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COUNCIL MINUTES INDEX — JULY 6, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

- 4.1. Finance Committee Report
 - 1. DCBA Audit for FY 1997-98
 - 2. MSP Program Request (Christophersen, 2742 Ceres Avenue)
 - 3. Accessibility Program Grant for Roll-In Shower (957 Normal Avenue)
 - 4. HOME Program Modification to assist tenants facing eviction
 - 5. Items Removed from the Consent Agenda - None
 - 6. Amendments to City Fee Schedule
 - Resolution No. 2 99-00 Amending City's Fee Schedule
 - 7. MSP Program Request (Bakker, 2257 Elm Street)
 - 8. CSUC Request for Financing Property Acquisition & Soccer Stadium
 - 9. MSP Program Policy Issues
 - 10. Police Department Budget

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance No. 2182 Amending PERS Agreement re Survivor Benefits
- 2.2. Ordinance Amending Title 2 of CMC re Meeting Times of the City Boards and Commissions
- 2.3. Ordinance Amending Title 3 of CMC re Street Facility Fee Reimbursement
- 2.4. Resolution No. 3 99-00 Amending Title 2R of CMC re Probationary Period for New Employees
- 2.5. Resolution Approving Amendment No. 2 to the IAFF MOU
- 2.6. Resolution No. 4 99-00 re Sewer Assessments In-Lieu of Connection Fees (1670 E 8th Street)
- 2.7. Resolution No. 5 99-00 re Sewer Assessments In-Lieu of Connection Fees (1156 Manzanita Avenue)
- 2.8. Resolution No. 6 99-00 re Sewer Assessments In-Lieu of Connection Fees (635 Bryant Avenue)
- 2.9. Determination of Public Convenience or Necessity re Alcoholic Beverage License (1414 Park Avenue)
- 2.10. Project Priorities for the Comprehensive Economic Development Strategy (CEDS)
- 2.11. Report re Absences from Parking Place Commission Meetings (Ann Schwab)
- 2.12. Minutes

4. REGULAR AGENDA

- 4.2. Appeal of Use Permit re Pet Store at 851 Main Street (Jorge A. Acosta)
- 4.3. Adoption of 1999-00 City of Chico and Chico Redevelopment Agency FY 1999-00 Final Budgets
 - Resolution No. 1 99-00 Final Budget for the City, Public Financing Authority, and Parking Authority
 - Resolution No. RDA 5-99 Final Budget for Redevelopment Agency

5. BUSINESS FROM THE FLOOR

Code Enforcement

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — JULY 20, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

- 4.1. Terminating Ground Lease Agreement & Entering into New Agreement re Diamond Match Warehouse Minute Order No. RDA 3-99 re Diamond Match Warehouse Agreement
- 4.2. Uses for Old Municipal Building & Funding of Seismic and Accessibility Retrofit

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance No. 2182 Amending Title 2 of the CMC re Meeting Times of City Boards and Commissions
- 2.2. Ordinance No. 2183 Amending Title 3 of the CMC re Street Facility Fee Reimbursement
- 2.3. Resolution No. 7 99-00 Application to FAA re Passenger Facility Charge at Chico Municipal Airport
- 2.4. Minute Order No. 17-99 Lease of Property at Chico Municipal Airport to Gaines & Gaines for 99 Years
- 2.5. Confirmation of Michael Efford as Chief of Police

3. NOTICED PUBLIC HEARINGS

- 3.1. Title 19 (Land Use & Development Regulations); Zoning Map (Rezone/Prezone 99-05); Title 19R (Land Use) Ordinance Repealing & Reenacting Title 19 of CMC re Land Use & Development Regulations Ordinance Approving Rezone/Prezone No. 99-5

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda:

- 2.3. Resolution No. 7 99-00 re Passenger Facility Charge at Airport
- 2.4. Minute Order No. 17-99 re Lease of Airport Property to Gaines & Gaines
- 4.2. City/County Solid Waste JPA Committee Report re Rates, Permit System & Other Issues
- 4.3. Future Meetings
 - A. Capital Improvement Program and Priority Street Projects
 - B. Parking Fines and Saturday Parking Meter Enforcement

5. BUSINESS FROM THE FLOOR

Motorized Scooters

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — AUGUST 3, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

- 4.1. Airport Terminal Building Parking Lot Art Treatment
- 4.2. Finance Committee Report
 - 1. Housing Rehabilitation Loan Request - Ackerman, 904 Karen Drive
 - 2. Items Removed from the Consent Agenda
 - 3. Sewer & Storm Drain Reimbursement Request - William Morris, East & Alamo Avenue
 - 4. Funding for Public Improvements Adjacent to Vacant Lots in CDBG Eligible Neighborhoods
 - 5. Financial Assistance Request from ARC
 - 6. Financial Assistance re CSUC Soccer Stadium & Property Acquisition
 - 7. Funding Source re Boys & Girls Club Gymnasium/Teen Center Facility
 - 8. MSP Borrower Request for Reduction in Accrued Interest - Cahoon, 87 Artesia Drive
 - 9. Appraisal re Property Located on West Side of the Airport

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance re Rezone No. 99-4
- 2.2. Resolution No. 8 99-00 Agreement for Sale of Airport Property to Jeffery & Patricia Day
- 2.3. Resolution No. 9 99-00 Levying Sewer Assessments in Lieu of Fees - 560 East Lassen Avenue
- 2.4. Resolution No. 10 99-00 Levying Sewer Assessments in Lieu of Fees - 2574 Ceanothus Avenue
- 2.5. Resolution No. 11 99-00 Initiating East 9th Avenue Annexation District No. 2
- 2.6. Resolution No. 12 99-00 Initiating Humboldt Avenue Annexation District No. 14
- 2.7. Resolution Initiating East 8th Street Annexation District No. 17
- 2.8. Resolution No. 13 99-00 Initiating Vallombrosa Avenue Annexation District No. 13
- 2.9. Resolution No. 14 99-00 Initiating East Avenue Annexation District No. 19
- 2.10. Resolution No. 15 99-00 Initiating Holly Avenue Annexation District No. 2
- 2.11. Resolution No. 16 99-00 Initiating Dayton Road Annexation District No. 3
- 2.12. Minute Order No. 18-99 Donate Surplus Police Vehicle to Butte County Sheriff's Office
- 2.13. Appointment of Gail Dryden as Information Systems Director
- 2.14. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.1. Appeal by Jorge Acosta re Use Permit for Pet Store at 851 Main Street

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
 - 2.14. Minutes for 7/6/99
- 4.2. A. Appeal by Nora Todenhagen re Alternative Mitigations for Benedict Ranch/Nob Hill Subdivision
B. Staff Determination re Alternative Mitigations for Benedict Ranch/Nob Hill Subdivision
- 4.3. Internal Affairs Committee Report
 - 1. Truck Routes in City
 - 2. El Monte Pedestrian & Bicycle Path, East 8th Street to Little Chico Creek
- 4.4. Councilmembers as Voting Delegates to LCC Annual Conference

- 4.5. Future Meetings
 - A. Capital Improvement Program
 - B. Parking Fines & Saturday Parking Meter Enforcement
 - C. Schedule of Major Issues

5. BUSINESS FROM THE FLOOR

Code Enforcement
Otterson Drive Extension

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — AUGUST 17, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

3. NOTICED PUBLIC HEARINGS

- 3.1. Sale of Airport Property to Derek & Kelly Butcher (Medwaste Disposal)

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Resolution No. 17 99-00 Adopting Amendment No. 657 to Traffic Regulations
- 2.2. Resolution No. 18 99-00 Intent to Abandon Air & Light Easement (4 Vallombrosa Circle)
- 2.3. Minute Order No. 19-99 Elections of Covered Employees re Health Insurance
- 2.4. Minute Order No. 20-99 Amendment to Agreement for Bus Service to CSUC Students
- 2.5. Minute Order No. 21-99 Release of Lien for Sewer Assessments in Lieu of Fees (1411 Sherman Avenue)
- 2.6. Resignation from Human Resources Commission (Kathleen Salamon)
- 2.7. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.1. General Plan Amendment & Rezone No. 99-4
Resolution No. 19 99-00 General Plan Amendment No. 99-4
Ordinance No. 2184 Rezone No. 99-4
- 3.2. Alternatives re Benedict Ranch/Nob Hill Subdivision

5. BUSINESS FROM THE FLOOR

Humboldt Road Burn Dump

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — SEPTEMBER 7, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

3. REGULAR AGENDA

4.1. Finance Committee Report

1. Sewer & Storm Drain Reimbursement Request (William Morris, Alamo East Subdivision)
2. CSUC Proposals for Funding Assistance re Soccer Stadium & Property Acquisition
3. OSM Investments Funding Request re Little Chico Garden Apartments (851 Pomona Avenue)
Resolution No. RDA 6-99 Loan of Funds for Low Income Housing Project (851 Pomona Avenue)
4. Community Housing & Credit Counseling Center Funding Request
5. Items Continued to 9/1/99 Meeting

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Resolution No. 20 99-00 Amending Title 12R of CMC re Park Rules
- 2.2. Resolution No. 21 99-00 Amendment to MOU with SEIU Unit A
Resolution No. 22 99-00 Amendment to MOU with SEIU Unit B
- 2.3. Resolution No. 23 99-00 Bryant Avenue Annexation District No. 7
- 2.4. Minute Order No. 22-99 Amendment to Animal Shelter Agreement with Butte Humane Society
- 2.5. Minute Order No. 23-99 Lease of City Property at 965 Fir Street to Butte County Assn. of Governments
- 2.6. Minute Order No. 24-99 Agreement with John Drake to Acquire Property for Wetlands Preserve
- 2.7. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.1. 1999 Lot Cleaning Program
- 3.2. Abandonment of Portion of Air & Light Easement (4 Vallombrosa Circle)
Resolution No. 24 99-00 Abandonment of Portion of Air & Light Easement (4 Vallombrosa Circle)
- 3.3. Manzanita Avenue Annexation District No. 14
Resolution No. 25 99-00 Manzanita Avenue Annexation District No. 14
- 3.4. Sheridan Avenue Annexation District No. 5
Resolution No. 26 99-00 Sheridan Avenue Annexation District No. 5
- 3.5. Comprehensive Update to Title 19 of CMC, Rezone/Prezone 99-05, & Amendment to Title 19R of CMC
Ordinance Repealing & Reenacting Title 19 of CMC re Land Use & Development Regulations
Ordinance re Rezone/Prezone No. 99-5
- 3.6. Arroyo Greens Tentative Subdivision Map Alternative Performance Standards

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
 - 2.5. Minute Order No. 23-99 re Lease of property at 965 Fir Street to Butte County Assn. of Governments
 - 2.6. Minute Order No. 24-99 re Foothill Park Wetlands Preserve
- 4.2. Chico Open Board Art Project
- 4.3. Appeal of Use Permit for Transitional Housing Facility (The Well Ministry)
- 4.4. Internal Affairs Committee Report
 1. Bicycle Lane on West Side of Floral Avenue Adjacent to Highland Park Subdivision
 2. Funds Deposited Upon Issuance of a Building Permit in Lieu of Installing Public Improvements
 3. Scenic Street Design Guidelines for East 8th Street Between SHR 32 & Bruce Road
 4. City's Mitigation Monitoring Program
 5. Gift of Land for Extension of Ivy Street (Hays & Damschen)

- 4.5. Outline of Five Year Review of General Plan
- 4.6. Council Rules of Procedure
 - A. Council Rules
 - B. Stewart Letter
- 4.7. Appointment to Human Resources Commission (Susan Bollinger)
- 4.8. Major Issues & Future Meetings
 - A. List of Major Issues
 - B. Future Meetings re Humboldt Dump & Special Events Task Force Report

- 5. BUSINESS FROM THE FLOOR
 - Lindo Channel
 - Conflicts of Interest

- 6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — SEPTEMBER 14, 1999

COUNCIL MEETING

4. REGULAR AGENDA

- 4.1. Extend Enforcement of Paid Metered Parking & Two Hour Time Limits to Include Saturdays in Downtown
- 4.2. Increase Fines for Parking Violations
- 4.3. Items Added After Posting of the Agenda
Implementation of Source Reduction & Recycling Element (Calif. Integrated Waste Management Board)

COUNCIL MINUTES INDEX — SEPTEMBER 21, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

3. REGULAR AGENDA

- 4.1. 1998-99 Chico Business Outreach Report
- 4.2. Finance Committee Report
 - 1. Community Housing & Credit Counseling Center Funding Request
Minute Order No. RDA 5-99 Agreement with CHCCC for Use of Low/Moderate Income Housing Funds
 - 2. Boys & Girls Club Funding Request for Gymnasium/Teen Center Facility
 - 3. Housing Rehab Loan & MSP Program Funding Request (Sheri Douglas, 848 Inyo)
 - 4. MSP Program Borrower Request for Forgiveness of Interest (Scott & Cheri Parks, 5 St. Helen's Lane)
 - 5. Amendments to City's Sewer Fee Schedule
 - 6. Fire Department Budget
 - 7. MSP Program Policy Issues

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance No. 2185 Amending Title 19 of CMC re Land Use & Development Regulations
Ordinance No. 2186 re Rezone/Prezone No. 99-5
Resolution No. 27 99-00 Amending Title 19R of CMC re Foothill Design Criteria
Resolution No. 28 99-00 Adopting Mitigated Negative Declaration re Comprehensive Update to Title 19
- 2.2. Resolution re Alternative Performance Requirement for Mitigation (Nob Hill Subdivision)
Supplemental Appropriation Budgeting/Allocating Funds from Nob Hill Subdivision
- 2.3. Resolution No. 29 99-00 Approving Use Permit No. 98-16 re Pet Store at 851 Main Street (Aguilera)
- 2.4. Resolution No. 30 99-00 Amendment to Management Team Resolution re Wastewater Treatment Supervisor
- 2.5. Resolution No. 31 99-00 Maintenance District No. 90 (Amber Grove/Greenfield/Peterson Subdivisions)
- 2.6. Resolution No. 32 99-00 Amendment to MOU with SEIU Unit A
Resolution No. 33 99-00 Amendment to MOU with SEIU Unit B
Resolution No. 34 99-00 Amendment to Management Team Resolution
Resolution No. 35 99-00 Amendment to Confidential Employees Resolution
Minute Order No. 25-99 Health/Dental Premium for Councilmembers
- 2.7. Minute Order No. 26-99 Amendment to Chico Museum Assn. Agreement
- 2.8. Resignation from Arts Commission (Greg Tropea)

3. NOTICED PUBLIC HEARINGS

- 3.1. Maintenance District No. 97 - Stratford Estates, Phase II
Resolution No. 36 99-00 Maintenance District No. 97 (Stratford Estates, Phase II)
- 3.2. Maintenance District No. 98 - Foothill Park East Preserve
Resolution No. 37 99-00 Maintenance District No. 98 (Foothill Park East Preserve)
- 3.3. Citizens Option for Public Safety (COPS) Funding

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
 - 2.1. Ordinances & Resolutions re Title 19, Rezone/Prezone 99-5, Title 19R & Mitigated Negative Declaration
 - 2.4. Resolution re Salary Range for Wastewater Treatment Supervisor
- 4.2. Solid Waste Collection Rate Increase Request & Recommendation
Resolution No. 38 99-00 Amendment to City's Fee Schedule

- 4.3. Joint Powers Authority re Solid Waste & Recycling in Chico Urban Area
- 4.4. Future Meetings
 - a. Humboldt Road Burn Dump
 - b. Closed Session
- 4.5. Items Added After Posting of the Agenda
 - a. Appointment of Information Systems Director (Gail Dryden)
 - b. List of Major Issues

