 requesting that the permit be revised to allow the company to operate an unlimited number of vehicles, a copy of which has been provided to the City Council. All current Vehicle for Hire permittees were notified of the Council's consideration of this item on this agenda. Staff recommended approval of the request to revise the number of vehicles authorized to be operated under the permit.

2.11. **CONFIRMATION OF MAYOR'S APPOINTMENTS TO FILL VACANCIES ON VARIOUS COMMITTEES**

Mayor Kirk appointed herself to fill the vacancies on the Internal Affairs Committee and the Intergovernmental Committee created by the death of Vice Mayor Jarvis.

The motion to approve the Consent Agenda, as read, with Item 2.5. removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON ABANDONMENT AND VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY (EAST 7TH AVENUE - ASSESSOR'S PARCEL NO. 003-411-002)**

By memorandum dated 6/15/04, the Director of Public Works forwarded a resolution ordering the abandonment of a portion of public right-of-way at 465 East 7th Avenue at the request of the property owner, Kevin Thomas, to facilitate development of his parcel. At its meeting of 6/14/04, the City Council adopted a resolution of intention to abandon this portion of public right-of-way and set the public hearing for this meeting. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to adopt the following resolution:

RESOLUTION NO. 08 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (EAST 7TH AVENUE - ASSESSOR'S PARCEL NO. 003-411-002)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

3.2. **APPEALS OF THE PLANNING COMMISSION'S APPROVAL OF THE KENTFIELD PARC TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-21 (BARRY-FISCHER PROPERTIES, LLC) AUTHORIZING AN INFILL SUBDIVISION THAT DIVIDES A 3.75 ACRE SITE INTO 32 SINGLE-FAMILY RESIDENTIAL LOTS WITH AN OVERALL DENSITY OF 7.5 DWELLING UNITS PER GROSS ACRE**

By memorandum dated 6/29/04, Associate Planner Summerville reported that at its 6/3/04 meeting, the Planning Commission approved (4 in favor, 1 disqualified and 2 absent) a tentative subdivision map authorizing an infill subdivision that divides a 3.75 acre site into 32 single-family residential lots with an overall density of 7.5 dwelling units per gross acre. A planned development permit was approved in conjunction with the subdivision map to authorize modifications to development standards including reduced lot sizes (average 3,839 square feet), reduced setbacks, reduced lot widths, and reduced

parking requirements. Two timely appeals were filed by residents in the area. The first appeal (filed by Daryl Kaiser) included a number of issues, the primary of which (based on conversations with the appellant) is an architectural privacy wall proposed along East 1st Avenue. The second appeal (filed by Todd Hall) regards increased traffic impacts to the neighborhood adjacent to the north of the project due to the removal of emergency traffic bollards from a proposed driveway that accesses Kentfield Road, thereby allowing a second full access at Kentfield Road in addition to the primary access road at East 1st Avenue.

The subject site is designated Medium Density Residential and Low Density Residential on the City of Chico General Plan Diagram, and is located in both R2 Medium Density Residential and R1 Low Density Residential zoning districts. The Planning Director recommended that the City Council deny the appeals, thereby upholding the decision of the Planning Commission.

Mayor Kirk opened the hearing to the public. Addressing the Council were Daryl Kaiser, Todd Hall, Stephen Gonzales, Carol Chell, Monica Soderstrom, Greg Melton, Bruce Galloway, Katie O'Bryan, Linda Tarwater, Karl Kumli, Fred Davis, Karen Van Ness, Greg Steele, Robert Fischer, Ken Fleming, and Kirk Monfort. The hearing was closed to the public.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to (1) deny Daryl Kaiser's appeal; (2) uphold Todd Hall's appeal; (3) add back in the emergency traffic bollards; (4) ensure that the landscaping is adequate to deflect sounds and the wall is designed with as many irregularities as possible; (5) that the two story houses are built in such a manner that the neighboring backyards are not visible from the second stories; and (6) that no more than two lots back up to Lot No.'s 50, 51, and 52.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk

NOES: Gruendl, Nguyen-Tan

3.3. **HEARING ON ORDINANCE AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - CHICO CERTIFIED FARMERS MARKET - AMENDMENT NO. 4**

At its meeting of 5/4/04, the City Council approved the recommendation of the Internal Affairs Committee to amend the Chico Certified Farmers Market franchise to allow for the closure of the drive lane parallel to Wall Street between East 2nd and East 3rd Streets to provide for increased pedestrian safety. The ordinance was introduced to Council at its meeting of 6/14/04, and notice of this hearing was published in the newspaper and mailed to all franchisees and permittees authorized by the City to sell food and beverages from public rights-of-way. By memorandum dated 6/18/04, the Director of Public Works transmitted the ordinance which amended Exhibit "A" of the franchise to reflect closing of the drive lane, thereby changing the vehicle traffic flow during the hours of operation of the Saturday morning market. The Director of Public Works recommended adoption of the ordinance. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the following ordinance:

ORDINANCE NO. 2297 — AN ORDINANCE OF CITY COUNCIL OF THE CITY OF CHICO AMENDING THE FRANCHISE FOR THE EXCLUSIVE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY- CHICO CERTIFIED FARMERS MARKET, MUNICIPAL PARKING LOT NO. 1 - AMENDMENT NO. 4 - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

4. **REGULAR AGENDA**

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

- 2.5. **RESOLUTION NO. 03 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 2, 2004, 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 2, 2004** — This item was removed from the Consent Agenda at the request of a citizen.

The above resolution calls the General Municipal Election on 11/2/04 for the purpose of electing four members to the City Council, and requested consolidation with the Statewide General Election to be held on that date. The City Clerk recommended adoption of the resolution. Kelly Meagher informed the Council that regarding the confusion in having two different resolutions (Consent Agenda Item 2.5 and Regular Agenda Item 4.3.) Regarding the same election and thought that it would be clearer to the public if the two items had been included in one resolution.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to adopt Resolution No. 03 04-05.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- 4.2. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 2, 2004, FOR THE PURPOSE OF FILLING A VACANCY IN THE OFFICE OF COUNCILMEMBER AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004**

By memorandum dated 6/28/04, the City Attorney transmitted the resolution calling a special election on 11/02/04, for the purpose of filling the current Council vacancy until 12/07/04, and requested the Butte County Board of Supervisors to consolidate the special election with the statewide general election scheduled for 11/02/04.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna that a special election not be called for the purpose of filling the current Council vacancy due to the upcoming November 2, 2004 election, whereby the seat will be filled by a newly elected Councilmember for a four-year term.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Gruendl
ABSTAIN: Nguyen-Tan

- 4.3. **RESOLUTION NO. 09 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO PROPOSING AMENDMENTS TO THE CITY CHARTER, CALLING A GENERAL MUNICIPAL ELECTION TO SUBMIT THESE AMENDMENTS TO THE VOTERS, AND REQUESTING CONSOLIDATION OF THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004**

By memorandum dated 06/30/04, the City Attorney transmitted a draft resolution to call a general election to submit to the voters proposed charter amendments to: (1) reduce the minimum age for a council candidate from 21 to 18; (2) provide for council salaries to be set by reference to a salary schedule based on city population and established in state law for council salaries in general law cities; and (3) make technical, nonsubstantive changes to the charter. The resolution also requests consolidation of this election with the 11/2/04 statewide general election. The memorandum included two potential additional amendments addressing council vacancies and a procedure for adoption of a biennial city budget in lieu of an annual budget.

Measure A – Eligibility Requirements for Council Candidates — A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the forwarding of Measure A to the voters at the 11/2/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: Nguyen-Tan
ABSENT: Gruendl

Measure B – Renumeration of Councilmembers — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the forwarding of Measure B to the voters at the 11/2/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

Measure C – Technical, Nonsubstantive Amendments — A motion was made by Councilmember Wahl and seconded by Councilmember Nguyen-Tan to table the proposed charter amendment concerning Section 906 regarding the powers and duties of the City Attorney, and send the item to Internal Affairs for review and consideration for a possible future ballot measure.

The motion carried by the following vote:

AYES: Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Bertagna
ABSENT: Gruendl

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to approve the forwarding of Measure C, as amended to remove the proposed amendment to Section 906, to the voters at the 11/2/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to approve the forwarding of Measure C, as amended to remove the proposed amendment to Section 906,

to the voters at the 11/02/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

Proposed Measure D – Procedure for Filling Council Vacancies – A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the forwarding of Measure D to the voters at the 11/2/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk
NOES: None
ABSENT: Gruendl
ABSTAIN: Nguyen-Tan

Proposed Measure E - Optional Biennial City Budget — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the forwarding of Measure E to the voters at the 11/2/04 General Municipal Election.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt Resolution 09 04-05, as amended to remove Section 906 from Measure C and to include Measures D and E, which addressed council vacancies and a procedure for adoption of a biennial city budget in lieu of an annual budget.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

4.4. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JUNE 1, 2004**

By memorandum dated 6/03/04, the Internal Affairs Committee provided a report on its meeting held on 6/01/04. Committee members present were Councilmembers Bertagna, Wahl, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Approval of Amendments to Chico Municipal Code.** The Committee recommended (3-0) that the following ordinances be forwarded to the City Council for introductory reading.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 9.38.054, ENTITLED “VIOLATION - RESIDENTIAL PROPERTY LIMITS, PUBLIC PROPERTY LIMITS,

OR GENERAL NOISE REGULATIONS,” OF THE CHICO MUNICIPAL CODE - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING A DEFINITION FOR PARKING LOT TO CHAPTER 9.30, ENTITLED “POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES,” OF THE CHICO MUNICIPAL CODE - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 15.36.032, ENTITLED “AGREEMENTS WITH CERTAIN PUBLIC AGENCIES SEEKING TO CONNECT PREMISES WITHIN THE SEWER SERVICE AREA OWNED AND/OR USED BY THEM TO THE SEWER SYSTEM” OF THE CHICO MUNICIPAL CODE - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

RESOLUTION 09 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 3R.24, ENTITLED “ADVANCE PAYMENTS” TO TITLE 3R, ENTITLED “REVENUE AND FINANCE RULES AND PROCEDURES,” OF THE CHICO MUNICIPAL CODE - Subsequent to the Internal Affairs Committee meeting, the City Attorney recommended additional changes. By memorandum dated 6/28/04, Assistant City Attorney Rock provided an outline of the recommended changes which have been incorporated into the above resolution.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

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

RESOLUTION NO. 10 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.72.130 ENTITLED, “SELECTION PROCEDURES,” AND SECTION 2R.72.140 ENTITLED, “EMPLOYMENT STATUS,” OF THE CHICO MUNICIPAL CODE

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

RESOLUTION NO. 11 04-05 — 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 BE CONSISTENT WITH SECTION 1007.1 OF THE CHARTER OF THE CITY OF CHICO

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

- B. **Consideration of Jerry J. Finch’s Request to Place a Permanent Memorial Honoring Veterans in City Plaza.** The Committee recommended (3-0) that Councilmember Wahl chair a committee to work with the Park Department and local veterans’ organizations in securing a location in City Plaza for a monument to honor veterans for recommendation to the City Council.

By memorandum dated 6/23/04, the Park Director reported that he, Councilmember Wahl, and the City Plaza design consultant met with representatives from the veterans’ groups to discuss locations for the memorial and that a site on the Main Street side of City Plaza was being recommended. The Park Director recommended approval of the memorial location and authorization to coordinate the design of the memorial with the City Plaza Master Plan.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna for approval of a memorial location on the Main Street side, as depicted on Attachment A included in the staff report, and authorization to coordinate the design of the memorial with the City Plaza Master Plan.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- C. **Consideration of a Request from the Butte Community Coalition to Rename Warner and Ivy Streets.** This item was considered separately from the Internal Affairs report due to a motion being made by Councilmember Herbert and seconded by Councilmember Wahl. The motion carried unanimously.

It was agreed by the Committee that Councilmembers Bertagna and Gruendl would meet with the Butte Community Coalition after June 15th to continue discussions and consider alternatives for naming one of Chico’s streets in honor of Dr. Martin Luther King, Jr. A meeting between Councilmembers Bertagna and Gruendl and the Butte Community Coalition was scheduled to be held after preparation of this agenda.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to direct the Committee to continue discussions with the Butte Community Coalition, looking at various options including discussing the Chico Area Recreation and Park District the possibility

of renaming of Community Park. In addition, the Committee was asked to discuss the development of a policy for the naming of new streets.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the 6/1/04 Internal Affairs Report and Recommendations.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

4.5. **CONSIDERATION OF REPORT FROM THE SOLID WASTE COMMITTEE ON ITS MEETING HELD MAY 26, 2004**

By memorandum dated 5/28/04, the Solid Waste Committee provided a report on its meeting held 5/26/04. Committee members present were Councilmembers Gruendl, Nguyen-Tan, and Wahl, Chair.

COMMITTEE MATTER REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Consideration of a Draft Demolition Debris Recycling Ordinance.** The Committee recommended (2-1, Wahl opposed) adoption of the ordinance.

A motion was made by Councilmember Nguyen-Tan and seconded by Mayor Kirk to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 16.11 ENTITLED, "RECYCLING AND DIVERSION OF DEMOLITION AND RENOVATION DEBRIS" TO THE CHICO MUNICIPAL CODE - Introductory Reading

The motion failed by the following vote:

AYES: Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl
ABSENT: Gruendl

COMMITTEE MATTER REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- B. **Consideration of Draft Solid Waste Collection Rate Methodology.** This item was continued to 7/21/04, at which time the Committee will determine a new solid waste collection methodology by using the percentage of the increase for the current rates to be provided by the solid waste haulers as the base rate for the methodology. The Committee directed staff to prepare a sample bill reflecting a fuel surcharge which would be adjusted quarterly.

4.6. **CONSIDERATION OF POSSIBLE CHANGE IN CITY COUNCIL MEETING TIMES**

At its meeting held 6/14/04, the City Council requested discussion of City Council meeting times. The Council was provided a copy of Section 602 of the City Charter which governs City Council meetings.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to direct staff to prepare an ordinance that would change the meeting time to 6:30 p.m. for the regular Council meetings and 6:00 p.m. for Closed Session, if needed.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: Gruendl

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

4.8. **FUTURE MEETINGS**

Assistant City Manager interviews are scheduled for July 19 beginning at 12:30 p.m. and July 26 beginning at 8:30 a.m.

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. Memorandum dated 6/15/04 from the Chief of Police provided the Citizens' Option for Public Safety Grant Summary Report for the period of July 2003 - May 2004.
- 6.2. Memorandum dated 6/14/04 from the Finance Director reported that the list of claims paid during the month of May 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. The Butte Interagency Narcotics Task Force (BINTF) Annual Report which provided a summary of the task force's activity and training programs in 2003.
- 6.4. Memorandum dated 6/11/04, from the Assistant City Manager provided a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
- 6.5. Letter dated 7/2/04 from Mary Cahill, General Manager of CARD, requesting funding assistance for renovation of Shapiro Pool. This item was referred to the Finance Committee.

7. **ADJOURNMENT**

Adjourned at 11:18 p.m. to July 19, 2004, at 8:30 a.m. to July 20, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 5, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 20, 2004

Minutes

1. **CALL TO ORDER** – Mayor Kirk called the July 20, 2004 — Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 7:00 p.m.

Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov.Code Sec. 54957.6.)

ITEMS ADDED AFTER POSTING OF THE AGENDA:

- 2.2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Section 54956.9(b).)

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — July 20, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the July 20, 2004 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Bruce Finch, First Church of Christ, Scientist
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Mayor Kirk introduced teachers from Eurasia who are participating in the “Excellence in Teaching” seminar hosted by the School of Graduate, International, and Sponsored Programs at California State University, Chico.

Mayor Kirk introduced Stephanie Brown — Athens 2004 Olympic Games contender in the discus event.

- 1.5. Closed Session Announcement – None
2. **CONSENT AGENDA** – None
3. **NOTICED PUBLIC HEARINGS** – None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** – None
 - 4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None
5. **REPORTS AND COMMUNICATIONS**
 - 5.1. Letter dated 7/08/04 from developers of 1200 Park Avenue Senior Housing Project requesting an additional \$750,000 of financial assistance from the Agency. The City Manager recommended this request be forwarded to the Finance Committee for consideration at its meeting of 7/21/04.

6. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 20, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the July 20, 2004 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:40 p.m.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2298 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 9.38.054, ENTITLED “VIOLATION - RESIDENTIAL PROPERTY LIMITS, PUBLIC PROPERTY LIMITS, OR GENERAL NOISE REGULATIONS,” OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

This ordinance amends the Chico Municipal Code to clarify that citizens making a noise complaint may be asked by a police officer to sign a statement form. The City Attorney recommended adoption of the ordinance by reading of the title only.

- 2.2. **ORDINANCE NO. 2299 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING A DEFINITION FOR PARKING LOT TO CHAPTER 9.30, ENTITLED “POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES,” OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

This ordinance amends the Chico Municipal Code to add a definition for "parking lot" and thereby prohibits possession of open containers in all parking lots in the city. The City Attorney recommended adoption of the ordinance by reading of the title only.

- 2.3. **ORDINANCE NO. 2300 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 15.36.032, ENTITLED “AGREEMENTS WITH CERTAIN PUBLIC AGENCIES SEEKING TO CONNECT PREMISES WITHIN THE SEWER SERVICE AREA OWNED AND/OR USED BY THEM TO THE SEWER SYSTEM” OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

This ordinance amends the Chico Municipal Code to correct a citation to the Government Code. The City Attorney recommended adoption of the ordinance by reading of the title only.

- 2.4. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO SET THE TIME AND DATE FOR REGULAR COUNCIL MEETINGS - Introductory Reading**

On 07/06/04, the Council directed preparation of an ordinance authorized by Section 602 of the City Charter to establish the date and time of regular Council meetings. The proposed ordinance would provide that: (1) a regular council meeting be held on the first Tuesday of each month, commencing at 6:30 p.m.; (2) if a closed session is also scheduled to be held, that it begin at 6:00 p.m., unless the agenda establishes a different time for the closed session; and (3) a regular meeting may be adjourned to a specific date, time and place. The City Attorney recommended introduction of the ordinance.

- 2.5. **ADOPTION OF RESOLUTIONS LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM**

By memoranda dated 7/01/04, the Director of Public Works reported that in accordance with a petition from the below property owners, adoption of the following resolutions authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' reports dated 7/1/04 attached to each resolution. These assessments are in lieu of payment of the sewer system connection fees which would ordinarily be due and payable at the time of connecting the premises to the City's sewer system.

The Director of Public Works recommended adoption of the resolutions.

A. **RESOLUTION NO. 13 04-05 — 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 - 1680 OAK VISTA AVENUE, ASSESSOR'S PARCEL NO. 045-420-005** (petition from property owner John Glenn Messina)

B. **RESOLUTION NO. 14 04-05 — 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 - 827 ALDER STREET, ASSESSOR'S PARCEL NO. 004-320-036** (petition from property owner Kevin Christopher Freeman)

2.6. **RESOLUTION NO. 15 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CONVEYANCE OF OAK WAY PARK TO THE CHICO AREA RECREATION AND PARK DISTRICT**

At its 04/06/04 meeting, the City Council, in response to a request from the Chico Area Recreation and Park District (CARD), concurred with the City Manager's recommendation to transfer the Oak Way Park site to CARD following CARD's final loan payment to the City, and subject to a reversionary interest clause and City retention of the adjacent proposed fire station site. The final payment has been received and this confirming resolution approves the conveyance of the park site to CARD, subject to a reversionary interest clause requiring that the site be used for park purposes. The City Manager recommended adoption of the resolution.

2.7. **APPROVAL OF MINUTE ORDER NO. 11-04 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 958 EAST AVENUE (APN 048-050-030) - DEL CARLO**

At its 01/06/04 closed session, the City Council authorized the negotiated purchase of a portion of 958 East Avenue (APN 048-050-030) from Don and Janet Del Carlo in connection with the City's East Avenue/Cohasset Road intersection widening project. This minute order authorizes the City Manager to execute a sales agreement and other documents necessary to acquire right of way and a temporary construction easement for \$10,348. The Assistant City Manager recommended approval of the minute order.

2.8. **APPROVAL OF MINUTE ORDER NO. 12-04 — AUTHORIZATION FOR COUNTY OF BUTTE TO MAKE GRANT-FUNDED PURCHASES ON BEHALF OF CITY OF CHICO**

The County of Butte serves as grant administrator for federal pass-through funds from the State of California relating to homeland security equipment purchases for local agencies in the County. Under the terms of the grant, the local agency solicits bids for equipment and the County pays the selected vendor and receives reimbursement from the State for the purchases. Grant funds are currently reserved for the purchase of a portable video surveillance unit for the Chico Police Department. This minute order authorizes the County of Butte to act as the City's agent for equipment purchases if the County is the designated administrator of grant funds for local agencies, subject to appropriate budgetary and policy review by the City Manager of any proposed grant-funded purchase. The Assistant City Manager recommended approval of the minute order.

2.9. **APPROVAL OF MINUTE ORDER NO. 13-04 — AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO REIMBURSE DEVELOPER FOR OVERSIZING COSTS FOR THE CONSTRUCTION OF A SANITARY SEWER TRUNKLINE IN THE ESPLANADE (CONROY/MARSHALL/DETWEILER)**

This minute order authorizes the City Manager to enter into an agreement to reimburse Patrick Conroy, Donn Marshall and Kenneth Detweiler, the owners and developers of Esplanade Village Subdivision, for

oversizing costs incurred in construction of 178 linear feet of 10-inch diameter sanitary sewer trunkline in The Esplanade along the frontage of said subdivision. The Director of Public Works recommended approval of the minute order.

3. **NOTICED PUBLIC HEARINGS**

3.1. **2004 LOT CLEANING/WEED ABATEMENT PROGRAM - COST REPORT AND HEARING PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY**

By memorandum dated 7/6/04, Project Manager Wood reported on the costs incurred by the City in connection with the 2004 Lot Cleaning/Weed Abatement Program. In accordance with Section 39575 of the Government Code, the cost report attached to the memorandum was posted three days prior to its submission to the Council for consideration. Each property owner will be billed for costs incurred in cleaning the lot. After the public hearing process discussed in the memorandum, any unpaid bills will be added to the tax roll for collection. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to confirm the cost report as submitted.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

3.2. **HEARING ON APPEAL BY DOUG BENSON OF CERTAIN CONDITIONS IMPOSED BY THE PLANNING COMMISSION IN APPROVING SPARROW HAWK RIDGE VESTING TENTATIVE SUBDIVISION MAP (S 03-12) AUTHORIZING THE DIVISION OF 12.99 ACRES INTO 11 RESIDENTIAL LOTS LOCATED ON THE SOUTH SIDE OF CHICO CANYON ROAD AND EAST OF SPARROW HAWK LANE**

By memorandum dated 6/30/04, Senior Planner Wolfe reported that at the Planning Commission meeting of 6/17/04, the Commission voted (4 in favor, 1 in opposition, and 2 absent) to adopt a mitigated negative declaration and approve a vesting tentative subdivision map authorizing the subdivision of 12.99 acres into 11 residential lots. Conditions of approval adopted by the Planning Commission included requirements that a proposed gate serving 8 of the 11 lots be eliminated, and that homes on certain lots be limited to a height of 20 feet. The applicant, Doug Benson, subsequently filed an appeal requesting that the City Council remove these conditions.

The property is located generally between Chico Canyon Road and the easterly terminus of Sparrow Hawk Lane, is identified as Assessor's Parcel No. 011-020-097, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-1 Suburban Residential rezoning district. Staff recommended that the Council deny the appeal and uphold the decision of the Planning Commission. Mayor Kirk opened the hearing to the public. Addressing the Council on this item was Doug Benson. The hearing was closed to the public.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to uphold the appeal on the gate, which is to be open versus solid, based on the following findings: (1) topography; (2) location; (3) close proximity to other gated developments; and (4) lot sizes.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to approve a

maximum house height of 23 feet on lots 5, 6, 7, and 8, with the remaining lots at a maximum of 25 feet in height, using neutral color schemes as required by the Planning Commission.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk

NOES: Gruendl, Nguyen-Tan

3.3. GENERAL PLAN AMENDMENT AND REZONE FOR THREE PROPERTIES TOTALING APPROXIMATELY 32 ACRES LOCATED ON THE NORTH SIDE OF NORD AVENUE/STATE HIGHWAY ROUTE 32, BETWEEN WEST 8TH AVENUE AND WEST LINDO AVENUE, IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 042-140-077, -098, and -103; GPARZ 03-03 (DUFOR INVESTMENTS/DIGIOVANNI & DIGIOVANNI/VRISIMO) AND AMENDING CHAPTER 19.52, ENTITLED "OVERLAY ZONES," OF THE CHICO MUNICIPAL CODE

By memorandum dated 7/12/04, Senior Planner Murphy reported that at its 7/06/04 meeting, the Council introduced the ordinance for Rezone 03-03 by reading of the title only. By Council motion, the GPA/Rezone was set for public hearing on 7/20/04. The proposed General Plan amendment would change the existing land use designation for three properties totaling approximately 32 acres from Manufacturing and Warehousing to Medium Density Residential (4.01 to 14 units per acre) and Community Commercial and change the corresponding zoning designation from ML Light Manufacturing/Industrial to R2 Medium Density Residential and CN Neighborhood Commercial, with an -SD Special Design Considerations Overlay Zone.

