
INTERNAL AFFAIRS COMMITTEE AMENDED AGENDA

A Committee of the Chico City Council: Councilmembers Huber, Ory, and Chair Brown

Meeting of December 2, 2019 – 4:00 p.m. to 6:00 p.m.

Council Chamber Building, 421 Main Street, Conference Room 1

REGULAR AGENDA

A. CONSIDERATION OF MODIFICATIONS TO THE MUNICIPAL CODE, REGARDING NOISE FROM VEHICLES AND BYCYCLES

City staff was approached by a local business owner regarding the possibility of amending Chapter 9.38.056 B of the Chico Municipal Code Regarding Noise from Vehicles and Bicycles. **(Report – Mark Orme, City Manager)**

RECOMMENDATION: Discussion and Staff Direction

B. DISCUSSION OF TENANT PROTECTIONS

At the October 7, 2019 Internal Affairs Committee meeting the Committee voted to continue with a more targeted discussion further exploring the following items:

- Just cause eviction on all properties (beyond AB 1482)
- Creation of a “Rental Registry”
- An exemption of the year-long tenancy requirement of AB 1482 for Camp Fire survivors
- Enforcement – how any of the items would be enforced

C. BUSINESS FROM THE FLOOR

Members of the public may address the Committee at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.

D. ADJOURNMENT AND NEXT MEETING

The meeting will adjourn no later than 6:00 p.m. The next regular Internal Affairs Committee meeting is scheduled for Monday, January 6, 2019, at 4:00 p.m. in Conference Rm. No. 1.

SPEAKER ANNOUNCEMENT

NOTE: Citizens and other interested parties are encouraged to participate in the public process and will be invited to address the Committee regarding each item on the agenda. In order to maintain an accurate and complete record, the following procedural guidelines have been implemented:

1. Speaker Cards – speakers will be asked to print his/her name on a speaker card to address the Committee and provide card to the Clerk prior to the completion of the Staff Report.
2. The Clerk will call speakers in the order the cards are received.
3. Speakers may address the Committee one time per agenda item.
4. Speakers will have three minutes to address the Committee.

Distribution available in the office of the City Clerk

Posted: 11-25-19 prior to 5:00 p.m. at 421 Main St. Chico, CA 95928 and www.ci.chico.ca.us

Copies of the agenda packet are available for review at:

City Clerk’s Office, 411 Main St. Chico, CA 95928



Please contact the City Clerk at 896-7250 should you require an agenda in an alternative format or if you need to request a disability-related modification or accommodation in order to participate in a meeting. This request should be received at least three working days prior to the meeting in order to accommodate your request.



CITY OF CHICO MEMORANDUM

TO: INTERNAL AFFAIRS COMMITTEE DATE: DECEMBER 2, 2019
FROM: MARK ORME, CITY MANAGER *MO* FILE: NA
SUBJECT: CONSIDERATION OF MODIFICATIONS TO THE MUNICIPAL CODE,
REGARDING NOISE FROM VEHICLES AND BICYCLES

City staff was approached earlier this year by businessman and local celebrity, Mike Griffith (G-Ride Pedicab), regarding having the City consider making changes to the Municipal Code, related to Ordinance No. 2414 – “Ordinance of the City Council of the City of Chico Amending Chapter 9.38 of the Chico Municipal Code Regarding Noise from Vehicles and Bicycles”. The interest was raised due to continuing pressure between the City’s Municipal Code restrictions and this local business’s ability to continue to operate, without taking on the risk of being ticketed by law enforcement.

The operative language of concern surrounds Section 9.38.056 B of the Chico Municipal Code, which reads:

“B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.”

Attached to this memorandum is the operative **Ordinance** and subsequent information related to prior City Council actions, to include:

City Council Agenda Report of November 2, 2010 (Ordinance Introduction)
Meeting Minutes of November 2, 2010
City Council Agenda Report of December 7, 2010 (Ordinance Final Adoption)
Meeting Minutes of December 7, 2010

The Internal Affairs Committee is being requested to discuss any desire to contemplate modification(s) to the Municipal Code for recommendation to the City Council.

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ORDINANCE NO. 2414

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE
REGARDING NOISE FROM VEHICLES AND BICYCLES**

BE IT ORDAINED by the Council of the City of Chico:

SECTION 1. Section 9.38.015 of the Chico Municipal Code is amended to read as follows:

9.38.015 Application and enforcement of chapter.

A. [No Change]

B. This chapter shall only be enforced after a citizen complaint has been received except section 9.38.056 regarding noise from vehicles and bicycles which may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer.

SECTION 2. Section 9.38.020 of the Chico Municipal Code is amended to read as follows:

9.38.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

A. Bicycle. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

B. dB. "dB" means decibel as herein defined.

C. dBA. "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."

D. Decibel. "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).

DATE _____ AGENDA 12/7/10 COUN _____
ADD. INFO _____ CM _____ ACM _____ CA
GSD _____ CPSD _____ ASD _____ CLK PSD _____
BDS _____ HR/RM _____ FIN.D _____ COP FC _____
HNSD _____ File _____ OTHER Sgt. Lave

- 1 E. Emergency response activities. "Emergency response activities" means activities necessary
2 to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
- 3 F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and
4 open to the use of the public for purposes of vehicular travel. Highway includes street.
- 5 G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted
6 scale with a sound level meter satisfying at least the applicable requirements for Type 1 or
7 Type 2 sound-level-meters as defined in the most recent American National Standard
8 Specifications. The meter shall be set for slow response speed, except that for impulse noises
9 or rapidly varying sound levels, fast response speed may be used.

10 For outside measurements the microphone shall not be less than four feet above the
11 ground, at least four and one-half feet distant from walls or similar large reflecting surfaces,
12 and shall be protected from the effects of wind noises and other extraneous sounds by the use
13 of screens, shields or other appropriate devices; for inside measurements, the microphone
14 shall be at least three feet distant from any wall, and the average measurement of at least
15 three microphone positions throughout the room shall be determined.

- 16 H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice,
17 machine, animal, or device, or any combination thereof, that is so loud, unnecessary,
18 excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood,
19 unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes
20 discomfort or annoyance to any reasonable person of normal sensitivity residing or working
21 in the area.

- 22 I. Property Plane. "Property plane" means a vertical plane including the property line which
23 determines the property boundaries in space.

- 24 J. Vehicle. "Vehicle" means a device by which any person or property may be propelled,
25 moved, or drawn upon a highway, excepting a device moved exclusively by human power or
26 used exclusively upon stationary rails or tracks.

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1 **SECTION 3.** Section 9.38.056 of the Chico Municipal Code is amended to read as follows:

2 **9.38.056 Noise from vehicles and bicycles.**

3 A. No person shall use or operate any sound amplification system in or on a vehicle located
4 within a public park, within a public parking lot, or on any other public property other than a
5 highway within the city which is audible to a person of normal hearing sensitivity more than
6 fifty feet from such vehicle nor shall any person use or operate any such sound amplification
7 system on or in a vehicle located on private property where the sound amplification system is
8 audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle
9 or beyond the property line of such private property, whichever is greater. Noise from a
10 sound amplification system in or on a vehicle located on a public highway shall be regulated
11 in the manner provided for by the California Vehicle Code.