COUNCIL MINUTES INDEX — SEPTEMBER 23, 1999

COUNCIL MEETING

4. **REGULAR AGENDA**

- 4.1. Meeting with Special Events Task Force re Unsponsored Events Such as Halloween

COUNCIL MINUTES INDEX — OCTOBER 5, 1999

COUNCIL MEETING

2. CLOSED SESSION

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Resolution No. 39 99-00 Amending Title 12R of CMC re Park Rules
- 2.2. Resolution No. 40 99-00 Application for Federal Grant from OES for Fire Related Expenses
- 2.3. Resolution No. 41 99-00 Amendment to MOU with IAFF
- 2.4. Minute Order No. 27-99 Grant Agreement with Habitat for Humanity for HOME Program Funds
- 2.5. Minute Order No. 28-99 Lease Agreements re Mounted Units for Special Events
- 2.6. Minutes

4. REGULAR AGENDA

- 4.2. Urgency Ordinance Banning Glass Containers During Halloween
- 4.6. Fill Vacancies on Special Events Task Force
- 4.3. Internal Affairs Committee Report
 1. Amend Title 18R of CMC re Handicapped Ramps and Street Lights
Resolution No. 42 99-00 Amending Title 18R of CMC re Improvement Standards
 2. Handicapped Parking Space at 2405 Notre Dame Boulevard (Fire Station No. 4)
 3. Yield Sign on the Midway at East Park Avenue
 4. Items Removed from the Consent Agenda
 5. Gift of Land for Extension of Ivy Street (Hays & Damschen)
 6. Measures to Reduce Speed on Yosemite Drive
 7. Study re Stop Signs on Fourth Street at Flume Street
 8. CMC Amendment on Filing Appeal by Person Aggrieved by a Decision
 9. CMC Amendment re Calculation of Credits Against Park Facility Fees
Ordinance Amending Title 3 of CMC re Credits Against Park Facility Fees
- 4.4. Compliance with AB 939 Diversion Requirements (Calif. Integrated Waste Management Board)
- 4.5. Fill Vacancy on Arts Commission
- 4.7. Items Added After Posting of the Agenda
 - a. Lindo Channel
 - b. Health Plan Review Committee

5. BUSINESS FROM THE FLOOR

- a. Fluoride in Drinking Water
- b. Appearance of Downtown Area

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — OCTOBER 19, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

2. CONSENT AGENDA

2.1. Facade Improvement Program Revisions

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance No. 2187 Amending Title 3 of CMC re Credits Against Park Facility Fees
Resolution No. 43 99-00 Amending the City's Fee Schedule
- 2.2. Resolution No. 44 99-00 Amending Resolution No. 25 99-00 re Manzanita Avenue Annex. Dist. No. 14
- 2.3. Supplemental Appropriation for Repair of Gabions Along Little Chico Creek, East of Forest Avenue
- 2.4. Supplemental Appropriation for Transportation re Emergency Winter Shelter Program
- 2.5. Supplemental Appropriation for Rancheria Neighborhood Improvements
- 2.6. Supplemental Appropriation for Sidewalk Improvements on East 1st Avenue Between Mangrove & SHR 99
- 2.7. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.3. Appeal on Denial of Stonecreek Subdivision Map, General Plan Amendment & Rezone 98-1 (Drake)
- 3.1. Maintenance District No. 84 - East Avenue/Raley's Shopping Center
Resolution No. 45 99-00 Maintenance District No. 84 - East Avenue/Raley's Shopping Center
- 3.2. Appeal on Approval of Shastan at Lindo Channel Subdivision Map (Hall)

4. REGULAR AGENDA

- 4.2. Urgency Ordinance Banning Possession of Glass Containers on City-Owned Property During Halloween
Ordinance No. 2188 Declaring Portion of City a Glass-Free Zone from 10/29/99 Through 11/1/99

5. BUSINESS FROM THE FLOOR

- a. Lindo Channel Encroachment
- b. Benedict Ranch Subdivision

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — NOVEMBER 2, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

3. REGULAR AGENDA

4.1. Finance Committee Report

1. Supplemental Appropriation to Repair Gabions Along Little Chico Creek East of Forest Avenue
2. Expenditure of Excess COPS Grant Funds for 1999-00 Fiscal Year
Supplemental Appropriation Allocating Remaining COPS Grant Funds for Capital Expenditures
3. Supplemental Appropriation to Repair Gabions Along Little Chico Creek East of Forest Avenue
4. CSUC Proposals re Soccer Stadium and Property Acquisition in College Park Area
Minute Order No. 29-99 Agreement with CSUC to Acquire Properties in College Park Area
5. Chico Community Partnership Financial Assistance Request re Emergency Shelter Program
6. Building Department Fees
7. MSP Borrower Request to Stop Foreclosure Process (Turri, 817 Kern Street)
8. Budget Modification for Funding to Butte County re Business/Research Park Land Use Concept
9. Appeal Fee Reduction or Waiver
10. Supplemental Appropriation for Public Improvements on Rancheria Drive
11. Fire Department Budget

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Ordinance Making Housecleaning Amendments to Sections in Titles 16, 2, 15, 5, and 1 of CMC
- 2.2. Resolution No. 46 99-00 Inclusion of Part of City in Butte County Service Area No. 23
- 2.3. Resolution No. 57 99-00 Performance Requirement re Mitigation Measure for Nob Hill Subdivision
Supplemental Appropriation Budgeting/Allocating Funds from Nob Hill (Benedict Ranch) Subdivision
- 2.4. Appointment of Albert Beck to BCMAD
- 2.5. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.1. Maintenance District No. 77 (Ashby Park Subdivision)

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
- 2.3. Resolution No. 47 99-00 & Supplemental Appropriation re Nob Hill Subdivision
- 4.2. Appeal of Use Permit for AT&T Facility at 215 Orange Street (Citizens for Community Justice)
- 4.3. Internal Affairs Committee Report
 1. Yield Sign on Arcadian Avenue at West Lincoln Avenue
 2. Items Removed from the Consent Agenda
 3. Traffic in the West 11th Avenue, Holly Avenue & Mission Ranch Boulevard Areas
Resolution No. 49 99-00 Adopting Traffic Regulation Amendment No. 661
 4. Pedestrian Improvements at the Intersection of West 1st & Salem Streets
 5. Pedestrian Safety on Warner Street
 6. Stop Intersection at Eaton Road & Lexington Drive
 7. Mitigation Measure Monitoring Policies
 8. Funds Deposited Upon Issuance of a Building Permit in Lieu of Installing Public Improvements
 9. Truck Route/Bicycle Route Overlaps
 10. Traffic in West 11th Avenue, Holly Avenue & Mission Ranch Boulevard areas
- 4.4. Declaring Council Vacancy & Procedures to Fill Vacancy

- 4.5. Appointment to Arts Commission (Debra Austin)
- 4.6. Appointment of Special Events Coordinating Committee; Evaluation of 1999 Halloween Event
- 4.7. Future Meetings
Reschedule 10/29/99 closed session to 11/30/99

5. BUSINESS FROM THE FLOOR
Halloween Weekend Activities

6. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — NOVEMBER 16, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

2. CONSENT AGENDA

2.1. Humboldt Road Disposal Site Budgeted Revenue

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda

2.1. Humboldt Road Disposal Site Budgeted Revenue

4.2. General Budget Review

A. Chico Merged Redevelopment Project Area Fund Five Year Trends

B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends

C. Low & Moderate Income Housing Fund Summary

D. Arts Funds

COUNCIL MEETING

2. CONSENT AGENDA

2.1. Ordinance No. 2189 Making Housecleaning Amendments in Titles 16, 2, 15, 5 and 1 of CMC

2.2. Resolution No. 50 99-00 Amendment to MOU with CPOA Unit B

2.3. Resolution No. 51 99-00 Amendment to Management Employees Resolution re General Increases

2.4. Resolution No. 52 99-00 Initiation East 20th Street Annexation District No. 12

2.5. Minute Order No. 30-99 FAA Lease for TVOR/LRCO Facility at Airport

2.6. Budget Modification re Non-Pay Plan Job Titles - Pay Rates

2.7. Supplemental Appropriation re Upper Bidwell Park Resource Inventory

2.8. Appointment of Alicia Rock as Assistant City Attorney I

2.9. Minutes

4. REGULAR AGENDA

4.1. Items Removed from the Consent Agenda

2.8. Appointment of Assistant City Attorney

2.9. Minutes

4.2. Budget Review

B. General Budget Review

3. NOTICED PUBLIC HEARINGS

3.1. Five Year Capital Improvement Program

3.2. 1999 Update of Development Impact Fees Analysis (Nexus Study) & Revisions to Certain Fees

2. CLOSED SESSION

3. NOTICED PUBLIC HEARINGS

3.1. Five Year Capital Improvement Program (Cont'd)

3.2. Nexus Study & Development Impact Fees (Cont'd)

4. REGULAR AGENDA
 - 4.2. Budget Review
 - A. 2000-01 Budget Calendar
 - B. General Budget Review
 - C. Proposed Budget Adjustments
 - D. Vacant Transportation Coordinator Position
 - E. Disc Golf in Bidwell Park
 - F. Plan for Wildwood Park Improvements
 - G. DCBA Request re Downtown Maintenance Program
 - H. Bike Path Between East 20th Street & Little Chico Creek
 - 4.3. Lindo Channel Bank Stabilization
 - 4.4. Elect Vice Mayor and Appoint Council Committees & Representatives
 - 4.5. Ballot Measures for Upcoming Elections
 - 4.6. Annexation of Islands of Unincorporated Territory
 - 4.7. Items Added After Posting of the Agenda
Funding Source for Boys & Girls Club Facility
5. REPORTS AND COMMUNICATIONS

COUNCIL MINUTES INDEX — NOVEMBER 23, 1999

COUNCIL MEETING

- 4. **REGULAR AGENDA**
- 4.1. Various Matters Relating to Lindo Channel
 - A. Policies & Procedures Regarding Lindo Channel Encroachments
 - B. Encroachment at 1388 Longfellow Avenue
 - C. Fire Protection in Lindo Channel
 - D. Streambank Standards
- 7. **CLOSED SESSION**

COUNCIL MINUTES INDEX — NOVEMBER 30, 1999

COUNCIL MEETING

2. CLOSED SESSION

COUNCIL MINUTES INDEX — DECEMBER 7, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

4. REGULAR AGENDA

- 4.1. Bike Path Between East 20th Street & Little Chico Creek
- 4.2. Finance Committee Report
 - 1. Rehabilitation Funds for City-Owned Property at 1087 Sarah Avenue
 - 2. Appeal Fee Waiver or Reduction
 - 3. ARC Request for Financial Assistance for Rental Housing Project
 - 4. Fire Department Budget
 - 5. Community Development Department Fees

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Resolution No. 53 99-00 re Sewer Assessments in Lieu of Connection Fees (2670 Ceres Avenue)
- 2.2. Resolution No. 54 99-00 re Sewer Assessments in Lieu of Connection Fees (731 West 12th Avenue)
- 2.3. Resolution No. 55 99-00 re Sewer Assessments in Lieu of Connection Fees (1251 Warner Street)
- 2.4. Resolution No. 56 99-00 re Sewer Assessments in Lieu of Connection Fees (480 East 20th Street)
- 2.5. Resolution No. 57 99-00 re Sewer Assessments in Lieu of Connection Fees (1098 East 9th Street)
- 2.6. Resolution No. 58 99-00 Initiating Elm Street Annexation District No. 8
- 2.7. Resolution No. 59 99-00 Intent to Abandon Sewer Easement (Greenfield Subdivision)
- 2.8. Resolution No. 60 99-00 Intent to Abandon Public Utility Easement (250 Cohasset Road)
- 2.9. Resolution No. 61 99-00 Intent to Abandon Portion of Street (East 9th Avenue at Lindo Avenue)
- 2.10. Resolution of Intent to Abandon Abutters' Rights (Forest Avenue)
- 2.11. Minute Order No. 31-99 MOU with United Artists re Senator Theatre Tower & Establish Restoration Fund
- 2.12. Minutes
- 2.13. Appointment of Alicia Rock as Assistant City Attorney II

3. NOTICED PUBLIC HEARINGS

- 3.3. Rezone 99-6
 - 3.1. Maintenance District No. 85 - Carriage Park Subdivision, Phase II
 - Resolution No. 62 99-00 Maintenance District No. 85 - Carriage Park Subdivision, Phase II
 - 3.2. Appeal of Use Permit for AT&T Telecommunications Facility at 215 Orange (Citizens for Comm. Justice)
 - 3.4. Amendment to CDBG Program re Boys & Girls Club Gymnasium Funding
 - 3.5. General Plan Amendment No. 99-2 to Conform to Airport Land Use Plan

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
 - 2.9. Resolution of Intent to Abandon Portion of East 9th Avenue at Lindo Avenue
- 4.2. Appeal re Relocating Trash Enclosure at 465 East 20th Street
- 4.3. Special Events Task Force Report
 - A. Special Events Permits
 - B. Halloween Event & Special Events Coordinating Committee
 - C. Couch Patrol Program
- 4.4. Memorial to Former Councilmember Bill Johnston

COUNCIL MINUTES INDEX -- DECEMBER 21, 1999

COUNCIL MEETING

2. CLOSED SESSION

REDEVELOPMENT AGENCY MEETING

3. NOTICED PUBLIC HEARINGS

- 3.1. Five Year Plans for Merged and Urban Area Redevelopment Project Areas and Affordable Housing Plan Resolution No. RDA 7-99 Approving Five Year Plans for Merged & Urban Areas and Housing Plan

4. REGULAR AGENDA

- 4.1. Finance Committee Report
 1. NCILS Funding Request for Rental Housing Accessibility Program
 2. MSP Borrower Request for Forgiveness of Interest Owed (Scott, 13 New Dawn Circle)
 3. Five-Year CIP, 1999 Update of Development Impact Fees (Nexus Study), and Fee Revisions

COUNCIL MEETING

2. CONSENT AGENDA

- 2.1. Resolution No. 65 99-00 Levying Sewer Assessments in Lieu of Connection Fees (126 West 7th Avenue)
- 2.2. Resolution No. 66 99-00 Amending Management Team Resolution re Principal Planner & Accountant
- 2.3. Minute Order re Agreements with NCEMS & Enloe re Life Support & Paramedic Services
- 2.4. Minute Order No. 36-99 Utility Easement on City Property at Whitewood Way & Sun River Drive
- 2.5. Minute Order No. 32-99 Easement for Vehicle & Pedestrian Access on Forest Avenue
- 2.6. Minute Order No. 33-99 Merit Increase & Employment Agreement Amendment (Thomas Lando)
- 2.7. Minute Order No. 34-99 Accept Traffic Signal Fees from County & Reimburse Aspen Glen Developer
- 2.8. Minute Order No. 35-99 Amendment to Revolving Loan Agreement with Tri-County EDC
- 2.9. AP&P #10-31 re Term Limits of Redevelopment Committee Members
- 2.10. Supplemental Appropriation re Bike Path Between East 20th Street & Little Chico Creek
- 2.11. Minutes

3. NOTICED PUBLIC HEARINGS

- 3.1. Five-Year CIP, 1999 Update of Development Impact Fees (Nexus Study), and Revisions to Fees

4. REGULAR AGENDA

- 4.1. Items Removed from the Consent Agenda
 - 2.4. Minute Order No. 36-99 re Utility Easement on City Property at Whitewood Way & Sun River Drive
 - 2.11. Minutes
- 4.2. Lindo Channel Bank Stabilization
- 4.3. Y2K Status Report

5. REPORTS AND COMMUNICATIONS

- 4.5. Internal Affairs Committee Report
 - 1. Stop Signs & No Parking Zones in Aspen Glen Planned Development
 - 2. Parking Space Designations on Humboldt Avenue Between Main and Flume Streets
 - 3. Amendments to City's Noise Ordinance

 - 4. Stop Signs on Eaton Road at Lexington Drive
 - 5. Stop Signs on Mission Ranch Boulevard at Montecito Avenue
 - 6. Speeding on Bar Triangle Street & Mansfield Court
 - 7. Funds Deposited Upon Issuance of Building Permit in Lieu of Installing Public Improvements
- 4.6. Future Meetings
 - Closed Session Meeting re Toxic Cases
- 6. REPORTS AND COMMUNICATIONS

ADJOURNED REGULAR COUNCIL MEETING - JANUARY 5, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 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 Sheryl Campbell. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJM JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)
 - 2.4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Significant exposure to litigation: Three Cases. (Gov. Code Sec. 54956.9(b).) This item was not discussed.
 - 2.5. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was Chico Police Officers Association (Unit B). (Gov. Code Sec. 54957.6.) This item was not discussed.

