



Internal Affairs Committee Report

DATE: February 13, 2013

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD FEBRUARY 13, 2013

<u>Committee present:</u> Chair Ritter Councilmember Morgan Councilmember Schwab	<u>Staff present:</u> City Manager Nakamura City Attorney Barker City Clerk Presson Planning Services Director Wolfe Building & Development Services Director McKinley Capital Projects Services Director Varga	Police Captain MacPhail Public Works Manager White Senior Planner Zach Thomas Administrative Assistant Masterson
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COMMITTEE MATTERS REQUIRING COUNCIL ACTION

Chair Ritter called the meeting to order at 8:04 a.m. It was announced that the agenda items would be heard in the following order: Item B first, Item C second, and, Item A last.

REGULAR AGENDA

- B. **Presentation by Les Herringer, M&T Ranch and Tamara Miller, MPM Engineering-** The Internal Affairs Committee received an update on the Sacramento River Gravel Bar near the Water Pollution Control Plant (WPCP) outfall structure. (*Introduction by: Fritz McKinley, Building and Development Services Director*)

This presentation to the IAC was to provide history, current status, and discuss the ongoing issues associated with the project known as the Sacramento River gravel bar near the outfall of the City's WPCP. Development of the outfall was a major investment for the City dating back to the late 1990's. The outfall is one component and the second is the intake by M&T Ranch and Llano Seco Rancho.

History: In the early 1900's the owner of the ranch at the time (Phelna Ranch) put a pumping plant near Big Chico Creek, which functioned fine until the State Fish & Game (SFG) and U.S. Fish and Wildlife (USFW) agencies indicated the salmon run was being impacted. Further, a fish screen was not possible. In 1961, the City installed 300 foot of outfall. With the help of SFG, USFW and the Nature Conservancy (NC) the pumping plant was moved to the Sacramento River in 1996. Those consulted felt it was a great location. The City had been there since 1961 and did not have diffuser problems. Pumping at the river began in 1997. The late 90's saw a series of very wet winters and the main channel of the river began moving west and started leaving sediment, eventually creating a large gravel bar. In 2000, after 11 state and federal permits, and help from the City (50% of the cost), permission was granted to move the gravel bar. Two thousand tons of gravel was moved to the ranch. Migration of the gravel bar required dredging to stop the gravel from inundating the ranches' facilities and the City's outfall. A total of 300,000 tons has been removed from the river (dredging in 2001 and 2007) with the City and the ranches (M&T and Llano Seco) sharing expenses.

Current Status: Facts and figures representing M&T Ranch and Llano Seco Rancho community contributions, including number of employees and amount of acreage devoted to wildlife habitat, were presented. The project is to preserve and protect the existing pumping plant or replace the water supply of the current pumping plant. Sixty-seven percent of the water goes to refuges, and thirty-three percent goes to M&T Ranch. In addition to the City of Chico, M&T Ranch, and Llano Seco Rancho, project stakeholders include: Sacramento River Conservation Area Forum, Ducks Unlimited, California State Lands Commission, National Oceanic and Atmospheric Administration, U.S. Fish & Wildlife, California Department of Fish & Wildlife, Llano Seco Refuge, and the Nature Conservancy. Assets of the project to protect include the \$5,000,000 investment in the pumping plant, orchard improvements, the 1999 expansion of the WPCP, and the Chico outfall and diffuser. A study started in 2003 by a team of engineers from all of the western United States, considered all possible engineering solutions to the problem of the gravel bar migration, without providing many options.

Possible Solutions: A new pumping plant down river or the use of rock spurs to stabilize the bank on the west side of the river are possible solutions. Rock spurs have benefits and longevity and are positive as far as fish habitat. Building and Development Services Director McKinley stated the environmental review process will identify different options. There is some discomfort in the fact that the Nature Conservancy (NC) has resisted being a part of the solution. If spur dikes were to be used, they would need to be placed on an easement privately held by the NC.

Chair Ritter opened the agenda item up for public comment. Addressing the Committee on this item were Juanita Sumner, Dave Donnan, and Kristin Harvey.

No formal action was taken by the Committee.

Councilmember Schwab recommended that this item be presented to the full Council; perhaps action can be taken to partner with M&T and Llano Seco to resolve the issues. Chair Ritter would like the presentation to Council to include other options as may be available, a synopsis of the history of the project and its inherent problems, and identification of any major "roadblocks" to resolution. She also mentioned that all affected agencies should be represented at Council level. Chair Ritter also wanted to know what action from the Council was being requested. Councilmember Morgan would like to know the financial impact of non-action.