12 B. ~~No person shall use or operate any sound amplification system on or from a bicycle on any~~
13 ~~highway, within a public park, within a public parking lot, or on any other public property~~
14 ~~within the city which is audible to a person of normal hearing sensitivity more than fifty feet~~
15 ~~from such bicycle.~~

16 C. Vehicle horns, or other devices primarily intended to create a loud noise for warning
17 purposes, shall not be used when a vehicle is at rest, or when a situation endangering life,
18 health, or property is not imminent.

19 **SECTION 4.** This ordinance shall take effect 30 days after its adoption. The Clerk shall
20 cause this ordinance, or a summary of it, to be published as required by law.

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1 THE FOREGOING ORDINANCE WAS ADOPTED by the Council of the City of Chico at
2 its meeting held on December 7, 2010, by the following vote:

3 AYES: Flynn, Holcombe, Walker, Schwab

4 NOES: Gruendl, Nickell, Wahl

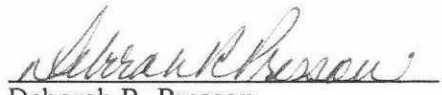
5 ABSENT: None

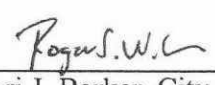
6 ABSTAINED: None

7 DISQUALIFIED: None

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9 ATTEST:

APPROVED AS TO FORM:

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11 Deborah R. Presson
12 City Clerk


Lori J. Barker, City Attorney
By: Roger S. Wilson
Assistant City Attorney



City Council Agenda Report

Meeting Date: 11-02-2010

TO: City Council

FROM: Michael R. "Mike" Maloney, Chief of Police (897-4950)

RE: INTRODUCTORY READING OF AN ORDINANCE AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES

REPORT IN BRIEF:

The amended ordinance modifies Chapter 9.38 of the Chico Municipal Code (CMC). The proposed modifications would add the definitions of Bicycle, Highway and Vehicle under Section 9.38.020 CMC and replaces the wording "radio, tape player, record player, compact disc player or any similar device" with the wording "sound amplification system" under subsection A. of Section 9.38.056. The proposed modifications would add subsection B. to Section 9.38.056 which would limit the distance which a sound amplification system may be heard from a bicycle to 50 feet. These modifications would close the loophole discovered with section 27007 of the California Vehicle Code, as detailed below.

Recommendation:

The Chief of Police recommends introduction of the ordinance by reading of its title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES.

FISCAL IMPACT:

There is no anticipated fiscal impact to the City of Chico.

BACKGROUND AND DISCUSSION:

In 1989, the City Council adopted Ordinance No. 1765, adding Section 9.38.056 to Chapter 9.38 of the Chico Municipal Code which limited noise from vehicle audio equipment to 25 feet from the vehicle on a highway or public property and also limited the noise from a vehicle parked on private property to a maximum of 25 feet from the vehicle, but in no event beyond the property line.

In 2000, the Council adopted Ordinance No. 2195 amending Section 9.38.056 to exempt vehicles located on a highway as they were regulated by section 27007 of the California Vehicle Code. It further amended Section 9.38.056 to increase the distance from 25 feet to 50 feet for vehicles parked within a public park, within a public parking lot or on any other public property within the City except a highway.

In 2010, Chico Police Department Officers cited one or more pedicab operators for 27007 CVC regarding the loud noise from a vehicle operated on a roadway. In each of the cases, the amplified music coming from the pedicab could be heard from several blocks away. At least one of the citations was contested in the Butte County Superior Court. The attorney for the defense argued that bicycles, including pedicabs, did not fall under the provisions of 27007 CVC. The Court Commissioner took the matter under submission and asked for briefs from both the defense attorney and the Assistant City Attorney. Upon researching the California Vehicle Code, it was discovered that 27007 CVC fell outside the provisions of 21200(a) CVC. 21200(a) CVC requires the operator of a bicycle to comply with sections 20000-23336 CVC, 27400 CVC, and 39000-42277 CVC unless those sections have no application to bicycles due to their very nature.

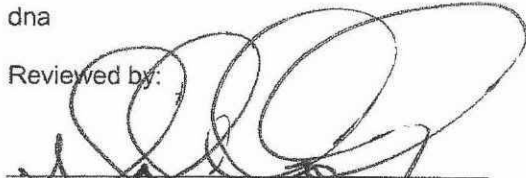
Based on this information, the case was dismissed. The only reasonable resolution to the problem was to amend

the Chico Municipal Code to define bicycles under Section 9.38.020 of the Chico Municipal Code and include them under the restrictions imposed by Section 9.38.056.

PUBLIC CONTACT:

dna

Reviewed by:



Michael R. "Mike" Maloney, Chief of Police

Approved by:



David Burkland, City Manager

DISTRIBUTION:

City Clerk (18)

ATTACHMENTS:

Ordinance (Strikeout)

FILE: add city file number

1 ~~D~~: E. Emergency response activities. "Emergency response activities" means activities
2 necessary to restore, preserve, protect or save lives or property from imminent danger of
3 loss or harm.

4 F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and
5 open to the use of the public for purposes of vehicular travel. Highway includes street.

6 ~~E~~: G. Noise level. "Noise level" means the level of noise measured in decibels on the A-
7 weighted scale with a sound level meter satisfying at least the applicable requirements for
8 Type 1 or Type 2 sound-level-meters as defined in the most recent American National
9 Standard Specifications. The meter shall be set for slow response speed, except that for
10 impulse noises or rapidly varying sound levels, fast response speed may be used.
11 For outside measurements the microphone shall not be less than four feet above the
12 ground, at least four and one-half feet distant from walls or similar large reflecting
13 surfaces, and shall be protected from the effects of wind noises and other extraneous
14 sounds by the use of screens, shields or other appropriate devices; for inside
15 measurements, the microphone shall be at least three feet distant from any wall, and the
16 average measurement of at least three microphone positions throughout the room shall be
17 determined.

18 ~~F~~: H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice,
19 machine, animal, or device, or any combination thereof, that is so loud, unnecessary,
20 excessive, or unusual that it unreasonably disturbs the peace and quiet of any
21 neighborhood, unreasonably impinges upon the quiet enjoyment of property, or
22 unreasonably causes discomfort or annoyance to any reasonable person of normal
23 sensitivity residing or working in the area.

24 ~~G~~: I. Property Plane. "Property plane" means a vertical plane including the property line which
25 determines the property boundaries in space.

26 J. Vehicle. "Vehicle" means a device by which any person or property may be propelled,
27 moved, or drawn upon a highway, excepting a device moved exclusively by human power or
28 used exclusively upon stationary rails or tracks.

1 SECTION 3. Section 9.38.056 of the Chico Municipal Code is amended to read as follows:

2 9.38.056 Noise from vehicles and bicycles.

3 A. No person shall use or operate any radio, tape player, record player, compact disc player or
4 ~~any similar device~~ sound amplification system in or on a vehicle located within a public park,
5 within a public parking lot, or on any other public property other than a highway within the
6 city which is audible to a person of normal hearing sensitivity more than fifty feet from such
7 vehicle nor shall any person use or operate any such ~~device~~ sound amplification system on or
8 in a vehicle located on private property where the ~~device~~ sound amplification system is
9 audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle
10 or beyond the property line of such private property, whichever is greater. Noise from a
11 ~~radio, tape player, record player, compact disc player or any similar device~~ sound
12 amplification system in or on a vehicle located on a public highway shall be regulated in the
13 manner provided for by the California Vehicle Code.