The properties are located on the north side of Nord Avenue/State Highway Route 32, between West 8th Avenue and West Lindo Avenue and are identified as Assessor's Parcel Nos. 042-140-077, -098, and -103. At its 6/17/04 meeting, the Planning Commission recommended that the Council approve the proposed General Plan amendment and rezone. The Planning Commission also conditionally approved a vesting tentative subdivision map and planned development permit for the Westside Place development which would divide two of the aforementioned parcels totaling approximately 20 acres into 141 lots to be developed with a mix of single-family units, multi-family units, and live/work units using a Traditional Neighborhood Design, contingent upon the Council approving the General Plan amendment and rezone. A mitigated negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Mayor Kirk opened the hearing to the public. Addressing the Council were Chris Daniels, Tom DiGiovanni, Jennie DuBose, and Karen Schuller. The hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to: (1) approve except for the roundabout; (2) adopt the mitigated negative declaration and mitigation monitoring program for the project; (3) adopt the General Plan amendment; and (4) adopt the rezone ordinance recommended by staff by the final reading of the title only.

RESOLUTION NO. 16 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR GENERAL PLAN AMENDMENT/REZONE 03-03 (DUFOR INVESTMENTS/DIGIOVANNI & DIGIOVANNI/VRISIMO)

RESOLUTION NO. 17 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FOR THREE PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 042-140-077, -098, and -103 LOCATED ON THE NORTH SIDE OF NORD AVENUE/STATE HIGHWAY ROUTE 32 BETWEEN W. 8TH AVENUE AND W. LINDO AVENUE (GPA 03-03; DUFOR INVESTMENTS/DIGIOVANNI & DIGIOVANNI/VRISIMO)

ORDINANCE NO. 2301 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 042-140-077, -098, and

-103 LOCATED ON THE NORTH SIDE OF NORD AVENUE/STATE HIGHWAY ROUTE 32 BETWEEN W. 8TH AVENUE AND W. LINDO AVENUE (RZ 03-03; DUFOR INVESTMENTS/DIGIOVANNI & DIGIOVANNI/VRISIMO) AND AMENDING CHAPTER 19.52, ENTITLED "OVERLAY ZONES," OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan that the proposal for the roundabout be submitted to Caltrans for review, and that Council receive a copy of the final design approved by Caltrans.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: Herbert

The Council recessed for a 10 minute break at 8:40 p.m.

3.4. PUBLIC HEARING ON CITY OF CHICO 2004-05 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY)

At its meeting of 6/15/04, the Finance Committee, by a 2-1 vote (Wahl opposed), recommended that the City Council approve certain changes to the Nexus assumptions, project list, and resulting impact fees. By memorandum dated 7/01/04, the Director of Public Works forwarded the 2004-05 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) and described the proposed changes, which included addition of a three percent charge for Nexus administration, a \$2.1 million credit for receipt of Congestion Management and Air Quality funds, addition of three street sweepers, addition of \$13 million for improvements to State Highway 32 and the Highway 99/Eaton Road interchange, other miscellaneous revisions to the project list, and the resulting effects on development impact fees. Any fees modified would become effective on the 61st day following adoption of the resolution.

Section 66016 of the California Government Code required that a public hearing on amendments of Development Impact Fees be held, and that a public notice be mailed to anyone who has requested such notice. The required notice was mailed to those parties who have filed such a request. At the request of Councilmember Nguyen-Tan, information was compiled concerning requests from Caltrans that the City collect impact fees for State highways. Two representative example letters dated 5/14/98 and 3/29/04 were forwarded to the Council in the Additional Information packet.

Mayor Kirk opened the hearing to the public. Addressing the Council on this item were Jason Bougie and Kelly Meagher. The hearing was closed.

Actions taken on the summary of changes contained in the staff report were as follows:

Item 1. Administration Charge — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to approve a three percent charge for Nexus administration consisting of a one percent administrative component and a two percent geographic information systems component.

The motion failed by the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk
NOES: Bertagna, Herbert, Wahl

Item 2. Reduction of Federal Funds — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to reduce the Transportation Enhancement Act credit from \$11 million to \$5.5 million.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

Item 3. Addition of \$10 Million for SHR 32 Improvements — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to send this item to Internal Affairs for further review at its next meeting.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl

Item 4. Addition of \$3 Million for SHR 99/Eaton Road Interchange — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: Wahl

Item 5. Addition of Three Street Sweepers — A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: Wahl

Item 6. Street Facilities Fee — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve a credit for receipt of Federal Congestion Management and Air Quality funds.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

Item 7. Cost Allocation for Generalized Police Facilities — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to revise the cost for generalized police facilities.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

Item 8. Bidwell Park Land Acquisition Fund — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to maintain the existing policy of not charging interest on the Bidwell Park Land Acquisition.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

Item 9. Miscellaneous Revisions — A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve miscellaneous revisions to the projects list based on updated cost estimates.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

Council directed staff to bring the fee resolution back to Council for consideration in September, after Internal Affairs has completed its review of Item 3 – SHR 32 \$10 million improvements.

The Council recessed for a five minute break at 9:46 p.m.

4. **REGULAR AGENDA**

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

4.2. **DISCUSSION OF REQUEST FROM TONY SYMMES REGARDING MITIGATION MEASURES FOR MARIPOSA VISTA II AND JENSEN PARK SUBDIVISIONS**

This item was placed on this agenda at the request of Mayor Kirk. By letter dated 6/30/04, Tony Symmes expressed concern over the time it will take the Army Corps of Engineers to process his application for a federal Section 404 permit to fill wetlands. Mr. Symmes requested that the City impose the same requirements to mitigate loss of wetlands that it anticipates would be required by the Army Corps, and on that basis, to then allow grading and site preparation work to proceed consistent with conditions of approval. In addition, Mr. Symmes requested that the City provide funding for the Army Corps to hire personnel to process these and other applications that are important to the City. A copy of a letter from the United States Environmental Protection Agency dated 3/17/04 regarding the Mariposa Vista Subdivision was provided with this agenda. Addressing the Council on this item were Tony Symmes, David Kelly, and John Merz.

A motion was made by Councilmember Herbert and seconded by Councilmember Kirk to direct staff to: (1) send a letter to federal representatives; (2) report back to Council within 30 days regarding possible funding options; and (3) draft a letter to the Army Corps regarding the type of homes being built, if a commitment from Mr. Symmes is received regarding the targeting of low/moderate income first time home buyers for the site.

The motion carried by the following vote:

AYES: Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
DISQUAL: Bertagna, Wahl

4.3. **DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 19, 2004**

By letter dated 6/30/04, the President of the League of California Cities requested the City Council to designate a voting representative and an alternate who will be registered at the Conference and present at the annual business meeting on Sunday, September 19, 2004 at 10:15 a.m. The League Annual

Conference will be held 9/17/04 through 9/19/04 in Long Beach. Council concurred that Mayor Kirk would be the voting delegate, with Councilmember Gruendl as the alternate.

4.5. **FUTURE MEETINGS** – Included in the Additional Information Packet

The Council was asked to discuss the meeting of 10/19/04 as the ICMA conference will be held during that date and both the City Manager and Assistant City Manager will be attending that conference. Council directed staff to cancel the 10/19/04 Adjourned City Council meeting.

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

2.2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Section 54956.9(b).)

5. **BUSINESS FROM THE FLOOR**

Brook Haley, Yen Jin Carson, Tyler Durdan, along with other individuals who did not sign in, addressed the Council regarding their concern over recent hate crimes. Police Chief Hagerty indicated that he and members of his staff would schedule a meeting in order to discuss this with those concerned and would provide the City Manager and Council with a report.

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. Memorandum dated 7/02/04 from the Finance Director reported that the list of claims paid during the month of June 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.2. Memorandum dated 7/01/04 from the Risk Manager reported on claims denied during the quarter ending 06/30/04.

7. **ADJOURNMENT**

Adjourned at 11:03 p.m. to August 3, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 5, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 3, 2004
Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM 2.1., 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 affecting the following:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Gregory R. Jenkins	1102 Mangrove Avenue	003-452-033

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

1. **CALL TO ORDER** — Mayor Kirk called the August 3, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street, at 7:00 p.m.

Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
Absent: Wahl

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF PROPERTY FOR EAST 1ST AVENUE/MANGROVE AVENUE ROAD INTERSECTION PROJECT.** Pursuant to Government Code Section 54954.8, the item of business to be discussed is a conference with the real property negotiator. The item under discussion was instruction to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
Gregory R. Jenkins	1102 Mangrove Avenue	003-452-033

- 2.2. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION:** The City Attorney provided a review of the following: Luallen v City of Chico, et al., Butte County Superior Court Case 128539. (Gov. Code Sec. 54956(a).)
- 2.3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)
- 2.4. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

Adjourned at 7:28 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — August 3, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the August 3, 2004 - Regular Chico Redevelopment Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street, at 7:36 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Lucy Sperlin, Board Chair, Unitarian Fellowship of Chico
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
Absent: Wahl
 - 1.4. Closed Session Announcement — None
 - 1.5. Proclamation — Proclaiming August 6th as “Hiroshima Remembrance Day”
2. **CONSENT AGENDA** — None
3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **UPDATE ON PROPOSED AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT**

At its meeting held 05/18/04, the City Council adopted Redevelopment Plan Amendments to fiscally merge the Chico Merged and Greater Chico Redevelopment Projects. Because the Greater Chico Urban Area Redevelopment Project includes property located in the unincorporated territory of the County of Butte, the Board of Supervisors must approve the Mitigated Negative Declaration and the Amended and Restated Redevelopment Plan for the Greater Chico Urban Area Redevelopment Project. The Executive Director reported that the Board was originally scheduled to consider these items at a meeting today but the discussion was tabled until the 8/17/04 meeting. Agency staff will provide a verbal report on the Board’s action after that meeting. There was no written report on this item.
 - 4.3. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None
5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — August 3, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the August 3, 2004 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:36 p.m.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
Absent: Wahl

2. **CONSENT AGENDA** — Item 2.5 was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the remaining Consent Agenda items, as read:

- 2.1. **ORDINANCE NO. 2302 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO SET THE TIME AND DATE FOR REGULAR COUNCIL MEETINGS** - Final Reading and Adoption

On 07/06/04, the Council directed preparation of an ordinance authorized by Section 602 of the City Charter to establish the date and time of regular Council meetings. The proposed ordinance would provide that: (1) a regular council meeting be held on the first Tuesday of each month, commencing at 6:30 p.m.; (2) if a closed session is also scheduled to be held, that it begin at 6:00 p.m., unless the agenda establishes a different time for the closed session; and (3) a regular meeting may be adjourned to a specific date, time and place.

With the adoption of this ordinance, staff will make the necessary clerical revisions to Administrative Procedure and Policy No. 10-10 to reflect Council's action and to amend the adjournment time to 10:00 p.m.

- 2.2. **RESOLUTION NO. 18 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO RE-APPOINTING THE CITY MANAGER AS THE CITY'S REPRESENTATIVE TO THE BUTTE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY BOARD OF DIRECTORS**

By prior City Council resolutions, the Council authorized the City's participation in a countywide service authority for the abatement of abandoned vehicles, and appointed the City Manager as the City's representative to the Board of Directors of the Butte County Abandoned Vehicle Abatement Service Authority. The Service Authority By-Laws provided that the initial terms of the Directors would be established at the first meeting of the Authority, with half of the Directors having two-year terms and half having four-year terms. The term of the City's representative was determined to be for two years, and such term expires in September 2004. The Authority By-Laws require the appointment or re-appointment of the City's representative by Council resolution. The City Manager recommended City Council approval of this resolution.

- 2.3. **ADOPTION OF RESOLUTIONS DECLARING SURPLUS MONIES IN VARIOUS ASSESSMENT DISTRICTS AND AUTHORIZATION FOR THE DISTRIBUTION OF SURPLUS MONIES TO PROPERTY OWNERS AS PROVIDED IN ADMINISTRATIVE PROCEDURE AND POLICY NO. 10-39**

By memorandum dated 7/16/04, the Finance Director reported surplus monies in the Sierra Sunrise Assessment District following the 3/02/03 final bond call and transmitted resolutions which declared the monies to be surplus and authorized distribution thereof. The City Council previously adopted Administrative Procedure and Policy No. 10-39 (Assessment Districts - Disposition of Excess and Surplus Money) which provided for the disposition of surplus assessment district monies to property owners. The Finance Director recommended adoption of the resolutions.

- A. **RESOLUTION NO. 19 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A SURPLUS IN THE REDEMPTION FUND (752) OF THE SIERRA SUNRISE ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF**

- B. **RESOLUTION NO. 20 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

CHICO DECLARING A SURPLUS IN THE RESERVE FUND (753) OF THE SIERRA SUNRISE ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF

- 2.4. **RESOLUTION NO. 21 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO SUPPORTING S. 2239 (BOXER), THE FIRST RESPONDERS HOMELAND DEFENSE ACT, WHICH WOULD AUTHORIZE FUNDING, TECHNICAL ASSISTANCE AND DIRECT GRANTS TO LOCAL LAW ENFORCEMENT, FIREFIGHTERS, AND PUBLIC HEALTH WORKERS**

This resolution supports S. 2239, the First Responders Homeland Defense Act, which would provide assistance to local governments in funding communications systems improvements. The Mayor recommended approval of the resolution.

- 2.5. **RESOLUTION NO. 22 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE KENTFIELD PARC TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-21 (BARRY-FISCHER PROPERTIES, LLC) — This item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan.**

- 2.6. **MINUTE ORDER NO. 14-04 — AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, FOR THE LEASE OF GROUND SPACE ON CITY PROPERTY LOCATED AT THE WATER POLLUTION CONTROL PLANT**

This minute order authorizes the City Manager to execute a lease agreement for ground space at the Water Pollution Control Plant. In May 2000, the City Council approved a lease to the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), for the exclusive use of approximately 3,000 square feet of ground space at the City's Water Pollution Control Plant for use as a wind profiler site for its Central California Ozone Study.

The lease expired on 9/30/03, and effective 10/01/03, NOAA entered into a holdover tenancy to be continued month-to-month until such time as a new lease could be executed. NOAA has continued paying the monthly lease fee of \$200 since that time. NOAA is requesting a new lease with an initial one-year term with up to four one-year renewal options and further agrees to pay to the City a rate of \$250 per month for rent and electrical usage, which is sufficient to cover any increased energy costs. The Director of Public Works recommended approval of the minute order.

- 2.7. **DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 19, 2004**

By letter dated 6/30/04, the President of the League of California Cities requested the City Council to designate a voting representative and an alternate who will be registered at the Conference and present at the annual business meeting on Sunday, 9/19/04, at 10:15 a.m. The League Annual Conference will be held 9/17/04 through 9/19/04 in Long Beach. At its meeting of 7/20/04, the City Council determined that Mayor Kirk would be designated as the voting delegate with Councilmember Gruendl as an alternate. Subsequent to that meeting, the Chief of Police informed staff that he would be attending the conference and could be an alternate voting representative. This action confirmed the Council's determination and provided authority for the Chief of Police to serve as a second alternate, if necessary.

The motion to approve the Consent Agenda, as read, with Item 2.5. being removed and heard under Item 4.1., carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Wahl

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON ABANDONMENT AND VACATION OF A SANITARY SEWER EASEMENT (1240 PARK AVENUE - ASSESSOR'S PARCEL NO. 005-135-005)**

By memorandum dated 7/8/04, the Director of Public Works forwarded a resolution ordering the abandonment of a sanitary sewer easement to facilitate the development of a senior housing project being planned by the Housing Authority of Butte County. At its meeting of 7/6/04, the City Council adopted a resolution of intention to abandon this sanitary sewer easement and set a public hearing for 8/3/04. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. Addressing the Council was Gary Sannar, Executive Director of the Housing Authority of the County of Butte. The hearing was closed.

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

RESOLUTION NO. 23 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (1240 PARK AVENUE - ASSESSOR'S PARCEL NO. 005-135-005)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Wahl

3.2. **HEARING ON ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT (HARTFORD PARK INVESTMENT GROUP - ASSESSOR'S PARCEL NO. 002-580-070)**

By memorandum dated 7/8/04, the Director of Public Works forwarded a resolution ordering the abandonment of a public utility easement to facilitate the development of townhouse units on Hartford Avenue by the Hartford Park Investment Group. At its meeting of 7/6/04, the City Council adopted a resolution of intention to abandon this public utility easement and set a public hearing for 8/3/04. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 24 04-05 — 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 (HARTFORD PARK INVESTMENT GROUP - ASSESSOR'S PARCEL NO. 002-580-070)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Wahl

3.3. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 539 (SEQUOYAH ESTATES SUBDIVISION)**

By memorandum dated 7/7/04, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 539. As a condition of approval of a subdivision map for this development, generally located between West 11th and West 12th Avenues southeast of Fern Avenue, the developer, Bill Webb, has consented to the formation of this district for the annual maintenance and future replacement of the landscaping and irrigation of the parkway strip along the entrance to the subdivision, and the stormwater treatment facility located within the subdivision. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 25 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO (CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 539 — SEQUOYAH ESTATES SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Wahl

3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 540 (PARK WOOD ESTATES SUBDIVISION)

By memorandum dated 6/25/04, the Director of Public Works reported that this resolution will order the formation of Chico Maintenance Assessment District No. 540. As a condition of approval of a subdivision map for this development, generally located on Filbert Avenue between Downing and Moss Avenues, the developers, Zink-Timmons General Partners, have consented to the formation of this district for the annual maintenance and future replacement of a storm drain interceptor. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. The Mayor opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 26 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO (CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 540 — PARK WOOD ESTATES SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
ABSENT: Wahl

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

- 2.5. **RESOLUTION NO. 22 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE KENTFIELD PARC TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-21 (BARRY-FISCHER PROPERTIES, LLC)** — this item was removed from the Consent Agenda at the request of Councilmember Nguyen-Tan.

By memorandum dated 07/22/04, Associate Planner Summerville reported that at its meeting of 07/06/04, the City Council approved a motion of intent to: (1) deny an appeal filed by Daryl Kaiser by approving an architectural privacy wall proposed along East 1st Avenue; (2) uphold an appeal filed by Todd Hall by requiring the reinstatement of emergency traffic bollards at the terminus of a proposed driveway that accesses Kentfield Road; (3) adopt the mitigated negative declaration and mitigation monitoring program; and (4) approve Kentfield Parc Tentative Subdivision Map and Planned Development Permit S/PDP 03-21 with the condition that no more than two new lots are adjacent to any one existing lot north of the project, provided that the project density is not decreased. A copy of a memorandum from the Planning Director dated 07/12/04 that recommended how staff will implement the City Council's decision to modify the configuration of new lots adjacent to existing lots north of the project was forwarded with the staff report. The Council was provided with a letter dated 8/1/04 from Margarita Olivarez (Kaiser) and Darryl W. Kaiser regarding this item.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to: (1) adopt a mitigated negative declaration and mitigation monitoring program for the project; and (2) approve the Kentfield Parc Tentative Subdivision Map and Planned Development Permit S/PDP 03-21, as conditioned, with one additional condition that Lot 1 on the eastside and the lots be shifted 3 feet to allow a seven foot setback for the other property lines by adopting the following resolution:

RESOLUTION NO. 22 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE KENTFIELD PARC TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 03-21 (BARRY-FISCHER PROPERTIES, LLC)

The motion carried by the following vote:

AYES: Bertagna, Herbert, Kirk
NOES: Gruendl, Nguyen-Tan
ABSENT: Wahl

- 4.2. **CONSIDERATION OF ESTABLISHMENT OF AN AD-HOC CITY COUNCIL COMMITTEE TO DEVELOP A RECOMMENDATION ON HOW TO HONOR THE LATE COLEEN JARVIS**

At the request of Mayor Kirk, the Council was asked to establish an ad-hoc committee to consider ideas and develop a recommendation on how to honor the late Coleen Jarvis. Councilmember Bertagna and Gruendl were selected to serve on this committee, along with other citizens who might want to participate. The Council was provided with an email dated 7/30/04 from Howard Neel suggesting that a room at the Butte County Courthouse be named in honor of Vice Mayor Jarvis.

- 4.3. **FUTURE MEETINGS**

- A. The City Council canceled its meeting of 10/19/04.
- B. The City Manager provided dates for additional interviews for the position of Assistant City Manager. Staff will follow up with the members of Council to determine availability.

- 4.4. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **BUSINESS FROM THE FLOOR**

Joe Persons addressed the Council regarding the possible changing of the name of Community Park to Dr. Martin Luther King Community Park.

Brian Bowen addressed the City Council regarding Chico Nissan's interest in having the city purchase a piece of excess right of way currently owned by Caltrans. The property in question is used by to Chico Nissan for the display of cars. Mr. Bowen felt that by purchasing the property, the City would be able to have direct access to the City's storm drain facilities. Council was provided with a letter dated 7/19/04 from Ray Bowen and a letter dated 7/30/04 from K. Stephen Swenson. Councilmember Bertagna was disqualified on this item.

The Council concurred to send this item to the 8/11/04 Internal Affairs Meeting at 8:00 a.m. Staff was directed to invite Caltrans to be in attendance for participation in the discussion.

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. Memorandum dated 7/09/04, from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.
- 6.2. Memorandum dated 7/15/04, from the Chief of Police providing the 2004 annual report on unclaimed bicycles provided to the Chico Unified School District for low income students and for use in the CUSD bicycle repair classes.
- 6.3. Memorandum dated 7/19/04, from the Finance Director providing a report for the auction held 3/06/04. Section 3.28.130 of the Chico Municipal Code requires a report summarizing the results of the City's auction.
- 6.4. Memorandum dated 7/19/04, from the Finance Director providing the annual Disposition of Unclaimed Property report for the 2003-04 Fiscal Year. Section 3.28.130 of the Chico Municipal Code requires that annually at its first meeting in August, the City Council shall be provided with a report showing the disposition of all City property delivered to the City Manager which was not disposed of at public auction during the preceding fiscal year.
- 6.5. Memorandum dated 7/21/04, from the Art Projects Coordinator reporting that at its meeting of 7/14/04, the Arts Commission denied Gregg Payne's request for an extension on the 6/30/04 deadline for completion of his FY 03-04 mini-grant project. The Commission directed Mr. Payne to submit a FY 05-06 public arts project proposal for his windchimes project, with detailed information as set out in the memorandum.

7. **ADJOURNMENT**

Adjourned at 8:30 p.m. to August 17, 2004, at 7:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 5, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — August 17, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the August 17, 2004 — Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street, at 7:30 p.m.
- 1.1. Flag Salute
- 1.2. Invocation — Moment of Silence was observed.
- 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
- 1.4. Closed Session Announcement — No announcement. Closed Session was canceled.
- 1.5. Mayor's Awards for Local Athletes Who Participated in the Olympic Trials:

Teak Wilburn - Track and Field

Sarah Hernandez, Matt Marshall, and Dale Rodgers - Swimming

- 1.6. Proclamation – Proclaimed August 2004 as Family Violence Prevention Month

2. **CONSENT AGENDA**

3. **NOTICED PUBLIC HEARINGS**

- 3.1. **HEARING ON (1) SALE OF AGENCY-OWNED PROPERTY; AND (2) OPTIONS TO PURCHASE AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO CHRISTIAN FRIEDLAND AND DAVID BOCTOR**

At its 07/08/04 meeting, the Economic Development Committee recommended approval of a request from Christian Friedland and David Boctor to purchase a 3.0 acre parcel of Agency-owned property and secure options to purchase two additional parcels at the Chico Municipal Airport subject to the conditions outlined in the staff report to the Committee dated 07/01/04, a copy of which was provided to the Agency. The sale price of the property would be based on the current appraised value of \$359,370. By memorandum dated 08/06/04, the Executive Director of the Redevelopment Agency submitted the Summary Report required by State law. Mayor Kirk opened the hearing to the public. Howard Slater addressed the Agency. The hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to adopt the resolution authorizing the: (1) sale of the Agency-owned property; and (2) options to purchase Agency-owned property be granted to Christian Friedland and David Boctor.