- C. **Annexation Fiscal Analysis Update:** The Committee received a verbal update regarding the fiscal analysis for annexation of the Chapman, Mulberry, and Stewart Neighborhood initially discussed at the October 9, 2012 Committee Meeting. The report included information regarding recent development within the Stewart Avenue Neighborhood. **(Verbal Report by: Fritz McKinley, Building and Development Services Director)**

The City is working with Butte County and Butte Local Agency Formation Commission (LAFCo), as part of the Nitrate Action Plan, to eliminate septic use within the sphere of influence. A feasibility study, as recommended by earlier Committee and Council direction, was conducted by Ralph Anderson Consultants. The next step is a fiscal analysis, which will take 60-90 days. The City would then meet with Butte County to review the first draft and report back to the Council. Chair Ritter asked if the fiscal analysis would identify each property. BDSD McKinley stated it would identify individual areas, but not individual properties. Councilmember Schwab asked about the timeline. BDSD McKinley stated the City hoped to have preliminary information by the end of April. He also mentioned an annexation application received from a developer, but that it could not go forward until the fiscal analysis is completed. BDSD McKinley stated that the WPCP expansion was based on the City getting a loan to acquire capacity. The diffuser was moved further down the river; the City wants to enable sewer hook-up for the subject neighborhoods. The process has been in the works for many years.

Chair Ritter opened the meeting to public comment. Addressing the Committee on this item were Juanita Sumner, Karl Ory, Sheryl King, Dave Donnan, and Mike Trolinder. Ms. Sumner asked if the diffuser was relocated so that the annexations could move forward. BDDSD McKinley said one of the loan requirements was to have the capacity for the infrastructure coming online. Ms. Sumner asked for the name of the developer that has applied for annexation. BDDSD McKinley stated it was Dan Ostrander.

No formal action was taken by the Committee.

Councilmember Schwab suggested the Committee give staff direction to present this information to the full Council.

- A. **Potential Redevelopment of City-owned Downtown Properties** - The Committee reviewed City-owned properties in the Downtown area to determine their potential for redevelopment. (**Staff Report: Mark Wolfe, AICP, Planning Services Director**) Councilmember Schwab recused herself from discussion of this agenda item due to her interest in a property in the Downtown area and left the meeting room at 9:05 a.m. Planning Services Director Wolfe provided an overview of discussions to date.

At its meeting of August 7, 2012, Council reviewed correspondence from Tom DiGiovanni, requesting the Council undertake evaluation of City-owned properties for potential redevelopment with a mixed use project. The Council referred the item to the Committee. On September 11, 2012, the Committee endorsed a methodology for qualitatively ranking the various City-owned properties for possible redevelopment, and at its meeting of October 9, 2012, utilized that methodology in determining which properties were the strongest candidates. 15 properties were looked at, and then narrowed down to four parking lots in the Downtown area. The Committee concluded that the discussion be forwarded to the Council, and further, that the Council consider the City parking lot on the northwest corner of 5th and Salem as the property best suited for possible redevelopment. Minutes from the two referenced meetings were provided to the Committee for their information. Planning Services Director Wolfe stated that before scheduling the discussion with the City Council, staff is seeking concurrence from the presently configured Committee as to the prior Committee's conclusions and recommendations.

Chair Ritter opened the meeting to public comment. Addressing the Committee on this item were: Karl Ory, Juanita Sumner, Sheryl King, Dave Kelley, Mike Trolinder, Tom DiGiovanni, Josh Mills, and Dave Donnan. Mr. Ory suggested creating a commission that looks at Downtown to create a public process. Planning Services Director Wolfe stated that the City went through the public process as part of the 2030 General Plan update. There is an entire element in the 2030 General Plan on Downtown. Ms. Sumner asked if the lot would simply be sold to a developer. Planning Services Director Wolfe stated that it could be, or it could be a partnership. Ms. Sumner asked if the City could retain ownership and receive lease payments. Planning Services Director Wolfe answered that all of those options are available. Ms. King shared Mr. Ory's comment about creating a Downtown commission. Mr. Kelley asked if there was a project in the works. PSD Wolfe stated, no, staff was simply deciding if a particular property can be deemed "surplus." Mr. Kelley also supported creation of a commission. Several citizens expressed concern over parking in the Downtown. Ms. Sumner stated that parking needs have increased and the City should not be in the real estate business.

City Manager Nakamura reminded everyone that this item is under discussion at the Committee level and the Committee does not have authority to authorize spending on an analysis. That would require City Council approval. The Committee recommended this item be forwarded to Council, and that it focus on the four properties identified in previous meetings.

- D. **Business from the Floor** - None

- E. **Adjournment and Next Meeting** - The meeting adjourned at 9:48 a.m. to the next regular Internal Affairs Committee meeting scheduled for Wednesday, March 13, 2013 in Conference Room No. 1.



Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM Nakamura, CC Presson, CA Barker, PSD Wolfe, CPSD Varga



Internal Affairs Committee Report

DATE: March 13, 2013

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD MARCH 13, 2013

<u>Committee present:</u> Chair Ritter Councilmember Schwab	<u>Staff present:</u> City Manager Nakamura City Attorney Barker Police Captain MacPhail Administrative Assistant Masterson	
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Chair Ritter called the meeting to order at 8:03 a.m. Councilmember Morgan's absence was noted.