14 B. No person shall use or operate any sound amplification system on or from a bicycle on any
15 highway, within a public park, within a public parking lot, or on any other public property
16 within the city which is audible to a person of normal hearing sensitivity more than fifty feet
17 from such bicycle.

18 B. C. Vehicle horns, or other devices primarily intended to create a loud noise for warning
19 purposes, shall not be used when ~~the~~ a vehicle is at rest, or when a situation endangering
20 life, health, or property is not imminent.

21 SECTION 4. This ordinance shall take effect 30 days after its adoption. The Clerk shall
22 cause this ordinance, or a summary of it, to be published as required by law.

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THE FOREGOING ORDINANCE WAS ADOPTED by the Council of the City of Chico at
its meeting held on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

RSW 10/21/10

Lori J. Barker, City Attorney
By: Roger S. Wilson
Assistant City Attorney

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING â€” November 2, 2010
Minutes

1.1. **CLOSED SESSION - 5:30 p.m.**

1.2. **REGULAR CITY COUNCIL MEETING - 6:30 p.m.**

1.3. **Call to Order**

Mayor Schwab called the November 2, 2010 - Regular City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street.

1.4. **Flag Salute**

1.5. **Invocation - Senior Pastor Dave D. Osborne, Chico Seventh-day Adventist Church**

1.6. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
Absent: None

1.7. **Closed Session Announcement - None**

2. **CONSENT AGENDA**

A motion was made by Holcombe and seconded by Nickell to approve the Consent Agenda, as read, with Item 2.1. removed for further discussion:

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES - Introductory Reading**

Item 2.1. Staff Report

Introduced - an ordinance amending Chapter 9.38 of the Chico Municipal Code. The proposed modification adds the definitions of Bicycle, Highway and Vehicle under Section 9.38.020 CMC and replaced the wording "radio, tape player, record player, compact disc player or any similar device" with the wording "sound amplification system" under subsection A. of Section 9.38.056. The proposed modifications would also add subsection B. to Section 9.38.056 which would limit the distance which a sound amplification system may be heard from a bicycle to 50 feet. The Chief of Police recommended introduction of the ordinance by reading of its title only.

Councilmember Walker removed this item from the Consent Agenda and expressed concern about the 50 ft. radius. The Chief of Police addressed the need for the regulation.

A motion was made by Walker and seconded by Flynn to introduce the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES - Introductory Reading

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
NOES: None

2.2. ADOPTION OF SEWER IN LIEU RESOLUTIONS - VARIOUS

Adopted - resolutions authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fees. The Building & Development Services Director recommended adoption of the resolutions.

- A. **RESOLUTION NO. 50-10 - 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 - 29 CAMEO DRIVE / ASSESSOR'S PARCEL NO. 007-290-019 (petition from property owners Neal D. and Linda J. Bordenave)**
- B. **RESOLUTION NO. 51-10 - 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 - 1733 ESPLANADE / ASSESSOR'S PARCEL NO. 003-574-020 (petition from property owner Iron Age Technology Corp., Eric E. Pante, President)**
- C. **RESOLUTION NO. 52-10 - 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 - 1003 WEST EIGHTH AVENUE / ASSESSOR'S PARCEL NO. 043-070-056 (petition from property owners Ronald and Donna LaRose)**

Item 2.2. Staff Report

2.3. AUTHORIZATION FOR MAYOR TO EXECUTE AMENDMENTS TO EMPLOYMENT AGREEMENTS WITH THE CITY MANAGER AND CITY ATTORNEY

Item 2.3. Staff Report

Approved - amendments to the employment agreements with the City Manager and City Attorney to reflect budget savings. The amendments included a salary decrease and a higher employee share in health insurance pick-up. The City Manager and City Attorney Evaluation Committees recommended approval of the minute orders.

MINUTE ORDER NO. 09-10 - AUTHORIZATION FOR MAYOR TO EXECUTE AN AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

MINUTE ORDER NO. 10-10 - AUTHORIZATION FOR MAYOR TO EXECUTE AN AMENDMENT TO THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT

- 2.4. **AUTHORIZATION FOR THE AIRPORT MANAGER TO EXECUTE A LEASE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT (CITY OF CHICO/SANTOS AVIATION, LLC)**

Approved - minute order authorizing the Airport Manager to execute a lease of property at the Chico Municipal Airport Aircraft Hangar Area - Hangar Pad Area E, Hangar Space No. E-7 (City of Chico/Santos Aviation, LLC) and related documents subject to development plan approval by the Airport Commission's Architectural Review Committee. The City Manager/Airport Manager recommended approval of the minute order.

MINUTE ORDER NO. 11-10 - AUTHORIZATION FOR THE AIRPORT MANAGER TO EXECUTE A LEASE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT, AIRCRAFT HANGAR AREA - HANGAR PAD AREA E, HANGAR SPACE NO. E-7 (CITY OF CHICO/SANTOS AVIATION, LLC) AND RELATED DOCUMENTS SUBJECT TO DEVELOPMENT PLAN APPROVAL BY THE AIRPORT COMMISSION'S ARCHITECTURAL REVIEW COMMITTEE

Item 2.4. Staff Report

ITEMS REMOVED FROM CONSENT - Item 2.1.

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. A06 - WOODBROOK SUBDIVISION**

Woodbrook Subdivision is a 26-lot residential subdivision located at the northerly end of Mariposa Avenue. A condition of approval of the final subdivision map requires the owner, and subsequent owners provide a means for funding the annual costs of operating a facility to treat storm water prior to entry into Sycamore Creek. (Report - Fritz McKinley, Building & Development Services Director)

Item 3.1. Staff Report

Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Gruendl and seconded by Flynn to adopt the following resolution:

RESOLUTION NO. 53-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. A06 - WOODBROOK SUBDIVISION

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

NOES: None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 16.60 OF THE CHICO MUNICIPAL CODE TO UPDATE THE RESIDENTIAL ENERGY CONSERVATION MEASURES REQUIRED UPON RESALE OF RESIDENTIAL HOUSING**

In April 2010, the Council conceptually approved (6-1, Wahl voting no) the Sustainability Task Force's recommendation to amend Chapter 16.60 of Chico Municipal Code entitled "Energy Conservation Measures Required Incident to Transfers of Residential Housing" to update the energy conservation measures to reflect the more current energy efficient standards, to add some water conservation related items, and to refine the implementation

process and effectiveness of the program. The Council recommended modifications to the proposed amendments and directed the City Attorney to prepare an ordinance for Council consideration. (Report Linda Herman, General Services Administrative Manager)

Item 4.1. Staff Report

A motion was made by Nickell and seconded by Wahl to approve the number of months for credit being granted for prior improvements to 42 months.

The motion carried by the following vote:

AYES: Flynn, Nickell, Wahl, Walker
NOES: Gruendl, Holcombe, Schwab

Based on the number of amendments which included: (1) clarification of the ability of the Building Official to approve various improvements that may represent different energy conservation measures; (2) revised language pertaining to hot water lines; (3) ways to address the programmable thermostat; and (4) ways to strengthen "when feasible" within the ordinance, Council concurred that the revised ordinance should come back at its 11/16/10 meeting for reintroduction.