RESOLUTION NO. 19-04 — A RESOLUTION OF THE GOVERNING BOARD OF THE CHICO REDEVELOPMENT AGENCY, APPROVING THAT CERTAIN AGREEMENT ENTITLED, "AGREEMENT FOR SALE OF PROPERTY AND OPTIONS TO PURCHASE PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA BENEFITTED BY ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (CHICO REDEVELOPMENT AGENCY/CHRISTIAN FRIEDLAND AND DAVID BOCTOR)," WHICH PROVIDES FOR THE TERMS OF SALE AND OPTIONS TO PURCHASE AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT REDEVELOPMENT PROJECT AREA TO CHRISTIAN FRIEDLAND AND DAVID BOCTOR

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **UPDATE ON PROPOSED AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT**

At its meeting held 05/18/04, the City Council adopted Redevelopment Plan Amendments to fiscally merge the Chico Merged and Greater Chico Redevelopment Projects. Because the Greater Chico Urban Area Redevelopment Project includes property located in the unincorporated territory of the County of Butte, the Board of Supervisors must approve the Mitigated Negative Declaration and the Amended and Restated Redevelopment Plan for the Greater Chico Urban Area Redevelopment Project. Staff provided the Agency with an update of the meeting that was held by the Board at its meeting today, where the Supervisors approved the Mitigated Negative Declaration and introduced an ordinance approving the Amended and Restated Redevelopment Plan for the Greater Chico Urban Area Redevelopment Project. Final action by the Board of Supervisors is scheduled for 8/31/04 meeting. It was noted that Councilmember Bertagna and Herbert were disqualified on this item.

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD JULY 21, 2004**

By memorandum dated 7/26/04, the Finance Committee provided a report on its meeting held on 7/21/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair. The Council was provided with the documents received by the Committee.

COMMITTEE MATTERS REQUIRING COUNCIL/AGENCY ACTION AT THIS MEETING:

- A. **Second Review of Affordable Housing Proposal from Pacific West Communities (PWC) - 144 Units Multifamily Rental Project on Bruce Road North of 20th Street.** This item was withdrawn from the agenda at the request of Pacific West Communities (PWC) by letter dated 8/17/04.
- B. **1200 Park Avenue Senior Housing Project - Request for Additional Financial Assistance.** The Committee approved (3-0) the additional \$750,000 financial assistance request from Affordable Housing Development Corporation for completion of the affordable senior housing development located at 1200 Park Avenue.

By memorandum dated 8/4/04 the Housing Officer provided additional information to the Agency for consideration with the Finance Committee recommendation on the funding request. Addressing the Council on this issue was Gary Sannar, Executive Director of the Housing Authority of the County of Butte

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to approve the following supplemental appropriation:

APPROVAL OF SUPPLEMENTAL APPROPRIATION RDA NO. 04-05 02 IN THE AMOUNT OF \$375,000 TO ALLOCATE FUNDS FROM THE CHICO MERGED REDEVELOPMENT PROJECT AREA LOW AND MODERATE INCOME HOUSING FUND AND BUDGET MODIFICATION NO. 04-05 02 AUTHORIZING THE TRANSFER OF \$375,000 FROM THE RENTAL HOUSING PROJECT TO THE 1200 PARK AVENUE SENIOR HOUSING PROJECT

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO COUNCIL/AGENCY ACTION AT THIS MEETING:

- C. **Special Request From Mortgage Subsidy Program (MSP) Borrower- Darnell.** The Committee approved (3-0) transfer of the deed of trust securing Ms. Darnell's MSP loan to another property.
- D. **Request for Funding Assistance for the Renovation of Shapiro Pool.** The Committee directed staff to continue working with the Chico Area Recreation and Park District and California State University, Chico to develop funding recommendations.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the July 21, 2004 Finance Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 17, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the August 17, 2004 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Item 2.8. was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the remaining Consent Agenda items:

- 2.1. **RESOLUTION NO. 27 04-05 — 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 - CHICO CANYON ROAD ANNEXATION DISTRICT NO. 6 (BENSON/LAWING - ASSESSOR'S PARCEL NO. 011-020-097)**

By memorandum dated 7/19/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel, with a total area of 13.491 acres, located on the south side of Chico Canyon Road, 1,350 feet east of Sparrow Hawk Lane. The parcel has been approved for development of the eleven lot Sparrow Hawk Ridge single family residential subdivision. The Assistant Community Development Director recommended adoption of the resolution.

- 2.2. **RESOLUTION NO. 28 04-05 — 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 - WEST 12TH AVENUE ANNEXATION DISTRICT NO. 2 (WEBB/FAGG - ASSESSOR'S PARCEL NOS. 043-040-083 and 098)**

By memorandum dated 7/19/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of two parcels, with a total area of .55 acres, located at 1241 and 1245 West 12th Avenue. The parcels are developed with single family residences and connection to the sanitary sewer is proposed. The Assistant Community Development Director recommended adoption of the resolution.

- 2.3. **RESOLUTION NO. 29 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 20 04-05, DECLARING A SURPLUS IN THE RESERVE FUND (753) OF THE SIERRA SUNRISE ASSESSMENT DISTRICT AND AUTHORIZING THE DISTRIBUTION THEREOF**

By memorandum dated 8/05/04, the Finance Director reported that the names of four property owners were incorrect on Exhibit "B" of Resolution No. 20 04-05, Declaring a Surplus in the Reserve Fund (753) of the Sierra Sunrise Assessment District and Authorizing the Distribution Thereof, adopted by the City Council at its meeting of 8/3/04. This resolution amended that resolution to correct the names of the property owners on Exhibit "B" as set forth in this resolution. The Finance Director recommended adoption of the resolution.

- 2.4. **MINUTE ORDER NO. 15-04 — AUTHORIZATION FOR DONATION OF SURPLUS CHICO AREA TRANSIT SYSTEM (CATS) FAREBOXES TO THE COUNTY OF BUTTE FOR USE ON OROVILLE EXPRESS VEHICLES**

On 7/14/04, the facility in Oroville in which the Oroville Area Transit System (OATS) and Oroville Express vehicles are stored was buglarized and fareboxes were stolen from two Oroville Express vehicles. The Oroville Express and OATS vehicles are owned by the County of Butte. With the recent purchase and installation of new electronic fareboxes for CATS, there are 20 Diamond manual fareboxes that are no longer needed or used by the City. Butte County Association of Governments, which is administering the transit systems for Butte County, requested the donation of seven of the old CATS fareboxes to be used on the two Oroville Express vehicles that were burglarized and five for the other Oroville Express

vehicles so that the fareboxes are all keyed the same.

Due to the immediate need for fareboxes for Oroville Express and the fact that the fareboxes are of minimal value and only of practical use to another transit system, staff requested authorization to donate the surplus fareboxes to the County of Butte. The Assistant City Manager recommended approval of the minute order.

2.5. MINUTE ORDER 16-04 — 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 (FY 04-05)

This minute order authorized an agreement with Butte County by which the City provides 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. The execution of the agreement, with a term commencing 10/1/04 and ending 9/30/05, is contingent on confirmation that Butte County has adopted a budget which continues the base level of service for the Chico branch of the library. The Assistant City Manager recommended approval of the minute order.

2.6. MINUTE ORDER NO. 17-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT TO CALIFORNIA WATER SERVICE COMPANY AT THE CHICO MUNICIPAL AIRPORT PIPER AVENUE HANGAR FACILITY

This minute order authorized the City Manager to execute a deed granting an easement to California Water Service Company to extend water service on City-owned property leased to and under development by Aero Union Corporation on Piper Avenue at the Chico Municipal Airport. The water service is required for installation of a fire hydrant adjacent to the hangar facility which is currently under construction. The City Manager recommended approval of this minute order.

2.7. APPROVAL OF MINUTE ORDERS AUTHORIZING ACQUISITION OF VARIOUS PROPERTIES IN CONNECTION WITH THE EAST FIRST AVENUE/MANGROVE AVENUE INTERSECTION PROJECT LISTED AS FOLLOWS:

At its 02/17/04 closed session, the City Council authorized the negotiated purchase of the following properties in connection with the City's East First Avenue/Mangrove Avenue intersection project. The listed minute orders authorize the City Manager to execute documents for the needed acquisitions. The Assistant City Manager recommended approval of the minute orders. Councilmember Bertagna disqualified himself on this item and subsequent action.

A. MINUTE ORDER NO. 18-04 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1101 MANGROVE AVENUE (APN 003-451-026) - SHARMA

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire an easement and a temporary construction easement for \$514.

B. MINUTE ORDER NO. 19-04 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1058 MANGROVE AVENUE (APN 003-220-056) - KANGERGA

This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire property, improvements, and a temporary construction easement as set out in the minute order for \$66,068.

2.8. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR THE CONSTRUCTION OF A ONE MEGAWATT SOLAR ELECTRIC GENERATION FACILITY AT THE WATER POLLUTION CONTROL PLANT — this item was removed from the Consent Agenda and heard under Item 4.1.

2.9. **DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - HEATHCOTE CELLARS, 336 BROADWAY, SUITE 14, CHICO**

By memorandum dated 7/26/04, the Community Development Director recommended that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 23958.4, concerning the issuance of alcoholic beverage licenses for Heathcote Cellars located at 336 Broadway, Suite 14, Chico. The Community Development Director recommended a determination of public convenience or necessity.

A motion to approve the Consent Agenda, with Item 2.8. removed and heard under Item 4.1.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna on Item 2.7.

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION OF THE INTERSECTION OF EAST FIRST AVENUE/MANGROVE AVENUE (1102 MANGROVE AVENUE - ASSESSOR'S PARCEL NO. 003-452-033 - JENKINS)**

The City is undertaking reconstruction of the intersection of East First Avenue and Mangrove Avenue to widen the intersection to provide for a right turn lane for each approach. Because of this reconstruction project, the City must acquire additional right-of-way and temporary construction easements from several property owners proximate to the East First Avenue/Mangrove Avenue intersection.

By notice letter dated 07/28/04, Gregory R. Jenkins, the property owner of 1102 Mangrove was advised of this hearing, of the City's intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owner should submit a request in writing within 15 days of the date of the letter if he wished to be heard at this meeting. No request was received as of the date of preparation of this agenda.

By memorandum dated 8/10/04, the Assistant City Manager transmitted copies of the notice letter to the property owner, the resolution authorizing acquisition of interests in the properties by eminent domain, the 7/29/04 Engineer's Report from the Director of Public Works which supports the California Government Code findings required to adopt the resolution, and the notice of determination for the reconstruction project.

Councilmember Bertagna disqualified himself on this item and subsequent action. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to adopt the following resolution:

RESOLUTION NO. 30 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 1102 MANGROVE AVENUE (ASSESSOR'S PARCEL NO. 003-452-033) IN CONNECTION WITH A PROJECT TO RECONSTRUCT THE INTERSECTION OF EAST FIRST AVENUE AND MANGROVE AVENUE AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

AYES: Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna

4. **REGULAR AGENDA**

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

2.8. **APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR THE CONSTRUCTION OF A ONE MEGAWATT SOLAR ELECTRIC GENERATION FACILITY AT THE WATER POLLUTION CONTROL PLANT**

At its meeting held on 6/14/04, the City Council directed staff to conduct a request for proposals (RFP) for a one megawatt solar facility to be located at the City's Water Pollution Control Plant. By memorandum dated 8/6/04, the Director of Public Works recommended an allocation of \$4,474,700 from the Sewer Fund (850) to fund the City's share of the facility. The funds would represent an internal loan against future operational savings. An administrative supplemental appropriation confirming Council's action will be processed following this meeting. The Director of Public Works recommended approval of the supplemental appropriation. Addressing the Council on this issue was Norm Nielsen.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Herbert to approve the supplemental appropriation and direct staff to meet with Norm Nielsen to review the bid process.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON JULY 22, 2004**

By memorandum dated 7/29/04, the Internal Affairs Committee provided a report on its meeting held on 7/22/04. Committee members present were Councilmembers Bertagna, Kirk, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Consideration of a Request by Wayne Cook to Reconsider the Location of the Loading Zone in Front of the Diamond Hotel on West Fourth Street.** The Committee recommended (3-0) relocation of the loading zone to directly in front of the hotel but did not recommend the establishment of a red zone in lieu of a metered space. Councilmember Wahl disqualified himself on this item and subsequent action.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to adopt the following resolution:

RESOLUTION NO. 31 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION (AMENDMENT NO. 781)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: None
DISQUAL: Wahl

- B. **Consideration of the Request of Merit Medi Trans to Modify the Chico Municipal Code**

Vehicle for Hire Permit Regulations to Exempt Non-Emergency Medical Transport Services. The Committee recommended (3-0) exemption of all non-emergency medical transport companies regulated by the State from the City of Chico Vehicle for Hire permit regulations.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to introduce the following ordinance, by the reading of the title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.28 ENTITLED, "VEHICLES FOR HIRE," OF THE CHICO MUNICIPAL CODE - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING:

- C. **Consideration of a Request from the Butte Community Coalition to Rename Warner and Ivy Streets.** Because the Council previously indicated it was not willing to rename an existing street for Dr. Martin Luther King, Jr., and because Mr. Hyman indicated that the Butte Community Coalition was not interested in considering alternative proposals, the Committee took no action on this item.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to accept the 7/22/04 Internal Affairs Committee Report.

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE SOLID WASTE COMMITTEE ON ITS MEETING HELD JULY 21, 2004**

By memorandum dated 7/29/04, the Solid Waste Committee provided a report on its meeting held 7/21/04. Committee members present were Councilmembers Gruendl, Nguyen-Tan and Wahl, Chair. The Council was provided with the documents received by the Committee.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Consideration of Draft Solid Waste Collection Rate Methodology.** The Committee recommended (3-0) implementation of the rate methodology set forth in the report.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to adopt the following resolution which will implement the Committee's recommendation by incorporating the rate methodology into the City's Solid Waste Collection and Recycling Fees Fee Schedule 10.040:

RESOLUTION NO. 32 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 288 - SOLID WASTE COLLECTION AND RECYCLING FEES)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: None

- B. **Consideration of a Request from the Inter-Fraternal and Pan-Hellenic Councils for Recycling Containers.** The Committee directed staff to work with IFC, Pan-Hellenic, and Associated Students Recycling to determine whether the donated single recycling bins from Norcal could be used, but approved (3-0) the request for up to \$1,400 for the stackable bins using Department of Conservation grant funds allocated in the City's 2004-05 Capital budget for beverage container recycling programs.
- C.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to approve the request for up to \$1,400 for stackable bins using Department of Conservation grant funds for beverage container recycling containers.

The motion carried by the following vote:

AYES:	Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES	None
DISQUAL:	None

4.4. **UPDATE ON A REQUEST FROM CHICO NISSAN INC., THAT THE CITY OF CHICO OBTAIN EXCESS CALTRANS LAND ADJACENT TO THE CHICO NISSAN DEALERSHIP WHICH IS LOCATED AT 575 MANZANITA AVENUE**

At its meeting of 8/3/04, the City Council referred this item to the Internal Affairs Committee for consideration at its 8/11/04 meeting. Because the Council directed that this matter be addressed as soon as possible, it was listed on this agenda although the Committee report was not completed. The City Council was provided with a copy of the letter and supporting documents dated 7/19/04 from Ray Bowen, a copy of the letter dated 7/30/04 from K. Stephen Swenson, a copy of a letter dated 8/12/04 from Jennifer Lowden, Cal Trans Right of Way Agent, a copy of an e-mail dated 6/30/04 from Lee Ann Lambirth of Caltrans to City, Caltrans, BCAG and Assemblyman Keene's office staff regarding "Chico Nissan Meeting Notes," and an excerpt of the report from the Internal Affairs Committee on its meeting held 8/11/04 which indicated that the matter needs to be resolved between the Bowens and Caltrans before the City gets involved. Councilmember Bertagna disqualified himself on this item.

4.5. **CONSIDERATION OF REQUEST FROM COUNCILMEMBER BERTAGNA FOR COUNCIL APPROVAL TO FLY THE UNITED STATES FLAG FOR THE MONTH OF SEPTEMBER**

By letter dated 8/10/04, Councilmember Bertagna requested City Council approval for the United States flag to be flown for the month of September in remembrance of the 9/11/01 attacks and in support of American forces still overseas fighting terrorist activities. Last year, Council voted to fly the flag from September 11th through September 15th allowing for additional days necessary for set up and removal. Pursuant to City Council rules of procedure, a motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to consider this matter at this meeting. The motion carried unanimously.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to annually have the flags put up before Labor Day and taken down after September 11, and to have the Internal Affairs Committee review the schedule for the flying of the flags at a future meeting.

The motion carried by the following vote:

AYES:	Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES	None
DISQUAL:	None

4.6. **ITEMS ADDED AFTER 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. At the request of Councilmember Bertagna, the City Council was provided with a letter received 8/3/04 from Doug Dirks, Tri-Alliance Automotive Group, Inc., proposing a safety structure for the driveway of his business located at 287 Humboldt Avenue. This item was referred to the Internal Affairs Committee.
- 6.2. Memorandum dated 8/02/04 from the Finance Director reporting that the list of claims paid during the month of July 2004 had been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. By memorandum dated 8/02/04, the Personnel Director forwarded the Equal Employment Opportunity Report for the period of 7/01/03 through 6/30/04 for Council review. The report was previously reviewed and approved by the Human Resources Commission.

7. **ADJOURNMENT**

Adjourned at 8:17 p.m. to September 7, 2004, at 6:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: October 5, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 7, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** The City Attorney reviewed the following cases: (1) *Moua v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. CIV-S-02-0923 DFL KJM; (2) *Moua v. City of Chico, et al.*, Butte County Superior Court, Case No. 132493; and (3) *United States of America, ex rel. Kenneth Chee Lee, et al. v. City of Chico*, U.S. District Court, Eastern District, Case No. CIV-S-04-0748 DFL GGH. (Gov. Code Section 54956.9(a).)
- 2.2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation: One Case. (Gov. Code Sec. 54956.9(b).)
- 2.3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** The City Council will review the City Attorney's performance. (Gov. Code Section 54957.)

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — September 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 7, 2004 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Flag Salute
 - 1.2. Invocation — Pastor Neal Neuenburg, Aldersgate United Methodist Church
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Closed Session Announcement — None
 - 1.5. Mayor's Award — Olympian Haley Cope
 - 1.6. Proclamation — 9/11/01 - A Day to Remember
September 9th – Fetal Alcohol Spectrum Disorder (FASD) Awareness Day
September 12th -18th – National Assisted Living Week

2. **CONSENT AGENDA** — The Chico Redevelopment Agency acted in its capacity as both the Chico Redevelopment Agency and the Chico City Council in order to consider Item 2.1. A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the Consent Agenda, as read:

- 2.1. **APPROVAL OF RESOLUTIONS AUTHORIZING ADDITIONAL FUNDS FOR THE DEVELOPMENT OF AN AFFORDABLE SENIOR RENTAL HOUSING PROJECT LOCATED AT 1200 PARK AVENUE**

At its meeting of 8/17/04, the City Council adopted the Finance Committee's recommendation to approve additional funds for the 1200 Park Avenue Senior Housing Project. The resolutions below formalize the approval of the additional funds and provide the City Manager and the Executive Director the authority to amend the Loan and Grant Agreements as necessary to incorporate the additional funding.

RDA RESOLUTION NO. 20-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AN ADDITIONAL LOAN OF FUNDS FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO THE 1200 PARK AVENUE LIMITED PARTNERSHIP FOR THE DEVELOPMENT OF AN AFFORDABLE SENIOR RENTAL HOUSING PROJECT LOCATED AT 1200 PARK AVENUE, CHICO, CALIFORNIA (Agency Action)

RESOLUTION NO. 33 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AN ADDITIONAL GRANT OF FUNDS FROM THE CITY'S HOME PROGRAM TO THE 1200 PARK AVENUE LIMITED PARTNERSHIP FOR THE DEVELOPMENT OF AN AFFORDABLE SENIOR RENTAL HOUSING PROJECT LOCATED AT 1200 PARK AVENUE, CHICO, CALIFORNIA (City Council Action)

The motion carried by the following vote:

- AYES: Bertagna, Gruendl, Herbert, Wahl, Kirk
NOES: None
ABSENT: Nguyen-Tan

3. **NOTICED PUBLIC HEARINGS**

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — September 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 7, 2004 – Regular Chico City Council Meeting to order at 6:45 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2303 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.28 ENTITLED, "VEHICLES FOR HIRE," OF THE CHICO MUNICIPAL CODE - Final Reading and Adoption**

At its 8/17/04 meeting, the City Council approved the Internal Affairs Committee recommendation to amend Chapter 5.28 of the Chico Municipal Code to exempt non-emergency medical transportation companies that are regulated by the State of California from the City's Vehicle for Hire permit regulations. The City Manager recommended adoption of the ordinance by reading of the title only.

- 2.2. **RESOLUTION NO. 34 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO UPHOLDING AN APPEAL AND AMENDING CONDITIONS OF APPROVAL FOR VESTING TENTATIVE SUBDIVISION MAP S 03-12 FOR SPARROW HAWK RIDGE (BENSON)**

By memorandum dated 8/17/04, Principal Planner Bishow reported that at its meeting of 7/20/04, the City Council approved a motion of intent to uphold an appeal and amend certain conditions of approval as adopted by the Planning Commission for the Sparrow Hawk Ridge subdivision. The Council's action amended Planning Commission conditions which limited the height of homes on certain lots in the project and required elimination of a proposed access gate to the subdivision. The Planning Director recommended that the Council adopt the resolution, which: (1) amends conditions of approval so as to allow homes between 23 and 25 feet in height where a 20-foot height limit had been imposed by the Planning Commission; and (2) deletes a condition of approval which required elimination of a proposed private access gate.

- 2.3. **RESOLUTION NO. 35 04-05 — A RESOLUTION OF THE 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 - THE ESPLANADE ANNEXATION DISTRICT NO. 28 (KAHN/CROSSEN - ASSESSOR'S PARCEL NO. 006-044-002)**

By memorandum dated 8/16/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel located on the southeast corner of the intersection of East Lassen Avenue and The Esplanade, and adjacent Lassen Avenue right-of-way, with a total area of 3.391 acres. The vacant property is designated and zoned for commercial and office use. The annexation was initiated to facilitate the commercial development of the property utilizing City services. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution.

- 2.4. **RESOLUTION NO. 36 04-05 — 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 - HOLLY AVENUE ANNEXATION DISTRICT NO. 5 (PICASO/ MELLO/SIMMEN/TATREAU/STRUB/MARTIN - ASSESSOR'S PARCEL NOS. 043-021-009, 021, 035 AND 036)**

By memorandum dated 8/17/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of four parcels, with a total area of 4.12 acres, located on the west side of

Holly Avenue, 250 feet north of West 12th Avenue.

Of the four parcels, the subdivision of two for development of the 16 lot Holly Estates single family residential project has been approved by the City. The other two parcels are developed with single family residences. The area is designated and rezoned for low density residential use. The Assistant Community Development Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 37 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO SUPPORTING PROPOSITION 1A, ENTITLED “PROTECTION OF LOCAL GOVERNMENT REVENUES”

By memorandum dated 08/30/04, the City Manager reported that since the early 1990's the State has taken over \$11 million in City of Chico General Fund revenue to fund State operations and programs. This loss of revenue has significantly impacted the City Council's ability to fund critical local services. Senate Constitutional Amendment No. 4 (SCA 4) will appear on the 11/02/04 general election ballot as Proposition 1A, entitled “Protection of Local Government Revenues” and would enact substantial reforms to the State legislature's ability to raid the local government shares of property tax, sales tax, and vehicle license fee revenues to pay for State programs. The League of California Cities has requested that cities offer support for Proposition 1A. The City Manager recommended adoption of the resolution.

2.6. MINUTE ORDER NO. 20-04 — AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 1055 MANGROVE AVENUE (APN 003-220-049) - VANELLA OIL

At its 02/17/04 closed session, the City Council authorized the negotiated purchase of a portion of 1055 East Avenue (APN 003-220-049) from Vanella Oil in connection with the City's East First Avenue/Mangrove Avenue intersection widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right of way and a temporary construction easement for \$3,352. The Assistant City Manager recommended approval of the minute order.

2.7. PUBLIC MEETING ON 2004 LOT CLEANING/WEED ABATEMENT ASSESSMENTS

By memorandum dated 8/23/04, Projects Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to hold a public meeting (9/7/04) and public hearing (9/21/04) before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the property tax roll. Affected property owners were provided with written notice of the public meeting and public hearing. A list of those property owners whose lot cleaning/weed abatement bills remained unpaid as of 8/23/04 was attached to the Projects Manager's memorandum. Because this item was not removed from the Consent Agenda for protest or comment from the public, no action was required.

2.8. REFERRAL OF DISCUSSION OF BIDWELL PARK TRAIL MAINTENANCE PROGRAM

Councilmember Bertagna requested a review of the Bidwell Park Trail Maintenance Program. By memorandum dated 8/26/04, the Park Director summarized the program. The City Manager recommended referral to the Internal Affairs Committee.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna on Item 2.6. only

3. NOTICED PUBLIC HEARINGS — None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON AUGUST 11, 2004**

By memorandum dated 8/11/04, the Internal Affairs Committee provided a report on its meeting held on 8/11/04. Committee members present were Councilmembers Bertagna, Kirk, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. **Approval of the Director of Public Works Recommendation to Leave the Council Approved 25 MPH Speed Limit in Place on East Eighth Street.** The Committee recommended (3-0) leaving the existing 25 MPH speed limit on East Eighth Street.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nguyen-Tan to approve the recommendation of the Internal Affairs Committee.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

B. **Consideration of Proposed Street Facility Fee Components of the 2004-05 Update of Development Impact Fees Analysis and Recommendations (Nexus Study).** The Committee approved (3-0) the inclusion of funding for SHR 32/Fir Street to Yosemite in the Nexus Study, of which \$8.5 million would be allocated from street facility fees and \$1.5 million allocated from redevelopment funds (as referenced in the Additional Information packet), but referred the list of bicycle improvement projects included in the Nexus Study to the Bicycle Advisory Committee. The Committee also agreed to reconsider the Administrative and GIS fees at a future Internal Affairs meeting.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to table this item for 60 days and to direct staff to request assistance from Assemblymember Rick Keene in obtaining state funding for SHR 32 improvements with all correspondence from BCAG and Caltrans, along with staff reports to be forwarded with the request.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk

NOES: Gruendl, Nguyen-Tan

Staff was further directed to provide the following when this item comes back to Council in November: (1) a list of projects that would be delayed if redevelopment funds are used for SHR 32 improvements; and (2) the rationale for the proposed split of \$8.5 million from street facility fees and \$1.5 million from RDA funds.