3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING - JANUARY 5, 1999
Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 P.M.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation — The Mayor noted that since Pastor Bruce Murray, First Assembly of God, was not in attendance, that a moment of silence would be observed.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Information Systems Director Priest and Art Projects Coordinator Gardner.

- 1.4. Closed Session Announcement. None.
2. CONSENT AGENDA — No items.
3. NOTICED PUBLIC HEARINGS — No items.
4. REGULAR AGENDA
- 4.1. CONSIDERATION OF SELECTION PANEL RECOMMENDATION REGARDING ART/PROPOSAL FOR CHICO MUNICIPAL CENTER PLAZA EAST ART PROJECT

Risk Manager Koch reviewed his memorandum dated 11/19/98 which forwarded the recommendation of the Chico Municipal Center Plaza East Art Project Selection Panel regarding the artist and proposal to be installed in the plaza area immediately outside of the east entrance to the Municipal Center building. He noted this was Phase III of the Municipal Center art projects. The Selection Panel reviewed the 31 applications that were received and reduced the number to 10 artists. These 10 were then interviewed by the Panel and 4 finalists were selected. The 4 finalists were required to prepare scale models of their proposals and make a presentation to the Panel, after which the Panel selected the proposal of Donna Billick of Davis as its recommendation. The artist's model of this recommended proposal was on display in the third floor lobby of the Chico Municipal Center. At its 11/18/98 meeting, the Arts Commission accepted the recommendation of the Selection Panel and was forwarding it on to the City Council for final consideration. The Arts Commission recommended approval of the Selection Panel's recommendation.

Arthur Stoschke was opposed to using public funds for art. John O'Brien recommended waiting until a report was received from the Y2K Task Force. Todd Hall, a member of the Arts Commission, noted that the Municipal Building was specifically designed to accommodate art projects. Dianne Wilkinson was not in favor of the art piece being proposed for selection nor going outside the Chico area for art proposals. Anthony Nicosia recommended contacting local schools for art work. Jack Malin suggesting making space available for rotating art exhibits. Susan Eissinger asked that the Council consider using the funds for any Y2K needs such as acquiring hand pumps to install at water wells. Greg Tropea, a member of the Arts Commission, noted that acquiring public art was an investment in the economy.

Mayor Bertagna requested that staff agendaize funding for art in May when the Council met with boards and commissions just prior to the June budget review.

Donna Billick explained her project, which was hands facing each other, approximately 12 feet high and made from terrazzo material. She indicated to Councilmember Kirk that the location of the art was open to negotiation. Mike San Galli and Shannon O'Laughlin, students at Pleasant Valley High School, spoke in opposition to using public funds for the project and in favor of allowing local artists to display their work in the Municipal Center. Gregg Payne suggested more consideration should be given to how the art selection process worked. The Mayor indicated to Mr. Payne that the Arts Commission was formulating a recommendation to Council on the matter. Councilmembers Herbert and Keene and Mayor Bertagna were opposed to using public/RDA funds for art projects and instead making public facilities a funding priority. Councilmember Guzzetti supported using the 1% set aside for art, as did Councilmember Kirk except that she preferred some other location. Councilmember Johnston was in favor of the project but was open to future discussion on using public funds for art.

Following discussion, Councilmember Kirk moved approval of the Arts Commission's recommendation approving the Selection Panel's recommendation for the Donna Billick art project, subject to the Arts Commission, working with the artist and the architect, submitting an alternate location for placement of the art so that the public would not have to walk between the hands when entering the Municipal Building from the east entrance. The motion

was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston and Kirk voting aye and Councilmembers Herbert, Keene and Bertagna voting no.

The Council recessed for 15 minutes and reconvened at 9:15 p.m.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 9:15 p.m. to a City Council meeting.

REGULAR COUNCIL MEETING - JANUARY 5, 1999
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 9:15 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie and Information Systems Director Priest.

2. CONSENT AGENDA
- 2.1. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR THE DEFENSE OF THE CITY IN THE CASE ENTITLED, MARK GORDON V. THE CITY OF CHICO, ET AL.

This supplemental appropriation in the amount of \$50,000 will fund the City's defense in the case entitled, *Mark Gordon v. The City of Chico, et al.*, U.S. District Court No. CIV-S-97-2064 EJG/JFM, through the summary judgment motion set for 1/11/99. *The City Attorney recommends approval of the supplemental appropriation.*

- 2.2. ACCEPTANCE OF RESIGNATION OF NANCY WOLFE FROM THE ARCHITECTURAL REVIEW BOARD

By letter dated 12/22/98, Nancy Wolfe submits her resignation from the Architectural Review Board, effective 1/1/99, due to her appointment to the Planning Commission. After posting the Notice of Unscheduled Vacancy, the City Clerk will schedule on a future agenda the appointment of a member to fill the vacancy on the Architectural Review Board.

Councilmember Keene moved approval of the items on the Consent Agenda. The motion was seconded and unanimously carried.

3. NOTICED PUBLIC HEARINGS — No items.
4. REGULAR AGENDA
- 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA - None.
- 4.2. REQUEST FOR APPROVAL OF ASSUMPTION OF TAX EXEMPT MULTI-FAMILY BONDS AND CONCEPTUAL APPROVAL OF A FUTURE REFUNDING OF THE BONDS (LAKEVIEW APARTMENTS)

Assistant City Manager Dunlap reported that this item was continued from the City Council meeting of 12/15/98. She reviewed her memorandum dated 12/22/98 which summarized the request by Lakeview Apartments (located

at 2581 California Park Drive) and Colchico Partners, LLC, to allow assumption of the tax exempt multi-family housing bonds issued by the City by Colchico Partners and a request for conceptual approval of a future refunding of the bonds. The Assistant City Manager recommended approval of the requests subject to the conditions set forth in the memorandum.

Following discussion, Councilmember Jarvis moved approval of the request subject to the conditions set forth in the Assistant City Manager's memorandum. The motion was seconded and unanimously carried.

4.3. CONSIDERATION OF APPOINTING A COMMUNITY COMMITTEE REGARDING THE YEAR 2000 (Y2K) COMPUTER PROBLEM

Councilmember Keene asked the Council to consider appointing a community committee to research and report back to the Council on Y2K issues, possible problems, and solutions.

The Council was also in receipt of a memorandum dated 12/29/98 from the Information Systems Director in which he reported that a joint venture had been undertaken by his department, the University's Information Resources Department and the Butte County Information Systems Department, and that this core group had contacted a number of public agencies and organizations in the community to act as a Butte County Community Y2K Awareness Group.

Provided this evening were (1) letter dated 11/7/98 from Barbara Heron requesting the City to form a commission to study the effects of the Y2K computer problems on the Chico community and listing the agencies and organizations that should be represented on the commission, and (2) letter dated 12/28/98 from Mr. & Mrs. William Moline and Dr. & Mrs. Brian Courtney requesting that a Y2K task force be appointed and asking what steps the City was taking to cope with anticipated problems (the Mayor had requested the Information Systems Director to respond to this letter).

Susan Eissing recommended purchasing hand pumps for each of the California Water Service wells located in the community in case they were needed. John O'Brien, Coordinator of a Y2K Action Group, spoke on the need to keep the community advised of the progress of the Awareness Group and to have contingency plans on a county-wide basis to accommodate various system failures should they occur. Jeanie Curtis, 2626 Oak Way, was in favor of community participation in the process and keeping the public informed. Bob Ray, 1405 West 3rd Street, also noted the need to have contingency plans in place.

Councilmember Keene moved approval of his forming a Y2K community committee, gathering information, meeting with the Y2K Awareness Group and the Y2K Action Group as needed, and reporting back to the Council. The motion was seconded and unanimously carried. He indicated that staff support was not needed for his community committee.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD NOVEMBER 30, 1998

This item was continued from the City Council meeting of 12/15/98. By memorandum dated 12/4/98, the Internal Affairs Committee provides a report on its meeting held on 11/30/98, at which time the matters listed below were considered. Committee members present were Councilmember King, Chair; Councilmember Jarvis, and Councilmember Johnston. Councilmember Jarvis reviewed the Committee's report in the absence of the Chair.

1. CONSIDERATION OF COMMERCIAL PARTY PERMIT AND AMENDMENTS TO THE CITY'S NOISE ORDINANCE
2. CONSIDERATION OF MANNER IN WHICH TO ADDRESS UNSPONSORED EVENTS

Recommendations:

- A. Special Events Permits and Un-sponsored Special Events -- The Committee recommended:
1. that a Special Events Task Force be established, to be staffed by the City, to consider un-sponsored events (such as Halloween and St. Patrick's Day) as well as special events permits (as recommended by the Council at its meeting of 9/22/98);
 2. that the Task Force consist of representatives from California State University, Chico, Butte Community College, the High Schools, the Interfraternity Council, the Panhellenic Council, local law enforcement (including employee union representation), property management companies, liquor stores, the Chamber of Commerce, the DCBA, and general representatives from the community;
 3. that the Task Force review how other communities, such as Santa Barbara, San Luis Obispo and Palm Springs, handle alcoholic-related problems in connection with un-sponsored events; and
 4. that the Task Force also consider policing of the South Campus Neighborhood.
- B. Amendments to the City's Noise Ordinance -- The Committee recommended that staff be directed to:
4. research how other cities handle noise problems and provide examples of objective vs. subjective noise ordinances;
 5. provide in writing the amendments to the City's noise ordinance which Council agreed upon at its meeting of 9/22/98 (that the noise regulations be revised to be technical, rather than subjective, and that the time frame in the South Campus Neighborhood be extended to Midnight on Fridays and Saturdays); and
 6. bring this information back to the Committee for consideration at its February meeting.

The Council was in receipt of (1) letter dated 12/2/98 from North Valley Property Owners Assn., (2) letter dated 12/10/98 from Anna Dove and Jeff Lindsay, (3) letter dated 12/3/98 from Gina Hall, and (4) letter dated 12/8/98 from John Siefel, all relating to the Special Events Task Force and the noise ordinance.

Councilmember Jarvis reported that the Holiday Inn had recommended that a representative of the hotel/motel industry be represented on the task force, and City Manager Lando indicated that a representative of the Butte County Health Department should also serve from the standpoint of alcohol abuse.

Councilmember Jarvis answered questions from Eugene Pixley, P.O. Box 291, Red Bluff, regarding the task force being proposed in item A. She indicated to Dan Davis, 1212 Bidwell Avenue, that both City and County areas would be addressed by the task force and that Butte County would be represented on the task force. Linda Kirch, 452 East 8th Avenue, stated she was in property management for about 31 property owners in the vicinity of the University and wanted to serve on the task force. Charlie Preusser, 1405 West 3rd Street, spoke on the need for City staff assistance with task force meetings once it was formed. Rick Rees, University Student Activities, reported that a University task force had been formed to address student safety, and this task force could meet with the one being proposed by the City. Richard Elsom, University Associated Students President, reported that he would submit the names of several student groups that should have representatives on the task force, and he also recommended that each Councilmember might make an appointment to fill in any gaps in the task force membership.

The City Manager indicated to Jann Reed, 347 Legion Avenue, that item B only related to the area south of the campus.

Following discussion, it was the consensus of the Council to have the Ad Hoc Committee that was considering Council meeting procedures (Bertagna, Jarvis and Kirk) review and submit a recommendation for task force membership with regard to item A at the 1/26/99 Council meeting.

It was also the consensus of the Council that the Internal Affairs Committee could consider the recommendations set forth in item B at its March meeting, and Council could later decide whether to proceed with the amendments.

Councilmember Guzzetti moved that the Internal Affairs Committee move forward on item B and report back to the Council. The motion was seconded and carried with Mayor Bertagna voting no.

4.5. PRESENTATION BY CHAMBER OF COMMERCE REGARDING ITS ECONOMIC DEVELOPMENT AND TOURISM MARKETING PROGRAMS

This item was continued from the City Council meeting of 12/15/98. Susan Peterson of the Chamber of Commerce gave a brief presentation to update the Council on current economic development and tourism marketing projects. The Council was previously provided with copies of recently printed marketing materials for its information.

At this point, the Council agreed to continue this evening's meeting past 11:00 p.m.

4.6. PRESENTATION BY CALIFORNIA WATER SERVICE COMPANY REGARDING THE WATER QUALITY OF TWO WELLS LOCATED NEAR OLEANDER AND MANGROVE AVENUES

At the request of Mayor Bertagna, Mark Lightcap from California Water Service Company provided a report on the status of two wells, located near Oleander and Mangrove Avenues, that were shut off due to levels of tetrachloroethylene that exceeded water quality standards. He indicated the two wells were owned by the State and were used to purify water from a contaminated underground plume. California Water failed to test the wells for a period of time, however, it was determined that they did not pose a health hazard. Craig Gilmour of the San Jose office of California Water Service explained the process and procedures for testing water quality.

In response to Kelly Meagher, 337 Main Street, the City Attorney indicated that the State Public Utilities Commission regulated the water company. Edward Thomas, 9488 Cummings Road, gave the Mayor written material which he asked be provided to the Council.

The Council agreed with the Mayor's recommendation that California Water Service provide information to the City Manager on its monthly tests, for a period of one year, and that the City Manager forward this information to the Council.

4.7. CONSIDERATION OF MATTERS REGARDING COUNCIL COMMITTEES AND REPRESENTATIVES

By memorandum dated 12/17/98, the City Clerk provided the Council with a list of appointments that were approved at the 12/15/98 meeting, and requested (a) that members of each Committee establish a schedule of meeting dates/times, (b) determine if there was a volunteer to serve as representative to the Butte Basin Water Users Association, and (c) determine if any group/organization was no longer active in order that they could be removed from the list.

The Mayor reported that at this request, the Chairs of the Finance Committee, Internal Affairs Committee, and Intergovernmental Committee would present to Council the proposed areas of concern, responsibility, and direction of each Committee for 1999-2000.

It was noted that the Finance Committee (Keene, Herbert, Guzzetti) had agreed to continue meeting on the first Monday of each month at 4:00 p.m. Councilmember Keene reported that the Committee was interested in addressing broader-based financial and budget issues.

Councilmember Jarvis reported that the Internal Affairs Committee (Jarvis, Johnston, Kirk) agreed to schedule their meetings on the second Tuesday of each month at 8:00 a.m. Councilmember Jarvis reported that she would be asking the Committee to discuss a traffic model at a future meeting.

The City Clerk's memorandum noted that the Intergovernmental Committee (Bertagna, Johnston and Jarvis) needed to coordinate any change in date/time of the quarterly meetings with the local Butte County Supervisors (who comprised the Chico Issues Committee). The Committee members requested that an item be placed on the 1/21/99 Intergovernmental Committee/Chico Issues Committee agenda to indicate that they preferred having Monday meetings. Councilmember Jarvis reported that she would be unable to attend the 1/21/99 meeting and had asked Councilmember Kirk to attend in her place.