4.2. **CONSIDERATION OF APPLICATIONS TO THE VOLUNTARY HERITAGE TREE PROGRAM AND RESOLUTION TO REDUCE THE APPLICATION FEE**

Item 4.2. Staff Report

In February 2010, the Chico Municipal Code was amended to establish a Voluntary Heritage Tree Program (Section 16.68.010). Staff recommended that five trees owned by the City of Chico be designated as Heritage Trees. In addition, a Heritage Tree application had been received from Bruce McCrea to nominate a Bastogne Walnut tree on his property under development on East 8th Street. Each of these trees qualified and met the Heritage Tree criteria. In addition, staff was proposing to reduce the application fee from \$307 to \$150. (Report - Denice Britton, Urban Forest Manager)

A motion was made by to

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Walker, Schwab
NOES: Wahl

The Council recessed at 7:42 p.m. for a ten minute break. The meeting was reconvened and all members were present.

4.3. **DIVERSITY ACTION PLAN UPDATE**

The Diversity Action Plan Ad-Hoc Committee developed a proposed framework for the Diversity Action Plan and presented an overview of the framework to the Council for conceptual approval before asking City staff, board and commissions and holding public forums to develop specific tasks to accomplish goals of the Plan. (Report - Ann Schwab, Mayor and John Rucker, Assistant City Manager)

Item 4.3. Staff Report

Addressing the Council in support of the proposed plan were Sam Najjar, Lee Lyon, and Ali Sarsour.

A motion was made by Holcombe and seconded by Flynn to approve the Diversity Action Plan framework and direct the Ad-Hoc Committee to develop specific tasks to accomplish the goals of the Plan, including the timeline as proposed.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Walker, Schwab

NOES: Wahl

Councilmember Wahl asked for a friendly amendment that would include identifying the costs associated with the implementation of the plan. The amendment was not accepted by Councilmember Holcombe.

4.4. **CONSIDERATION OF A REQUEST BY COUNCILMEMBER WAHL ASKING THE CITY COUNCIL TO CONSIDER CONTRACTING OUT IAFF SERVICES AND PROVIDING IAFF WITH THE REQUIRED THREE YEAR NOTICE**

Councilmember Wahl requested that the City Council discuss agendaizing the discussion and consideration of the possibility to contract out some or all of the services provided by the International Association of Firefighters.

Addressing the Council in opposition to this item were Chuck Fry and Ken Campbell.

A motion was made by Councilmember Wahl to have Council consider taking up the discussion. The motion died for a lack of a second.

Item 4.4. Staff Report

4.5. **CONSIDERATION OF A REQUEST BY COUNCILMEMBER WAHL ASKING THE CITY COUNCIL TO CONSIDER THE AUTHORITY AND RESPONSIBILITY OF THE ARTS COMMISSION AND CITY STAFF**

Councilmember Wahl requested that the City Council discuss agendaizing a public hearing in order to clarify the roles and responsibilities of the Arts Commission and City staff.

Addressing the Council in support of agendaizing this discussion were Ginny Crawford, Debra Moon, and Gregg Payne.

Assistant City Manager Rucker indicated that his staff has already been working on a timeline for presenting the Public Art Policy Manual to the Council. A timeline for the presentation as well as a report addressing some of the issues brought forward by Councilmember Wahl will be brought back at the 11/16/10 meeting under Reports and Communications.

A motion was made by Wahl and seconded by Nickell to direct staff to provide a report under Reports and Communications at the 11/16/10 meeting which will include a timeline for the presentation of the Public Art Policy Manual to the Council.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Wahl, Walker, Schwab

NOES: Holcombe

Item 4.6. Staff Report

Item 4.5. Staff Report

4.6. **CONSIDERATION OF A REQUEST BY VICE-MAYOR NICKELL ASKING THE COUNCIL TO CONSIDER A DEDICATED FUNDING PROGRAM FOR THE CHICO LIBRARY**

Vice-Mayor Nickell requested that the City Council discuss agendizing a dedicated funding program through parking citation fines for the Chico branch of the Butte County Library.

Item 4.6. Staff Report

Mayor Schwab and Councilmember Wahl disqualified themselves from this discussion due to owning property within the metered area. They left the dias.

Addressing the Council in support of this idea was Michael Reilley.

A motion was made by Holcombe and seconded by Gruendl to refer the consideration of Councilmember Nickell's request to the Finance Committee for discussion.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Walker

NOES: None

DISQ: Wahl, Schwab

4.7. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None**

5. **BUSINESS FROM THE FLOOR**

Ronald Mulkey - wanted the Council to know that he appreciates what the Council does and supports what the Council does to help this community.

6. **REPORTS AND COMMUNICATIONS**

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

6.1. **The Capital Project Services Director provided the Council with information regarding the closure of the Nord Highway Bridge over Mud Creek.**

Item 6.1. Staff Report

7. **ADJOURNMENT**

Date Approved: 2/01/11 - DRP

Deborah R. Presson, MMC, City Clerk

Adjourned at 9:50 p.m. to November 16, 2010 at 5:30 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: 2/01/11 - DRP

Deborah R. Presson, MMC, City Clerk

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING - November 2, 2010
CLOSED SESSION
Chico Municipal Center, Conference Room #2, 421 Main Street

1. **CALL TO ORDER**

Mayor Schwab called the November 2, 2010 - Adjourned Regular Chico City Council Closed Session to order at 5:30 p.m. in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab
Absent: None

1.2. **Staff Present**

City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Human Resources Director Campbell, Finance Director Hennessy

2. **CLOSED SESSION MATTERS**

The City Council convened as the Redevelopment Agency for consideration of Item 2.1.

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

Property Owner	Street Address	Assessor's Parcel No.
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A. **Jaeger, Chrystal 178 East 11th Street 005-102-025**

B. **HAL LLC**
1045 Park Avenue 005-102-019 (Parcel 2 portion)
1051 Park Avenue 005-102-018
174 East 11th Street 005-102-016

The Agency's negotiator was Executive Director David Burkland and the parties with whom negotiations are proposed to be conducted are the respective property owners (or such persons designated as their agent for purpose of negotiations).

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8)**

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisitions

Negotiating Parties: See the names listed above for property owners or designated negotiators

2.2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

The City Attorney reviewed the following case: Elizabeth Jean Simmons, et al. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:07-CV-01129-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.3. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6.)

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, United Public Employees of California (Confidentials), Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit).

3. ADJOURNMENT

Date Approved: 2/01/11 - DRP

Deborah R. Presson, MMC, City Clerk



City Council Agenda Report

Meeting Date: 12/07/10

TO: City Council

FROM: Michael R. "Mike" Maloney, Chief of Police (897-4950)

RE: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES

REPORT IN BRIEF:

At its meeting of 11/02/10, the Council introduced an ordinance to amend Chapter 9.38 of the Chico Municipal Code (CMC) to: (1) add the definitions of Bicycle, Highway and Vehicle under Section 9.38.020; (2) replace the wording "radio, tape player, record player, compact disc player or any similar device" with the wording "sound amplification system" under subsection A. of Section 9.38.056; and (3) add subsection B. to Section 9.38.056 which would limit the distance which a sound amplification system may be heard from a bicycle to 50 feet. These amendments close the loophole discovered with section 27007 of the California Vehicle Code, as detailed below.