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING

C. **Police Department Staffing Needs.** The Committee agreed (3-0) to agendize all departmental strategic plans for a future meeting.

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD AUGUST 25, 2004**

By memorandum dated 8/26/04, the Finance Committee provided a report on its meeting held on 8/25/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING COUNCIL ACTION AT THIS MEETING:

A. **Approval of a Supplemental Appropriation to Fund an Update of the City's Traffic Model.**

The Committee recommended the allocation of \$51,000 from the Chico Merged Redevelopment Project Area Fund (351) and \$51,000 from the Street Facility Improvement Fee Fund (308) to fund an update to the City's traffic model.

It subsequently was determined that adequate professional services funds had been included in the 2004-05 Chico Redevelopment Agency Operating Budget to fund the redevelopment portion of this study. Therefore, this supplemental appropriation would allocate only the share of the study to be funded from the Street Facility Improvement Fee Fund (308).

The City Council was provided with a copy of the Street Facility Improvement Fee Fund (308) Fund Summary which reflects the estimated 06/30/05 fund balance. Councilmember Nguyen-Tan questioned why the total amount was not being funded out of the Street Facility Improvement Fee Fund (308) when it was his understanding that this fund was made up of fees collected from developers throughout the community for the purpose of maintaining the city streets. Councilmember Bertagna questioned why the Council was receiving a different legal opinion from what the Finance Committee had received. The City Attorney noted that when his office originally reviewed the request, it was in the context of a resolution which requires a specific finding under community redevelopment law. He further explained that due to how those findings work, it was now his opinion that the city would not be able to directly fund half of the study. He did indicate that the city could recover part of the cost of the study based upon the redevelopment projects already completed after the fact. Based on that information, the City Manager amended the Finance Committee's recommendation to amend the supplemental appropriation to reflect the full amount of \$102,000 from the Street Facility Improvement Fee Fund (308) for the update of the city's traffic model.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to approve the supplemental appropriation modified to reflect an increase from \$51,000 to \$102,000 from the Street Facility Improvement Fee Fund (308), along with direction to staff to develop a mechanism to recover costs from future redevelopment projects.

SUPPLEMENTAL APPROPRIATION NO. CITY 04-05 03 TO FUND AN UPDATE OF THE CITY'S TRAFFIC MODEL

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

B. **Approval of an Administrative Procedure and Policy (AP&P) for a Housing Rehabilitation Loan Program for Owners of Mobile Homes in Parks.**

The Committee recommended (3-0) approval of an AP&P for a housing rehabilitation loan program for owner-occupied mobile homes in parks through use of Community Development Block Grant funds and various other resources as they become available.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve

the Administrative Procedure and Policy (AP&P) as recommended by the Finance Committee.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- C. **Consideration of a Supplemental Appropriation to Fund a Park and Recreational Facilities Public Opinion Survey.** The Committee recommended (3-0) approval of a supplemental appropriation in the amount of \$20,000 from the Community Park Fund (330) to fund the City's share of the survey and related staff costs, and that the Board of Directors of the Chico Area Recreation and Park District (CARD) be requested to move forward with the Request for Proposal (RFP) process to obtain a consultant. The City Council was provided with a copy of the Community Park Fund (330) Fund Summary which reflects the estimated 06/30/05 fund balance. The Council was provided with a copy of an e-mail dated 9/7/04 from Susan Mason, President, Friends of Bidwell Park, asking that a copy of a letter from Josephine Guardino regarding Bidwell Ranch be included in the City Council agenda packet. Addressing the Council regarding this item were Marilyn Ey, Gloria Bettencourt, and Ken Fleming.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the following supplemental appropriation:

SUPPLEMENTAL APPROPRIATION NO. 04-05 05 TO FUND A PARK AND RECREATIONAL FACILITIES PUBLIC OPINION SURVEY

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING

- D. **Consideration of Request for \$75,808 Housing Rehabilitation Loan - Susan Hughes - 809 Nancy Lane.** The Committee approved (3-0) the request for the Housing Rehabilitation Loan.
- E. **Consideration of Special Request From Mortgage Subsidy Program (MSP) Borrower - Donna Johnson.** Because it was inconsistent with the Administrative Procedures and Policies of the Mortgage Subsidy Program, the Committee denied (3-0) Ms. Johnson's request to repay the Agency less than the full amount owed on her MSP loan.

4.4. **ITEMS ADDED AFTER 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. Memorandum dated 8/13/04 from the Assistant City Manager providing a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. **ADJOURNMENT**

Adjourned to Closed Session at 7:23 p.m. and following Closed Session, then adjourned at 8:20 p.m. to September 21, 2004, at 6:00 p.m., in Conference Room No. 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 5, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 21, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 21, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

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

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — September 21, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 21, 2004 - Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:30 p.m.

1.1. Flag Salute

1.2. Invocation — Pastor Dr. Tom Shifflet, First Christian Church

1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — None

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **UPDATE ON THE REDEVELOPMENT PLAN AMENDMENT PROCESS TO FISCALLY MERGE THE CHICO MERGED AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS**

At its meeting held 05/18/04, the City Council adopted Redevelopment Plan Amendments to fiscally merge the Chico Merged and Greater Chico Redevelopment Projects. Because the Greater Chico Urban Area Redevelopment Project includes property located in the unincorporated territory of the County of Butte, it also was necessary for the Board of Supervisors to approve an amendment to the Greater Chico Urban Area Redevelopment Project. An ordinance approving such amendment was adopted by the Board of Supervisors on 08/31/04. Agency staff provided an update on the amendment process. Councilmembers Herbert and Wahl disqualified themselves on this item.

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — September 21, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the September 21, 2004 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
2. **CONSENT AGENDA** — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to approve the following Consent Agenda items:
 - 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY SOUTH OF EAST 9th STREET (SHR 32), EAST OF BOUCHER AVENUE, WEST OF SHR 99, AND NORTH OF FAIR STREET RELATED TO ADOPTION OF THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN (GPARZ 04-03; CITY OF CHICO) - Introductory Reading**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 19.52, ENTITLED “OVERLAY ZONES,” OF THE CHICO MUNICIPAL CODE RELATED TO ADOPTION OF THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN (GPA/RZ 04-03; CITY OF CHICO) - Introductory Reading

By memorandum dated 09/01/04, Senior Planner Vieg reported that at the Planning Commission meeting of 08/19/04, the Commission voted (7 in favor and 0 opposed) to recommend to Council the adoption of the Chapman/Mulberry Neighborhood Plan (the Neighborhood Plan), amendments to General Plan text, approval of amendments to General Plan designations for certain properties, rezones of certain properties, and an amendment to the Chico Municipal Code to provide for a Special Design Considerations (-SD) Overlay District. The Neighborhood Plan area is generally located between East 9th Street (SHR 32) to the North, Boucher Avenue to the East, SHR 99 to the West, and Fair Street to the South. A negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: (1) introduce both ordinances by reading of the titles only and (2) schedule a public hearing on 10/05/04 to consider the following: (a) a resolution approving a proposed negative declaration; (b) a resolution adopting the Chapman/Mulberry Neighborhood Plan, amending the land use designation for various properties, and amending a General Plan policy; (c) final reading and adoption of an ordinance rezoning various properties; and (d) final reading and adoption of an ordinance amending Section 19.52.070 of the Chico Municipal Code to include the addition of a special design considerations (-SD) overlay zone.

2.2. RESOLUTION NO. 38 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING GRANT OF LICENSE TO NELLA OIL COMPANY, LLC FOR ENCROACHMENT ON PUBLIC RIGHT OF WAY (2402 COHASSET ROAD) ASSESSOR'S PARCEL NO. 015-320-089

By memorandum dated 8/27/04, the Director of Public Works reported on a request by Hanover Environmental Services Inc., on behalf of Nella Oil Company, to encroach on public right of way at 2402 Cohasset Road, APN 015-320-089 in the City of Chico for the purpose of installing a groundwater monitoring well as part of an ongoing groundwater investigation in the vicinity of 801 East Avenue, the former site of North Valley Plaza Cleaners. The Director of Public Works recommended adoption of this resolution which authorized the City Manager to execute the grant of license.

2.3. RESOLUTION NO. 39 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.180 ENTITLED, "CONFLICT OF INTEREST CODE" OF CHAPTER 2R.04 ENTITLED, "ADMINISTRATION" OF TITLE 2R OF THE CHICO MUNICIPAL CODE

By memorandum dated 9/8/04 the Personnel Director reported that the State Political Reform Act requires the City to annually amend its Conflict of Interest Reporting Code. This resolution amended that portion of the City of Chico's Conflict of Interest Code which lists the required disclosure categories of designated City officials pursuant to the requirements of the Political Reform Act. This year the revisions reflected the addition of the position of Arts Commission members. The Personnel Director recommended adoption of the resolution.

2.4. RESOLUTION NO. 40 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 91 03-04 TO PROVIDE THAT APPROVAL OF THE PRIMARY RUNWAY (13L-31R) EXTENSION DEPICTED AND DESCRIBED IN THE CHICO MUNICIPAL AIRPORT MASTER PLAN IS CONCEPTUAL ONLY, AND AMENDING RESOLUTION NO. 90 03-04 TO RESCIND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT AS IT APPLIES TO THE PRIMARY RUNWAY EXTENSION

By memorandum dated 9/14/04, the Assistant Community Development Director forwarded a report regarding the amendment of the City Council resolution approving the Chico Municipal Airport Master Plan to provide that the primary runway extension described and depicted in the master plan is conceptual in nature. The resolution also rescinded certification of the Final Environmental Impact Report as it applies to the runway extension only. Any decision regarding a primary runway extension will be subject to further Council approval. The Assistant Community Development Director recommended adoption of the resolution.

2.5. MINUTE ORDER NO. 21-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PARKING LEASE AGREEMENT WITH HIGNELL, INC. FOR THE PROPERTY LOCATED AT 1500 HUMBOLDT ROAD

In May 2001, the City Council authorized the City Manager to acquire the property at 1500 Humboldt Road from Hignell, Inc. for future expansion of the Police facility. Hignell, Inc. leased nine parking spaces at 1500 Humboldt Road from the City for its tenants in the adjacent building through 12/31/04. Hignell,

Inc. requested that the City extend the use of the nine parking spaces through 3/31/07. The Assistant City Manager recommended approval of an exclusive lease of nine parking spaces at 1500 Humboldt Road to Hignell, Inc. at a lease rate of \$1,836 per year.

2.6. MINUTE ORDER NO. 22-04 — AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF BUTTE TO PROVIDE FOR CITY MAINTENANCE OF A BICYCLE/PEDESTRIAN PATH TO BE CONSTRUCTED BY DRAKE HOMES WITHIN AN EASEMENT FOR THE SYCAMORE CREEK DIVERSION CHANNEL

As a condition of development of Foothill Park East, Drake Homes was required to construct and dedicate a bicycle/pedestrian path within an existing easement for the Sycamore Creek Diversion Channel which is used by the County of Butte and State Department of Water Resources for access for maintenance of the levee and drainage facilities. Following City acceptance of the bicycle/pedestrian path, the City will be responsible for path maintenance to allow continued access by the County of Butte and State Department of Water Resources for the levee and drainage maintenance. This minute order authorized the City Manager to enter into an agreement with the County of Butte confirming City maintenance obligations for the bicycle/pedestrian path. The Director of Public Works recommended approval of the minute order.

2.7. MINUTE ORDER NO. 23-04 — AUTHORIZATION FOR THE CITY MANAGER TO AMEND THE LEASE AGREEMENT WITH AERO UNION CORPORATION FOR PROPERTY AT THE CHICO MUNICIPAL AIRPORT (PIPER AVENUE HANGAR FACILITY)

In September 2003, the City Council authorized the City Manager to execute a lease agreement with Aero Union Corporation for the lease of City-owned property at the Chico Municipal Airport. The Chico Redevelopment Agency previously approved \$2.5 million of funding for construction of the hangar facility which did not include funds for office infill. The City Manager authorized additional funds in the amount of \$99,574 to complete the office space with the understanding that the rent for the hangar facility would be increased to amortize the cost. The City Manager recommended approval of an amendment to the "Lease of Real Property at the Chico Municipal Airport Piper Avenue Hangar Facility (City of Chico/Aero Union Corporation)" to include additional rent in the amount of \$6,638 annually for a 20 year period.

2.8. MINUTE ORDER NO. 24-04 — AUTHORIZATION OF MERIT INCREASE FOR THE CITY ATTORNEY

The City Council evaluates the appointed employees annually, and through that evaluation process, determined to provide the City Attorney with a merit pay increase of three percent. This minute order authorized the merit pay increase for the City Attorney.

2.9. MINUTE ORDER NO. 25-04 — AUTHORIZATION FOR THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT FOR SPECIAL SERVICES WITH LIEBERT CASSIDY WHITMORE IN THE MATTER OF PERB UNFAIR PRACTICE CHARGE NO. SA-CE-264-M

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 04-05 06 TO PROVIDE FUNDING FOR MAJOR LITIGATION COSTS

The City Attorney recommended entering into an Agreement for Special Services with Liebert Cassidy Whitmore, for legal services pertaining to the defense of the City of Chico in the matter of PERB Unfair Practice Charge No. SA-CE-264-M, filed by Robert Belgeri on behalf of SEIU Local 1292. The City Attorney recommended approval of the minute order.

The Supplemental Appropriation allocated \$50,000 from the General Fund to fund outside legal counsel for legal services and costs pertaining to the City's defense in this matter. The City Council was provided with a copy of the General Fund (001) Fund Summary which reflected the estimated 06/30/05 fund balance. The City Attorney recommended approval of the supplemental appropriation.

2.10. APPROVAL OF CITY SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. 04-05 07 AND RDA NO. 04-05 03 TO ALLOCATE FUNDS TO PROVIDE SECRETARIAL SUPPORT FOR THE NEW ASSISTANT CITY MANAGER

In order to provide secretarial support for the new Assistant City Manager, it was necessary to allocate funds for salary and benefits for an administrative secretary for the remainder of the 2004-05 fiscal year, and for a computer workstation. The supplemental appropriation allocated \$30,479 from various funds as set forth in supplemental and the budget modification modified the Schedule of Job Title Allocations. The City Manager recommended approval of the supplemental appropriation/budget modification.

2.11. APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON 6/14/04

The City Council was provided with the minutes of its meeting held on 6/14/04.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION OF THE INTERSECTION OF EAST AVENUE/COHASSET ROAD (2442 COHASSET ROAD - ASSESSOR'S PARCEL NO. 015-310-071, FORMERLY ASSESSOR'S PARCEL NO. 048-090-071 - AUER)

The City is undertaking reconstruction of the intersection of East Avenue and Cohasset Road to widen the intersection to provide for a right turn lane and additional left turn lane for each approach. Because of this reconstruction project, the City must acquire additional right-of-way and temporary construction easements from several property owners proximate to the East Avenue/Cohasset Road intersection.

By notice letter dated 09/03/04, Oswald G. Auer and Emmi Auer, the property owners of 2442 Cohasset

Road were advised of this hearing, of the City's intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owner should submit a request in writing within 15 days of the date of the letter if they wished to be heard at this meeting.

By memorandum dated 09/13/04, the Assistant City Manager transmitted copies of the notice letter to the property owner, the resolution authorizing acquisition of interests in the properties by eminent domain, the 09/03/04 Engineer's Report from the Director of Public Works which supports the California Government Code findings required to adopt the resolution, the notice of determination for the reconstruction project, and the 9/10/04 request from the property owner to address the City Council at this meeting. Mayor Kirk opened the hearing to the public. Addressing the Council were Mark Conry and Oswald Auer indicating Mr. Auer's willingness to enter into agreement with the City and further requesting assistance with a future boundary line modification on a parcel that may be annexed into the City. The hearing was closed to the public. Staff stated that the City would assist with the process to the extent possible but indicated that there are other property owners involved who may not wish to participate.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to adopt the following resolution and to direct staff to assist the property owner in the boundary line modification process.

RESOLUTION NO. 41 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 2442 COHASSET ROAD (ASSESSOR'S PARCEL NO.015-310-071) IN CONNECTION WITH A PROJECT TO RECONSTRUCT THE INTERSECTION OF EAST AVENUE AND COHASSET ROAD AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.2. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING FOR 2004-05

By memorandum dated 8/25/04, the Chief of Police reported that for the ninth consecutive year the State of California has appropriated funds for the Citizens Option for Public Safety (COPS) program. The COPS program provides funding for local law enforcement and public safety purposes to be distributed to counties throughout the State based on population. The State Legislature approved continued funding for this program for the 2004-05 fiscal year and this hearing was required by State law prior to receiving COPS funds. Funds to cover the cost for two police officer positions were included in the 2004-05 Final Budget, subject to this public hearing. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed. The City Manager recommended approval of the proposed use of the COPS program grant funds for the 2004-05 fiscal year.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the proposed use of the COPS program grant funds for the 2004-05 fiscal year and to confirm the funding request for the two police officers as budgeted.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.3. HEARING ON PLACING ASSESSMENTS ON THE TAX ROLL TO RECOVER CITY COSTS ASSOCIATED WITH THE 2004 LOT CLEANING/WEED ABATEMENT PROGRAM

By memorandum dated 9/8/04, Projects Manager Wood reported that the lot cleaning/weed abatement program is conducted each year under the provisions of the California Government Code. Pursuant to those provisions, the City is required to hold a public hearing before approving the placement of the assessments (the costs incurred by the City for performing the lot cleaning plus administrative costs) on the tax roll. Affected property owners were provided with written notice of the public hearing, and a list of those property owners whose lot cleaning/weed abatement bills remain unpaid as of 9/8/04 was attached to the Projects Manager's memorandum. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the costs for various parcels as recommended in the memorandum and approve the placement of the assessments on the tax roll.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA — None

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON SEPTEMBER 8, 2004

By memorandum dated 9/9/04, the Internal Affairs Committee provided a report on its meeting held on 9/8/04. Committee members present were Councilmembers Bertagna and Kirk. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. **Recommendation of Proposed Changes to the City's Purchasing Procedures.** The Committee

recommended (2-0, Herbert absent) amending Section 3.08.060 of the Chico Municipal Code to incorporate the proposed changes to the City's purchasing procedures.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the Committee recommendation and to direct staff to prepare an ordinance amending Section 3.08.060 of the Chico Municipal Code to be brought back for introduction on a future Consent Agenda.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- B. **Approval of Amendment to the Chico Municipal Code to Establish Parking Meter Holidays in Accordance with Holidays Observed by the City.** The Committee recommended (2-0, Herbert absent) amending Section 10.10.030 of the Chico Municipal Code establishing parking meter holidays in accordance with holidays observed by the City.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS TO THE CHICO MUNICIPAL CODE TO ESTABLISH PARKING METER HOLIDAYS - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- C. **Approval of Amendment to Chico Municipal Code - Section 10.15.070 Entitled "Trucks-Limitations Upon Routes," of the Chico Municipal Code.** This item was forwarded to Council without a recommendation because the Committee did not have a quorum on this issue.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to direct staff to draft an ordinance amending Section 10.15.070 of the Chico Municipal Code increasing the weight of vehicles up to 7 tons, based on the Traffic Engineering Index, with flexibility to evaluate structural capacity of city street needs. If staff determines that a comprehensive evaluation would be too time-consuming or costly, the issue is to be referred back to Internal Affairs for further review.

The motion carried by the following vote:

AYES: Herbert, Nguyen-Tan, Wahl, Kirk

NOES: Gruendl

DISQUAL: Bertagna

- D. **Request to Allow Access to the Bicycle Path at the End of Alba Avenue.** The Committee recommended (2-0, Herbert absent) leaving the access to the bicycle path at Alba Avenue closed and directed staff to look at options for a permanent wall.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the Committee recommendation of leaving the access to the bicycle path at Alba Avenue closed and directed staff to explore options for replacing the chain link fence with a permanent wall.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Wahl, Kirk

NOES: Gruendl, Nguyen-Tan

- E. **Discussion of Request Regarding Safety Issues Caused by Skate Park Located on Humboldt Avenue.** The Committee directed staff (2-0, Herbert absent) to meet with Mr. Dirks to determine what measures might solve the problems at his place of business, whether that be potentially installing planters and/or texturing the sidewalks.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to approve the Committee recommendation directing staff to meet with Mr. Dirks to determine possible solutions for the safety issues caused by the users of the Skate Park.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING

- F. **Approval of Traffic Regulation Amendment (TRA) No. 784 Removing Parking Along Forest Avenue Between Notre Dame and Raley Boulevards.** The Committee adopted (2-0, Herbert absent) TRA No. 784, removing parking along Forest Avenue between Notre Dame and Raley Boulevards. The Committee also directed staff to explore the surrounding area to ensure the parking problem was not being pushed elsewhere.
- G. **Approval of Traffic Regulation Amendment (TRA) No. 785 Removing the Parking Restriction in Front of 1459 Humboldt Road.** The Committee adopted (2-0, Herbert absent) TRA No. 785, removing the parking restriction in front of 1459 Humboldt Road. After discussing this issue, the Council concurred to send the overall issue of truck parking back to Internal Affairs Committee for additional review.
- H. **Review and Discussion of the Bidwell Park Trail Maintenance Program.** This item was a discussion item only with no action required.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to accept the September 8, 2004 - Internal Affairs Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

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

5. **BUSINESS FROM THE FLOOR**

Bruce Finch addressed the Council regarding a meeting that has been scheduled for Saturday, 10/23/04 at 11:00 a.m. in the Council Chamber regarding consensus building during the Presidential Election in November.

Moe Whitchurch addressed Council regarding the Chapman Mulberry plan and his concern over the parking limitations being placed on trucks.

6. **REPORTS AND COMMUNICATIONS**

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

- 6.1. Memorandum dated 9/13/04 from the Finance Director reported that the list of claims paid during the month of August 2004 was produced and available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

Adjourned at 7:34 p.m. to an adjourned regular meeting October 5, 2004, at 6:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: November 2, 2004

Deborah R. Presson, City Clerk

REGULAR CHICO CITY COUNCIL MEETING — October 5, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the October 5, 2004 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation – Reverend David Leeper Moss, Chico Trinity United Methodist Church
 - 1.3. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Proclamation — October 2004 – National Breast Cancer Awareness Month
Proclamation — October 2004 – Domestic Violence Awareness Month
2. **CONSENT AGENDA** — Item 2.4. was removed from the Consent Agenda at the request of Councilmember Gruendl. A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to approve the remaining Consent Agenda items:
 - 2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS TO THE CHICO MUNICIPAL CODE TO ESTABLISH PARKING METER HOLIDAYS** - Final Reading and Adoption

Based on the City Council's acceptance of the Internal Affairs Committee recommendation at its meeting of 9/08/04, the above ordinance was introduced at the 9/21/04 City Council meeting. This ordinance established parking meter holidays to coincide with those holidays observed by the City. The Director of Public Works 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 AUTHORIZE THE PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES THROUGH FEDERAL, STATE, AND PUBLIC ENTITY COOPERATIVE PURCHASING PROGRAMS AND COMPETITIVE BIDDING PROCESSES AND TO MAKE NON-SUBSTANTIVE TECHNICAL CHANGES** - Introductory Reading

At its meeting of 9/21/04, the City Council accepted the Internal Affairs Committee recommendation from its 9/08/04 meeting to amend Section 3.08.060 entitled "Bidding Procedures - Dispensations - Exemptions" to allow the use of state and federal cooperative purchasing programs, as well as other public agency competitive bids, for the purchase of supplies, equipment and services. Such exemption from the purchasing procedures shall be conditioned on pre-approval by the Purchasing Officer, confirmation that the state, federal or other public agency has used an open and competitive bid process, and adequacy of budgeted funds. The City Manager recommended introduction of the ordinance by reading of the title only.
 - 2.3. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO AIRPORT ZONES** - Introductory Reading

By memorandum dated 9/10/04, Principal Planner Bishow reported that at the Planning Commission meeting of 7/15/04, the Commission voted (6 in favor, 1 absent) to recommend amending the text of Title 19 regarding the Airport Zones to enhance the City's ability to implement the General Plan and support the economic vitality of the airport area. The Planning Commission also recommended approval of a negative declaration proposed for this project pursuant to the California Environmental Quality Act (CEQA). The Planning Commission and Planning Director recommended that the City Council: (1) introduce the ordinance by reading of the title only; and (2) schedule the matter for public hearing on 11/02/04.