The members of the Economic Development Committee (Johnston, Kirk, Keene) agreed to meet on the second Thursday of each month at 4:00 p.m.

The City Clerk's memorandum also noted the need for a volunteer to serve as representative to the Butte Basin Water Users Association. Councilmembers Guzzetti and Keene indicated both would serve as alternates and they would decide between themselves who would attend each meeting.

The City Clerk's memorandum also pointed out the need to appoint a public member to the Redevelopment Committee, a position that was previously held by Councilmember Kirk before her election to the Council. A copy of the Administrative Procedure that set forth the purpose and responsibilities of the Committee was attached to the City Clerk's memorandum.

By letter dated 12/14/98, Greg Steel indicated he is interested in being appointed as a public member to the Redevelopment Committee.

Following discussion, it was the unanimous consensus of the Council to approve the appointment of Greg Steel as a public member to the Redevelopment Committee.

4.8. FUTURE MEETINGS

The Council agreed with the City Manager's recommendation to cancel the second meeting in January, which would have been scheduled for Tuesday, 1/19/99 at 7:30 p.m., since the Council would be meeting in an all-day budget work session on Tuesday, 1/26/99, commencing at 9:00 a.m. Councilmember Keene requested that sufficient time be allowed for all agenda items. The City Manager indicated that the agenda would include, among other things, a report on the Special Events Task Force, a closed session, Consent Agenda items, and budget items.

4.8. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.

5. BUSINESS FROM THE FLOOR.

Charlie Preusser reported on an event to be held on 1/23/99 for former Councilmember and Mayor Mary Andrews, to which members of the Council were invited.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1 Memorandum dated 12/17/98 from the Finance Director reporting that the list of claims paid during the month of November 1998 is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/10/98, for Cafe Sandino, 817 Main Street.

6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/15/98, for Pizza Face, 128 West Second Street.

6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/18/98 for Harrington's Sports Pub & Grill, 345 West Fifth Street.

7. ADJOURNMENT.

The meeting was adjourned at 11:35 p.m. to Tuesday, 1/26/99 at 9:00 a.m. in Conference Room No. 1, for an all day budget work session.

SPECIAL COUNCIL MEETING - JANUARY 26, 1999

Chico Municipal Center, City Manager’s Office, 411 Main Street, 8:00 a.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 8:00 a.m. This Special Meeting was being held at the call of Mayor Steve Bertagna for the purpose of adjourning to a closed session to consider the items set forth below.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Councilmember Johnston was present at 8:15 a.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City’s negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was Chico Police Officers Association (Unit B). (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Initiation of litigation: One Case. (Gov. Code Sec. 54956.9(c).)

2.3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)

2.4. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)

2.5. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers’ compensation claim of Sheryl Campbell. (Gov. Code Sec. 54956.9(a).)

3. ADJOURNMENT

The meeting was adjourned at 9:00 a.m. to a Redevelopment Agency meeting in Conference Room No. 1, Council Chamber Building, 421 Main Street.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - JANUARY 26, 1999

Chico Municipal Center, Conference Room No. 1, 421 Main Street, 9:00 A.M.

1. CALL TO ORDER. The Mayor called the meeting to order at 9:15 a.m.

1.1. Flag Salute. Those in attendance recited the pledge of allegiance.

1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce, Housing Officer McLaughlin and Management Analyst Halldorson.

- 1.3. Closed Session Announcement. None.
2. CONSENT AGENDA — No items.
3. NOTICED PUBLIC HEARINGS — No items.
4. REGULAR AGENDA
- 4.1. GENERAL BUDGET REVIEW.

City Manager Lando reported that as required by a provision of the California Redevelopment Law, he had provided Council with copies of his memorandum dated 1/20/99 which disclosed that he owned a condominium at 2908 Pennyroyal, located within a redevelopment project area.

The City Manager indicated that the Agency was being provided with the budget documents listed below, and that following its review, it could provide any direction that it felt appropriate to staff.

- A. Chico Merged Redevelopment Project Area Fund Five Year Trends. This item was reviewed by the City Manager and Assistant City Manager.

The City Manager indicated that staff could issue a news release regarding the Forest Avenue improvements and needed right of way. Construction was expected to begin this summer.

Councilmember Jarvis requested that the Internal Affairs Committee consider a policy on whether to allow new businesses to open before all their public improvements were completed, as well as when such businesses should be allowed to issue news releases on their openings and when the Council should be notified.

- B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends. This item was reviewed by the City Manager.

Councilmember Guzzetti requested that City staff ask the other public agencies in the Chico area how they have utilized their share of tax increment revenues from the redevelopment project areas.

Mayor Bertagna requested discussion at a future meeting on what public improvements might be provided in redevelopment project areas that would encourage development, keeping in mind existing obligations of the redevelopment project areas.

- C. Low & Moderate Income Housing Fund Summary. This item was reviewed by the Assistant City Manager and the Housing Officer.

Councilmember Jarvis requested that staff provide an analysis on the outcome of changing the Council's policy regarding the 20% set aside if a larger portion was used for very low income households. The City Manager added that the analysis could be sent to the Finance Committee with copies to the Council. Councilmember Keene also wanted a history of how the funds had been spent to date.

- D. Arts Funds Summaries. This item was reviewed by Risk Manager Koch.

Councilmember Keene moved that the City not expend any further arts funds from the Greater Chico Urban

Area Redevelopment Project Area Fine Arts Fund (Fund 382) between now and the beginning of the new fiscal year on 7/1/99. The motion was seconded but failed to carry with Councilmembers Herbert, Keene and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis, Johnston and Kirk voting no.

Councilmember Keene then moved that the City Attorney provide an opinion on whether the City could legally spend redevelopment funds on art since changes in the Redevelopment Law in 1994, this being a question of when the funds were allocated and when they were spent. The motion was seconded and unanimously carried.

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

6. ADJOURNMENT.

The Council recessed for 10 minutes and then the meeting was adjourned to a City Council meeting at 10:40 p.m.

ADJOURNED REGULAR COUNCIL MEETING - JANUARY 26, 1999

Chico Municipal Center, Conference Room No. 1, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 10:40 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce, Management Analyst Halldorson, and Transportation Coordinator McEnespy.

2. CONSENT AGENDA

2.1. APPROVAL OF ONE-YEAR EXTENSION OF ORDINANCE NO. 2155: "ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ESTABLISHING THE DOWNTOWN CHICO ZONE AND PROHIBITING THEREIN. ON AN INTERIM BASIS. THE DEMOLITION OF ANY BUILDING OR STRUCTURE AND DECLARING THE URGENCY THEREOF" (Public Hearing 2/2/99)

By memorandum dated 01/6/99, Planning Director Seidler reports that this is a proposed one year extension of an urgency ordinance (Ordinance No. 2155, adopted 2/3/98) which established a Downtown Chico Zone and prohibited the demolition of any building or structure within that Zone on an interim basis. The ordinance was intended to protect and conserve the historical and architectural heritage of Downtown Chico. To address the concern on a permanent basis, staff is creating an overlay zone for Downtown Chico and is incorporating language into the Draft Land Use and Development Regulations; however, an extension is requested in the interim since the ordinance is scheduled to expire on 02/04/99. The project has been determined to be exempt from environmental review pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA), since there is no possibility that the project may have a significant effect on the environment. The Planning Director recommends approval of a one-year extension of the ordinance following the public hearing on 2/2/99.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE CITY OF CHICO, STATE OF CALIFORNIA - REZONE NO. 98-07 — INTRODUCTORY READING

By memorandum dated 1/5/99, Assistant Planner Summerville reports that this ordinance would rezone a one-acre parcel located at 524 W. 2nd Avenue, Assessor's Parcel No. 003-051-013, from R-1 Single Family Residential to RD-1 Low Density Residential. The proposed RD-1 zoning is consistent with the Low Density Residential General Plan designation of the subject property. The rezone was initiated by the property owner, Steven Schuman. A

public hearing on the rezone will be scheduled for Council's meeting of 2/16/99. The Planning Commission recommends adoption of the proposed ordinance.

- 2.3. RESOLUTION NO. 9698-99-- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PORTIONS OF A PUBLIC STREET AND A PUBLIC UTILITY EASEMENT PURSUANT OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENT VACATION LAW (2099 MANSFIELD COURT)

By memorandum dated 12/4/98, Associate Civil Engineer McKinley reports that at the request of the adjacent property owner, Tony Symmes, this resolution will initiate the abandonment process for portions of a public street and public utility easement adjacent to 2099 Mansfield Court, located within the Parkway Manor Subdivision. This action will correct a construction staking error that caused encroachment by the house on the lot into the required setback. The Community Development Director recommends adoption of the resolution which will schedule a public hearing for Council's meeting of 2/16/99.

- 2.4. RESOLUTION NO. 9798-99-- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 72 (MARIPOSA PARK SUBDIVISION)

By memorandum dated 12/22/98, the Director of Public Works reports that on two previous occasions regarding the proposed formation of this maintenance district, the Council heard public comments regarding the amount of the proposed assessment and, as a result, abandoned the district formation proceedings and requested that staff re-evaluate the proposed annual assessment. The scope of services has been modified and the proposed annual assessment lowered to \$55 for maintenance of storm drains only. At its meeting of 12/1/98, Council directed staff to proceed with initiation of another ballot process. In accordance with the rules and regulations of Proposition 218, Council is requested to adopt the above resolution initiating the formation of a maintenance district and direct the City Clerk to schedule two public hearings for 3/16/99 and 4/6/99. Prior to these hearings, a ballot will be mailed to all property owners to allow them to vote on whether they wish to be assessed at the lower amount for the ongoing maintenance and operation of the district. The Director of Public Works recommends adoption of the resolution and that the Clerk schedule the public hearings.

- 2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND ON-GOING MAINTENANCE COSTS FOR A LIVE SCAN SYSTEM TO BE PLACED IN THE POLICE DEPARTMENT'S TEMPORARY HOLDING FACILITY.

The Police Department has been advised that the City is eligible to receive a "Live Scan" system from the State of California. Live Scan refers to the technology which makes it possible to digitize an individual's fingerprints directly into a computer allowing for the electronic transfer of the fingerprint image, along with personal descriptor information, to central site computers at the California Department of Justice. The system, costing approximately \$30,000, would be purchased for the City by the State of California. The City would be responsible for approximately \$8,100 per year in ongoing maintenance costs. These costs would be built into the Police Department's operating budget beginning in fiscal year 1999/00. This Supplemental Appropriation would allocate \$5,000 to cover maintenance costs for the remainder of the current fiscal year to be drawn from the General Fund (001). The City Council is being provided with a copy of the General Fund Summary which reflects the estimated 06/30/99 fund balance. The Chief of Police recommends approval of the Supplemental Appropriation.

- 2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR CONTINUED FUNDING OF THE CITY'S DEFENSE IN THE CASE ENTITLED *MELODY DAVIDSON V. CITY OF CHICO ET AL.*

This supplemental appropriation in the amount of \$10,000 will fund the City's defense in the case entitled *Melody Davidson v. The City of Chico et al.*, U.S. District Court No. CIV-S-98-1089 FCD/PAN through the month of January 1999. The City Attorney recommends approval of the supplemental appropriation.

- 2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO ALLOCATE FUNDING TO REPLACE THE COUNTY FIRE NET RADIO BASE STATION IN THE CITY'S POLICE AND FIRE DISPATCH CENTER.

This supplemental appropriation would allocate funds in the amount of \$6,500 to be drawn from the Equipment Replacement Fund (932) to allow the Fire Department to purchase a new County Fire Net radio base station with alert system. The present city base station is out of service and cannot be repaired because of its old age and the non-availability of parts. If the CDF/Butte County Fire Emergency Command Center should be out of service for any reason, the city dispatch center is required to take over all mutual aid dispatching; therefore, this base station must be replaced immediately. The Council is being provided with a copy of the Equipment Replacement Fund Summary which reflects the estimated 06/30/99 fund balance. The Police and Fire Chiefs recommend approval of the supplemental appropriation.

2.8. APPROVAL OF PROPOSED BUDGET ADMINISTRATION POLICY RELATED TO GRANT FUNDED POSITIONS.

By memorandum dated 01/11/99, the City Manager proposes budget policy language related to annual reporting to the City Council on all grant funded positions. If the City Council concurs with the language, it will be incorporated into the 1999-2000 Annual Budget Policies.

2.9. APPROVAL OF CITY OF CHICO DEVELOPMENT IMPACT FEE REPORT FOR THE FIVE-YEAR PERIOD ENDING 06/30/98.

By memorandum dated 12/23/98, the Director of Public Works forwards the City of Chico Development Impact Fee Report, dated 12/22/98. California Government Code §66001(d) requires that for the fifth fiscal year following the first deposit into a development impact fee account, the City Council must make certain findings regarding development impact fee funds. This report finds that all development impact fee funds currently in possession are committed to projects under construction or to projects with an identified approximate date of completion. The findings must also be made in connection with certain public information provisions that require the City to make available to the public, within 180 days following the last day of the fiscal year, specific information related to development impact fees. The report was made available to the public on 12/28/98. This annual report provides the required information and findings. The Director of Public Works recommends approval of the report and adoption of the findings.

2.10. APPROVAL OF CITY'S STATEMENT OF INVESTMENT POLICY.

By memorandum dated 01/12/99, the Finance Director submits a copy of 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 recommends that no changes be made to the existing policy.

2.11. ACKNOWLEDGE RECEIPT OF ANNUAL FINANCIAL REPORTS

By memorandum dated 01/12/99, the Finance Director submits the City of Chico Annual Financial Report, Chico Redevelopment Agency Component Unit Financial Report, Chico Public Finance Authority Component Unit Financial Report, Single Audit Report, Independent Auditors' Communication, and the Transportation Development Act Funds. The Finance Director recommends that the reports be referred to the Finance Committee for review.

2.12. ACCEPTANCE OF ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 1997-98.

The Chico Redevelopment Agency was previously provided with a memorandum dated 12/28/98 from the Housing Officer forwarding the Annual Report of the Chico Redevelopment Agency. The Annual Report provides a complete narrative of the Agency's accomplishments during fiscal year 1997-98, a work program for 1998-99, and account of low and moderate income housing program activities within the City, and various financial reports related to the Agency. The report was prepared in compliance with Community Redevelopment Law. This law requires the City Council to 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. Councilmembers may wish to bring their copies of the report to this meeting. The Executive Director recommends acceptance of the Report.

Councilmember Keene moved adoption of the resolutions and approval of all other items on the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: Councilmembers Guzzetti and Jarvis (item 2.6). ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. BUDGET REVIEW.

A. Approval of 1999-2000 Budget Calendar (postponed from 11/17/98)

By memorandum dated 12/22/98, the Budget Officer submitted the proposed 1999-2000 Budget Calendar for approval by the City Council. The proposed dates affecting the City Council and Finance Committee were as follows:

- 01/26/99 9:00 a.m. - City Council Work Session
- 04/08/99 4:00 p.m. - Finance Committee (Community Organization funding requests)
- Week of 04/19/99 - City Council Work Session
- 04/22/99 4:00 p.m. - Finance Committee (final recommendations on Community organization funding requests)
- 05/27/99 7:00 p.m. - City Council (meets with Boards and Commissions)
- 06/01/99 9:00 a.m. - City Council Budget Session (all day)
- 06/02/99 9:00 a.m. - City Council Budget Session (only if necessary to conclude budget review)
- Week of 11/15/99 - City Council Work Session

After reviewing the calendar, the Council approved it with the following changes:

- Week of 04/19/99 - April 27 from 9:00 a.m. to 4:00 p.m.
- 05/27/99 7:00 p.m. - May 25 at 7:00 p.m.
- Week of 11/15/99 - November 16 from 9:00 a.m. to 4:00 p.m. (cancel evening meeting)

B. General Budget Review and Consideration of Staffing and Funding Levels Related to General and Park Funds

The City Manager reported that the Council was being provided with the budget documents listed below, which it could review and provide any direction to staff it felt appropriate.