Recommendation:

The Chief of Police recommends adoption of the ordinance by reading of its title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES.

FISCAL IMPACT:

There is no anticipated fiscal impact to the City of Chico.

BACKGROUND AND DISCUSSION:

In 1989, the Council adopted Ordinance No. 1765, adding Section 9.38.056 to Chapter 9.38 of the CMC which limited noise from vehicle audio equipment to 25 feet from the vehicle on a highway or public property and also limited the noise from a vehicle parked on private property to a maximum of 25 feet from the vehicle, but in no event beyond the property line.

In 2000, the Council adopted Ordinance No. 2195 amending Section 9.38.056 to exempt vehicles located on a highway as they were regulated by section 27007 of the California Vehicle Code. It further amended Section 9.38.056 to increase the distance from 25 feet to 50 feet for vehicles parked within a public park, within a public parking lot or on any other public property within the City except a highway.

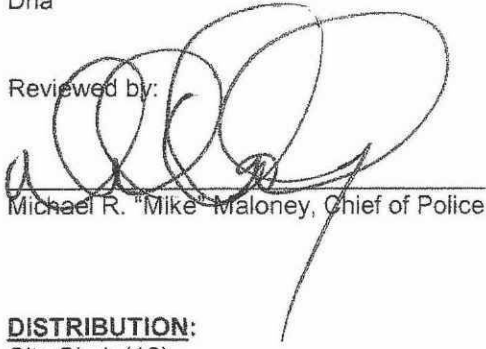
In 2010, Chico Police Officers cited one or more pedicab operators for 27007 CVC regarding the loud noise from a vehicle operated on a roadway. In each case, the amplified music coming from the pedicab could be heard from several blocks away. At least one of the citations was contested in the Butte County Superior Court. The attorney for the defense argued that bicycles, including pedicabs, did not fall under the provisions of 27007 CVC. The Court Commissioner took the matter under submission and asked for briefs from both the defense attorney and the Assistant City Attorney. After further research, it was discovered that 27007 CVC fell outside the provisions of 21200(a) CVC. 21200(a) CVC requires the operator of a bicycle to comply with sections 20000-23336 CVC, 27400 CVC, and 39000-42277 CVC unless those sections have no application to bicycles due to their very nature.

Based on this information, the case was dismissed. The only reasonable resolution to the problem was to amend the Chico Municipal Code to define bicycles under Section 9.38.020 of the Chico Municipal Code and include them under the restrictions imposed by Section 9.38.056.

PUBLIC CONTACT:

Dna

Reviewed by:



Michael R. "Mike" Maloney, Chief of Police

Approved by:



David Burkland, City Manager

DISTRIBUTION:

City Clerk (18)

ATTACHMENTS:

Ordinance

FILE:

- 1 E. Emergency response activities. "Emergency response activities" means activities necessary
2 to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
- 3 F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and
4 open to the use of the public for purposes of vehicular travel. Highway includes street.
- 5 G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted
6 scale with a sound level meter satisfying at least the applicable requirements for Type 1 or
7 Type 2 sound-level-meters as defined in the most recent American National Standard
8 Specifications. The meter shall be set for slow response speed, except that for impulse noises
9 or rapidly varying sound levels, fast response speed may be used.
- 10 For outside measurements the microphone shall not be less than four feet above the
11 ground, at least four and one-half feet distant from walls or similar large reflecting surfaces,
12 and shall be protected from the effects of wind noises and other extraneous sounds by the use
13 of screens, shields or other appropriate devices; for inside measurements, the microphone
14 shall be at least three feet distant from any wall, and the average measurement of at least
15 three microphone positions throughout the room shall be determined.
- 16 H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice,
17 machine, animal, or device, or any combination thereof, that is so loud, unnecessary,
18 excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood,
19 unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes
20 discomfort or annoyance to any reasonable person of normal sensitivity residing or working
21 in the area.
- 22 I. Property Plane. "Property plane" means a vertical plane including the property line which
23 determines the property boundaries in space.
- 24 J. Vehicle. "Vehicle" means a device by which any person or property may be propelled,
25 moved, or drawn upon a highway, excepting a device moved exclusively by human power or
26 used exclusively upon stationary rails or tracks.

27 //

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1 **SECTION 3.** Section 9.38.056 of the Chico Municipal Code is amended to read as follows:

2 **9.38.056 Noise from vehicles and bicycles.**

3 A. No person shall use or operate any sound amplification system in or on a vehicle located
4 within a public park, within a public parking lot, or on any other public property other than a
5 highway within the city which is audible to a person of normal hearing sensitivity more than
6 fifty feet from such vehicle nor shall any person use or operate any such sound amplification
7 system on or in a vehicle located on private property where the sound amplification system is
8 audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle
9 or beyond the property line of such private property, whichever is greater. Noise from a
10 sound amplification system in or on a vehicle located on a public highway shall be regulated
11 in the manner provided for by the California Vehicle Code.

12 B. No person shall use or operate any sound amplification system on or from a bicycle on any
13 highway, within a public park, within a public parking lot, or on any other public property
14 within the city which is audible to a person of normal hearing sensitivity more than fifty feet
15 from such bicycle.

16 C. Vehicle horns, or other devices primarily intended to create a loud noise for warning
17 purposes, shall not be used when a vehicle is at rest, or when a situation endangering life,
18 health, or property is not imminent.

19 **SECTION 4.** This ordinance shall take effect 30 days after its adoption. The Clerk shall
20 cause this ordinance, or a summary of it, to be published as required by law.

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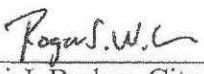
THE FOREGOING ORDINANCE WAS ADOPTED by the Council of the City of Chico at
its meeting held on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:
DISQUALIFIED:

ATTEST:

Deborah R. Presson
City Clerk

APPROVED AS TO FORM:



Lori J. Barker, City Attorney
By: Roger S. Wilson
Assistant City Attorney

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING â€” December 7, 2010
Minutes

1. **CLOSED SESSION - 6:30 p.m.**

1.2. **REGULAR CITY COUNCIL MEETING - 7:30 p.m.**

1.3 **Call to Order**

Mayor Schwab called the December 7, 2010 - Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.

1.4. **Presentation of Colors and Pledge of Allegiance - Chico Police and Fire Department Color Guard**

1.5. **Invocation - McPherson Family Singers (Bahai Faith)**

1.6. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

Absent: None

1.7. **Closed Session Announcement - None**

2. **CONSENT AGENDA**

A motion was made by Nickell and seconded by Walker to approve the Consent Agenda, as read, with Items 2.1., 2.2., 2.3., and 2.4. removed for further discussion.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

NOES: None

2.1. **ORDINANCE NO. 2413 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO GRANTING A FRANCHISE FOR THE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - CHICO CERTIFIED FARMERS MARKET, MUNICIPAL PARKING LOT NO. 1 - Final Reading and Adoption**

Adopted - an ordinance granting a franchise to the Chico Certified Farmers Market for the use of a portion of City streets, sidewalks or other City property. The ordinance was introduced by the Council at its meeting of 10/05/10. The Building & Development Services Director recommended adoption of the ordinance by reading of its title only.