- 2.4. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY AT THE SOUTHEAST CORNER OF LASSEN AVENUE AND ESPLANADE (ASSESSOR'S PARCEL NUMBER 006-044-002), FROM OR OFFICE RESIDENTIAL TO CC-PD COMMUNITY COMMERCIAL-PLANNED DEVELOPMENT OVERLAY ZONE (GENERAL PLAN AMENDMENT/REZONE 04-02 CROSSEN)** - This item was removed from the Consent Agenda and heard under Item 4.1.

- 2.5. **RESOLUTION NO. 42 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 289 - FRANCHISE APPLICATION FEES)**

Section 5.12.094 of the Chico Municipal Code (CMC) provided for the City to recover costs for processing an application for a new franchise award, a franchise transfer, or a franchise renewal for cable television services. City of Chico Fee Schedule 11.040 - Franchise Application Fee provided a non refundable \$100 filing fee for franchise applications plus a cash deposit for other City expenses in connection with the application and award of a franchise. It was recently noted by staff that Section 5.12.094 of the CMC is inadvertently not referenced under the authority section of this fee schedule. Therefore, this resolution added this CMC section to the fee schedule as an administrative cleanup and to clarify that the fees provided for by this fee schedule also apply to processing cable television franchise applications and awards. The City Manager recommended adoption of this resolution.

- 2.6. **MINUTE ORDER NO. 26-04 — AN AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY LOCATED AT 954 EAST AVENUE (APN 048-050-015) - WELLS FARGO BANK**

At its 01/06/04 closed session, the City Council authorized the negotiated purchase of a portion of 954 East Avenue (APN 048-050-015) from Wells Fargo Bank in connection with the City's East Avenue/Cohasset Road intersection widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire right of way and a temporary construction easement for \$58,700. The Senior Assistant City Manager recommended approval of the minute order.

- 2.7. **APPROVAL OF REQUEST FOR ASSISTANCE FROM TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC) FOR THE BUSINESS INCUBATION PROGRAM**

At its meeting of 09/09/04, the Economic Development Committee reviewed the request from Tri-County Economic Development Corporation (TCEDC) for funding assistance for a Chico business through TCEDC's Business Incubation Program. TCEDC was requesting \$10,000 to provide approximately 200 hours of mentoring services to a local business in the areas of marketing, sales, and web site development. The City Council was provided with the Economic Development/Housing Specialist's memorandum dated 09/02/04 providing background on the request from TCEDC and the potential funding sources for the request. Due to the length of this agenda, discussion of this item may be scheduled for the 11/2/04 City Council meeting in the event this item is pulled from the consent agenda. The Economic Development Committee recommended (2-0 (Bertagna, Kirk), Wahl and Nguyen-Tan absent) that the City Council approve funding in the amount of \$10,000 for the Business Mentoring Program. The Committee recommended that the request be funded from the previously discontinued Community Development Block Grant Revolving Loan Fund balance which is held by TCEDC.

- 2.8. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD ON 7/6/04, 7/20/04, 8/3/04, 8/17/04 AND 9/7/04**

The City Council was provided with the minutes of its meetings held on 7/6/04, 7/20/04, 8/3/04, 8/17/04 and 9/7/04.

POSTED ADDENDUM ITEMS:

- 2.9. **AUTHORIZATION FOR CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO CONVERT THE GRANT TO 1200 PARK AVENUE LIMITED PARTNERSHIP (PARTNERSHIP) TO A LOAN AND/OR SUBSTITUTE THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE (HACB), OR A NON-PROFIT CORPORATION CONTROLLED BY HACB, AS THE GRANTEE IN PLACE OF THE PARTNERSHIP**

City staff was advised by HACB that the Grant Agreement between the 1200 Park Avenue L.P. and the City for \$1,175,000 of City HOME Funds reduced the value of the project for potential investors in the senior housing project.

The investors are providing approximately \$12,000,000 for the project's development and HACB has requested modifications to the City's Grant Agreement to address the investor's issue. Staff was requesting authority for the City Manager and/or HACB to execute such documents as necessary in order to accommodate the issues of the investors. The modifications would not result in an increase in funding from the City or a change in the developers of the project. By memorandum dated 9/30/04, the Housing Officer provided additional information on this item. The City Manager recommended approval of the modifications.

- 2.10. **RESOLUTION NO. 46 4-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE APPLICATION FOR CCHE GRANT FUNDS FOR THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT (CCHE) UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR USE IN THE OLD MUNICIPAL BUILDING RENOVATION PROJECT**

By memorandum dated 10/1/04, the Community Development Director provided a resolution authorizing the application for CCHE grant funds, in the amount of \$500,000, to be utilized for the Old Municipal Building renovation project. The Community Development Director recommended adoption of this resolution.

The motion to approve the Consent Agenda, as read, with Item 2.4. being removed and heard under Item 4.1., and with Items 2.9. and 2.10. being added to the Consent Agenda, carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None

3. **NOTICED PUBLIC HEARINGS**

- 3.1. **HEARING ON CHAPMAN/MULBERRY NEIGHBORHOOD PLAN AND RELATED AMENDMENT TO THE GENERAL PLAN, ZONING MAP, AND CHAPTER 19.52 OF THE CHICO MUNICIPAL CODE**

By memorandum dated 09/24/04, Senior Planner Brendan Vieg reported that at its 09/21/04 meeting, the City Council introduced two ordinances for GPA/RZ 04-03 by reading of the titles only. By Council motion, the proposed General Plan amendment and rezone was set for public hearing on 10/05/04. The General Plan amendment and rezone would adopt the Chapman/Mulberry Neighborhood Plan (Neighborhood Plan), amend the land use designation and zoning for various properties, and amend Section 19.52.070 of the Chico Municipal Code to include the addition of a special design considerations (-SD) overlay zone specific to the Chapman/Mulberry neighborhood. The Neighborhood Plan area is generally located south of East 9th Street (SHR 32), east of Boucher Avenue, west of SHR 99, and north of Fair Street. At its 08/19/04 meeting, the Planning Commission voted (7-0) to recommend to Council approval of the proposed General Plan amendment and rezone, as well as the proposed amendment to the Chico Municipal Code. A negative declaration was proposed for this project pursuant to the California

Environmental Quality Act (CEQA). Mayor Kirk opened the hearing to the public. Addressing the City Council on this item were Patrick Kelly, Carol Dougherty, Wanda Story, Rachael Newkirk, Susan Howey, Mark Newkirk, Bill Story, Mark Hooper, Pam Easterly, Jane Dolan, Rich Lujan, and Melinda Vasquez. The hearing was closed for further public input.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to adopt the following resolutions and ordinances:

RESOLUTION NO. 43 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT/REZONE 04-03 (CITY OF CHICO)

RESOLUTION NO. 44 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN AND APPROVING GENERAL PLAN AMENDMENT 04-03 AFFECTING VARIOUS PROPERTIES LOCATED GENERALLY BETWEEN E. 9th STREET (SHR 32) TO THE NORTH; BOUCHER AVENUE TO THE WEST; SHR 99 TO THE EAST; AND FAIR STREET TO THE SOUTH; AP NOS. VARIOUS (CITY OF CHICO)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY SOUTH OF E. 9th STREET (SHR 32), EAST OF BOUCHER AVENUE, WEST OF SHR 99, AND NORTH OF FAIR STREET RELATED TO ADOPTION OF THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN (GPA/RZ 04-03; CITY OF CHICO) - This ordinance was reintroduced, as amended, which would retain the R-1 zoning on Mr. Patrick Kelly's property. The final reading and adoption of this ordinance will be considered at the 11/2/04 City Council meeting.

ORDINANCE NO. 2306 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 19.52, ENTITLED "OVERLAY ZONES," OF THE CHICO MUNICIPAL CODE RELATED TO ADOPTION OF THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN (GPA/RZ 04-03; CITY OF CHICO)

Staff was directed to prepare a draft amortization ordinance for review by the Internal Affairs Committee.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None

3.2. HEARING ON BIDWELL RANCH GENERAL PLAN AMENDMENT AND REZONE TO OPEN SPACE (GPA/RZ 04-04) IDENTIFIED AS ASSESSOR'S PARCEL NOS. 016-230-010, 016-200-002, AND 016-170-002 (CITY OF CHICO)

By memorandum dated 09/24/04, Senior Planner Vieg reported that at the Planning Commission meeting of 09/16/04, the Commission voted (5 in favor, 1 opposed) to recommend to Council the adoption of a negative declaration, approval of General Plan Amendment/Rezone 04-04, and consideration of development of a comprehensive use and management plan through a public process for the Bidwell Ranch property. The proposed amendment of the General Plan's Land Use Diagram is from a mixed land use designation of *Open Space for Environmental Conservation/Safety* and *Very Low Density Residential* to *Open Space for Environmental Conservation/Safety*. The proposed zone change is from *PMU-RM-PD Planned Mixed Use-Resource Management-Planned Development* to *OS1 Primary Open Space*. In addition, various General Plan text amendments are proposed in order to ensure internal consistency within the General Plan. The Bidwell Ranch property is approximately 750± acres and is located northeast of the Sycamore Creek Diversion Channel and adjacent to the western edge of Upper Bidwell Park. The properties are identified as Assessor's Parcel Nos. 016-230-010, 016-200-002, and 016-170-002. A negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

The Planning Commission recommended that the City Council: (1) hold a public hearing on the proposed General Plan amendment and rezone (GPA/RZ 04-04); (2) adopt a motion of intent to adopt a resolution adopting the negative declaration, approving the General Plan Amendment, and approving text amendments to the General Plan for internal consistency; (3) introduce the rezone ordinance by reading of title only; and (4) provide guidance to staff on the development of a comprehensive use and management plan for the Bidwell Ranch property.

Mayor Kirk opened the hearing to the public. Addressing the Council on this item were Ralph Prusse, Lin Jensen, Karen Kite, Marilyn Ey, Karen Laslo, Sue Ellen Rowlinson, Andy Holcombe, Amy Lafferty, Jim Garton, Diane Suzuki, Billie Crosby, Dave Bissom, Carl Johnson, Lea McCleary, Jackson Shedd, Bob Hennigan, Rick Coletti, Ann Schwab, Greg Miller, Barbi Boeger, Rodney Willis, Sharon Nichols, Kelly Meagher, Grace Marvin, John Merz, Emily Alma, Tony Nicasia, David Parmalee, Peter Brokeau, Sherri Scott, Gloria Bettencourt, Bob Best, and Ken Fleming. The hearing was closed to the public.

A motion was made by Councilmember Herbert to approve the negative declaration and to forward the question of whether Bidwell Ranch should be maintained as open space to the voters following the completion of the community survey. Councilmember Bertagna seconded the motion.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to continue the meeting to 10:30 p.m. The motion carried unanimously.

Councilmember Bertagna indicated that he could not support sending the issue to the voters until his questions were answered regarding the itemized cost(s) if the land was zoned open space, the proposed use of the land, who would be allowed access, and any funding losses if the zoning was changed. In addition, he asked staff to provide the Council with an update on the status of the FAA funding. He urged Council to continue the discussions in order to be provided with the additional information as requested.

In order to allow time for Council to receive the additional information as requested, Councilmember Bertagna withdrew his second to Councilmember Herbert's motion. The motion died due to a lack of a second.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to extend the meeting past 10:30 p.m. The motion carried unanimously.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nguyen-Tan to approve the rezoning of Bidwell Ranch to open space by introducing the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING APPROXIMATELY 750 ACRES COMMONLY REFERRED TO AS BIDWELL RANCH AND LOCATED NORTHEAST OF SYCAMORE CREEK DIVERSION CHANNEL AND ADJACENT TO THE WESTERN EDGE OF UPPER BIDWELL PARK (ASSESSORS PARCEL NOS. 016-230-010, 016-200-002, AND 016-170-002) FROM PMU-RM-PD PLANNED MIXED USE WITH RESOURCE MANAGEMENT AND PLANNED DEVELOPMENT OVERLAYS TO OS1 PRIMARY OPEN SPACE (GPA/RZ 04-04; CITY OF CHICO) -
Introductory Reading

The motion failed by the following vote:

AYES: Gruendl, Nguyen-Tan, Kirk

The Council directed staff to re-agendize this item at a time to be determined by the Mayor and City Manager, with it noted that the Public Hearing was closed for further public input, allowing the Council an opportunity to receive staff responses to their questions, with Council providing those questions to staff prior to the meeting.

3.3. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 546 (FLORAL GARDEN ESTATES SUBDIVISION)**

By memorandum dated 9/24/04, the Director of Public Works reported that this resolution would order the formation of Chico Maintenance Assessment District No. 546. As a condition of approval of a subdivision map for this development, generally located on the northeast side of Floral Avenue north of East Avenue, the developer, Charles (Rick) Denney, has consented to the formation of this district for the annual maintenance and future replacement of the landscaping and irrigation within the median of Floral Avenue adjacent to the subdivision and along the entrance to the subdivision, and the storm drain interceptor located within the subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid by property owners within this district. Future annual assessments would be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 45 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE ASSESSMENT DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 546 — FLORAL GARDEN ESTATES SUBDIVISION)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
ABSENT: None
ABSTAIN: None

4. **REGULAR AGENDA**

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

2.4. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY AT THE SOUTHEAST CORNER OF LASSEN AVENUE AND ESPLANADE (ASSESSOR'S PARCEL NUMBER 006-044-002), FROM OR OFFICE RESIDENTIAL TO CC-PD COMMUNITY COMMERCIAL-PLANNED DEVELOPMENT OVERLAY ZONE (GENERAL PLAN AMENDMENT/REZONE 04-02 CROSSEN) - Introductory Reading**

By memorandum dated 9/16/04, Associate Planner Palmeri reported that at the Planning Commission meeting of 9/02/04, the Commission voted 5-0-2 (Commissioners Hughes and Luvaas absent) to recommend approval of a request to amend the General Plan land use designation for 2.95 acres at the southeast corner of Lassen Avenue and the Esplanade from *Office to Community Commercial*, and a prezone from *OR Office Residential to CC-PD Community Commercial-Planned Development overlay zone*. A mitigated negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to: (1) introduce the ordinance by reading of the title only; and (2) schedule the General Plan Amendment/Rezone 04-02 (CROSSEN) for public hearing on 11/2/04.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: Gruendl
ABSENT: None
ABSTAIN: None

4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — See Consent Agenda items 2.9. and 2.10.

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS**

The following report was provided for the Council's information. No action was taken.

6.1. Memorandum dated 9/13/04, from the Senior Assistant City Manager provided a report on contracts that have been awarded for the purchase of materials, supplies, and/or services required by the City, within the appropriations approved therefor in the current Annual Budget.

7. **ADJOURNMENT**

Adjourned at 10:40 p.m. to a regular Redevelopment Agency Meeting.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — October 5, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the October 5, 2004 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 10:45 p.m.

- 1.2. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — None

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

- 4.1. **UPDATE ON THE REDEVELOPMENT PLAN AMENDMENTS TO FISCALLY MERGE THE CHICO MERGED AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS**

The Butte County Board of Supervisor's ordinance approving an amendment to the Greater Chico Urban Area Redevelopment Project became effective 10/01/04. All of the legislative actions required to fiscally merge the Chico Merged and Greater Chico Urban Area Redevelopment Projects have been completed and the merger also becomes effective 10/01/04. At that time, Agency staff will record notices of plan adoption with the Butte County Recorder and recorded copies will be forwarded to all taxing entities, the Butte County Assessor, the Butte County Auditor, and the State Board of Equalization as required by Community Redevelopment Law. Agency staff provided a verbal report on completion of the amendment process at this meeting. There was no written report on this item.

5. **ADJOURNMENT**

Adjourned at 10: 45 p.m. to November 2, 2004, at 6:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: December 7, 2004

Deborah R. Presson, City Clerk

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO CLOSED SESSION ITEM 2.1., 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 affecting the following:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
North Valley Mall, LLC	801 East Avenue	007-280-050
Pacific Realty Associates	860 East Avenue	007-280-053
Peter G. & Elizabeth Giampaoli	896 East Avenue	007-280-056
Main & Main Investments, LLC	2444 Cohasset Road	015-310-080
Raphael Inter Vivos Trust	2520 Cohasset Road	048-050-033
Geri A. Lee	1122 Mangrove Avenue	003-452-036

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

1. **CALL TO ORDER** — Mayor Kirk called the November 2, 2004 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF PORTIONS OF VARIOUS PROPERTIES FOR EAST AVENUE/COHASSET ROAD INTERSECTION AND EAST FIRST AVENUE/MANGROVE AVENUE PROJECTS**

Pursuant to Government Code Section 54954.8, the item of business discussed is a conference with the real property negotiator. The items under discussion were instructions to the City's negotiator on price and terms of payment for proposed acquisition. The City's negotiator is City Manager Tom Lando and the parties with whom negotiations are proposed to be conducted are the owners (or such persons designated as their agent for the purpose of negotiations) as listed below:

<u>Property Owner</u>	<u>Property Address</u>	<u>Assessor's Parcel No.</u>
North Valley Mall, LLC	801 East Avenue	007-280-050
Pacific Realty Associates	860 East Avenue	007-280-053
Peter G. & Elizabeth Giampaoli	896 East Avenue	007-280-056
Main & Main Investments, LLC	2444 Cohasset Road	015-310-080
Raphael Inter Vivos Trust	2520 Cohasset Road	048-050-033
Geri A. Lee	1122 Mangrove Avenue	003-452-036

- 2.2. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT** — Adjourned at 6:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — November 2, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the November 2, 2004 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — John Warwick, Pacific Asian Missions, Inc.
 - 1.3. Roll Call – Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.4. Closed Session Announcement — None
 - 1.5. Proclamation — Honoring the retirement of Fire Apparatus Engineer Troy Morse
 - 1.6. Award Presentation — Paul Dorn, Executive Director of the California Bicycle Coalition presented the City of Chico with a “Bicycle Friendly Community” bronze level award as designated by the League of American Bicyclists
 - 1.7. Introduction of seven Ukrainian educators who were participating in a “Citizenship Education” internship program at California State University, Chico, in collaboration with Chico Unified School District and other local schools and organizations. The program is sponsored by the United States Department of State, Bureau of Educational and Cultural Affairs.
2. **CONSENT AGENDA** — None
3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
 - 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD SEPTEMBER 22, 2004**

By memorandum dated 9/23/04, the Finance Committee provided a report on its meeting held on 9/22/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING COUNCIL/AGENCY ACTION AT THIS MEETING:

- A. **Consideration of Request from Caminar for \$250,000 of City HOME Program Funds for Renovation of the Former Esplanade House Facility at 2505 Esplanade.** The Committee recommended (3-0) approval of the request contingent upon Caminar obtaining the remaining funds from private foundations or donors. The 30-year loan will begin conversion into a grant upon 15 years of continual operation of the facility. If unable to reach its desired funding goal, Caminar will reduce the scope of the project to fit within the limits of available funding.

The Supplemental Appropriation will budget \$227,700 in revenue from the loan repayment proceeds as program income and allocate \$250,000 for a loan to Caminar within the HOME - State Grant Fund (204). The City Council was provided with a copy of the Fund 204 Fund Summary which reflected the 06/30/05 estimated fund balance.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to approve the following minute order and supplemental appropriation:

MINUTE ORDER NO. 29-04 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A

LOAN AGREEMENT WITH CAMINAR FOR USE OF \$250,000 OF HOME FUNDS FOR IMPROVEMENTS TO THE PROPERTY AT 2505 ESPLANADE

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 04-05 08 TO BUDGET PROGRAM INCOME AND TO PROVIDE FUNDING ASSISTANCE TO CAMINAR FOR IMPROVEMENTS TO AN AFFORDABLE HOUSING PROJECT AT 2505 THE ESPLANADE

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- B. **Consideration of Bikeway Improvement Fee Component of the City of Chico 2004-05 Update of Development Impact Fees Analysis (Nexus Study)**. The Committee recommended (3-0) to retain the four bikeway projects set forth in the staff memorandum, and maintain the Bikeway Improvement Fee at its current level of \$255 until the next update of the Nexus Study is forwarded to the Council for approval. These projects will remain in the current Study and be reconsidered at a later date in order to afford staff the necessary time to clarify the feasibility of obtaining right-of-way on the properties impacted by the four bikeways.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to accept the Committee's recommendation to leave the Bikeway Improvement Fee at its current level of \$255 until the next update of the Nexus Study.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

COMMITTEE MATTERS REQUIRING NO COUNCIL/AGENCY ACTION AT THIS MEETING:

- C. **Approval of Rental Housing Accessibility Program Grant Request for \$5,500 - 289 East 7th Street**. The Committee approved (3-0) the loan request.
- D. **Approval of Request for \$62,609 Housing Rehabilitation Loan - Barbara Schultz- 1269 Filbert Avenue**. The Committee approved (3-0) the loan request.
- E. **Discussion Regarding the Modification of the Mortgage Subsidy Program (MSP) to Include the Unincorporated Area in the Greater Chico Urban Area Redevelopment Project Area (GCUARPA) as Eligible for the Program**. The Committee directed staff to bring this item back for further discussion at its January 2005 meeting. Staff was directed to gather information regarding the number of homes which would have qualified for the MSP program were this area included within the boundaries last year.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to accept the 9/22/04 Finance Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- 4.3. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — November 2, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the November 2, 2004 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street

- 1.1. Roll Call – Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the following Consent Agenda items:

- 2.1. **ORDINANCE NO. 2307 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED GENERALLY SOUTH OF E 9th STREET (SHR 32), EAST OF BOUCHER AVENUE, WEST OF SHR 99, AND NORTH OF FAIR STREET RELATED TO ADOPTION OF THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN (GPARZ 04-03; CITY OF CHICO) - Final Reading and Adoption**

At its meeting of 10/05/04, the City Council reintroduced this ordinance after removing two parcels identified as AP Nos. 005-422-011 and 005-422-012 (Mr. Patrick Kelly's properties) from the proposed rezone associated with City adoption of the Chapman/Mulberry Neighborhood Plan. The Planning Director recommended adoption of the ordinance by reading of the title only.

- 2.2. **ORDINANCE NO. 2308 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE TO AUTHORIZE THE PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES THROUGH FEDERAL, STATE, AND PUBLIC ENTITY COOPERATIVE PURCHASING PROGRAMS AND COMPETITIVE BIDDING PROCESSES AND TO MAKE NON-SUBSTANTIVE TECHNICAL CHANGES - Final Reading and Adoption**

Based on the City Council's 9/21/04 acceptance of the Internal Affairs Committee recommendation from its 9/08/04 meeting to amend Section 3.08.060 of the Chico Municipal Code, the above ordinance was introduced at the 10/05/04 City Council meeting. The ordinance revised Section 3.08.060, entitled "Bidding Procedures - Dispensations - Exemptions," to allow the use of state and federal cooperative purchasing programs, as well as other public agency competitive bids, for the purchase of supplies, equipment and services. Such exemption from the purchasing procedures shall be conditioned on pre-approval by the Purchasing Officer, confirmation that the state, federal or other public agency has used an open and competitive bid process, and adequacy of budgeted funds. The City Manager recommended adoption of the ordinance by reading of the title only.

- 2.3. **RESOLUTION NO. 47 04-05 — A RESOLUTION OF THE 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 FOR THE PERIOD JULY 1, 2004 THROUGH DECEMBER 31, 2004 (2004 PUBLIC SAFETY MANAGEMENT PAY AND BENEFITS RESOLUTION)**

RESOLUTION NO. 48 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 114 00-01 TO DELETE CERTAIN PROVISIONS RELATING TO PUBLIC SAFETY MANAGEMENT EMPLOYEES (AMENDMENT NO. 8 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

The City Council previously approved Resolution No. 114 00-01, and a number of amending resolutions, which set forth the pay, benefits, and other terms and conditions of employment for all City management employees, including those employees considered as Safety employees. Under State law, and the City's personnel rules, certain Safety employees have the right to form an employee organization consisting solely of such employees for the purposes of negotiating pay, benefits, and other employment matters.

The Safety management employees of the Police and Fire Departments (the two Chiefs, Fire Division

Chiefs, Police Captains and Lieutenants) have applied for and have been granted the right by the City Manager to form such an organization, which has been designated as the Public Safety Management Employees, effective 7/1/04.

The first resolution established a new set of pay and benefit provisions for the Public Safety Management Employees group which are based upon the previously approved pay and benefits resolutions for all City management employees. While the provisions have been updated to make them current, there have been no benefit enhancements or deletions from what such employees are currently entitled to receive. The second resolution amended Resolution No. 114 00-01 to delete those provisions which apply only to the Safety management employees and are no longer appropriate in the general management group resolution. The Personnel Director and City Manager recommended adoption of these resolutions.