1. General and Park Funds Projected Trends
2. Summary of Estimated Fund Balances for all Funds
3. Position Vacancy Analysis
4. Memorandum dated 01/11/99 from the Chief of Police related to the Downtown Bicycle Police Officer assignment. At the 11/17/98 Budget Review meeting, Councilmember Jarvis requested discussion of this position at today's meeting.
5. Capital Project Status Report

Items 1 and 2 - These items were reviewed by the City Manager. Councilmember Jarvis recommended that staff contact the City's recently-elected Assemblyman, as well as Senator Tim Leslie, regarding the impact of State actions on the City's budget. The City Manager indicated that he would prefer waiting until the November budget review meeting before filling any new positions.

Item 3 - Councilmember Guzzetti requested a report on the amount of funding that was attributable to unfilled

positions.

Item 4 - Council agreed to consider this item during the June budget review meeting.

Item 5 - Council acknowledged receipt of this item.

(Other budget matters were considered later in today's meeting.)

4.3. THIS ITEM WAS SCHEDULED TO BE HEARD AT 11:30 A.M.

CONSIDERATION OF COMPOSITION OF SPECIAL EVENTS TASK FORCE TO STUDY SPECIAL EVENTS PERMITS AND UNSPONSORED EVENTS

Councilmember Kirk reported that at its meeting of 1/5/99, the City Council referred this matter to its ad hoc Council Procedures Committee (Bertagna, Jarvis and Kirk) to review and submit a recommendation regarding the Special Events Task Force membership for consideration at today's meeting. By memorandum dated 1/19/99, the Council Procedures Committee was submitting its recommendations regarding composition of the Special Events Task Force, as well as areas of concern to be addressed by the Task Force. The Committee also recommended that the proposed members be approved as a group and that Council could add names if desired. Anyone representing special interests, as well as appropriate City staff, would be invited to attend meetings.

Jim Goodwin of the Chamber of Commerce reviewed his letter dated 1/21/99 recommending that the Council appoint a more broad-based task force. Bill Priel, 666 Esplanade, recommended adding a property owner representative. Charlie Preusser, 1405 West 3rd Street, thought that either a 14 or 21-member task force would be appropriate, and that young people should be represented. John Fox, Craig Hall, 1400 West 3rd Street, also thought that 21 members would be appropriate and that all segments of the community should be represented. Dan Davis, 1212 Bidwell Avenue, believed it was more effective to be a member of the task force than to simply attend the meetings. Richard Elsom, University Associated Students, agreed with having a larger task force with representatives of young people, neighborhoods and businesses. Linda Kerch, Reliable Property Management, 452 East 8th Avenue, asked that property owners be represented on the task force.

Following discussion, Councilmember Keene moved that the Council approve the list of task force members submitted by the committee, and that each Councilmember be permitted to appoint one member. The motion was seconded and unanimously carried.

Councilmember Jarvis moved that each Councilmember submit their appointments to the City Clerk by 2/1/99, that individuals be notified, and that Lisa Michels meet with the Council Procedures Committee on the purpose and direction of the task force. The motion was seconded and unanimously carried.

The Council recessed from 12:15 p.m. to 2:00 p.m.

3. NOTICED PUBLIC HEARINGS

3.1. THIS ITEM WAS SCHEDULED TO BE HEARD AT 2:00 P.M.

CONSIDERATION OF THE CITY OF CHICO 1998 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS) AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

City Manager Lando reported that today's hearing on the 1998 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) was being held in compliance with AB 1600 (Government Code Section 66000, et seq.). The Nexus Study updated the required nexus findings for development impact fees that provide funds

for streets, sewers, water pollution control plant, bike facilities, parks, street maintenance equipment, and administrative, police and fire buildings. The City Council was being provided with a Summary of 1998 Update of Development Impact Fees Analysis and Recommendations, a memorandum from the Director of Public Works dated 1/12/99, which explained the Nexus Study update in more detail, and the 1998 Update of Development Impact Fees Analysis and Recommendations.

A public hearing was required by the Government Code prior to modification of fees assessed to new development and today's hearing was properly noticed. A fee schedule resolution had been provided to the City Council in the event it wished to approve the 1998 Update of Development Impact Fees Analysis and adopt the associated fee increases. Any fees modified by the resolution would become effective 60 days following adoption.

With regard to Transportation Fees, the City Manager reported that a letter had been written to Caltrans and the Butte County Association of Governments (BCAG) to request confirmation in writing that the State would contribute one-half and the City and County the other half for improvements to State Highway Routes 32 and 99. He added that the City's fees did not have to be increased at this time to meet its obligation, provided that Transportation Equity Act (TEA) and the other contributions were available.

The City Manager further reported that the Council had again been provided with a copy of "California Cities Development Impact Fee Summary Comparison", however, it did not provide any useful information because the circumstances in each city were unique to that community. He also recommended that all the fees be reviewed with a community committee in the spring.

Greg Webb, 121 Yellowstone Drive, indicated that he did not agree with fees relating to the Animal Shelter, bicycle path along Eaton Road and the Administration Building. Jon Luvaas, 1980 Wild Oak Lane, stated that new development and newly-annexed areas needed to pay their share of costs associated with reconstructing or increasing the capacity of streets. Al Silva, Valley Contractors Exchange, agreed with the City Manager's recommendation to have a community committee review the fees. Kirk Monfort, 614 West 4th Avenue, reviewed his email dated 1/25/99 in which he questioned some of the measures taken by the City to reduce fees for new development, and whether any savings were actually passed on to new homeowners.

No one else spoke from the audience and the Mayor closed the hearing.

Councilmember Guzzetti recommended that the Transportation Fees be subject to receipt of written confirmation from Caltrans and BCAG regarding their share of funding. The City also needed to adopt its service plan for annexation. Councilmember Keene suggested that at a future meeting the Council review the bicycle facilities list to determine if those facilities that went beyond a certain distance could be considered a recreational need.

Jon Clark of BCAG reported that Caltrans probably wouldn't commit to its 50% match for Highways 32 and 99 until the project study was completed.

The City Manager indicated to Councilmember Jarvis that the community committee could start reviewing the fees in March or April. Councilmember Jarvis recommended having the committee also review item 4.2.F on today's agenda regarding negative fund balances for some development impact fee funds, and she suggested increasing the amount available for Mortgage Subsidy Program loans for direct benefit to homeowners. The City Manager indicated to Councilmember Guzzetti that additional right of way as well as removing structures would be involved in East Avenue improvements from Ceanothus to Manzanita and from Eaton to Bruce. Councilmember Keene recommended reducing the amount of Police Protection Fees by assigning the same 41% to the existing unincorporated area as were Fire Protection Fees, or deleting them from the fee schedule resolution for further study.

Following discussion, it was the consensus of the majority of the Council to delete the Police Protection Fees from the fee schedule resolution, and to have the full Council rather than the community committee study the Police Protection Fees at a future meeting.

RESOLUTION NO. 98 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE -- AMENDMENT NO. 230 (TRANSPORTATION FACILITY FEES, AND BUILDING AND EQUIPMENT FEES). After reading the title, Councilmember Keene moved to amend the resolution by deleting the proposed increase in the Police Protection Building & Equipment Fees, adoption of the resolution as amended, and approval of the 1998 Update of Development Impact Fees Analysis. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Johnston, Keene, Kirk and Bertagna. NOES: Councilmembers Guzzetti and Jarvis. ABSENT: None.

The Council recessed for 10 minutes and reconvened at 4:25 p.m.

4.2. BUDGET REVIEW.

The Council continued with its review the following remaining budget items:

C. Status Report on Fire Station Nos. 6 and 7

City Manager Lando reported that at its Budget Review meeting of 06/02/98, the City Council directed staff to include set aside funding for a sixth fire station into future fund projections, and requested that the Fire Chief provide a status report on Fire Stations Nos. 6 and 7 at today's meeting. He indicated that the Fire Chief was present to provide an oral report to the Council on the status of the acquisition of sites for a sixth and seventh fire station. The ideal locations for these two proposed fire stations were near Eaton Road/Esplanade, and West East Avenue/SHR 32. The Fire Chief would also report on the status of a city-owned parcel located at West 8th Avenue/Nord Avenue, adjacent to Oak Way Park, which had been reserved for a future fire station.

Fire Chief Brown reviewed a map showing the existing four fire stations and the fifth now under construction, along with a computerized mapping program showing the approximate ideal locations for two additional fire stations based on recommended fire equipment response times. The City was in preliminary discussions with property owners for sites in the vicinity of the desired locations. The City Manager added that more study was also needed on the 8th/Nord site. This report was for information only, and no action was required on the part of the Council at this time.

D. Lassen Avenue Sanitary Sewer Extension

City Manager Lando reported that the City Council allocated funds in the 1998-99 Capital Budget for the extension of the Lassen Avenue sanitary sewer (19033), and requested that he report back to the Council regarding annexation of the area in which the proposed extension was located. By memorandum dated 01/11/99, he was recommending that the City not initiate annexation of the Lassen Avenue area, and that the City Council maintain funding for the sewer line.

Following discussion, Councilmember Keene moved approval of the City Manager's recommendation. The motion was seconded and unanimously carried.

E. Development Impact Fee Funds

By memorandum dated 01/11/99, the City Manager recommended that staff be directed to work with interested citizens and organizations as a part of the next Development Impact Fee update (Nexus) to study the concept of amortizing the negative fund balances for those funds in a deficit position in order to balance each of those funds without using General Funds to finance interest payments.

The Council concurred in the City Manager's recommendation.

F. Consideration of Alternative Budgeting Methods

(This item was continued from the Council's 11/17/98 budget review meeting.) At its meeting held 06/02/98, the City Council requested Staff to review possible alternative budgeting methods related to incentive or expenditure control budgeting, and to schedule a discussion of various methods at today's meeting. In addition, Staff was requested to contact the cities of San Mateo, Pasadena, Fairfield, and Visalia to determine the budgeting methods used by those cities. By memorandum dated 10/26/98, the City Manager provided a brief description of each City's budgeting methods for discussion purposes. If the City Council was interested in changing the City's budget process, the Council should provide direction to Staff. Any changes would be incorporated into next year's budget process. Should time permit and if the City Council is interested, Staff was prepared to discuss this issue.

The Mayor suggested referring this item to the Finance Committee for review.

4.4. ITEMS ADDED AFTER POSTING OF THE AGENDA

Televising/Videotaping Board & Commission Meetings. City Manager Lando requested that the Council clarify its prior decision with regard to televising or videotaping board and commission meetings. It was previously agreed that commissions that met in the Council Chamber would be televised (Airport, Park and Planning), however, meetings could now be televised from Conference Room 1. He noted that the Arts Commission meetings were televised recently because of public interest, but televising future meetings could be left to their discretion.

Following discussion, the Council agreed with the City Manager as to the Arts Commission, and indicated that no other board or commission meetings needed to be televised or videotaped.

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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1 Memorandum dated 1/4/99 from the Chief of Police forwarding the Citizens' Option for Public Safety grant Summary Report for the period of 9/1/98 - 11/21/98.
- 6.2 Memorandum dated 1/12/99 from the Finance Director reporting that the list of claims paid during the month of December 1998 is available for review in the offices of the Finance Director, the City Clerk and the City Council.
- 6.3 California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/28/98 for Thelma & Louise, 1002 W. Fifth Street.
- 6.4 California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 12/29/98 for LaSalles, 229 Broadway.
- 6.5 California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 1/5/99 for Lorenzos Express, 2290 Esplanade.
- 6.6 California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 1/8/99 for 7-Eleven, 1111 Forest Avenue.

7. ADJOURNMENT.

The meeting was adjourned at 4:50 p.m. to Tuesday, 2/2/99 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.

OF THE PROPERTY.

The Chico Area Recreation and Park District (CARD) and City of Chico have worked together to expand the 20th Street Community Park. On 10/12/95, CARD and the Agency each acquired one-half interest in a 6.01+/- acre parcel at the easterly terminus of Ohio Street. On 7/17/96, the Agency conveyed its one-half interest to CARD subject to a reversionary clause which would return the Agency's interest in the event the property was not used for park purposes. On 8/23/94, the Agency purchased an additional one-acre parcel adjacent to the previous acquisition. CARD has requested that the Agency convey the one-acre parcel to CARD for park purposes. CARD's request was reviewed and endorsed by the Bidwell Park and Playground Commission at their 11/30/98 meeting. The Park Director recommends approval of the Minute Order.

Councilmember Keene moved approval of the minute order on the Consent Agenda. The motion was seconded and unanimously carried.

3. NOTICED PUBLIC HEARINGS -- No items.
4. REGULAR AGENDA -- No items.
- 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.
5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 7:40 p.m. to a City Council meeting.

REGULAR COUNCIL MEETING - FEBRUARY 2, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.

1.1.

Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Finance Director Martin, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Housing Officer McLaughlin, Police Captain Klassen, Community Development Assistant Seller, Management Analyst Halldorson and Public Information Technician Wood.

2. CONSENT AGENDA
- 2.1. RESOLUTION NO. 99 98-99 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 83 (EIFFEL ESTATES SUBDIVISION)

By memorandum dated 1/8/99, the Director of Public Works reports that Eiffel Estates Subdivision was originally developed within Butte County, and has since been annexed to the City. Early in 1997, Council received a request from developer Andrew Meghdadi to accept private streets within Eiffel Estates Subdivision as public streets. At that time, Council determined that 100% of the property owners must first agree to formation of a maintenance district, which was not achieved. In October, 1997, Mr. Meghdadi once again requested that Council accept the streets. At its meeting held 12/2/97, the City Council referred discussion of this item to the Internal Affairs Committee, which, at its meeting in January, 1998, recommended that Council remove its previous condition that 100% of the homeowners agree to formation of a maintenance district prior to the City's acceptance of the streets in Eiffel Estates, and proceed with a ballot process to form a maintenance district. However, on 2/17/98, the City Council determined that no final action would be taken until the sidewalks and the bicycle path were brought up

to City standards, that landscaping along the bicycle path be included in the maintenance district, and that the maintenance district be in place prior to accepting dedication of the streets. Since that time, Mr. Meghdadi has met these conditions, paid the fee to initiate proceedings, and the City is now ready to proceed with the voting process to form the district.

In accordance with the provisions of Proposition 218, Council is being asked to adopt the above resolution initiating the formation of a maintenance district, directing preparation of the engineer's report and scheduling of two public hearings for 4/6/99 and 4/20/99. Prior to these hearings, a ballot will be mailed to all property owners to allow them to vote on whether they wish to be assessed for the ongoing maintenance and operation of the district. The Director of Public Works recommends adoption of the resolution.

2.2. RESOLUTION NO. 100 98-99 -- RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE JOINT POWERS AGREEMENT JOINING CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) IN CONNECTION WITH TAX EXEMPT FINANCING PROJECTS

By memorandum dated 1/13/99, the Assistant City Manager advises that in order to participate in issuance of tax exempt financing through the California Statewide Communities Development Authority (CSCDA), the City is required to join the CSCDA by means of a Joint Powers Agreement. There is no cost to the City to join CSCDA and membership will allow issuance of tax exempt financing for future projects within the City. The above resolution will authorize the City Manager to execute the Joint Powers Agreement by which the City will join as a member of the CSCDA through the Joint Powers Authority. The Assistant City Manager recommends approval of the resolution.

2.3. RESOLUTION NO. 101 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 1 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 1/6/99, Personnel Director Erlandson recommends adoption of the resolution approving Amendment No. 1 to the memorandum of Understanding between the City and the International Association of Fire Fighters which implements a number of minor changes. There is no additional cost impact from the proposed amendment. The Personnel Director recommends approval of the resolution.