This item was removed from the Consent Agenda at the request of Councilmember Flynn for further clarification. Mayor Schwab disqualified herself on this item due to owning property within 500 feet of the area being discussed and left the Chamber.

Mike Trolinder addressed the Council regarding this issue.

A motion was made by Holcombe and seconded by Flynn to adopt the following ordinance:

ORDINANCE NO. 2413 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO GRANTING A FRANCHISE FOR THE USE OF A PORTION OF CITY STREETS, SIDEWALKS OR OTHER CITY PROPERTY - CHICO CERTIFIED FARMERS MARKET, MUNICIPAL PARKING LOT NO. 1 - Final Reading and Adoption

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker
NOES: None
DISQ: Schwab

2.2. ORDINANCE NO. 2414 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES - Final Reading and Adoption

Adopted - an ordinance amending Chapter 9.38 of the Chico Municipal Code to: (1) add the definitions of Bicycle, Highway and Vehicle under Section 9.38.020; (2) replace the wording "radio, tape player, record player, compact disc player or any similar device" with the wording "sound amplification system" under subsection A. of Section 9.38.056; and (3) add subsection B. to Section 9.38.056 which limits the distance which a sound amplification system may be heard from a bicycle to 50 feet.

The ordinance was introduced by the Council at its meeting of 11/02/10. The Chief of Police recommended adoption of the ordinance by reading of its title only.

This item was removed from the Consent Agenda at the request of two citizens. Addressing the Council in opposition to the proposed ordinance were Michael Griffith and Dmitri Jeziorski.

A motion was made by Walker and seconded by Schwab to adopt the following ordinance:

ORDINANCE NO. 2414 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 9.38 OF THE CHICO MUNICIPAL CODE REGARDING NOISE FROM VEHICLES AND BICYCLES - Final Reading and Adoption

The motion carried by the following vote:

AYES: Flynn, Holcombe, Wahl, Walker, Schwab
NOES: Gruendl, Nickell

2.3. ORDINANCE NO. 2415 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 16.60 OF THE CHICO MUNICIPAL CODE, ENTITLED "ENERGY CONSERVATION MEASURES REQUIRED INCIDENT TO TRANSFERS OF RESIDENTIAL HOUSING" - Final Reading and Adoption

Adopted - an ordinance to amend Chapter 16.60 of Chico Municipal Code to update the energy conservation measures to reflect the more current energy efficient standards, to add water conservation related items, and to refine the implementation process and effectiveness of the program.

The ordinance was introduced by the Council at its meeting of 11/16/10. The General Services Administrative Manager recommended adoption of the ordinance by reading of title only.

At the request of Councilmember Wahl, this item was removed from the Consent Agenda for further discussion.

A motion was made by Walker and seconded by Flynn to adopt the following ordinance:

ORDINANCE NO. 2415 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 16.60 OF THE CHICO MUNICIPAL CODE, ENTITLED "ENERGY CONSERVATION MEASURES REQUIRED INCIDENT TO TRANSFERS OF RESIDENTIAL HOUSING" - Final Reading and Adoption

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Walker, Schwab

NOES: Wahl

2.4. **ORDINANCE NO. 2416 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING SECTION 3.20.080 TO THE CHICO MUNICIPAL CODE REGARDING EMERGENCY CONTRACTING PROCEDURES - Introductory Reading and Final Adoption**

Introduced and adopted - an emergency ordinance prepared pursuant to Charter Section 612 adding Section 3.20.080 (Emergency Contracting Procedures) to the Chico Municipal Code (CMC). The emergency repairs to the Nord Highway Bridge at Mud Creek are designed to prevent imminent failure of the structure and protect the public health, safety, and welfare. As this is a project requiring immediate action, the timely hiring of a professional and qualified contractor to complete the work is critical. Adoption of the proposed emergency ordinance would allow the Council to declare public works projects an "emergency" and waive the formal bidding requirements.

While Council confirmed that the Nord Bridge Interim Repairs project was an emergency at its 11/16/10 meeting, formal adoption of the findings contained in the new code section is required to invoke the emergency exception for the Nord Bridge repairs. The Council was also asked to adopt a resolution finding that the interim repairs to the Nord Highway Bridge at Mud Creek: (1) constitute an emergency project, (2) that the emergency project will not permit a delay resulting from a formal solicitation for bids, and (3) that formal bidding requirements are waived pursuant to the new CMC Section 3.20.080.

The Capital Services Project Director recommended introduction and adoption of the ordinance by reading of its title only and adoption of the resolution.

This item was removed from the Consent Agenda at the request of a citizen. Stephanie Taber addressed the Council regarding this item.

A motion was made by Flynn and seconded by Gruendl to adopt the following ordinance by reading the ordinance in its entirety:

ORDINANCE NO. 2416 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING SECTION 3.20.080 TO THE CHICO MUNICIPAL CODE REGARDING EMERGENCY CONTRACTING PROCEDURES, and

adopt the following resolution finding that the interim repairs to the Nord Highway Bridge at Mud Creek: (1) constitute an emergency project, (2) that the emergency project will not permit a delay resulting from a formal solicitation for bids, and (3) that formal bidding requirements are waived pursuant to the new CMC Section 3.20.080:

RESOLUTION NO. 63-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE NORD HIGHWAY BRIDGE REPAIRS AT MUD CREEK AN EMERGENCY PROJECT THAT WILL NOT PERMIT A DELAY RESULTING FROM A FORMAL SOLICITATION FOR BIDS AND THAT FORMAL BIDDING REQUIREMENTS ARE WAIVED PURSUANT TO CHICO MUNICIPAL CODE SECTION 3.20.080

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

NOES: None

2.5. **ADOPTION OF RESOLUTION NO. 64-10 DECLARING THE RESULTS OF THE 2010 GENERAL MUNICIPAL ELECTION**

Adopted - a resolution declaring the results of the General Municipal Election held on 11/02/10 in the City of Chico pursuant to Article 4 (commencing with Section 10260), Chapter 2, Division 10 of the Elections Code.

The election results received from the Butte County Clerk have been certified by the City Clerk and were attached to the resolution as Exhibit "A." The City Clerk recommended adoption of the resolution.

RESOLUTION NO. 64-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2010

2.6. **ADOPTION OF RESOLUTION NO. 65-10 DELEGATING AUTHORITY TO THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF CHICO AS A MEMBER OF CSAC EXCESS INSURANCE AUTHORITY FOR MEDICAL AND DENTAL INSURANCE**

Adopted - a resolution which authorized the City Manager to officially act on behalf and enter into agreements with the CSAC Excess Insurance Authority for the City's medical and dental insurance programs. The Director of Human Resources and Risk Management and the City Manager recommended adoption of the resolution.

RESOLUTION NO. 65-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DELEGATING AUTHORITY TO THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF CHICO AS A MEMBER OF CSAC EXCESS INSURANCE AUTHORITY FOR MEDICAL AND DENTAL INSURANCE

Recognition of outgoing Vice Mayor Tom Nickell - presentation by Mayor Schwab and Mark Stemen

Swearing In Ceremony - City Clerk Presson swore in Councilmember Flynn, Councilmember Gruendl, and Councilmember Sorensen.