2.4. RESOLUTION NO. 49 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF A REUSE GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

The California Integrated Waste Management Board (CIWMB) has established a Reuse Assistance Grant program to provide incentives to local agencies to develop and promote programs that encourage reusing materials that would otherwise be disposed of in a landfill. The reuse grants are only available to public entities and an agency may request up to \$50,000 for a two-year grant term. In 2002, Habitat for Humanity established a "Restore" in Chico which accepts building and construction materials, such as doors, plumbing and electrical fixtures, windows, flooring, and lumber for resale to the public and for use in Habitat's building projects. This project was very successful and effective in diverting these materials from the landfill. By memorandum dated 10/11/04, Management Analyst Herman forwarded a request from Habitat for Humanity that the City Council consider submitting a joint application for a Reuse Assistance Grant to help fund additional staffing and other equipment necessary to keep up with the demand and to expand the "Restore" project. Habitat staff will prepare the grant application and will provide the funds for the 50% local match grant requirement. Although City of Chico 2004-05 Budget Policy D.9 authorized the City Manager to submit grant applications on behalf of the City, the CIWMB requires a resolution of the governing body authorizing the submittal of this grant application. The City Manager recommended adoption of the resolution.

2.5. RESOLUTION NO. 50 04-05 — A RESOLUTION AUTHORIZING THE COUNTY OF BUTTE TO SUBMIT A REGIONAL APPLICATION FOR A FISCAL YEAR 2004-05 WASTE TIRE AMNESTY DAY GRANT FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

By memorandum dated 10/5/04, Management Analyst Herman submitted a resolution authorizing the County of Butte to submit a regional "Waste Tire Amnesty Day Grant" application to the California Integrated Waste Management Board (CIWMB) on behalf of the cities of Chico, Gridley, Biggs, and the Town of Paradise for the establishment of a tire collection and recycling program. As a regional grant applicant, the County is eligible to receive up to \$100,000. If awarded, the grant funds will be used to establish a public education program to inform residents on proper tire disposal and to hold at least two events within the county in which residents and businesses can dispose of and recycle used tires at no charge. The CIWMB requires each jurisdiction within Butte County to adopt a resolution authorizing the County to apply for the grant on its behalf and to act as the lead agency for the implementation of the grant. The City Manager recommended adoption of the resolution.

2.6. RESOLUTION NO. 51 04-05 — 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 - WEST SACRAMENTO AVENUE ANNEXATION DISTRICT NO. 27 (SKILLICORN - APN 042-160-048)

By memorandum dated 9/29/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel and adjacent street right-of-way, with a total area of 1.068 acres, located at 1906 West Sacramento Avenue. The parcel is developed with a day care center, and creation of one or two additional lots for single family residential development is proposed, requiring connection to the sanitary sewer. Property owners are identified in the staff report. The Assistant Community

Development Director recommended adoption of the resolution.

2.7. RESOLUTION NO. 52 04-05 — 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 - NORD AVENUE ANNEXATION DISTRICT NO. 18 (WESTSIDE NEIGHBORHOOD, LLC)

By memorandum dated 9/28/04, the Assistant Community Development Director forwarded a report on the initiation of annexation proceedings for nine parcels, with a total area of 59.46 acres, located in the area bounded by West Lindo Avenue, the Union Pacific Railroad, West 8th Avenue and Nord Avenue (State Highway Route 32). This annexation was initiated by the owners of three of the parcels, including two approved for development with the 141 lot Westside Place mixed use residential project. The other parcels are included in the annexation proposal to comply with LAFCo boundary standards and prohibition on creation of "islands" of unincorporated territory. Of the parcels not proposed for development, two are in orchard production and will likely remain so for the short term. The remaining five parcels are currently developed with industrial manufacturing and storage uses. Property owners are listed in the staff report. The Assistant Community Development Director recommended adoption of the resolution.

2.8. RESOLUTION NO. 53 04-05 — A RESOLUTION OF THE CITY OF CHICO APPROVING THE RENEWAL OF THE CHICO/NORTHERN BUTTE COUNTY RECYCLING MARKET DEVELOPMENT ZONE

In 1994, the City of Chico and surrounding area was designated as the Chico/Northern Butte County Recycling Market Development Zone (RMDZ) by the California Integrated Waste Management Board (CIWMB). The purpose of the RMDZ is to provide low-interest loans, technical assistance and free product marketing to businesses that locate within the zone and which use recycled materials from the waste stream to manufacture their products. The Chico/Northern Butte County RMDZ terminates in December 2004. By memorandum dated 10/14/04, Management Analyst Herman reported that this resolution authorizes the submittal of an application to the CIWMB for the renewal of the RMDZ for another ten years. Potential environmental impacts resulting from the establishment of the Zone in 1994 were analyzed as part of the Initial Study/Negative Declaration prepared for the City's Source Reduction and Recycling Element in 1992. No new impacts will result from the project as analyzed in the adopted Initial Study/Negative Declaration for the Source Reduction and Recycling Element; therefore, no subsequent environmental review is necessary. The City Manager recommended adoption of the resolution.

2.9. RESOLUTION NO. 54 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AND AUTHORIZING THE AMENDMENT TO THE JOINT POWERS AGREEMENT AND ESTABLISHING THE BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) AS THE ADMINISTRATOR AND OPERATOR OF THE BUTTE REGIONAL TRANSIT SYSTEM

By memorandum dated 10/15/04, Management Analyst Herman reported that this resolution authorizes the City Manager to execute an amendment to the Butte County Association of Governments (BCAG) Joint Powers Agreement to provide for the consolidation of the Chico Area Transit System, the Chico Clipper, and the other transit systems within Butte County, excluding the Gridley Flyer, and to authorize BCAG as the administering agency for the consolidated system. The City Manager recommended adoption of the resolution.

2.10. MINUTE ORDER NO. 27-04 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO EXTEND THE TERM OF THE LEASE WITH CHICO CREEK NATURE CENTER, INC.

At its 12/2/03 meeting, the City Council authorized the filing of an application for Proposition 40 Park Bond Act Grant funds to be used to replace a small office space and provide an additional classroom,

meeting space and restrooms at the Chico Creek Nature Center (CCNC) on City owned property leased by CCNC. While CCNC's lease terminates on 12/31/20, a remaining term of 16 years, the grant requires a lease term of not less than 20 years after completion of the construction project. This minute order authorizes the City Manager to execute an amendment extending the lease to 12/31/27 to meet this grant requirement. The Bidwell Park and Playground Commission and Park Director recommended approval of the minute order.

2.11. **MINUTE ORDER NO. 28-04 — AUTHORIZATION FOR THE CITY MANAGER TO APPROVE SPECIAL MANAGEMENT LEAVE FOR FINANCE DIRECTOR**

Finance Director Martin had planned to retire in August 2004 but agreed to delay her retirement until her appointed replacement returned from maternity leave. Because she had planned to be retired by now, she does not have adequate vacation or management leave to cover time off for commitments and plans made prior to her agreement to work through the end of the year. This minute order authorizes the City Manager to approve 40 hours of special management leave for Finance Director Martin for the period through 12/30/04 or her retirement date, whichever first occurs. Any unused management leave would expire upon her retirement and no additional compensation would be paid. The City Manager recommended approval of the minute order.

2.12. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING HELD ON 9/21/04**

The City Council was provided with the minutes of its meeting held on 9/21/04.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON ORDINANCE AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO AIRPORT ZONES**

By memorandum dated 10/08/04, Principal Planner Bishow reported that at its 10/05/04 meeting, the City Council introduced the ordinance amending Title 19 of the Chico Municipal Code regarding the Airport Zones by reading of the title only. By Council motion, the proposed amendments were set for public hearing on 11/02/04. The amendments to Title 19 would enhance the City's ability to implement the General Plan and support the economic vitality of the airport area. At its 7/15/04 meeting, the Planning Commission voted (5 in favor, 1 disqualified, and 1 absent) to recommend amending the text of Title 19 regarding the Airport Zones. A negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA). Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to adopt a negative declaration for this project, as amended on 9/10/04, and adopt the ordinance below by reading of the title only:

ORDINANCE NO. 2309 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO AIRPORT ZONES - Final Reading and Adoption

The motion to adopt the ordinance, read by title only, carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.2. **HEARING ON A GENERAL PLAN AMENDMENT FOR 2.95 ACRES LOCATED AT THE SOUTHEAST CORNER OF LASSEN AVENUE AND ESPLANADE (ASSESSOR'S PARCEL NUMBER 006-044-002) FROM OFFICE TO COMMUNITY COMMERCIAL, AND A PREZONING FROM OR OFFICE RESIDENTIAL TO CC-PD COMMUNITY COMMERCIAL-PLANNED DEVELOPMENT(GENERAL PLAN AMENDMENT/REZONE 04-02 CROSSEN)**

By memorandum dated 10/06/04, Associate Planner Palmeri reported that at the Planning Commission meeting of 9/02/04, the Commission voted (5 in favor, 2 absent) to recommend approval of a request to amend the General Plan land use designation for 2.95 acres at the southeast corner of Lassen Avenue and the Esplanade from *Office to Community Commercial*, and a prezone from *OR Office Residential to CC-PD Community Commercial-Planned Development overlay zone*. A mitigated negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA). Councilmember Gruendl stated for the record that he had an ex parte communication with the applicant. Mayor Kirk opened the hearing to the public. Byron Crossen addressed the Council on this item. The hearing was closed for further public input.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to: (1) adopt the mitigated negative declaration and mitigation monitoring program for the project; (2) approve the General Plan amendment through adoption of the City Council resolution by the reading of the title only; and (3) adopt the prezone ordinance by reading of the title only.

RESOLUTION NO. 55 04-05 — AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN DESIGNATION FOR PROPERTY AT THE SOUTHEAST CORNER OF LASSEN AVENUE AND ESPLANADE (ASSESSOR'S PARCEL NUMBER 006-044-002) FROM OFFICE TO COMMUNITY COMMERCIAL (GENERAL PLAN AMENDMENT/REZONE 04-02 CROSSEN)

ORDINANCE NO. 2310 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY AT THE SOUTHEAST CORNER OF LASSEN AVENUE AND ESPLANADE (ASSESSOR'S PARCEL NUMBER 006-044-002), FROM OR OFFICE RESIDENTIAL TO CC-PD COMMUNITY COMMERCIAL-PLANNED DEVELOPMENT OVERLAY ZONE (GENERAL PLAN AMENDMENT/REZONE 04-02 CROSSEN) - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.3. **HEARINGS ON ACQUISITION OF INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RECONSTRUCTION OF THE INTERSECTION OF EAST AVENUE/COHASSET ROAD**

The City is undertaking reconstruction of the intersection of East Avenue and Cohasset Road to widen the intersection to provide for a right turn lane and additional left turn lane for each approach. Because of this reconstruction project and the related public utility undergrounding work, the City must acquire additional right-of-way and temporary construction easements from several property owners proximate to the East Avenue/Cohasset Road intersection.

By memorandum dated 10/25/04, the Senior Assistant City Manager transmitted copies of the three notice letters to the property owners, the three resolutions authorizing acquisition of interests in the properties by eminent domain, the three 10/08/04 Engineer's Reports from the Director of Public Works which support the California Government Code findings required to adopt the resolutions, and the notice of determination for the reconstruction project. Staff recommended that the Mayor open each of the hearings to the public and at the close of each hearing that the Council adopt the resolutions. Councilmembers Bertagna and Herbert disqualified themselves due to either a business relationship or, due to the close proximity to the properties in question.

A. Hearing - Main & Main Investments, LLC (2444 Cohasset Road - APN 015-310-080)

By notice letter dated 10/15/04, Main & Main Investments, LLC, the property owner of 2444 Cohasset Road, was advised of tonight's hearing, of the City's intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owner should submit a request in writing within 15 days of the date of the letter if they wished to be heard at this meeting. No request was received as of the date the agenda was prepared. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to adopt the following resolution:

RESOLUTION NO. 56 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 2444 COHASSET ROAD (ASSESSOR'S PARCEL NO. 015-310-080, FORMERLY DESIGNATED ASSESSOR'S PARCEL NO. 048-090-080) IN CONNECTION WITH A PROJECT TO UNDERGROUND UTILITIES AND RECONSTRUCT THE INTERSECTION OF EAST AVENUE AND COHASSET ROAD AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

AYES: Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna, Herbert

B. Hearing - Pacific Realty Associates (860 East Avenue - APN 007-280-053)

By notice letter dated 10/15/04, Pacific Realty Associates, the property owner of 860 East Avenue, was advised of tonight's hearing, of the City's intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owner should submit a request in writing within 15 days of the date of the letter if they wished to be heard at this meeting. No request was received as of the date of preparation of this agenda. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Wahl and seconded by Councilmember Nguyen-Tan to adopt the following resolution:

RESOLUTION NO. 57 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 860 EAST AVENUE (ASSESSOR'S PARCEL NO. 007-280-053) IN CONNECTION WITH A PROJECT TO UNDERGROUND UTILITIES AND RECONSTRUCT THE INTERSECTION OF EAST AVENUE AND COHASSET ROAD AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

AYES: Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna, Herbert

C. Hearing - Peter G. and Elizabeth Giampaoli (896 East Avenue - APN 007-280-056)

By notice letter dated 10/15/04, Peter G. and Elizabeth Giampaoli, the property owners of 896 East Avenue, were advised of tonight's hearing, of the City's intent to purchase a right-of-way, improvements, and a temporary construction easement, and that the property owners should submit a request in writing within 15 days of the date of the letter if they wished to be heard at this meeting. No request was received as of the date of preparation of this agenda. Mayor Kirk 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 Nguyen-Tan to adopt the following resolution:

RESOLUTION NO. 58 04-05 — A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY LOCATED AT 896 EAST AVENUE (ASSESSOR'S PARCEL NO. 007-280-056) IN CONNECTION WITH A PROJECT TO UNDERGROUND UTILITIES AND RECONSTRUCT THE INTERSECTION OF EAST AVENUE AND COHASSET ROAD AND AUTHORIZING THE INITIATION OF AN EMINENT DOMAIN ACTION TO ACQUIRE SUCH PROPERTY

The motion carried by the following vote:

AYES: Gruendl, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna, Herbert

4. REGULAR AGENDA

4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON OCTOBER 13, 2004**

By memorandum dated 10/14/04, the Internal Affairs Committee provided a report on its meeting held on 10/13/04. Committee members present were Councilmembers Bertagna, Kirk, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

A. Approval of Recommendation to Temporarily Close West 13th Street Between Park Avenue and Oakdale Street. The Committee approved (3-0) the temporary closure of West 13th Street between Park Avenue and Oakdale Street to facilitate the construction of the 1200 Park Avenue senior housing project. A conditional encroachment permit will be issued by the Director of Public Works as authorized in Chapter 14.08 of the Chico Municipal Code

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to approve the Committee's recommendation, with a conditional encroachment permit to be issued by the Director of Public Works as authorized in Chapter 14.08 of the Chico Municipal Code.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

B. Approval of Recommendation to Amend Section 10.15.070 of the Chico Municipal Code

Entitled “Trucks-Limitations Upon Routes.” The Committee approved (2-0, Bertagna disqualified) increasing the gross maximum weight limit on any City street not designated as a truck route from three tons to seven tons. Councilmember Bertagna was disqualified on this item.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS TO THE CHICO MUNICIPAL CODE TO INCREASE THE GROSS MAXIMUM WEIGHT OF VEHICLES ALLOWED ON CITY STREETS - Introductory Reading

The motion carried by the following vote:

AYES: Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna

- C. **Consideration of the Removal of Temporary Speed Bumps on Yosemite Drive.** The Committee recommended (2-0, Kirk disqualified) installation of permanent speed undulations on Yosemite Drive. Mayor Kirk disqualified herself on this item.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to accept the Committee’s recommendation which would be funded from the Unallocated Roadway Improvement (25923) project.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl
NOES: None
DISQUAL: Kirk

- D. **Campus Area Activities.** Direction was given to staff to: (1) discuss with local media the public announcement of the names of individuals being arrested; (2) meet with University representatives to discuss making arrest records part of student records and notifying parents of student arrests; and (3) investigate the current procedure of MIP violations. Charlie Pruesser and Nan Jones addressed the Council regarding this issue.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to direct staff to continue discussions with community members, as well as the Town and Gown Committee, and to meet with to *The Orion* staff to discuss publishing a story on the impact on the neighborhoods.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

- E. **Recommendation of Proposed Amendment or Replacement of the Following Five Components of the Chico Municipal Code - Chapter 1.14 Entitled “Nuisance Abatement,” Chapter 1.40 Entitled “Environmental Review Guidelines,” Chapter 2.74 Entitled “Development Application Procedures,” Title 16 Entitled “Building and Construction,” and Title 19 Entitled “Land Use and Development Regulations.”** The Committee recommended (3-0) approving the proposed amendments to the Chico Municipal Code and forwarding an ordinance to Council. At the Committee’s request, a copy of the staff report and ordinance were mailed to Butte Environmental Council, Valley Contractor’s Exchange and BIA.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Wahl to:

(1) introduce the following ordinance; and (2) direct staff to notify the abovementioned organizations, providing them with the opportunity to review and comment on the proposed ordinance before final reading:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING PROVISIONS OF, ADDING PROVISIONS TO, AND AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW OF PRIVATE PROJECTS AND THE ENFORCEMENT OF LAWS, REGULATIONS AND CONDITIONS APPLICABLE TO APPROVALS OF PERMITS, SUBDIVISIONS, AND OTHER ENTITLEMENTS - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

4.3. CONSIDERATION OF APPOINTMENT OF A COUNCILMEMBER TO PARTICIPATE ON THE BUTTE COUNTY WATER ADVISORY COMMITTEE

By letter dated 10/11/04, Ed Craddock, Director, Butte County Water and Resource Conservation, requested the City nominate an interested City Councilmember to participate on the Butte County Water Advisory Committee. Nominations would be accepted through 11/5/04. Mayor Kirk agreed to serve on the committee, with Councilmember Herbert serving as the alternate.

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA — None

4.5. FUTURE MEETINGS

! An appeal of the Planning Commission's approval of the Avalon Court subdivision was filed by Donald Hocking on 10/28/04. The 30 day requirement to hear the appeal will end on 11/28/04. Council agreed to hear this appeal at its all day work session on 11/16/04.

! An appeal of the Planning Commission's approval of the Belvedere Heights subdivision was filed by Leo and Marlene Pyshora on 11/01/04. The 30 day requirement to hear the appeal will end on 12/01/04. Council agreed to hear this appeal at its all day work session on 11/16/04.

5. BUSINESS FROM THE FLOOR

Rosie Vogt addressed her concerns regarding the roundabout being constructed on West 8th Avenue. Staff will look at the sight distance issue, interim diverters, as well as temporary lighting during construction.

Chris Porter, representing the Associated Students, thanked the Council for its support of their alternative event on Halloween. The Association felt it was a tremendous success.

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. Memorandum dated 9/30/04 from the Risk Manager reported on claims denied during the quarter ending 9/30/04.

- 6.2. Memorandum dated 10/11/04 from the Finance Director reported that the list of claims paid during the month of September 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3. Letter dated 10/08/04 from Maureen Pierce, Executive Director of the Boys and Girls Club, which forwarded the annual report required under Section 10 of the "Lease of Real Property and Improvements, 601 Wall Street (City of Chico/Boys and Girls Club of Chico)."

7. **ADJOURNMENT**

Adjourned at 8:06 p.m. to November 16, 2004, at 8:30 a.m., in the City Council Chamber for an adjourned regular all-day work session.

DATE APPROVED: December 7, 2004

Deborah R. Presson, City Clerk

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — November 16, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the November 16, 2004 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:30 a.m.
 - 1.1. Flag Salute
 - 1.2. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
 - 1.3. Proclamation - Honoring the 100th birthday of 100 year Chico resident, Elsie Mead. Ms. Mead was unable to attend this meeting and it was noted that the proclamation would be mailed.
 - 1.4. The City Council determined that it would meet in closed session during the lunch break following the 11:00 a.m. hearing.
 - 1.5. **REVIEW OF DOCUMENTARY VIDEO OF BIDWELL PARK**

By memorandum dated 11/8/04, the Park Director indicated that Half a Bubble Out Communications, a local media company, is proposing to raise funds to develop a full length documentary film on the history of Bidwell Park to commemorate the 100th year anniversary of the park which takes place on 7/10/05. Immediately following the lunch break, Half a Bubble Out presented a short introductory video in Conference Room 1. Half a Bubble Out's proposed budget is \$100,000 to produce a 60 minute final piece, and they are partnering with the North Valley Community Foundation so that all funds donated will be tax deductible. Half a Bubble Out solicited comments and suggestions for completing the project following viewing of the video. This presentation was scheduled at the request of Councilmember Herbert with no action requested at this time.

2. **CONSENT AGENDA** — A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to approve the following Consent Agenda items:
 - 2.1. **APPROVAL OF BUDGET MODIFICATION NO. RDA 04-05 04 TO ESTABLISH NEW CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT FUNDS**

As a result of the successful completion of the plan amendment process that fiscally merged the Chico Merged and Greater Chico Urban Area Redevelopment Projects into the Chico Amended and Merged Redevelopment Project, it now is necessary to create new redevelopment funds for tax increment and the low and moderate income housing set-aside, and to consolidate the Chico Merged and Greater Chico fine arts set-aside funds. Because the merger was completed in the second quarter of the fiscal year, Agency staff recommended that for the remainder of the 2004-05 fiscal year, the new funds be used only for capital budget adjustments occurring after 07/01/04 and that the Finance Director be authorized to process the necessary accounting adjustments at year end to reflect the transfer of funds from the Chico Merged (351 and 371) and Greater Chico Urban Area Redevelopment Project Area (368 and 369) funds into the newly established funds, and to consolidate the Chico Merged Art Fund (380) with the Greater Chico Art Fund (382). The Executive Director recommended approval of the Budget Modification. Councilmembers Herbert and Wahl disqualified themselves on this item.

- 2.2. **RESOLUTION NO. 21-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION OF A PUBLIC FACILITIES REIMBURSEMENT AGREEMENT WITH BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT FOR THE DEVELOPMENT OF A SUBSTATION AND ALLOCATING TAX INCREMENT REVENUE FROM THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT FOR DEVELOPMENT COSTS**

By memorandum dated 11/05/04, the Executive Director reported that during the plan amendment process to fiscally merge the Chico Merged and Greater Chico Urban Area Redevelopment Projects, he advised the Agency that he would be recommending the allocation of funds for the development of a Butte

County Mosquito and Vector Control District ("the District") substation in the Chico Urban Area as one of the first projects to be funded following completion of the merger. This resolution authorized the Executive Director to enter into a public facilities reimbursement agreement with the District and allocated \$2,290,000 for property acquisition, pre-development costs, construction costs related to development of the substation, staff costs, and capital project overhead. An administrative supplemental appropriation confirming the Agency's action will be processed following this meeting. The Executive Director recommended adoption of the resolution. Councilmembers Herbert and Wahl disqualified themselves on this item.

- 2.3. **RESOLUTION NO. 59 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONSENTING TO THE PAYMENT BY THE CHICO REDEVELOPMENT AGENCY OF COSTS RELATED TO THE INSTALLATION OF A TRAFFIC SIGNAL ON FOREST AVENUE AND MAKING CERTAIN FINDINGS RELATED THERETO** (City Council Action)

RESOLUTION NO. 22-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ALLOCATING TAX INCREMENT REVENUE FROM THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT FOR COSTS RELATING TO THE INSTALLATION OF A TRAFFIC SIGNAL ON FOREST AVENUE (Agency Action)

By memorandum dated 11/05/04, the Executive Director reported that at the time Butte College was selecting a new site for its Chico Center, the Agency agreed to assist with a traffic signal when needed. In order to provide bus stops on both sides of Forest Avenue to serve the Center, a traffic signal is required. This project fulfills the Agency's commitment to Butte College. The Agency resolution allocated \$273,167 from the Merged Redevelopment Fund. An administrative supplemental appropriation confirming the Agency's action will be processed following this meeting. The City Manager/Executive Director recommended adoption of the resolutions. To consider this item, the Redevelopment Agency convened as both the City Council and the Chico Redevelopment Agency. Councilmembers Herbert and Wahl disqualified themselves on this item.