2.4. MINUTE ORDER NO. 1-99 -- AUTHORIZATION FOR CITY MANGER TO ENTER INTO AN AGREEMENT WITH THE RAINBOW HERITAGE PROJECT FOR THE PROVISION OF A STUDIO TO HOUSE AND PROVIDE CUSTODIAL SERVICES AND TRAINING ON THE CITY-OWNED VIDEO EQUIPMENT

At its 9/14/98 meeting the Finance Committee accepted the Community Access Users Group recommendation that the City attempt to find a non-profit organization willing to provide a studio to house the City-owned video equipment and to provide training and custodial services for the equipment so that it would be available to City residents for making videos for airing on Channel 21, the Public Access Channel. The Finance Committee requested that staff attempt to find a non-profit organization willing to provide these services on a non-monetary basis. The Rainbow Heritage Project was the only organization responding to the City's request for proposals. The Community Access Users Group recommends approval of this minute order.

2.5. (Removed at the request of Caryn Jones.)
MINUTE ORDER NO. 2-99 -- AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THOMAS V. AND MARY R. FOGARTY, OWNERS AND DEVELOPERS, TO REIMBURSE THE DEVELOPERS FOR CONSTRUCTION OF A SANITARY SEWER TRUNKLINE IN LEGACY LANE AND EATON VILLAGE DRIVE

The owners and developers of Eaton Village Subdivision, Thomas V. And Mary R. Fogarty, have constructed a sanitary sewer trunkline in conjunction with development of their subdivision. This sewer trunkline has the capacity to serve upstream properties and the owners have requested a Reimbursement Agreement. This Minute

Order will authorize the City Manager to enter into such an agreement. The Assistant Director of Public Works recommends approval of the minute order.

- 2.6. (Removed at the request of Councilmember Kirk.)

APPROVAL OF MINUTES FOR MEETINGS HELD ON NOVEMBER 17, 1998, THROUGH JANUARY 5, 1999

The Council has been provided with copies of minutes for its meetings held on 11/17, 12/1, 12/15, and 12/17, 1998, and on 1/5/99.

- 2.7. ACCEPTANCE OF RESIGNATION OF NANCY WOLFE FROM THE ARCHITECTURAL REVIEW BOARD

By letter dated 1/22/99, Nancy Wolfe submits her resignation from the Architectural Review Board effective 1/1/99. This resignation will create a vacancy, the term of which expires on 1/1/01, and the Council may consider making an appointment during this evening's Regular Agenda.

- 2.8. ACCEPTANCE OF RESIGNATION OF KIMBERLY SCHERBA FROM THE ARTS COMMISSION

By letter dated 1/15/99, Kimberly Scherba submits her resignation from the Arts Commission, effective the date of the letter. This resignation will create a vacancy, the term of which expires on 1/1/03, and the Council may consider making an appointment during this evening's Regular Agenda.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti (item 2.3) since he had catered an event for IAFF. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

- 3.1. PUBLIC HEARING ON REQUEST FOR TAX-EXEMPT FINANCING FOR MULTIFAMILY HOUSING PROJECT (LITTLE CHICO GARDENS - CHICO GARDENS APARTMENTS LIMITED PARTNERSHIP)

Assistant City Manager Dunlap reviewed her memorandum dated 1/22/99 in which she provided background information on proposed tax-exempt financing for acquisition and rehabilitation of a 92-unit multifamily housing project at 851 Pomona Avenue. Although the City was not being requested to issue the tax-exempt bonds, a hearing must be held by the public agency where the project will be located. The Assistant City Manager recommended approval of the resolution, subject to the following conditions: (1) that the City be a third-party beneficiary of the regulatory agreement required as part of the tax-exempt financing and receive copies of reports to the issuer documenting compliance with the low income set aside requirements; (2) that an agreement be recorded against the property that guaranteed that if the project ever qualified for a property tax exemption, a payment in lieu of taxes (PILOT) would be paid either to the Chico Redevelopment Agency or to the City of Chico if the redevelopment project area terminated; and (3) payment of a \$5,000 fee to cover staff costs related to the approval of the resolution, review of the regulatory agreement, development of the PILOT agreement and monitoring of the reports on the set aside units.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 102 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY. After reading the title, Councilmember Keene moved adoption of the resolution subject to the conditions set forth above. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

- 3.2. HEARING ON PROPOSED ONE-YEAR EXTENSION OF ORDINANCE NO. 2155: "ORDINANCE ON HECHTY

COUNCIL OF THE CITY OF CHICO ESTABLISHING THE DOWNTOWN CHICO ZONE AND PROHIBITING THEREIN, ON AN INTERIM BASIS, THE DEMOLITION OF ANY BUILDING OR STRUCTURE AND DECLARING THE URGENCY THEREOF"

By memorandum dated 01/6/99, Planning Director Seidler reported that this was a proposed one year extension of an urgency ordinance (Ordinance No. 2155, adopted 2/3/98) which established a Downtown Chico Zone and prohibited the demolition of any building or structure within that Zone on an interim basis. The ordinance was intended to protect and conserve the historical and architectural heritage of Downtown Chico. To address the concern on a permanent basis, staff was creating an overlay zone for Downtown Chico and was incorporating language into the Draft Land Use and Development Regulations; however, an extension was requested in the interim since the ordinance was scheduled to expire on 02/04/99. The project had been determined to be exempt from environmental review pursuant to section 15061 (b)(3) of the California Environmental Quality Act (CEQA), since there was no possibility that the project may have a significant effect on the environment. The Planning Director recommended approval of a one-year extension of the ordinance following the public hearing.

No one spoke from the audience and the Mayor declared the hearing closed.

Councilmember Jarvis moved that Ordinance No. 2155 be extended for one year from 2/4/99. The motion was seconded and unanimously carried.

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 81, ASPEN GLEN SUBDIVISION

Community Development Assistant Sellers reviewed a memorandum dated 1/8/99 from the Community Development Director which forwarded a resolution ordering the formation of Chico Maintenance Assessment District No. 81. As a condition of development of this subdivision, generally located on the east side of the Esplanade, north of Shasta Avenue, the developer, Tony Symmes, had consented to the formation of this district for operation and maintenance of a bike path and landscaping and irrigation within the public right of way. This maintenance assessment district would provide that the City perform (or contract for) services which would be paid for by property owners within this district. Once a tax area code had been established, future annual assessments would be paid at the time other property taxes are collected. The Community Development Director recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 103 98-99 -- 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. 81 — ASPEN GLEN SUBDIVISION). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.4. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 85 -- HIGHLAND PARK SUBDIVISION

Community Development Assistant Sellers reviewed a memorandum dated 12/23/98 from the Community Development Director forwarding a resolution which would order the formation of Chico Maintenance Assessment District No. 85. As a condition of development of this subdivision, generally located on the east side of Floral Avenue just north of Glenshire Avenue, the developer, Tony Symmes, had consented to the formation of this district for operation and maintenance of landscaping and irrigation within the median on Floral Avenue and two storm drainage detention basins within the subdivision. This maintenance assessment district would provide that the City perform (or contract for) services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the resolution.

The Community Development Assistant answered questions from Kanetta Brown on the purpose of the proposed

facilities and the assessments. No one else spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 104 98-99 -- 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. 85 -- HIGHLAND PARK SUBDIVISION). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.5. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 86. MARIGOLD PARK SUBDIVISION

Community Development Assistant Sellers reviewed a memorandum dated 12/16/98 from the Community Development Director forwarding a resolution which would order the formation of Chico Maintenance Assessment District No. 86. As a condition of development of this subdivision, located on the east side of Marigold Avenue north of East Avenue, the developer, Phil Engelbert, had consented to the formation of this district for operation and maintenance of landscaping and irrigation within the public right of way. This maintenance assessment district would provide that the City perform (or contract for) services which would be paid for by property owners within this district. Once a tax area code had been established, future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 105 98-99 -- 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. 86 -- MARIGOLD PARK SUBDIVISION). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.5. Minute Order No. 2-99 re Fogarty Sewer Reimbursement Agreement. In response to Caryn Jones and questions from the Council, the Public Works Director and City Manager explained that the City entered into various types of reimbursement agreements with developers for oversizing different types of public facilities that were beyond the needs of their particular developments, however, reimbursement agreements for sewer trunklines required Council approval. The Public Works Director indicated to Richard Harriman that the environmental review for this project was part of the Environmental Impact Report for the Sewer Master Plan.

Following discussion, Councilmember Jarvis moved approval of the minute order. The motion was seconded and unanimously carried.

2.6. Approval of Minutes for 11/17/98 Through 1/5/99. Councilmember Kirk indicated that in the 12/1/98 minutes, item 3.8 (Hearing on General Plan Amendment), third paragraph, that the name of Councilmember Jarvis should be Herbert, since he was the one who requested that the General Plan, when reprinted, be placed in binders. Further, in the 1/5/99 minutes, item 4.7 (Council Committees & Representatives), last paragraph, where Greg Steel was appointed to the Redevelopment Committee, she questioned if the Mayor was permitted to make motions. Councilmember Guzzetti recommended that the minutes be corrected to instead reflect that the appointment was by unanimous consensus of the Council.

Following discussion, Councilmember Kirk moved approval of the minutes of 11/17/98 through 1/5/99 with

the noted corrections to the 12/1/98 and 1/5/99 minutes. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 12/21/98

Councilmember Jarvis reviewed a memorandum dated 12/22/98 that provided a report on the Internal Affairs Committee meeting held on 12/21/98, at which time the matter listed below was considered. Committee members present were Councilmember Jarvis, Chair, and Councilmember Johnston.

Report from the Director of Public Works and Park Director on Encroachments on Lindo Channel.

The Committee recommended:

- A. Support of the staff recommendation that any currently existing encroachments on Lindo Channel be left as they were until sale or transfer of the property, unless the encroachments impacted the flow of water through the Channel or impeded public access, in which case their removal should be required; and
- B. That the issues of public access points and fire safety along Lindo Channel be referred to the Bidwell Park and Playground Commission to be considered and determined as part of the development of a master management plan for Lindo Channel.

City Manager Lando indicated that he would excuse himself from the meeting because he owned property along Lindo Channel and it appeared that Council would discuss more that the recommendations from the Committee.

This evening the Council was provided with an e-mail dated 1/28/99 from Caryn Jones, 5 Deborah Terrace, and letter dated 2/1/99 from Chuck Lundgren, 1000 W. Lindo Avenue, opposing the staff recommendation.

Caryn Jones, 5 Deborah Terrace, reported that the approximate 45 encroachments were illegal, in violation of the deed transferring Lindo Channel from the County to the City, and should be removed. John & Helen Ost, 1255 East Lindo Avenue, recommended that all encroachments on public property be removed regardless of where they were located. Arthur Stoschke, 3 Christopher Alan Lane, observed that dumping in the channel had occurred over many years, and that the County should have built up the banks when they washed out. Catlin Allion, 720 West 2nd Avenue, requested that property owners not be allowed to block public access. Walter Cook, 42 Northwood Commons, noted that encroachments were not permitted under the terms of the deed. Kaneeta Brown, P.O. Box 5645, believed that existing encroachments could encourage future encroachments. Les Gerton, 795 Caprice Way, saw nothing in the deed that allowed encroachments. Suzanne Gibbs, 1162 East 7th Street, Big Chico Creek Watershed Alliance, read a letter from Jeff Mott that urged the Council to prevent private encroachments along Lindo Channel and any other public lands.

Russell Mills, a member of the Park Commission, recommended Council action to eliminate existing encroachments and prevent future ones. Richard Harriman, 643 Flume Street, representing Valley Advocates and some individuals, provided a letter to Council in which he stated that the Council had no choice but to remove the encroachments, and that it should do so before it proceeded with preparing the Lindo Channel Master Plan.

The Council recessed for 15 minutes and reconvened at 9:20 p.m.

Tom Barrett, a member of the Park Commission, questioned what action the City could take on the various types of encroachments, some of which might simply consist of yard waste that needed to be cleaned up. He also noted that the Lindo Channel Master Plan could take one to two years to complete, and that the City was still awaiting a study by the State Dept. of Water Resources. Nora Burnham, 3385 Clark Road, Butte Valley, a member of the Butte Environmental Council Board of Directors, requested that encroachments be removed now rather than at time of sale. George Matthews, 318 Orient Street, also recommended removing private encroachments immediately. John Merz, 1331 Broadway, pointed out that the City's survey of Lindo Channel should clearly define where encroachments existed. Nancy Magill, 1958 Hooker Oak Avenue, stated that after they purchased

their property, they found that their fence (which they have since moved) encroached into Lindo Channel, but now weeds were a fire hazard in the Channel. Bill Curtis, 2409 Guynn Avenue, thought an old shed on his property might encroach into the Channel, and hoped the public would be patient in allowing encroachments to be removed.

Councilmember Johnston stated that although he was still in favor of the Committee's recommendation, he would move that the City Attorney provide an opinion on the legal ramifications in light of Mr. Harriman's letter. Councilmember Keene seconded the motion, but added that he also wanted an opinion from the City Attorney on (1) the City's obligations to act on uses that existed before the property was deeded to the City, (2) whether the City could act affirmatively to phase out the uses, such as through a lease, and on a case-by-case basis, and still be in compliance with the deed, and (3) any other options such as deeding the property back to the County, or if the City violated the deed transfer whether the Channel would revert back to the County. Councilmember Kirk indicated that the time an encroachment occurred was important to her in deciding how to handle them. Following discussion, the motion was then unanimously carried.

Councilmember Jarvis moved to reaffirm the provisions of the deed to use Lindo Channel as parkland, and following further discussion withdrew her motion. She then moved to acknowledge that the grant deed specifically stated that Lindo Channel was to be used solely as a public park. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no.

Councilmember Keene stated that he also wanted the City Attorney to list the agencies that had any authority in Lindo Channel and what that authority was.

It was the consensus of the Council that the information would be provided to Council for its second meeting in March, or if additional time was necessary that the City Attorney would so advise the Council.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE COUNCIL PROCEDURES COMMITTEE REGARDING CITY COUNCIL MEETING PROCEDURES

Councilmember Kirk reviewed a report from the Council Procedures Committee (Councilmembers Bertagna, Jarvis and Kirk) regarding its meeting held on 1/12/98. Included in the report were recommendations regarding the time limitation of public testimony, as well as verbal staff reports during City Council meetings; the placement of items by Councilmembers on Council agendas; reconsideration of Council agenda items; recognition of Councilmembers during discussions at Council meetings; and the selection process for Council appointment of its Board and Commission members. Also being provided to Council was a copy of Administrative Procedure and Policy No. 10-10, setting forth the current City Council Rules of Procedure, and information regarding automated timing devices for speakers.

Tim Bousquet, 1330 Broadway, recommended that time limits should be left to the Mayor's discretion since some presentations might not be able to be made in 3 or 5 minutes. Walter Cook suggested retaining some flexibility regarding time limits for speakers. Helen Ost was not in favor of a show of hands from audience members who agreed with a speaker, but rather encouraging each speaker to bring up new information. Caryn Jones thought that the Council violated procedures regarding reconsideration of items when discussing the Dauterman encroachment into Lindo Channel in November 1996. Councilmember Kirk indicated to Richard Harriman that current rules preclude speakers from yielding their time to other speakers.

Following discussion, Councilmember Keene moved approval of the Committee's recommendations, most of which were an affirmation of current procedures, except for the fourth item (that Councilmembers be recognized by the Mayor during discussion of items before speaking), and that the City purchase the Limitimer automated timing device for speakers. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF BICYCLE STORAGE LOCKERS IN FRONT OF THE CHICO MUNICIPAL BUILDING AT 411 MAIN STREET

Councilmember Kirk reviewed her letter received 1/19/99 in which she requested Council to consider, for aesthetic reasons, relocation of the bicycle lockers adjacent to the main entrance of the Chico Municipal Building; or, as an alternative, referral of the matter to the Arts Commission for suggestions on an artistic treatment for the bike storage boxes, possibly by donation from a local artist or as a children's art project.