Selection of Mayor and Vice Mayor

City Clerk Presson opened the nominations for the position of Mayor. Mayor Ann Schwab was asked to continue on as the preceding officer. Nominations were closed and the vote carried by 7-0.

Nominations were opened for the position of Vice Mayor. Councilmember Walker was nominated and then nominations were closed. Council agreed 7-0 to appoint Jim Walker serving as the Vice Mayor for the next two years.

The Council recessed for a short break to Conference Room 1 for refreshments. The meeting was reconvened at 8:30 p.m. All members were present.

REGULAR CHICO CITY COUNCIL MEETING — December 7, 2010 Chico Municipal Center, Council Chamber, 421 Main Street

1.1. Call to Order

Mayor Schwab called the December 7, 2010 - Regular City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 9:00 p.m.

1.2. Roll Call

Present: Flynn, Gruendl, Holcombe, Sorensen, Wahl, Walker, Schwab
Absent: None

2. CONSENT AGENDA

Item 2.1. was removed from the Consent Agenda at the request of a citizen.

A motion was made by Flynn and seconded by Walker to approve the Consent Agenda, as read, with Item 2.1. removed for further discussion.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Sorensen, Wahl, Walker, Schwab
NOES: None

2.1. DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY- CVS PHARMACY (HWY 32 AND FOREST AVENUE)

Accepted - the Police Department's recommendation for a determination of public convenience or necessity for the CVS Pharmacy Store. The Chief of Police 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 an off-sale alcoholic beverage license for the CVS Pharmacy Store which will be located at the southwest corner of Hwy 32 and Forest Avenue (APN 002-050-171-000). The Chief of Police recommended a determination of public convenience or necessity.

This item was removed from the Consent Agenda at the request of a citizen. Addressing the Council in opposition to the determination of public convenience or necessity was Ken Fleming.

A motion was made by Walker and seconded by Sorensen to accept the:

DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY- CVS PHARMACY
(HWY 32 AND FOREST AVENUE)

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Sorensen, Wahl, Walker, Schwab

NOES: None

2.2. **ADOPTION OF RESOLUTION NO. 66-10 AMENDING SECTION 2R.72.150
"DISCIPLINARY ACTION" OF THE CHICO MUNICIPAL CODED (CMC) PERTAINING TO
HEARING OFFICERS**

Adopted - a resolution amending Section 2R.72.150 of the CMC to: (1) clarify the maintenance and rotation of the hearing officer list; and (2) allow the City Clerk's Office to conduct a request for qualifications to identify qualified attorneys in providing services. The City Clerk recommended adoption of the resolution.

***RESOLUTION NO 66-10 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
AMENDING SECTION 2R.72.150 OF THE CHICO MUNICIPAL CODE***

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING ABANDONMENT AND VACATION OF A PORTION OF PUBLIC
STREET - OLEANDER AVENUE**

Property owner Patrick Orr had requested the abandonment of a portion of a public street located in front of 725 Oleander Avenue, to facilitate the construction of a single family home.

At its meeting of 11/16/10, Council adopted Resolution No. 55-10 stating its intent to abandon the portion of Oleander Avenue, and set the public hearing for this meeting. (Report - Tom Varga, Capital Project Services Director)

Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Wahl and seconded by Sorensen to adopt the following resolution:

***RESOLUTION NO. 67-10 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
ORDERING ABANDONMENT AND VACATION OF A PORTION OF PUBLIC STREET
PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS
VACATION LAW (ORR / APN 003-176-020)***

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Sorensen, Wahl, Walker, Schwab

NOES: None

3.2. **HEARING ORDERING ABANDONMENT AND VACATION OF A PORTION OF SIERRA
NEVADA COURT AND OTHER APPURTENANT EASEMENTS**

As part of the Sierra Nevada Brewery Master Plan, Rolls Anderson Rolls, Civil Engineers, on behalf of Littlefeet Property Co., LLC, requested the abandonment of Sierra Nevada Court and other appurtenant easements as part of the truck access project to reroute truck traffic from Sierra Nevada Court to Silver Dollar Way.

At its meeting of 11/16/10, Council adopted Resolution No. 62-10, stating its intent to abandon the public street and other appurtenant easements, and set the public hearing for this meeting. (Report - Tom Varga, Capital Project Services Director)

Mayor Schwab opened the hearing to the public. No one spoke and the hearing was closed.

A motion was made by Flynn and seconded by Holcombe to adopt the following resolution:

RESOLUTION NO. 68-70 - A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF SIERRA NEVADA COURT AND OTHER APPURTENANT EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SIERRA NEVADA BREWING COMPANY - SIERRA NEVADA COURT)

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Sorensen, Wahl, Walker, Schwab

NOES: None

4. **REGULAR AGENDA**

4.1. **FISCAL YEAR 2010-11 1st QUARTER FINANCIAL UPDATE**

The Finance Director provided a presentation on the 1st quarter financial results for Fiscal Year 2010-11, including the status of the City's Deficit Reduction Strategy. (Report - Jennifer Hennessy, Finance Director)

Addressing the Council on this item were Stephanie Taber and Ken Fleming.

4.2. **CONSIDERATION OF OPTIONS REGARDING IMPLEMENTING A MANDATORY WOOD BURN CURTAILMENT PROGRAM**

After the Butte County Air Quality Management District (BCAQMD) Board voted not to impose its proposed "Rule 208 Mandatory Wood Burning Curtailment Period," the City Council received a citizen request at its 9/29/09 meeting that the City consider adopting its own mandatory no-burn ordinance.

The Council voted (6-1, Wahl opposed) to: (1) request the Butte County Board of Supervisors to consider including unincorporated County residents in the curtailment area; and (2) pursue a Joint Powers Agreement with BCAQMD for its staff to enforce the no-burn curtailment program if an ordinance is approved by the City and County. Staff provided an update on the status of this process. (Report - Linda Herman, General Services Administrative Manager)

Addressing the Council on this item were Quentin Colgan, Tanha Luvaas, Margo Lund, and Luke Anderson.

A motion was made by Holcombe and seconded by Gruendl to direct staff to draft an ordinance curtailing the use of wood burning stoves to be introduced and adopted in time for the 2011 season with: (1) an emphasis on exemptions as needed for the use of unapproved EPA emission stoves; and (2) an education and outreach component concerning the use of woodstoves.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Holcombe, Walker, Schwab

NOES: Sorensen, Wahl

Council concurred to continue the meeting past the 10:00 p.m. ending time.

4.3. **CONSIDERATION OF THE 2010 BIENNIAL RECRUITMENT PROCESS FOR CITY'S BOARD AND COMMISSIONS**

The City Council was asked to consider the 2010 Biennial Recruitment process for the appointment of citizens to its Board and Commissions. The recruitment period began on 10/22/10 and closed on 11/29/10. Council direction needed at this meeting to determine when the interviews and final appointment would be held and to provide direction to the City Clerk on possible refinements to the process. Other items the Council was asked to consider were: (1) a possible amendment to Chapter 2.62 of the Chico Municipal Code changing the composition of the Arts Commission from seven to five regular members for implementation during the 2012 Biennial Recruitment; (2) consider changing the final voting procedure on appointments from the currently used "raising of the hands" to a formal ballot that would be provided to the Council and tabulated at the meeting by the City Clerk. In the event of a tie, additional rounds could occur, with new ballots provided by the City Clerk for each round; and (3) consider asking for staff input pertaining to the applicants. (Report - Deborah Presson, City Clerk)

Addressing the Council regarding this item were Monica McDaniel-Berg, Todd Hall, and Ken Fleming.