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

AYES: Bertagna, Gruendl, Nguyen-Tan, Kirk
NOES: None
DISQUAL: Herbert, Wahl

3. **NOTICED PUBLIC HEARINGS** — None
4. **REGULAR AGENDA**
4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA** — None
4.2. **BUDGET REVIEW**

Agency staff reviewed the financial status of the Chico Amended and Merged Redevelopment Project and related funds. The Agency was provided with and considered the following documents:

- A. Chico Amended and Merged Redevelopment Project Fund Projected Trends
B. Chico Amended and Merged Low and Moderate Income Housing Fund Summary

- 4.3. **CONSIDERATION OF POTENTIAL REDEVELOPMENT PROJECTS**

During the Redevelopment Plan amendment process to fiscally merge the Chico Merged and Greater Chico Urban Area Redevelopment Projects, the Agency was advised that following completion of the merger, staff would submit a preliminary list of potential capital projects which were proposed for redevelopment funding. By memorandum dated 11/05/04, the Executive Director forwarded the

preliminary list of projects and outlined current and projected redevelopment revenue.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to add the reconstruction of East Fifth Avenue, from the Esplanade to East Avenue, and the Ceres Neighborhood Park as potential projects then refer to the Finance Committee for review and recommendations. In addition, staff was directed to place the discussion of Fire Station 6 on the agenda for the January 2005 work session.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

4.4. **DISCUSSION OF CHICO OPEN BOARD ART FUNDING**

Councilmembers Gruendl and Nguyen-Tan requested discussion of Chico Open Board Art (COBA) funding at this meeting. By memorandum dated 11/08/04, the City Manager outlined the history of COBA funding and Arts Commission recommendations on the program. Dave Lawton addressed the Council regarding this item.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to request COBA to provide Council with a phased out plan for reliance on City funding at its second meeting in December or first meeting in January 2005, at which time Council will consider COBA's funding request.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

4.5. **CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON ITS MEETING HELD ON NOVEMBER 10, 2004**

At its 11/10/04 meeting, the Economic Development Committee reviewed the request from Wayne Cook for an additional \$1 million to complete the rehabilitation of the Diamond Hotel. The Agency previously authorized the Executive Director to enter into a loan agreement with Wayne Cook for \$1 million for rehabilitation of the Hotel. The Agency was provided with the Economic Development/Housing Specialist's memorandum, dated 11/4/04, providing background on the request from Wayne Cook for additional funds for the Diamond Hotel. The City Council was also provided with letters dated 11/08/04 from Howard Slater, Slater & Son; 11/08/04 from Dan Gordon, Realtor; and 11/09/04 from Carlton Lowen, Realtor. Because the Economic Development Committee met after the preparation of this agenda, staff provided a verbal report of the Committee's recommendation at this meeting. Councilmember Wahl was disqualified on this item.

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

RESOLUTION NO. 23-04 — A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A LOAN AGREEMENT WITH WAYNE COOK FOR ADDITIONAL FUNDS FOR REHABILITATION OF THE DIAMOND HOTEL AND ALLOCATING TAX INCREMENT REVENUE FOR THE LOAN FROM THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Wahl

An administrative supplemental appropriation confirming the Agency's action will be processed following this meeting.

The Council recessed for a five minute break at 9:40 a.m.

4.6. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — November 16, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the November 16, 2004 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call — Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None

2. **CONSENT AGENDA** — Items 2.3., 2.4., and 2.5. were removed from the Consent Agenda and heard under Item 4.1. A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the remaining Consent Agenda items:

2.1. **ORDINANCE NO. 2311 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING PROVISIONS TO THE CHICO MUNICIPAL CODE TO INCREASE THE GROSS MAXIMUM WEIGHT OF VEHICLES ALLOWED ON CITY STREETS** - Final Reading and Adoption

The above ordinance was introduced at the 11/02/04 City Council meeting. The ordinance increases the gross maximum weight limit on any City street not designated as a truck route from three tons to seven tons. The Director of Public Works recommended adoption of the ordinance by reading of the title only. Councilmember Bertagna was disqualified on this item.

2.2. **ORDINANCE NO. 2312 — AN ORDINANCE REPEALING PROVISION OF, ADDING PROVISIONS TO, AND AMENDING PROVISIONS OF THE CHICO MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW OF PRIVATE PROJECTS AND THE ENFORCEMENT OF LAWS, REGULATIONS AND CONDITION APPLICABLE TO APPROVALS OF PERMITS, SUBDIVISION, AND OTHER ENTITLEMENTS** - Final Reading and Adoption

As directed by the Internal Affairs Committee, the Valley Contractors Exchange, Butte Environmental Council and Building Industry Association were provided with copies of this proposed ordinance. Their representatives have advised staff that they have no comments concerning adoption of this ordinance. The Community Development Director recommended adoption of the ordinance by reading of the title only.

2.3. **RESOLUTION NO. 60 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 114 00-01 TO ADD THE POSITIONS OF DIRECTOR OF HUMAN RESOURCES AND RISK MANAGEMENT, AND HUMAN RESOURCES MANAGER, TO THE MANAGEMENT EMPLOYEE GROUP AND SET THE SALARY RATES FOR THOSE POSITIONS, AND TO MAKE THE PREVIOUSLY AGREED UPON PAY INCREASE FORMULA APPLICABLE TO MANAGEMENT EMPLOYEES IN JANUARY, 2005 (AMENDMENT NO. 9 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)** — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.

2.4. **RESOLUTION NO. 61 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 124 00-01 TO MAKE THE PREVIOUSLY AGREED UPON PAY INCREASE FORMULA APPLICABLE TO CONFIDENTIAL EMPLOYEES IN JANUARY, 2005 (AMENDMENT NO. 4 - 2001 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)** —

this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.

- 2.5. **RESOLUTION NO. 62 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE “MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND CHICO POLICE OFFICERS’ ASSOCIATION - NON-SWORN UNIT REGARDING PAY, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR DECEMBER 29, 2002 THROUGH DECEMBER 31, 2007 (2003 MOU-CPOA NON-SWORN)”** — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.

- 2.6. **MINUTE ORDER NO. 30-04 — AUTHORIZATION FOR EXECUTION OF INTERAGENCY LAW ENFORCEMENT PROTOCOL AGREEMENTS REQUIRED BY THE CALIFORNIA EDUCATION CODE**

Section 67381 of the California Education Code, known as the Kristin Smart Campus Safety Act of 1998, requires campus police or security and local law enforcement agencies to enter into written agreements to clarify operational responsibility for response and investigation of violent crimes on campus property and property controlled by independent post-secondary educational institutions within the local agency’s jurisdiction. Butte-Glenn Community College District has submitted a written agreement for the new Chico Center Campus at 2320 Forest Avenue to meet this State requirement. This minute order authorizes the Chief of Police and City Manager to execute this particular agreement and any similar State-mandated agreements with other post-secondary educational institutions as defined in the Education Code. The Chief of Police recommended approval of the minute order.

- 2.7. **APPROVAL OF FINANCE COMMITTEE RECOMMENDATION TO MODIFY CITY INSURANCE REQUIREMENTS FOR CONTRACTS, AGREEMENTS, PERMITS, AND OTHER ENTITLEMENTS**

At its 10/27/04 meeting, the Finance Committee recommended (3-0) that the City’s insurance requirements be amended to no longer require passive negligence coverage in additional insured and primary coverage endorsements as set forth in the memorandum dated 10/10/04 from the Risk Manager.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None
DISQUAL: Bertagna, on Item 2.1.

3. **NOTICED PUBLIC HEARINGS**

- 3.1. **PUBLIC HEARING ON CITY OF CHICO 2004-05 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY)**

By memorandum dated 10/29/04, the Director of Public Works forwarded the revised Nexus Study and fee schedule resolution which incorporate changes previously approved by Council and adds funding in the amount of \$500,000 for a Project Study Report for SHR32 from SHR99 to Yosemite Drive as discussed in the memorandum. Section 66016 of the California Government Code requires that a public hearing on amendments of Development Impact Fees be held, and that a public notice be mailed to anyone who has requested such notice. The required notice was mailed to those parties who have filed such a request. Any fees modified would become effective on the 61st day following adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Councilmember Gruendl and seconded by Mayor Kirk to: (1) approve the revised City of Chico 2004-05 Update of Development Impact Fees Analysis and Recommendations (Nexus Study); and (2) adopt the accompanying resolution amending the City’s Fee Schedule to implement the fee changes resulting from the Nexus update.

RESOLUTION NO. 63 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 287 - TRANSPORTATION FACILITY FEES, AND BUILDING AND EQUIPMENT FEES)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Kirk
NOES: Wahl

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 549 (HOLLY ESTATES SUBDIVISION)

By memorandum dated 10/14/04, the Director of Public Works reported that this resolution orders the formation of Chico Maintenance Assessment District No. 549. As a condition of approval of a subdivision map for this development, generally located on Holly Avenue between West 12th Avenue and Lindo Channel, the developers, Chuck Tatreau, Paul Mello and James Picaso, have consented to the formation of this district for the annual maintenance and future replacement of the landscaping and irrigation along Holly Avenue at the entrance to the subdivision, and the storm drain facilities located within the subdivision. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 64 04-05 — 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. 549 — HOLLY ESTATES SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 543 (WESTMONT SUBDIVISION)

By memorandum dated 10/15/04, the Director of Public Works reported that this resolution orders the formation of Chico Maintenance Assessment District No. 543. As a condition of approval of a subdivision map for this development, generally located on East Avenue between Cactus Avenue and Navarro Drive, the developer, Tony Symmes, has consented to the formation of this district for the annual maintenance and future replacement of the masonry wall along the East Avenue frontage, the landscaping and irrigation along East Avenue between the back of curb to the property line, and the storm water quality treatment facility located within the subdivision. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 65 04-05 — 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. 543 — WESTMONT SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 526 (THOMAN COURT SUBDIVISION)

By memorandum dated 10/15/04, the Director of Public Works reported that this resolution orders the formation of Chico Maintenance Assessment District No. 526. As a condition of approval of a subdivision map for this development, generally located on Cohasset Road north of Lupin Avenue, the developer, J.D. Zink, has consented to the formation of this district for the annual maintenance and future replacement of the landscaping and irrigation of the storm water detention facility and a chain link fence and gate. This maintenance assessment district will provide that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Kirk opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 66 04-05 — 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. 526 — THOMAN COURT SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

3.5. APPEAL OF THE PLANNING COMMISSION'S DETERMINATION THAT THE BELVEDERE HEIGHTS CONFORMING TENTATIVE MAP S 02-01 INCORPORATES PREVIOUSLY-APPROVED CONDITIONS OF APPROVAL, AND THAT NEWLY PROPOSED MITIGATION MEASURES WILL ADEQUATELY SUBSTITUTE FOR AND FULFILL THE PURPOSE OF ORIGINAL MITIGATION MEASURES — This item was heard at 11:00 a.m.

By memorandum dated 11/9/04, the Planning Director and Senior Planner Murphy reported that at its 10/21/04 meeting, the Planning Commission reviewed the Belvedere Heights conforming tentative map and determined by a 5-1-1 vote that: (1) it incorporated conditions of approval for three contiguous tentative subdivision maps (Sophia Estates, Doe Mill Highlands West, and Doe Mill Highlands East) approved by the City Council in 1993; and (2) an Oak Mitigation Program proposed for Belvedere Heights adequately substitutes for and fulfills the purpose of original mitigation measures adopted for the three tentative maps that were intended to protect oak resources. The Commission's determination was appealed to the Council on 11/01/04 by Leo and Marlene Pyshora. The Planning Director recommended that the Council deny the appeal by adoption of the following resolution. It was noted for the record that the Council binders included a memorandum dated 11/09/04 from the City Attorney which was received after the printing of the agenda. The City Council was also provided with an email dated 11/11/04 from

appellant Leo Pyshora.

Mayor Kirk opened the hearing to the public. Addressing the Council were Judy Reed, Paul Sengo, Bud Pyshora, Py Pyshora, Moose Davi, John Merz, Tim Wood, Walt Fujii, and William Abbot. The hearing was closed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Herbert to uphold the appeal with regard to the provision of lighting along the bike path and the location of Lot 184, otherwise uphold the determinations made by the Planning Commission in its Resolution 04-41 and further directs that: (1) no lighting be included along any of the bike paths on the property; and (2) eliminate Lot 184, and, if feasible, a replacement lot may be added on the final map outside the area to be dedicated to the City pursuant to the Oak Mitigation Program, by adoption of the following amended resolution:

RESOLUTION NO. 67 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL OF THE PLANNING COMMISSION'S FINDING THAT THE BELVEDERE HEIGHTS CONFORMING TENTATIVE MAP S 02-01 INCORPORATES PREVIOUSLY-APPROVED CONDITIONS OF APPROVAL AND THAT NEWLY PROPOSED MITIGATION MEASURES WILL ADEQUATELY SUBSTITUTE FOR AND FULFILL THE PURPOSE OF THE ORIGINAL MITIGATION MEASURES IN THE 1993 CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (MBD, INC.)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

4. **REGULAR AGENDA**

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

- 2.3. **RESOLUTION NO. 60 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 114 00-01 TO ADD THE POSITIONS OF DIRECTOR OF HUMAN RESOURCES AND RISK MANAGEMENT, AND HUMAN RESOURCES MANAGER, TO THE MANAGEMENT EMPLOYEE GROUP AND SET THE SALARY RATES FOR THOSE POSITIONS, AND TO MAKE THE PREVIOUSLY AGREED UPON PAY INCREASE FORMULA APPLICABLE TO MANAGEMENT EMPLOYEES IN JANUARY, 2005 (AMENDMENT NO. 9 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION) — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.**

As part of the City Manager's reorganization of the Personnel and Risk Management offices into a new Department of Human Resources and Risk Management, the new job titles of Director of Human Resources and Risk Management, and Human Resources Manager, have been created, and this resolution established the salary rates for each in the Management Employees pay and benefit resolution. In addition, in order to provide the Management Employees with the same pay increase being provided to certain other non-management employees of the City, this resolution makes the pay increase formula previously included in the Management pay and benefit resolution applicable in January 2005. The City Manager and Personnel Director recommended approval of this resolution.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to adopt Resolution No. 60 04-05.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- 2.4. **RESOLUTION NO. 61 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 124 00-01 TO MAKE THE PREVIOUSLY AGREED UPON PAY INCREASE FORMULA APPLICABLE TO CONFIDENTIAL EMPLOYEES IN JANUARY, 2005 (AMENDMENT NO. 4 - 2001 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)** — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.

In order to provide the Confidential Employees of the City with the same pay increase that will be applicable to other Miscellaneous employees of the City in the same or similar job classifications, this resolution makes the pay increase formula previously included in the Confidential Employees pay and benefit resolution applicable in January 2005. The City Manager and Personnel Director recommended approval of this resolution.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to adopt Resolution No. 61 04-05.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- 2.5. **RESOLUTION NO. 62 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE “MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND CHICO POLICE OFFICERS’ ASSOCIATION - NON-SWORN UNIT REGARDING PAY, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR DECEMBER 29, 2002 THROUGH DECEMBER 31, 2007 (2003 MOU-CPOA NON-SWORN)”** — this item was removed from the Consent Agenda and heard under Item 4.1. at the request of Councilmember Wahl.

The City Council previously approved a memorandum of understanding (MOU) between the City and the Chico Police Officers’ Association for the non-sworn Police Department employees represented by the Association. Recently, it was discovered that certain provisions relating to when negotiations could be reopened, which had been agreed to at the time the MOU was being negotiated, had been inadvertently omitted from the final version of the MOU. This amendment incorporated the omitted provisions into the MOU. The Personnel Director recommended approval of this resolution.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to adopt Resolution No. 62 04-05.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- 4.2. **BUDGET REVIEW** — A confirming administrative supplemental appropriation and/or budget modification will be processed follow this meeting for those items acted upon by Council.

A. Approval of 2005-06 Budget Calendar

By memorandum dated 10/21/04, the Budget Officer submitted the proposed 2005-06 Budget Calendar for approval by the City Council. In accordance with prior City Council direction that the January work session not be scheduled for the day following the Martin Luther King holiday, the January work session was scheduled for 01/25/05, and replaces the adjourned regular meeting of 01/18/05. Council, by consensus, approved the budget calendar for 2005-06.

B. General Budget Review

The City Council was provided with and considered the following documents:

1. General and Park Funds Projected Trends
2. Summary of Estimated Fund Balances
3. Capital Project Status Report
4. Capital Improvement Program – At its 10/27/04 meeting, the Finance Committee recommended (3-0) approval of the City of Chico Capital Improvement Program 2005/06 through 2009/10 with a few minor revisions. By memorandum dated 11/09/04, the Director of Public Works provided the revised CIP.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the revised CIP.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

The approved CIP will be incorporated into the 2004-05 Annual Budget by an administrative Budget Modification.

The Council recessed for a 5 minute break at 10:55.

C. Consideration of Proposed City Manager Recommended Budget Adjustments

1. By memorandum dated 11/08/04 the City Manager forwarded a copy of the additive requests which were postponed from the June work session to this meeting. The City Manager was not recommending funding of any of the additive requests at this time but recommended approval of a supplemental appropriation in the amount of \$34,000 from the Park Fund (002) for Park contractual services to treat an infestation of Asian Woolly Hackberry Aphids.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Bertagna to approve the supplemental appropriation in the amount of \$34,000 from the Park Fund (002) for the purposes stated above.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

2. By memorandum dated 11/08/04, the City Manager recommended approval of a supplemental appropriation in the amount of \$500,000 from the General Fund (001) for Police Department operating expenses.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the supplemental appropriation in the amount of \$500,000 from the General Fund (001) for Police Department operating expenses and authorized the City Manager to determine how the funds would be allocated, to hire up to five police officers, and directed staff to provide the Council with a memorandum outlining the allocation of funds.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

4.3. **CONSIDERATION OF REVENUE INCREASE TO SUPPORT PUBLIC SAFETY, PARK, AND ROAD**

NEEDS

By memorandum dated 11/8/04, the City Manager recommended that the City Council consider methods for increasing revenue to support the public safety and facility needs of the City. After Council discussion, Council concurred to send this item to the Finance Committee for review and to explore all options for additional funding sources.

It was noted that at the January 2005 work session the Council may discuss the feasibility of adopting a two-year budget.

- 4.4. **CONSIDERATION OF TEICHERT PONDS DRAFT RESTORATION AND MANAGEMENT PLAN** — this item was considered at 2:00 p.m.

By memorandum dated 11/9/04, the Assistant Community Development Director forwarded a report on the Draft Restoration and Management Plan for the City owned Teichert Ponds complex, located south of Little Chico Creek and east of State Highway Route 99. The report identifies multiple strategies to restore and/or enhance the water quality, storm water treatment capacity, aesthetics and habitat values of the site. The Assistant Community Development Director recommended Council select the alternative depicted in Figure 3-3b of the Plan, and direct staff to proceed with steps to implement the Plan. An overview was provided to the Council from the consultants who created the Teichert Ponds Draft Restoration and Management Plan.

A motion was made by Councilmember Nguyen-Tan and seconded by Councilmember Gruendl to select the alternative depicted in Figure 3-3b of the plan, and to direct staff to proceed with steps to implement the Plan.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- 4.5. **CONSIDERATION OF REPORT AND RECOMMENDATION OF THE COMMITTEE FORMED TO DETERMINE HOW TO HONOR THE LATE COLEEN JARVIS**

At its meeting of 8/3/04, the City Council appointed Councilmembers Bertagna and Gruendl to an ad hoc committee to consider ideas and develop a recommendation on how to honor the late Coleen Jarvis. The committee met on 11/8/04 and provided a verbal report at this meeting.

Councilmember Gruendl provided an overview of the various options that were considered by the committee.

A motion was made by Councilmember Herbert and seconded by Councilmember Nguyen-Tan to approve the committee recommendation of dedicating the 1910 regulator clock in the lobby of the Old Municipal Center to the memory of the late Vice Mayor Coleen Jarvis.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk

NOES: None

- 4.6. **ITEMS ADDED AFTER POSTING OF THE AGENDA** — None

5. **BUSINESS FROM THE FLOOR**

Tim Sjostrom stated that he believed the advertisements meant to discourage out of town visitors on Halloween have resulted in sending a negative message about visiting Chico at any time of the year. He suggested that advertisements should focus more on welcoming visitors and promoting the many positive events taking place in Chico.

Ken Fleming addressed the Council regarding his concerns over the placement of garbage cans outside of downtown restaurants. The Community Development Director will verify the regulations in order to determine whether this issue should be reviewed by the Internal Affairs Committee.

6. **REPORTS AND COMMUNICATIONS**

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

- 6.1. By memorandum dated 10/21/04, the Director of Public Works summarized the history of the National Pollution Discharge Elimination System, Phase II (NPDES II) program and its requirement that the City of Chico develop and implement a Storm Water Management Plan. The memorandum further described the activities to be undertaken through the plan and proposes funding for the implementation of the plan.
- 6.2. Memorandum dated 11/08/04 from the Finance Director reported that the list of claims paid during the month of October 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

7. **ADJOURNMENT**

Adjourned at 2:45 p.m. to December 7, 2004 at 7:30 p.m. for a regular meeting in the Council Chamber.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — November 16, 2004

Minutes

1. **CALL TO ORDER** — Council recessed to Closed Session at 12:40 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

2. **CLOSED SESSION**

- 2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Personnel Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

3. **ADJOURNMENT**

The Council reconvened from Closed Session at 1:20 p.m. to view a video in Conference Room 1, followed by the continuation of the regular meeting in the Council Chamber at 1:30 p.m. in the Council Chamber.

The November 16, 2004 – Adjourned Regular Chico City Council Meeting was adjourned at 2:45 p.m. to December 7, 2004 at 7:30 p.m. for a regular meeting in the Council Chamber.

DATE APPROVED: January 25, 2005

Deborah R. Presson, City Clerk

REGULAR CHICO CITY COUNCIL MEETING — December 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Kirk called the December 7, 2004 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.
 - 1.1. Presentation of Colors & Pledge of Allegiance – Girl Scouts of Sierra Cascade
 - 1.2. National Anthem & America the Beautiful – Vintage Sound
 - 1.3. Invocation – Pastor Reg Schultz-Ackerson, Faith Lutheran Church
 - 1.4. Roll Call – Present: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
Absent: None
2. **CONSENT AGENDA** — A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to adopt the following Consent Agenda:
 - 2.1. **RESOLUTION NO. 73 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE NOVEMBER 2, 2004 GENERAL MUNICIPAL ELECTION**

Pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code, this resolution declared the results of the General Municipal Election held on 11/02/04 in the City of Chico. On 12/01/04, the City Clerk certified the official election results received from the Butte County Clerk which were attached to the resolution as Exhibit A. The City Clerk recommended adoption of the resolution.

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

AYES: Bertagna, Gruendl, Herbert, Nguyen-Tan, Wahl, Kirk
NOES: None

RECOGNITION OF OUTGOING COUNCILMEMBER DAN NGUYEN-TAN

Mayor Maureen Kirk

SWEARING-IN OF COUNCIL

Judge Darrell Stevens

SELECTION OF MAYOR AND VICE MAYOR

City Clerk Deborah Presson

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to nominate Councilmember Kirk as the Mayor. Councilmember Kirk declined the nomination.

A motion was made by Councilmember Kirk and seconded by Councilmember Holcombe to nominate Councilmember Gruendl as Mayor.

The motion carried by the following vote:

AYES: Gruendl, Holcombe, Kirk, Schwab
NOES: Bertagna, Herbert, Wahl

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to nominate Councilmember Wahl as Vice Mayor.

The motion failed due to the following vote:

AYES: Bertagna, Herbert
NOES: Holcombe, Kirk, Schwab, Gruendl
ABSTAIN: Wahl

A motion was made by Councilmember Holcombe and seconded by Mayor Gruendl to nominate Councilmember Kirk as Vice Mayor.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None

RECOGNITION OF OUTGOING MAYOR MAUREEN KIRK
by Mayor Gruendl

3 **ADJOURNMENT**

- 3.1. The City Council recessed at 8:00 and reconvened at 8:15 p.m. as the Redevelopment Agency for a regular meeting in the Council Chamber.

REGULAR CHICO REDEVELOPMENT AGENCY MEETING — DECEMBER 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Gruendl called the December 7, 2004 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:20 p.m.

1.1 Roll Call – Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None

2. **CONSENT AGENDA** – No items.

3. **NOTICED PUBLIC HEARINGS** – No items.

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF PROPOSAL FOR A VETERAN'S MEMORIAL IN CITY PLAZA**

By memorandum dated 11/22/04, the Park Director indicated plans for the veteran's memorial would be presented to the City Council for approval. At its 07/06/04 meeting, the City Council directed staff to work with veterans on a suitable design as part of the renovation of City Plaza. The memorial will be centered on Main Street between East 4th and East 5th Streets. The Council was provided with a depiction of the proposed Veteran's Memorial by Nichols, Melburg and Rosetti. The Park Director recommended approval of the design.

A motion was made by Councilmember Wahl and seconded by Councilmember Herbert to approve the design.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

5. **ADJOURNMENT**

Adjourned to a regular City Council meeting.