Russell Mills observed that if the lockers were moved it should be at a location where they were not vandalized and where bicycle riders would be safe.

Following discussion, Councilmember Herbert moved that the relocation of the bicycle storage lockers be referred to City staff for a determination. The motion was seconded and unanimously carried.

4.5. APPOINTMENT TO ARCHITECTURAL REVIEW BOARD

On this evening's Consent Agenda, the Council accepted a resignation from the Architectural Review Board, creating a vacancy for a term to expire on 1/1/03. By memorandum dated 1/11/99, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment. This evening the Council could proceed with making an appointment or direct the Clerk's office to recruit for more applicants. Provided this evening was a memorandum dated 2/1/99 from the City Clerk forwarding the application of George Matthews, which was inadvertently omitted from the 1/11/99 memorandum from the City Clerk.

Councilmember Jarvis nominated Mary Flynn and Councilmember Herbert nominated Philip La Grow. Councilmember Jarvis moved that nominations be closed, and the motion was seconded and unanimously carried. Councilmembers Guzzetti, Jarvis and Kirk voted for Mary Flynn and Councilmembers Herbert, Johnston, Keene and Bertagna voted for Philip La Grow. Philip La Grow was appointed by majority vote to the Architectural Review Board for a term expiring on 1/1/03.

4.6. APPOINTMENT TO ARTS COMMISSION

On this evening's Consent Agenda, the Council accepted a resignation from the Arts Commission, creating a vacancy for a term to expire on 1/1/01. By memorandum dated 1/19/99, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment. This evening the Council could proceed with making an appointment or direct the Clerk's office to recruit for more applicants.

Councilmember Jarvis nominated Aaron Bor and Councilmember Johnston nominated Robin Nichols. Councilmember Herbert moved that nominations be closed, and the motion was seconded and unanimously carried. Councilmembers Guzzetti, Jarvis and Kirk voted for Aaron Bor and Councilmembers Herbert, Johnston, Keene and Bertagna voted for Robin Nichols. Robin Nichols was appointed by majority vote to the Arts Commission for a term expiring on 1/1/01.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA

Senator Theatre Tower. City Manager Lando reported that this afternoon the City received a fax letter dated 2/2/98 from Kathryn Armstrong, Construction Manager, Remodel & Expansions, for United Artists Theatre Circuit, indicating that the Senator Theatre tower was now leaning an additional 10 inches into the Main Street intersection, that the condition of the tower precluded considering the previous option of stabilization, and that United Artists would require the City to release a demolition permit immediately.

Councilmember Keene moved that the Council determine 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 was seconded and unanimously carried.

The City Manager further reported that Ordinance No. 2155 (which was extended for a year following a public hearing this evening) prohibited the demolition of any building or structure within the downtown area, except

under certain circumstances, in order to protect the historical and architectural heritage of the downtown area.

Following discussion, Councilmember Jarvis moved that the Council schedule a meeting on 2/9/98 at 6:00 p.m., that the Mayor be authorized to vacate the meeting date if it was found that it was not necessary, and that the Mayor also be authorized to call a special meeting if one was needed prior to 2/9/99. The motion was seconded and unanimously carried.

Richard Harriman, 643 Flume Street, requested notice of the meeting and any environmental review that had or would take place.

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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 1/20/99 from Senior Planner Hayes forwarding the General Plan Annual Report for 1998, as required by State law. The Report was previously distributed to Councilmembers, Planning Commissioners, staff and the media.
- 6.2. Memorandum dated 1/11/99 from the Risk Manager submitting report regarding liability claims against the City that were denied during the quarter ending 12/31/98.
- 6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 1/14/99 for PDQ Market & Deli, 1398 East Avenue.
7. ADJOURNMENT. The meeting was adjourned at 11:15 p.m. to Tuesday, 2/9/99 at 6:00 p.m. in the Council Chamber, and to Tuesday, 2/16/99, at 6:30 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.

ADJOURNED REGULAR CITY COUNCIL - FEBRUARY 9, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 6:00 p.m.

Mayor Bertagna announced that at its 2/2/99 meeting, the Council agreed to schedule this meeting for the purpose of considering a request from United Artists Theatre Circuit for a demolition permit for the Senator Theatre Tower, but authorized him to cancel the meeting if it was not needed. Since it was subsequently determined that the permit would be issued administratively, this meeting was no longer necessary and was being canceled.

In the absence of a quorum of the Council, the City Clerk adjourned the meeting to Tuesday, 2/16/99, at 6:30 p.m. for a closed session in Conference Room 2, followed by an adjourned regular meeting at 7:30 p.m. in the Council Chamber.

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ADJOURNED REGULAR CITY COUNCIL MEETING - FEBRUARY 16, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street, 6:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:30 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti (arrived at 6:45 p.m.)

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was Chico Police Officers Association (Unit B). (Gov. Code Sec. 54957.6.)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.4. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager were to have reviewed settlement of the workers' compensation claim of Sheryl Campbell. (Gov. Code Sec. 54956.9(a)), however, this item was not discussed.

The Council adjourned to open session at 7:30 p.m.

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3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Father James Barfield, Sts. Sergius & Herman Orthodox Church, delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Housing Officer McLaughlin, Senior Planner Hayes, Information Systems Director Priest and Public Information Technician Wood.

- 1.4. Closed Session Announcement. None.
- 1.5. Proclamation. The Mayor read a proclamation proclaiming April 6-12, 1999 as “Students in Free Enterprise (SIFE) Week”, and presented it to Ed Person of SIFE.
2. CONSENT AGENDA -- No items
3. NOTICED PUBLIC HEARING -- No items
4. REGULAR AGENDA
 - 4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD FEBRUARY 1, 1999. Councilmember Keene reviewed a memorandum dated 2/2/99 from the Finance Committee that provided a report on its meeting held on 2/1/99, at which time the following matters were considered. All Committee members were present: Councilmembers Guzzetti, Herbert and Keene, Chair.
 1. (No Agency action required)
Request from Mortgage Subsidy Program (MSP) Borrower for Reduced Loan Payoff -- 1740 MAGNOLIA (D'Ewart). The Committee authorized a payment plan of \$75 per month for five years at no interest for the D'Ewarts to pay off the balance owed on their Mortgage Subsidy Loan for the home at 1740 Magnolia.
 2. (Council action required)
Review of 1997-98 Fiscal Year Audit Reports for the City of Chico and the Chico Redevelopment Agency. The Committee recommended acceptance of the 1997-98 Fiscal Year Audit Reports for the City of Chico the Chico Redevelopment Agency, and the Chico Public Financing Authority. (Councilmembers may wish to bring their copies of the audit reports, which were previously provided, to this evening's meeting.)

 Councilmember Jarvis moved to accept the audit reports in item 2. The motion was seconded and unanimously carried.
 3. (Council action required)
Potential Acquisition of Creekside Property -- 948 Broadway (Volpato). The Committee agreed to forward consideration of acquisition of this property to the full Council for discussion with no recommendation from the Committee.

 John Merz recommended acquisition of the property as it met the Council's policy for acquisition of creekside greenways and General Plan policies. He indicated to Councilmembers Keene and Herbert that funds to acquire the property were in a separate fund and would not affect funding for development of other parks.

 Councilmember Guzzetti spoke on the need for additional park sites in this neighborhood and continuing with creekside acquisitions. Councilmembers Keene and Herbert spoke on the need to develop existing parks in other areas, and noted there was a strip between the creek and this property that would not be owned by the City.

 Following discussion, Councilmember Jarvis moved that the City continue with the process of acquiring the property. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no.
 4. (No Council action required)
Review of Calendar for Annual Plan for the Community Development Block Grant (CDBG) Program and the Home Investment Partnership Program (HOME). This item was presented to the Committee for information only at this time.
 5. ITEMS ADDED AFTER POSTING OF THE AGENDA -- None

6. ADJOURNMENT. The meeting was adjourned at 8:10 p.m. to a City Council meeting.

ADJOURNED REGULAR CITY COUNCIL MEETING - FEBRUARY 16, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:10 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Housing Officer McLaughlin, Senior Planner Hayes, Information Systems Director Priest, and Public Information Technician Wood.

2. CONSENT AGENDA

- 2.1. RESOLUTION NO. 106 98-99 -- 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-- 683 EAST NINTH AVENUE / A.P. NO. 003-371-002

By memorandum dated 1/19/99, the Director of Public Works reports that in accordance with a petition from the property owner, Virginia B. Barnett, Trustee of The Virginia B. Barnett Trust, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 1/19/99 attached to the 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 recommends adoption of the resolution.

- 2.2. RESOLUTION NO. 107 98-99 -- 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 -- 2324 ESPLANADE / A.P. NO. 006-100-049

By memorandum dated 12/15/98, the Director of Public Works reports that in accordance with a petition from the property owner, Sarda P. Ratanjee, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 12/15/98 attached to the 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 recommends adoption of the resolution.

- 2.3. RESOLUTION NO. 108 98-99 -- 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 -- 2249 HOLLY AVENUE / A.P. NO. 043-021-007

By memorandum dated 1/20/99, the Director of Public Works reports that in accordance with a petition from the property owners, Howard Danielsen and Teresa Danielsen, Trustees of the Howard Danielsen and Teresa Danielsen Trust, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 1/20/99 attached to the 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 recommends adoption of the resolution.

- 2.4. RESOLUTION NO. 109 98-99 -- 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 - 1296 Howard Drive / A.P. NO. 048-191-002

By memorandum dated 12/11/98, the Director of Public Works reports that in accordance with a petition from the property owners, David T. and Lisa A. Ferrier, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 12/11/98 attached to the 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 recommends adoption of the resolution.

- 2.5. RESOLUTION NO. 110 98-99 -- 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-- 1386 HUGGINS AVENUE / A.P. NO. 045-311-006

By memorandum dated 1/19/99, the Director of Public Works reports that in accordance with a petition from the property owners, Anthony P. Rebele And Elizabeth A. Rebele, Trustees of The Anthony P. Rebele And Elizabeth A. Rebele Trust, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 1/19/99 attached to the 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 recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 111 98-99 -- 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-- 1411 SHERMAN AVENUE / A.P. NO. 003-433-006

By memorandum dated 1/20/99, the Director of Public Works reports that in accordance with a petition from the property owner, Lynette Terrill, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 1/20/99 attached to the 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 recommends adoption of the resolution.

- 2.7. RESOLUTION NO. 112 98-99 -- 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-- 2604 WHITE AVENUE / A.P. NO. 007-100-068

By memorandum dated 12/11/98, the Director of Public Works reports that in accordance with a petition from the property owners, Robert L. and Marguerite L. Lawther, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 12/11/98 attached to the 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 recommends adoption of the resolution.

- 2.8. (Removed from the Consent Agenda at the request of Councilmember Kirk.)
MINUTE ORDER NO. 3-99 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT TO AGREEMENT WITH NORTH VALLEY PARENT EDUCATION NETWORK FOR USE OF CITY OF CHICO FUNDS (1998-99 FY)

By letter dated 1/15/99, Janine Cuellar of North Valley Parent Education Network (PEN) reports that, due to the ongoing development of the new Relatives as Caregivers program, the organization projects that it will be unable to provide the contracted number of 3,630 units of service for this program. Ms. Cuellar requests that the requirement to provide units of service to City residents be expanded to include other PEN programs which provide parent education, child care and other established services to City residents. There is no change in the total funds allocated; however, as the funding request was targeted specifically to the Relatives as Caregivers program in the application presented to the City Council, the Council's approval is required. The Assistant City Manager recommends approval of the amendment.

- 2.9. (Removed from the Consent Agenda at the request of Caryn Jones.)

MINUTE ORDER NO. 4-99 -- AUTHORIZATION FOR CITY MANAGER TO APPROVE REQUESTS FOR TOURS OF BIDWELL RANCH PROPERTY

By letter dated 1/29/99, Betty Volker of Stop Bidwell Ranch has requested permission for groups to enter the Bidwell Ranch property for guided spring tours for the general public and elementary school children. The Council has previously established a policy of Council approval of each request to tour Bidwell Ranch, and last year approved a similar request by Stop Bidwell Ranch for spring tours. This minute order would authorize the City Manager to approve requests for non-profit organizations or agencies such as school districts to tour the property, subject to execution of a letter agreement outlining the uses and dates, and subject to submission of evidence of liability insurance. The City Manager recommends approval of the minute order

- 2.10. APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY -- 1398 EAST AVENUE

By memorandum dated 1/28/99 from the Community Development Director, staff recommends that the City Council make a determination of public convenience or necessity as required by Business and Professions Code Section 2317.7(3) concerning the issuance of an off-sale beer and wine license for PDQ Market and Deli, a retail convenience store currently being constructed at 1398 East Avenue, Chico.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.8 and 2.9. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

- 3.1. HEARING ON IMPLEMENTATION OF LIFT STATION CAPACITY FEES -- HENSHAW/GUYNN SEWER LIFT STATION

Public Works Director Ross reviewed a memorandum dated 1/8/99 from the Assistant Director of Public Works which explained that the resolution would: (a) designate the area to be served by the Henshaw/Guynn Sewer Lift Station; and (b) provide for a lift station capacity fee to be assessed upon connection to the City sewer system by properties within the area served by the Henshaw/Guynn Sewer Lift Station. Since the fee was a Development Impact Fee it must be established pursuant to a nexus report, which was attached to the memorandum. The California Government Code required that a public hearing on establishment of a Development Impact Fee be held and that a public notice be mailed to any party who has filed a written request for such mailed notice. The required notice was mailed to those parties who filed such a request. The Assistant Director of Public Works recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 113 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 232 - SEWER LIFT STATION CAPACITY FEES). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried

by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON REZONE NO. 98-07

Planning Director Seidler reviewed a memorandum dated 1/5/99 from Assistant Planner Summerville which reported that this ordinance would rezone a one-acre parcel located at 524 W. 2nd Avenue, Assessor's Parcel No. 003-051-013, from R-1 Single Family Residential to RD-1 Low Density Residential. The proposed RD-1 zoning was consistent with the Low Density Residential General Plan designation of the subject property. The rezone was initiated by the property owner, Steven Schuman. The Planning Commission recommended adoption of the proposed ordinance.

No one spoke from the audience and the Mayor declared the hearing closed.

ORDINANCE NO. 2175 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE CITY OF CHICO, STATE OF CALIFORNIA - REZONE NO. 98-07 --FINAL READING AND ADOPTION. After reading the title, Councilmember Kirk moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.3. HEARING ON ABANDONMENT OF PORTIONS OF A PUBLIC STREET AND A PUBLIC UTILITY EASEMENT -- 2099 MANSFIELD COURT

Community Development Director Baptiste reported that at its meeting of 1/26/99, the City Council adopted the Resolution of Intention initiating this abandonment and setting today's public hearing. He reviewed a memorandum dated 12/4/98 from Associate Civil Engineer McKinley which reported that at the request of the adjacent owner, Tony Symmes, this proposed action would abandon portions of a public street and a public utility easement adjacent to 2099 Mansfield Court. This action would correct a construction staking error that caused excessive encroachment by the house on the lot into the required setback.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 114 98-99 -- RESOLUTION OF CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PORTIONS OF A PUBLIC STREET AND A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (2099 MANSFIELD COURT). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.8. Minute Order No. 3-99 -- Amendment to Agreement with Parent Education Network. Assistant City Manager Dunlap indicated to Councilmember Kirk that organizations did request amendments to their agreements from time to time and that Council approval was required. Janine Cuellar and Rick Kropp of PEN answered questions concerning the requested amendments to the agreement.