REPORTS AND COMMUNICATIONS

- A. **Final Disposition of Administrative Review - Vehicle for Hire Permits** - On February 13, 2013, an application for a Vehicle for Hire Permit was denied by Police Chief Trostle. On February 26, 2013, the City Manager received a Request for Administrative Review from the aggrieved applicant. Administrative Policies and Procedures 30-13 requires that the City Manager provide a written report to the IAC regarding the final disposition of all requests for administrative review. After conferring with Police Chief Trostle and Police Captain MacPhail, the determination of the City Manager was to affirm denial of the Vehicle for Hire permit on the basis that the applicant did not meet the qualifications required by Chico Municipal Code Section 5.28.150. On February 27, 2013, the applicant was notified, via first class mail, that the Police Chief's denial was affirmed by the City Manager and that the decision of the City Manager is final. This item did not require action by the IAC.

Addressing the IAC on this item was Dave Donnan.

- B. **Business from the Floor** - None

- C. **Adjournment and Next Meeting** - The meeting adjourned at 8:08 a.m. to the next regular Internal Affairs Committee meeting scheduled for Wednesday, April 10, 2013 in Conference Room No. 1.

Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM Nakamura, CC Presson, CA Barker, COP Trostle



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Internal Affairs Committee Report

DATE: April 10, 2013

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD APRIL 10, 2013

<u>Committee present:</u> Chair Ritter Councilmember Morgan Councilmember Schwab	<u>Staff present:</u> City Manager Nakamura City Attorney Barker Police Chief Trostle Administrative Assistant Masterson	
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Chair Ritter called the meeting to order at 8:00 a.m.

REPORTS AND COMMUNICATIONS

- A. **Discussion Regarding The Development of a Policy Addressing The Storage of Automated License Plate Reader (ALPR) Data** - At its meeting of February 19, 2013, the City Council accepted the donation of an ALPR and referred the development of a policy addressing the privacy and retention of the data obtained by the ALPR to the Internal Affairs Committee for discussion. *(Report - Kirk Trostle, Chief of Police)*

The two issues the Committee discussed were: 1) the length of time the data obtained by the ALPR should be retained by the City; and, 2) who will have access to the data. Chief Trostle stated that as long as ALPR's have been in existence there haven't been any issues identified by the State. The gathering of information by ALPR's does not violate the Constitution.

At this time, the development of a policy that works for the City of Chico is what is before the Committee. Data could be retained for as few as 30 days up to an indefinite period of time. New York maintains their data for five years. In determining the length of data retention, the question is, what benefit is it to store the information. Two to six months seem to be the median, although some jurisdictions keep the information indefinitely.

Councilmember Schwab asked what the statute of limitations is on certain crimes. Chief Trostle said it is one year for a misdemeanor and up to three years for a felony, except in the case of a homicide, in which it could be longer. Councilmember Morgan asked for the Chief for his recommendation. Chief Trostle recommends the City maintain the data for six months.

Addressing the privacy issue, Councilmember Morgan asked who would have access to the ALPR data. Chief Trostle stated it is still to be determined, but that the data would be protected by a user name and password so Administration would know who has accessed the data. Chair Ritter asked if the data would

be used in a passive or active way. Chief Trostle stated it would be both active and passive, but would be mobile, e.g. it wouldn't be set up for something like a speed trap. The Chief envisions the City would use this data as an investigative tool for serious crime and things like Amber alerts, not for identifying expired registrations or the like. It was noted for the record, it will not be used as a revenue generator.

Discussion moved on to who the City might share the data with and under what circumstances. Chief Trostle stated the Police Department shares data with other law enforcement agencies on a regular basis. The City could offer up data from the ALPR without a warrant and still track who, when, and why. Councilmember Schwab supports the requirement of a warrant from another agency before the City shares any data. Chief Trostle shared the steps of obtaining a warrant and the length of time it takes.

Chair Ritter suggested the City revisit the issue of gathering/storing ALPR data in one year, after two six-month retention periods have passed, to evaluate how many investigations the data has helped with. Chair Ritter also requested that the policy for use and retention should clearly state the intention of use, that it be only for serious crimes and not for parking tickets or expired registrations. Councilmember Morgan agreed with stating the City's intention, but does not want it to be a prohibition. All Committee members agreed to the statement of intention and use of a six month data retention policy.

Chair Ritter opened up the meeting for public comment. One person, that did not identify themselves, asked for clarity on the privacy issue and how it would be affected if someone was driving someone else's car.

A motion was made by Councilmember Schwab to affirm a clear statement of intention and the six month limit on retention of the data collected, and that a warrant be required before sharing the data with another agency.

Councilmember Morgan believes requiring a warrant is too stringent. Chair Ritter supports requiring a warrant.

Chair Ritter called for a vote. The motion passed 2-1, with Councilmember Morgan dissenting.

- B. **Business from the Floor** - An unidentified citizen asked if a person owned two cars, would they have the same license plate. Chief Trostle answered no.
- C. **Adjournment and Next Meeting** - The meeting adjourned at 9:30 a.m. to the next regular Internal Affairs Committee meeting scheduled for Wednesday, May 8, 2013 in Conference Room No. 1.



Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM Nakamura, ACM Orme, CC Presson, CA Barker, COP Trostle