REGULAR CHICO CITY COUNCIL MEETING — December 7, 2004

Minutes

1. **CALL TO ORDER** — Mayor Gruendl called the December 7, 2004 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.
 - 1.1. Roll Call – Present: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: None
2. **CONSENT AGENDA** — Item 2.2. was removed from the Consent Agenda and heard under Item 4.1. A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the following Consent Agenda items:
 - 2.1. **RESOLUTION NO. 68 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBANIZED AREA NEED-BASIS PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF 2002**

By memorandum dated 11/22/04, the Park Director recommended adoption of a resolution authorizing the City Manager to submit an application for funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002, Roberti-Z'berg-Harris Urbanized Area Need-Basis Program and to execute funding agreements with the California Department of Parks and Recreation. The grant application (\$200,000) requested funds to replace the Sycamore Pool Dam at the One Mile Recreation Area. The Park Director recommended adoption of the resolution. Councilmember Holcombe abstained on this item.
 - 2.2. **RESOLUTION NO. 69 04-05 — A RESOLUTION OF THE 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 - AZTEC DRIVE ANNEXATION DISTRICT NO. 1 (LAYMAN / THOMASSON - ASSESSOR'S PARCEL NO. 039-060-114)** — this item was removed from the Consent Agenda and heard under Item 4.1.
 - 2.3. **MINUTE ORDER 31-04 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE MUTUAL AID AGREEMENT, A COOPERATIVE AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (BUTTE UNIT) AND THE CITY OF CHICO**

This minute order authorized the City Manager to execute an agreement which provides for the provision of non-reimbursed assistance between the agencies when the giving agency wishes to make resources available to the other. This agreement replaces an expired agreement between the City of Chico and the California Department of Forestry and Fire Protection, Butte Unit. By agreement between the agencies, mutual aid has continued in effect pending approval of a new agreement. The agreement authorized an Operational Letter of Understanding setting forth the operational protocols to be implemented by the agencies. The Fire Chief recommended approval of the minute order.
 - 2.4. **APPROVAL OF FINANCE COMMITTEE RECOMMENDATION TO APPROVE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$66,000 TO COVER ONE-TIME PRETESTING, REPAIRS, AND FINAL CERTIFIED TESTING OF ENHANCED LEAK DETECTION FOR UNDERGROUND STORAGE TANKS**

At its 12/01/04 meeting, the Finance Committee recommended (3-0) approval of this supplemental appropriation as requested in the memorandum dated 11/22/04 from Assistant Director of Public Works Martinez. The 06/30/05 estimated fund balance is \$678,525. This Supplemental Appropriation allocates \$66,000 from the Facilities Maintenance Fund (933). A confirming supplemental appropriation will be processed following this meeting.
 - 2.5. **APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS HELD 10/05/04 AND 11/02/04**

The City Council was provided with the minutes of its meetings held on 10/05/04 and 11/02/04. Councilmember Holcombe abstained on this item.

The motion to approve the Consent Agenda, with Item 2.1. removed and heard under Item 4.1., carried by the following vote:

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
ABSTAIN: Holcombe, on Items 2.1. and 2.5.

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 547 (PASEO HACIENDAS SUBDIVISION, UNIT 2)**

By memorandum dated 11/08/04, the Director of Public Works reported that this resolution orders the formation of Chico Maintenance Assessment District No. 547. As a condition of approval of a subdivision map for this development, generally located on Ceanothus Avenue south of the intersection of Ceanothus and East Avenues, the developer, Butte Creek Investment Corporation, has consented to the formation of this district for the annual maintenance and future replacement of the underground storm drainage retention seepage trenches within the subdivision. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Gruendl opened the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 70 04-05 — 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. 547 - PASEO HACIENDAS SUBDIVISION, UNIT 2

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

3.2. **HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 544 (LONGBOARD SUBDIVISION, UNIT 2)**

By memorandum dated 10/20/04, the Director of Public Works reported that this resolution orders the formation of Chico Maintenance Assessment District No. 544. As a condition of approval of a subdivision map for this development, generally located on Floral Avenue north of East Avenue, the developer, William E. Baker, has consented to the formation of this district for the annual maintenance and future replacement of the landscaping and irrigation of the storm water detention facility, the landscaping and irrigation within the median on Floral Avenue, and the fencing surrounding the storm water detention facility, all located within the subdivision. This maintenance assessment district provides that the City perform (or contract for) the operation and maintenance services which will be paid by property owners within this district. Future annual assessments will be paid at the time other property taxes are collected. The Director of Public Works recommended adoption of the resolution. Mayor Gruendl opened

the hearing to the public. No one spoke and the hearing was closed.

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

RESOLUTION NO. 71 04-05 — 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. 544 — LONGBOARD SUBDIVISION, UNIT 2

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

4. **REGULAR AGENDA**

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

2.2. **RESOLUTION NO. 69 04-05 — A RESOLUTION OF THE 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 - AZTEC DRIVE ANNEXATION DISTRICT NO. 1 (LAYMAN / THOMASSON - ASSESSOR'S PARCEL NO. 039-060-114)**

By memorandum dated 11/15/04, the Assistant Community Development Director forwarded a report on initiation of the annexation of one parcel located northwest of the intersection of Aztec Drive and Huss Drive with a total area of 32.07 acres. The vacant property is designated and zoned for industrial use. The annexation was initiated to facilitate the future development of the property utilizing City services. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The Assistant Community Development Director recommended adoption of the resolution. Michael Pike urged Council to not annex this property until proposals came forward regarding the future use of the land.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt Resolution No. 69 04-05.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD OCTOBER 27, 2004**

By memorandum dated 11/05/04, the Finance Committee provided a report on its meeting held on 10/27/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING COUNCIL ACTION AT THIS MEETING:

- A. **Approval of Amendments to the Police Department Fee Schedule to Establish Fees for Citation Sign-Offs and Vehicle Identification Number Verifications.** The Committee

recommended (2-1, Wahl opposed) approval of the proposed fees and amending Fee Schedule No. 30.020.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to delay action to allow time for the Chief of Police to survey local agencies, including the County Sheriff's office and CHP in order to confirm amounts charged by those jurisdictions. If the other jurisdictions impose similar fees, this item will be brought back at the 12/21/04 meeting for approval. Otherwise, the item will be referred back to the Committee.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 290 - POLICE DEPARTMENT FEES) - not adopted

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

- B. **Consideration of Recommendations Related to a Site for Fire Station No. 6.** The Committee recommended (3-0) proceeding with identification of a fire station site, and negotiation of a rental agreement with the owner of the existing Fire Station No. 6 site with a condition that the agreement could be terminated with six months notice.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to accept the Committee's recommendation to direct staff to negotiate an extension of the lease with the County. The Fire Chief indicated that the current site is the preferred site. It was noted that the Internal Affairs Committee will be continuing its discussion of locations, with the item brought back for consideration at the 1/25/05 all-day work session.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO COUNCIL ACTION AT THIS MEETING:

- C. **Approval of Recommendation to Modify City Insurance Requirements for Contracts, Agreements, Permits, and Other Entitlements.** This recommendation was approved by the City Council at its meeting of 11/16/04.
- D. **Consideration of the City of Chico Capital Improvement Program 2005/06 Through 2009/10.** This recommendation was approved by the City Council at its meeting of 11/16/04.
- E. **Initial Consideration of Affordable Housing Proposal from Pacific West Communities (PWC) for Parcel Located on Pillsbury Road.** The Committee recommended (3-0) that PWC submit a complete project proposal for the Committee's review in December and demonstrate the impact of reducing the request for assistance to \$3,000,000.
- F. **Approval of Rental Housing Accessibility Grant Program Request - Grover - 1140 Normal Street.** The Committee approved (3-0) the request.
- G. **Denial of Mortgage Subsidy Program (MSP) Request to Allow Assumption of Existing MSP Loan and Provide New Loan to Buyer- (Reyes).** At the request of the applicant, this item was removed from the agenda and will not be resubmitted.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the October 27, 2004 Finance Committee Report.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

4.3. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON NOVEMBER 10, 2004**

By memorandum dated 11/19/04, the Internal Affairs Committee provided a report on its meeting held on 11/10/04. Committee members present were Councilmembers Bertagna, Kirk, and Herbert, Chair. The matters considered by the Committee are listed below.

COMMITTEE MATTERS REQUIRING CITY COUNCIL ACTION AT THIS MEETING:

- A. **Recommendation to Approve Amendment to Chapter 9.28, Entitled "Spring Guns and Slingshots," of the Chico Municipal Code.** The Committee recommended (2-0, Herbert absent) amending Chapter 9.28 of the Chico Municipal Code and the forwarding of the ordinance to Council for introductory reading.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to introduce the following ordinance by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING PROVISIONS OF THE CHICO MUNICIPAL CODE PROHIBITING DISCHARGE AND USE OF SPRING GUNS AND SLINGSHOTS AND ADDING PROVISIONS TO THE CHICO MUNICIPAL CODE PROHIBITING USE AND DISCHARGE OF GUNS AND SLINGS - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

- B. **Termination of Maintenance Agreement for Little Chico Creek.** The Committee recommended (2-0, Herbert absent) termination of the maintenance agreement for Little Chico Creek. The Council was provided with a copy of an e-mail dated 12/6/04 (with attached letter dated 8/9/04) from Susan Mason.

Susan Mason addressed the Council regarding her concerns on the termination of the maintenance agreement.

A motion was made by Councilmember Herbert and seconded by Vice Mayor Kirk to refer this item back to the Internal Affairs Committee for further discussion.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

- C. **Review of the Annual Schedule for the Flying of the Flags.** The Committee recommended (3-0) that the current schedule for flying flags be adopted permanently.

A motion was made by Councilmember Herbert and seconded by Councilmember Bertagna to approve the Committee recommendation of adopting an annual schedule for the flying of the flags. The current schedule includes Memorial Day through Independence Day, Labor Day thru the 9/11 memorial, and Election Day through Veteran's Day.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO CITY COUNCIL ACTION AT THIS MEETING:

- D. **Review of City Department 2004/05 - 2008/09 Strategic Plans.** This item was a discussion item only with no action required.

A motion was made by Councilmember Kirk and seconded by Councilmember Wahl to accept the November 10, 2004 Internal Affairs report.

The motion carried by the following vote:

AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: None
DISQUAL: None

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

4.5. **FUTURE MEETINGS**

- A. By memorandum dated 12/01/04, the City Clerk forwarded a list of applicants for appointment to the City's Boards and Commissions, as well as the guidelines for making appointments. The City Council will interview the applicants for appointment to the City's Boards and Commissions during its adjourned regular meeting of 12/21/04. It was noted that the 2004 Current Membership Listing of City Boards and Commissions has been modified to reflect the resignation of Airport Commissioner Sanders and the election of Park Commissioner Schwab to City Council. The number of appointments to the Airport Commission has been changed to three and the number of appointments to Bidwell Park and Playground Commission to four.
- B. Discussion of Budget Calendar meeting dates and times. Council agreed to change the January work session to 1/25/05, from 1:00 - 8:00 p.m. and the April work session to 4/26/05, beginning at 8:30 a.m. It was further noted that both the 6/7/05 and 11/15/05 meetings will also begin at 8:30 a.m.
- C. The City Council directed staff to schedule the presentation of the Draft Master Plan for California State University, Chico during the regular meeting on Tuesday, 01/04/05.
- D. The City Council scheduled a closed session for negotiations with all labor groups on 2/15/05, from 6:00 - 8:00 p.m., followed by an adjourned Council meeting.

5. **BUSINESS FROM THE FLOOR** — None

6. **REPORTS AND COMMUNICATIONS** – No items.

7. **ADJOURNMENT**

Adjourned at 9:38 p.m. to December 21, 2004 at 6:00 p.m., in Conference Room No. 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m. In the event that the Council schedules interviews of applicants for Boards and Commissions prior to December 21, the meeting will adjourn to that date and time.

DATE APPROVED: January 25, 2005

Deborah R. Presson
City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — December 21, 2004
Minutes

1. **CALL TO ORDER** — Mayor Gruendl called the December 21, 2004 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street, at 6:00 p.m.

2. **CLOSED SESSION**
 - 2.1. **CONFERENCE WITH LABOR NEGOTIATOR:** The City's negotiator is Human Resources Director Koch for all employee organizations except the Management Employees, for which City Manager Lando is the City's negotiator. The names of the employee organizations that represent employees are Chico Police Officers Association (Sworn and Non-Sworn Units), International Association of Firefighters, and Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit). The unrepresented employees are Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

 - 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 Dianne Barcelona. (Gov. Code Sec. 54956.9(a).)

3. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — December 21, 2004
Minutes

1. **CALL TO ORDER** — Mayor Gruendl called the December 21, 2004 – Adjourned Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.
 - 1.1. Flag Salute
 - 1.2. Invocation — Pastor Neal Neuenburg, Aldersgate United Methodist Church
 - 1.3. Roll Call — Present: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
Absent: Bertagna
 - 1.4. Closed Session Announcement – None
 - 1.5. Proclamation — Honoring the retirement of Finance Director Marsha Martin
 - 1.6. Recognition of retiring employees with more than 10 years of service. The Mayor read the recognition for those employees retiring with more than 20 years of City service.

Jay Hanson	11 years of service
Dave Purvis	11 years of service
Tom Hayes	18 years of service
Sharon O’Quin	25 years of service
Art Moore	29 years of service
Dave Barrow	32 years of service

2. **CONSENT AGENDA** – None
3. **NOTICED PUBLIC HEARINGS** – None
4. **REGULAR AGENDA**
 - 4.1. **ITEMS REMOVED FROM THE CONSENT AGENDA**
 - 4.2. **CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE FINANCE COMMITTEE ON ITS MEETING HELD DECEMBER 1, 2004**

By memorandum dated 12/08/04, the Finance Committee provided a report on its meeting held on 12/01/04. Committee members present were Councilmembers Gruendl, Wahl, and Nguyen-Tan, Chair.

COMMITTEE MATTERS REQUIRING COUNCIL/AGENCY ACTION AT THIS MEETING:

- A. **Second Consideration of Affordable Housing Proposal from Pacific West Communities (PWC) for Parcel Located on Pillsbury Road.** The Committee recommended (3-0) City Council approval of the request for \$3.9 million in Redevelopment Agency funds subject to approval of a use permit, and directed staff and PWC to schedule a neighborhood meeting within the next few weeks. An email dated 12/18/04 was received from Juanita Sumner regarding this item.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the committee recommendation.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Bertagna
DISQUAL: None

- B. **Rental Housing Accessibility Program Policy and Allocation.** The Committee approved (3-0) an allocation of \$30,000 from the Private Activity Bond Reserve Program for continuation of the Accessibility Improvement Grant Program (AIP) currently administered by Independent Living Services of Northern California, and also recommended (3-0) authorization of an amendment to Administrative Procedure and Policy (AP&P) 27-12 to increase the grant request amount which may be approved by the City Manager from \$5,000 to \$10,000.

Approval of this Supplemental Appropriation will allocate \$30,600 for program costs and capital project overhead from the Private Activity Bond Administration Fund (214).

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to approve the following supplemental and amendment to the Administrative Procedure and Policy 27-12:

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 04-05 12 TO FUND CONTINUATION OF THE RENTAL HOUSING ACCESSIBILITY PROGRAM (City Council Action)

APPROVAL OF AMENDMENT TO ADMINISTRATIVE PROCEDURE AND POLICY 27-12 ENTITLED. "GRANT ASSISTANCE TO MODIFY RENTAL HOUSING UNITS FOR PERSONS WITH DISABILITIES" (City Council Action)

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Bertagna
DISQUAL: None

- C. **Authorization to Provide a Predevelopment Loan in the Amount of \$30,000 to Northern Valley Catholic Social Services (NVCSS) from the Low and Moderate Income Housing Fund (LMIHF) of the Redevelopment Agency.** The Committee recommended (3-0) authorization of a predevelopment loan in the amount of \$30,000 allocated from the LMIHF of the Chico Redevelopment Agency, to NVCSS for architectural and engineering services for the proposed housing project on the City-owned site at Notre Dame Boulevard and East 20th Street.

Approval of the supplemental appropriation will allocate \$30,600 for loan funds and capital project overhead from the Merged Low and Moderate Income Housing Fund (372).

A motion was made by Vice Mayor Kirk and seconded by Councilmember Wahl to approve the following supplemental appropriation:

APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. RDA 04-05 06 TO FUND A PREDEVELOPMENT LOAN TO NORTHERN VALLEY CATHOLIC SOCIAL SERVICES (Agency Action)

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Bertagna
DISQUAL: None

- D. **Approval of a Policy Establishing an Allocation for Funding for One-Time Community Events.** The Committee recommended (3-0) that \$10,000 in unallocated funding from the total annual transient occupancy tax revenue be set aside annually for requests for City funding for one-time events, and that these requests be eligible for Finance Committee approval.

A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the annual allocation of \$10,000 from transient occupancy tax revenue to be used for one-time events, subject to review and approval of the Finance Committee. In the event Finance Committee approval of any request is not unanimous, the request shall be forwarded to the City Council for consideration.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Bertagna
DISQUAL: None

COMMITTEE MATTERS REQUIRING NO COUNCIL/AGENCY ACTION AT THIS MEETING.

- E. **Approval of Supplemental Appropriation in the Amount of \$66,000 to Cover One-Time Pretesting, Repairs, and Final Certified Testing of Enhanced Leak Detection for Underground Storage Tanks.** The Committee recommended (3-0) approval of the supplemental appropriation. The City Council accepted the Committee's recommendation at its meeting of 12/07/04.
- F. **Approval of Mortgage Subsidy Program (MSP) Request to Authorize Borrower to Exceed Housing Expense Ratio Guideline- Fountain.** The Committee approved (3-0) the request to authorize the MSP borrower to exceed the housing expense ratio guideline.
- G. **Approval of Rental Housing Accessibility Grant Program Request - Mathewson - 123 Henshaw Avenue - Space 307.** The Committee approved (3-0) the request.
- H. **Request for Housing Rehabilitation Program Assistance - Joey and Jody Turner - 2203 Fair Street.** The Committee approved (3-0) the request to replace an existing substandard home with a manufactured unit.

A motion was made by Councilmember Herbert and seconded by Councilmember Wahl to accept the December 1, 2004 Finance Committee Report.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES; None
ABSENT: Bertagna
DISQUAL: None

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

5. **ADJOURNMENT**

Adjourned to a City Council meeting.

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — December 21, 2004
Minutes

1. **CALL TO ORDER** — Mayor Gruendl called the December 21, 2004 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

- 1.1. Roll Call

2. **CONSENT AGENDA** — Item 2.4. was removed from the Consent Agenda and heard under item 4.1. A motion was made by Vice Mayor Kirk and seconded by Councilmember Herbert to approve the remaining Consent Agenda items:

- 2.1. **ORDINANCE NO. 2313 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING PROVISIONS OF THE CHICO MUNICIPAL CODE PROHIBITING DISCHARGE AND USE OF SPRING GUNS AND SLINGSHOTS AND ADDING PROVISIONS TO THE CHICO MUNICIPAL CODE PROHIBITING USE AND DISCHARGE OF GUNS AND SLINGS** - Final Reading and Adoption

This proposed ordinance repeals Chapter 9.28 of the Chico Municipal Code, entitled “Spring Guns and Slingshots,” and replaces it with a new Chapter 9.28 to update the current prohibitions in the code to (1) specifically add references to paint balls, pellets and arrows as types of projectile subject to prohibition and (2) include guns that use compressed gas as a propellant. The proposed ordinance prohibits the discharge of certain guns, slings and other devices used to propel certain projectiles upon, onto or over public property. The City Attorney recommended adoption of the ordinance.

- 2.2. **RESOLUTION NO. 74 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 114 00-01 TO DESIGNATE CHRISTMAS EVE 2004 AS A FULL HOLIDAY AND NEW YEAR’S EVE 2004 AS A FULL WORK DAY (AMENDMENT NO. 10 - 2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)**

RESOLUTION NO. 75 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 47 04-05 TO DESIGNATE CHRISTMAS EVE 2004 AS A FULL HOLIDAY AND NEW YEAR’S EVE 2004 AS A FULL WORK DAY (AMENDMENT NO. 1 - 2004 PUBLIC SAFETY MANAGEMENT PAY AND BENEFITS RESOLUTION)

RESOLUTION NO. 76 04-05 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CONFIDENTIAL EMPLOYEES PAY AND BENEFIT RESOLUTION NO. 124 00-01 TO DESIGNATE CHRISTMAS EVE 2004 AS A FULL HOLIDAY AND NEW YEAR’S EVE 2004 AS A FULL WORK DAY (AMENDMENT NO. 5 - 2001 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)

This calendar year, the Christmas and New Year’s holidays fall on Saturday. Because of this, and in accordance with the provisions of the various memoranda of understanding (MOUs) and pay and benefit resolutions relating to employee holiday benefits, the Christmas and New Year’s holidays will be observed on the immediately preceding Friday, causing the half-day Christmas Eve and New Year’s Eve holidays to be observed on the preceding Thursday, two days before the actual holiday. In order to provide for a full work day on what would be the observed New Year’s Eve holiday, the various employee organizations and groups have agreed, for those employees affected and for this year only, to combine their observance of that half-day holiday into the Christmas Eve holiday, and will result in the observance of a full-day holiday for Christmas Eve. These amending resolutions are required to approve this holiday modification for the Management, Public Safety Management, and Confidential employee groups. The MOUs for recognized employee organizations contain provisions for approval of mutually agreed minor variations from the MOU. These resolutions allow for minor variations within the MOUs and were not a request for additional time off. The change in schedule is consistent with all employee groups. The Director of Human Resources and Risk Management, and the City Manager, recommended approval of these resolutions.

2.3. **MINUTE ORDER - AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AGREEMENTS TO ACQUIRE PROPERTY RIGHTS LOCATED AT 801 EAST AVENUE (APN 007-280-050) - NORTH VALLEY MALL, LLC**

At its 01/06/04 meeting, the City Council authorized the negotiated purchase of a portion of 801 East Avenue (APN 007-280-050) from North Valley Mall, LLC, successor owner to M & H Realty Partners, for a temporary construction easement needed in connection with the City's East Avenue/Cohasset Road intersection widening project. This minute order authorized the City Manager to execute a sales agreement and other documents necessary to acquire a temporary construction easement for \$6,300 from North Valley Mall, LLC, for the East Avenue/Cohasset Road intersection widening project. The Senior Assistant City Manager recommended approval of the minute order.

2.4. **CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS** — This item was removed from the Consent Agenda and heard under Item 4.1.

3. **NOTICED PUBLIC HEARINGS** — None

4. **REGULAR AGENDA**

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

2.4. **CONFIRMATION OF APPOINTMENT OF COUNCILMEMBERS TO COMMITTEES AND OTHER AGENCIES AND ORGANIZATIONS** — This item was removed from the Consent Agenda and heard under Item 4.1.

By memorandum dated 12/15/04, the City Clerk forwarded a list of the Mayor's recommended appointments. The City Council was also provided with a revised Mayor's list of recommended appointments that identified the Committee Chairs.

A motion was made by Councilmember Herbert and seconded by Councilmember Schwab to confirm the appointment of Councilmembers to committees and other agencies and organizations, as amended, to include appointing Councilmember Herbert as chair of the Internal Affairs Committee and appointing Councilmember Wahl to the Finance Committee. In addition it was noted that the Finance Committee and Internal Affairs Committee will continue to meet at their current scheduled times.

The motion carried by the following vote:

AYES: Herbert, Holcombe, Kirk, Schwab, Wahl, Gruendl
NOES: None
ABSENT: Bertagna
DISQUAL: None

4.2. **2004 BIENNIAL RECRUITMENT AND APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS AND COMMISSIONS**

By memorandum dated 12/13/04, the City Clerk forwarded the list of applicants received during the Biennial Recruitment process used to solicit applications from the residents of the City of Chico to serve as members of its appointive Boards and Commissions. The Architectural Review Board, Arts Commission, and Parking Place Commission have special membership requirements. It was noted that Dennis Deromedi, Johnny Loff, Timothy Macarthy, and Christine Muratore withdrew their applications. In addition, Marc Lucena, Selda Arnoff, David Aust, and Timothy Crete did not meet the residency eligibility requirements of the Charter in order to be appointed to a board or commission. The City Council held interviews and made the following appointments for a term expiring 1/1/09, unless otherwise noted:

Airport Commission

Damon Gustafson - Expires 1/1/07
Michael Moran
Allen Sherwood

Architectural Review Board

Ellen Clifford Ertle
Marci Goulart
Philip LaGrow

Arts Commission

Kathy Barrett
Ginny Crawford
Lucille Wanees
Jeff Lindsay

Bidwell Park & Playground Commission

Tom Barrett
Michael Candela
Richard Ober - Expires 1/1/07
David Wood

Human Resources Commission

Jessee Allread
Sue Bechtol
Francine Speer
Roger Williams

Parking Place Commission

Marta Lorber
Terry Moore
Shelly Rogers

Planning Commission

Dave Kelley
Kirk Monfort
Steve O'Bryan

4.3. **ITEMS ADDED AFTER 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.

- 6.1. Memorandum dated 12/06/04 from the Finance Director reported that the list of claims paid during the month of November 2004 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.2. The City Council was provided with a copy of the 2003-2004 City of Chico Development Impact Fee Report for the fiscal year ended 6/30/04, as required by California Government Code §66006 (b). The statute requires the City Council to review the report, but no particular findings or actions are required.

7. **ADJOURNMENT**

Adjourned at 9:33 p.m. to January 4, 2005 at 6:00 p.m. for an adjourned closed session in Conference Room No. 2 followed by a presentation of the CSUC Master Plan at 6:30 p.m. in Conference Room No. 1, followed by the regular 1/4/05 meeting in the Council Chamber, beginning at 7:30 p.m.

DATE APPROVED: March 15, 2005

Deborah R. Presson
City Clerk