A motion was made by Walker and seconded by Holcombe to direct staff to: (1) schedule the interviews of applicants to be held on December 14, 2010, with attendance at the interviews a requirement for consideration of appointment; (2) keep the current membership of the Arts Commission at seven members; (3) implement a formal ballot procedure for the final appointment process scheduled for December 21, 2010; (4) that any staff input would be sought by Councilmembers, if desired; and (4) directed that sometime during 2011, the City Clerk is to work with Councilmember Sorensen on his proposal regarding the change to a Council appointment process of its Board and Commissions for review prior to the 2012 Biennial Recruitment process.

The motion carried by the following vote:

AYES: Flynn, Holcombe, Sorensen, Wahl, Walker, Schwab

NOES: Gruendl

4.4. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None**

5. **BUSINESS FROM THE FLOOR**

Stephanie Taber - wanted to know the procedure for the filling of the upcoming Council vacancy and if the public would be allowed to participate or address the Council regarding its action.

Mike Trolinder - indicated that he had emailed a formal letter of protest for the franchise agreement for the Saturday Farmer's Market. He asked the Council to please agendaize that letter in order to start the discussion now prior to the time the agreement will be extended again.

Quentin Colgan - expressed concern about the meeting of December 1, 2010 because the Mayor told him that the RDA items would not be considered due to the late hour. He spoke in opposition to the action and asked that the item(s) that were acted on be reconsidered since the Brown Act had been violated.

6. **REPORTS AND COMMUNICATIONS**

6.1. **2009-10 DEVELOPMENT IMPACT FEE REPORT**

As required by California Government Code §66006(b), the City Council was provided with a copy of the 2009-10 City of Chico Development Impact Fee Report for the fiscal year ended 6/30/10. This statute required the Council to review the report but no particular findings or actions were required.

6.2. **DRAFT RESOLUTION PROVIDING FOR PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT POSITIONS (2011 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION) - SUNSHINE/TRANSPARENCY** Sunshine/Transparency

A draft copy of the pay and benefits resolution applicable to Management Employees was provided to implement "Sunshine" and "Transparency" as part of the negotiations process.

Stephanie Taber - expressed confusion over why there was a Management MOU when the Council recently authorized the City Manager to enter into contracts with Department Heads. *Staff indicated that the Management MOU represented all other managers besides the six Department Heads who now were under contracts.*

Ken Fleming - expressed his opposition to the Management Group being able to accrue such large amounts of sick leave and vacation limits. He suggested that staff should perhaps avail themselves of some counseling because no one should go without taking vacations.

6.3. **DRAFT RESOLUTION PROVIDING FOR PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR PUBLIC SAFETY MANAGEMENT POSITIONS (2011 PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION) - SUNSHINE/TRANSPARENCY**

Sunshine/Transparency - a draft copy of the pay and benefits resolution applicable to Public Safety Management Employees was provided to implement "Sunshine" and "Transparency" as part of the negotiations process.

6.4. **DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF CHICO AND UNITED PUBLIC EMPLOYEES OF CALIFORNIA, CONFIDENTIAL UNIT REGARDING PAY, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR JANUARY 1, 2011 THROUGH DECEMBER 31, 2012 (2011 MOU-CNF UNIT) - SUNSHINE/TRANSPARENCY**

Sunshine/Transparency - a draft copy of the memorandum of understanding applicable to Confidential Employees was provided to implement "Sunshine" and "Transparency" as part of the negotiations process.

7. **ADJOURNMENT**

Adjourned at 11:35 p.m. to December 14, 2010 at 5:30 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — December 7, 2010
CLOSED SESSION Chico Municipal Center, Conference Room #2, 421 Main Street**

Date Approved: 3/15/11 - DRP

Deborah R. Presson, MMC, City Clerk

1. **CALL TO ORDER**

Mayor Schwab called the December 7, 2010 - Adjourned Regular Council Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:30 p.m.

1.1. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

Absent: None

Staff Present: City Manager Burkland, City Attorney Barker, City Clerk Presson, Assistant City Manager Rucker, Human Resources Director Campbell, Finance Director Hennessy

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6.)**

Negotiator: Dave Burkland, City Manager and Teresa Campbell, Director of Human Resources

Employee Organizations: Management Employees, United Public Employees of California (Confidentials), Public Safety Management Employees, Chico Police Officers' Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit)

3. **ADJOURNMENT**

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

Date Approved: 3/15/11 - DRP

Deborah R. Presson, MMC, City Clerk

INTERNAL AFFAIRS COMMITTEE REPORT

A Committee of the Chico City Council: Councilmembers Huber, Ory, and Chair Brown

Meeting of October 7, 2019 – 4:00 p.m. to 6:00 p.m.

Council Chamber Building, 421 Main Street, Conference Room 1

REGULAR AGENDA

A. CONSIDERATION OF PLACEMENT OF ALL-WAY STOP CONTROLS AT THE INTERSECTIONS OF PARMAC ROAD AND RIO LINDO AVENUE, SHERMAN AVENUE AND EAST 3RD AVENUE, AND EAST 4TH STREET AND FLUME STREET

Senior Traffic Engineer, Bikram Kahlon presented the staff report detailing traffic and pedestrian safety concerns.

Addressing the Committee on this item was Mary Snoberger.

A motion was made by Councilmember Ory and seconded by Councilmember Huber to adopt Traffic Regulation Amendment (TRA) 852 which will authorize the installation of all-way stop controls at the intersections of Parmac Road and Rio Lindo Avenue, Sherman Avenue and East 3rd Avenue, and East 4th Street and Flume Street.

The motion carried (3-0).

B. DISCUSSION OF TENANT PROTECTIONS

Cory Turner, Supervising Attorney for Legal Services of Northern California, provided a presentation of some of the issues facing the tenants that they represent and how AB 1482 will address those issues and where the “gaps” are from their perspective.

Addressing the Committee on this item were Steve Depa, Addison Winslow, and Lauren Kohler.

A motion was made by Councilmember Ory and seconded by Chair Brown to continue a more targeted discussion of this topic including further exploration of the following items:

- Just Cause Eviction on all properties (beyond AB 1482)
- Creation of a Rental Registry
- An exemption of the year-long tenancy requirement of AB 1482 for Camp Fire survivors
- Enforcement - how any of the items would be enforced

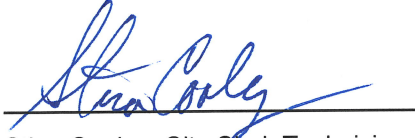
The motion carried (3-0).

C. BUSINESS FROM THE FLOOR - NONE

D. ADJOURNMENT AND NEXT MEETING

The meeting was adjourned at 5:22 p.m. to the next regular Internal Affairs Committee meeting scheduled for Monday, November 4, 2019, at 4:00 p.m. in Conference Rm. No. 1.

Prepared by:

A handwritten signature in blue ink, appearing to read "Stina Cooley", is written over a horizontal line.

Stina Cooley, City Clerk Technician