Following discussion, Councilmember Jarvis moved approval of Minute Order No. 3-99. The motion was seconded and unanimously carried.

2.9. Minute Order No. 4-99 -- Requests for Tours of Bidwell Ranch Property. City Manager Lando indicated to Caryn Jones that formal approval was needed for organized tours of the property in order that liability insurance could be provided to the City. Gloria Bettencourt, representing the Stop Bidwell Ranch group, recommended approval of the minute order.

Following discussion, Councilmember Jarvis moved approval of Minute Order No. 4-99. The motion was seconded and unanimously carried.

4.2. REVIEW OF TRANSITION AND INFILL GUIDELINES FOR NEW SUBDIVISIONS AND CONSIDERATION OF ELIMINATION OF THE GUIDELINES

Planning Director Seidler reviewed his memorandum dated 1/29/99 in which he reported on problems in applying the transition and infill guidelines for new subdivisions adopted by the Council in September of 1997, and requested that the Council review the guidelines and provide direction to staff. He reported that the guidelines could substantially reduce densities promoted by the General Plan, they had not been applied consistently, they did not address all situations, they emphasized compatibility with lots lying immediately adjacent to a project site rather than with a larger neighborhood, and they did not fully give the public process a chance to work. The Council had the option of leaving the guidelines in effect as they currently existed, amending the guidelines to include a wider measure of neighborhood compatibility, or eliminating the guidelines. He recommended that the guidelines be eliminated.

Scott Bootman, 3298 Calistoga Drive, recommended that the guidelines be retained. Jim Mann, 70 Declaration Drive #101, recommended that they be eliminated.

Following discussion, Councilmember Guzzetti moved that the transition and infill guidelines for new subdivisions be eliminated. The motion was seconded and unanimously carried.

The Council recessed for 20 minutes and reconvened at 9:25 p.m. Councilmembers Guzzetti and Jarvis were absent from the meeting at this time.

4.3. CONSIDERATION OF REQUEST FROM BOYS & GIRLS CLUB FOR THE CITY TO DEED TO IT THE PROPERTY AND BUILDINGS IT NOW LEASES AT 270 E. 7TH STREET

Maureen Pierce reviewed her letter dated 1/26/99 from the Boys & Girls Club requesting that the City of Chico consider deeding the property upon which the Club was located, and the buildings which it occupied at 270 East 7th Street to the Boys & Girls Club of Chico. The Club was making the request so that it might be eligible for renovation and construction funds available through the California Youth Authority and other private foundations. The Club would need a letter by 3/10/99 regarding the City's intentions in order that it can submit its application. This item was placed on the agenda at the request of Councilmember Kirk.

Maureen Pierce added that a 15% in-kind or cash contribution was needed, and donating the property would satisfy this requirement. Another option was to lease the property to the Club for 20 years, in which case a 15% match would still be required.

In response to Council questions, the City Manager indicated that the Finance Committee could consider the request at its 3/1/99 meeting and then provide a report to Council at its 3/2/99 meeting, and also consider other options for assistance to the Club.

Following discussion, it was the consensus of the Council to refer the matter to the Finance Committee for its 3/1/99 meeting, and a report to Council at the 3/2/99 meeting.

4.4. CONSIDERATION OF REPORT FROM THE COMMUNITY SURVEY COMMITTEE

Mayor Bertagna reviewed his memorandum received 2/8/99 in which he forwarded a report on the Community Survey Committee, consisting of himself and Councilmember Jarvis, and the directions that had been given to staff. The City Council was requested to acknowledge receipt of the Committee report, discuss and provide direction on continuation of the Committee, and provide any additional recommendations regarding the sharing of information with the community.

In response to the Mayor regarding new Councilmembers, Councilmembers Kirk and Herbert indicated an interest in serving on the Committee. The Mayor stated that he also wanted to continue serving on the Committee.

The Mayor further reported that citizens were using Web sites more and he believed some City services could be provided in this way in the future. Information Systems Director Priest indicated that various City employees assisted in keeping the City's Web site information up to date, however, he thought that additional City staff and funding would be needed if various services were provided to the public on the City's Web page.

Councilmember Kirk indicated an interest in having the Planning and Park Commission agendas available on the City's Web page.

City Manager Lando noted that City staff could provide the Committee with a matrix of what has been done, what could be done, and what portions would need additional funding considerations. The Council concurred.

4.6. CONSIDERATION OF REQUEST TO NAME THE CITY'S CONFERENCE ROOM NUMBER ONE IN HONOR OF FORMER COUNCILMEMBER TED HUBERT

(This item was taken out of order for items listed on the agenda.)

The Council was in receipt of a letter dated 1/6/99 from Michael Moran requesting that the City Council consider naming Conference Room Number One in the Council Chamber Building, located at 421 Main Street, after former Councilmember Ted Hubert, who passed away in November 1996. This item was placed on the agenda at the request of Councilmember Keene.

This evening the Council received a memorandum dated 2/12/99 from the City Clerk to Councilmember Guzzetti setting forth a list of Councilmembers who were elected more than twice or who served over eight years.

Lee Hubert, widow of Ted Hubert, explained why she believed the request was appropriate and requested Council approval. Michael Moran, who submitted the letter to the Council, spoke in favor of the request. Abner Anderson also spoke in favor.

Following discussion, Councilmember Johnston moved approval of naming Conference Room 1 after former Councilmember Ted Hubert. The motion was seconded and carried with Councilmembers Herbert, Johnston, Keene, Kirk and Bertagna voting aye, and Councilmembers Guzzetti and Jarvis being absent.

4.5. STATUS REPORT ON ACTIVITIES OF THE YEAR TWO THOUSAND (Y2K) COMMUNITY COMMITTEE

Councilmember Keene provided a report on the activities of the Y2K Community Committee. This was for information only, with no Council action being requested. The report included information relating to California Water Service Company, Pacific Bell, KZFR as a community link in the event that electrical power went out, and services provided by Butte County, the National Guard, and the Red Cross. A neighborhood meeting was scheduled for 2/18/99 in the Council Chamber and would be televised. The Committee was waiting to hear from Pacific Gas & Electric Company.

Information System Director Priest introduced Krista Watters who would be assisting City departments in preparing for Y2K. He added that a lot had already been accomplished and equipment had been replaced through attrition.

4.7. FUTURE MEETINGS

The City Manager reported that at its 1/26/99 meeting, the Council deleted the proposed increase in the Police Protection Building & Equipment Fees from the Fee Schedule Resolution adopted at the meeting, and agreed to consider the fees further at a future meeting. He requested that the Council provide direction to staff on what additional information it wanted relating to the Police Fees, and the date on which it wanted to notice the matter for public hearing.

Councilmember Kirk requested background and additional information on how the fees were calculated. The City Manager stated that he would provide a memorandum with the information, including the animal shelter.

It was the consensus of the Council that staff could schedule the public hearing at either the 3/2/99 or 3/16/99 Council meeting.

4.8. 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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Memorandum dated 2/2/99 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. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/3/99 for (No business name), corner of Skyway and Bruce Road.

7. ADJOURNMENT

The meeting was adjourned at 10:20 p.m. to Tuesday, 3/2/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting at 7:30 p.m. in the Council Chamber.

SPECIAL CITY COUNCIL MEETING - FEBRUARY 25, 1999
Chico Municipal Center, Conference Room 1, 421 Main Street, 5:30 p.m.

1. CALL TO ORDER. This Special Meeting of the Chico City Council was being held at the call of Mayor Steve Bertagna for the purpose of meeting in closed session and then open session to consider the items listed on the notice of this meeting. The Mayor called the meeting to order at 5:40 p.m.
2. ROLL CALL. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Assistant City Attorney Barker and Building Official Purvis.

3. CLOSED SESSION - ANTICIPATED LITIGATION. The Council adjourned to a closed session for a conference with Legal Counsel regarding anticipated litigation relating to significant exposure to litigation involving one case (G.C. Sec. 54956.9(b)). Council reconvened to open session at 6:05 p.m.
4. OPEN SESSION - APPEAL BY UNITED ARTISTS' THEATRE CIRCUIT RE SENATOR THEATRE TOWER. City Manager Lando reported that this meeting was scheduled to allow Council to consider whether or not to set a date and time for hearing the appeal by United Artists' Theatre Circuit regarding the condition for reconstruction of the Senator Theatre Tower in connection with the demolition permit therefor. This matter is scheduled only to consider whether or not a hearing would be set and not to hear the merits of the appeal, which would subsequently be heard if a hearing was scheduled.

The City Manager further reported that staff was recommending that the appeal be scheduled for public hearing on 3/2/99.

John Gallardo, Chico Heritage Association, recommended a public hearing. Rick Herman, District Manager for United Artists, requested that the Council schedule a public hearing on the appeal for its 3/2/99 meeting.

Councilmember Jarvis moved that a public hearing on the United Artists' appeal be scheduled for 3/2/99 at 7:30 p.m. The motion was seconded and unanimously carried.

5. ADJOURNMENT. The meeting was adjourned at 6:10 p.m.

ADJOURNED REGULAR CITY COUNCIL MEETING - MARCH 2, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 P.M.

- 1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.
- City staff - City Manager Lando, City Attorney Frank, City Clerk Evans, Risk Manager Koch and Police Chief Massie.

- 2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 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 Sheryl Campbell. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation, one case (G.C. Sec. 54956.9(b)). This item was not discussed since it was considered at the special meeting held 2/25/99.

The Council reconvened to open session at 7:30 p.m.

- 3. ADJOURNMENT
- The meeting was adjourned at 7:30 p.m. to a City Council meeting in the Council Chamber.

REGULAR CITY COUNCIL MEETING - MARCH 2, 1999
 Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 P.M.

- 1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation. In the absence of Reverend Richard Yale, St. John the Evangelist Episcopal Church, the Council observed a moment of silence.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.
- City staff - City Manager Lando, City Attorney Frank, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Transportation Coordinator McEnespy, Management Analyst Halldorson, Building Official Purvis, and Police Captain Maloney.

1.4. Closed Session Announcement. None.

2. CONSENT AGENDA

2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.38, ENTITLED "FOOD FACILITIES," OF TITLE 5 OF THE CHICO MUNICIPAL CODE, TO MAKE TECHNICAL CORRECTIONS TO THE REFERENCES TO STATE LAW -- INTRODUCTORY READING

The State Legislature has repealed the California Uniform Retail Food Facilities Law, formerly contained in Division 22 of the California Health and Safety Code, and recodified the law in Division 104 of the Health and Safety Code. This ordinance amends Chapter 5.38 of the Chico Municipal Code to correct the references in it to State law. The City Attorney recommends adoption of the ordinance.

2.2. (Removed from the Consent Agenda at the request of Councilmember Johnston.)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DESIGNATING AND APPOINTING ALTERNATES TO SERVE AS MEMBERS OF THE CITY COUNCIL IN THE EVENT OF AN EMERGENCY

By memorandum dated 2/18/99, the City Clerk forwards this resolution and reports that pursuant to the California Emergency Services Act, Chico Municipal Code Section 2.68.050, and the City of Chico Emergency Plan, in order to provide for the continuance of the city's legislative and executive functions during a local emergency, state of emergency or state of war emergency, in the event that one, several or all of the members of the City Council are unavailable to fulfill their functions, each Councilmember is required to appoint three standby alternates in designated order of precedence who shall serve in their stead so long as the member remains unavailable. The resolution lists the three alternates which each Councilmember has designated. The City Clerk and Fire Chief recommend adoption of the resolution.

2.3. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

MINUTE ORDER NO. 5-99 -- AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A LANDSCAPE AGREEMENT WITH SANDY GULCH DEVELOPMENT, L.L.C., FOR LANDSCAPE MAINTENANCE AT CHICO MAINTENANCE DISTRICT NO. 78 -- CREEKSIDE SUBDIVISION (MISSION RANCH PHASE II)

Dick Jones, Sandy Gulch Development, L.L.C., has requested that the City enter into an agreement to allow Sandy Gulch Development, L.L.C. to perform the required maintenance and operation of the landscape and irrigation system within the public right of way adjacent to the subdivision as depicted on the plat. If the developer should become delinquent in his obligation to maintain these improvements, an assessment is in place that covers any expenses which may be incurred within this district. The City will continue to pay for all other district costs from district funds (Fund 178). The Director of Public Works recommends approval of this Minute Order.

2.4. MINUTE ORDER NO. 6-99 -- AUTHORIZATION FOR TEMPORARY USE OF COUNCIL CHAMBER BY BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) AND BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT (BCAQMD)

By letter dated 2/18/99, Jon Clark, Executive Director of the Butte County Association of Governments (BCAG), on behalf of BCAG and the Butte County Air Quality Management District (BCAQMD), requests use of the Council Chamber for their monthly meetings on the fourth Thursday of each month from 9:00 a.m. to approximately 12:00 Noon. The City has authorized a similar use by the Chico Unified School District for its Wednesday night Board meetings. The uses are considered temporary in the event that the Council Chamber was needed for City purposes some time in the future. The City Manager recommends approval of the minute order.

2.5. (Removed from the Consent Agenda at the request of Councilmember Jarvis.)

APPROVAL OF CITY CO-SPONSORSHIP OF SHELTER PARTNERSHIP APPRECIATION DINNER IN ORDER TO PROVIDE INSURANCE COVERAGE

The Homeless Task Force is holding an appreciation dinner sponsored by the non-profit Shelter Partnership,

which consists of several organizations that provide shelter for the homeless, on April 15 at Our Divine Saviour Church. Councilmember Jarvis, a member of the Task Force, has advised that the Partnership does not have insurance coverage required to use the Church facility, and has asked the City to provide it for this event. The Risk Manager has indicated that in order to make the City's insurance coverage applicable to this event, the City needs to at least be a co-sponsor. The City Manager recommends approval. (No written report on this item.)

2.6. (Removed at the request of Councilmember Guzzetti and Ed McLaughlin.)
ACKNOWLEDGE RECEIPT OF CHICO URBAN AREA 1998 BICYCLE PLAN

By memorandum dated 2/18/99, the Director of Public Works reports that the Chico Urban Area 1998 Bicycle Plan has been prepared in compliance with state requirements and updates the previous plan prepared in 1995 by the Butte County Association of Governments. In order to apply for state Bike Lane Account and other grant funds, bike plans must be updated every three years and approved by CalTrans. The plan updates existing and proposed facilities, and provides goals, objectives, and policies for implementing the plan. The City Manager recommends referral of the Plan to the Internal Affairs Committee for review.

2.7. APPROVAL OF MINUTES FOR MEETING HELD ON JANUARY 26, 1999

The Council has been provided with copies of minutes for its meeting held on 1/26/99. (This evening the Council was informed that Councilmember Kirk had requested a correction to the minutes to reflect that she voted Yes, rather than No, on Resolution No. 98 98-99 which amended the City's fee schedule relating to development fees. It was noted that the City Clerk would make the correction.)

Councilmember Keene moved approval of all items on the Consent Agenda, except items 2.2, 2.3, 2.5, and 2.6. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti (item 2.1, since the regulations affected his catering business). ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON UNITED ARTISTS' THEATRE CIRCUIT APPEAL OF ADMINISTRATIVE DECISION RELATING TO CONDITIONS FOR ISSUANCE OF A DEMOLITION PERMIT FOR THE SENATOR THEATRE TOWER.

It was noted that at its 2/25/99 meeting, the Council voted to schedule this matter for public hearing this evening. By letter dated 2/17/99, Gerald Ramiza of the law firm of Steinhart & Falconer of San Francisco, on behalf of United Artists' Theatre Circuit, indicated that he was appealing a determination made by Building Official Purvis and Community Development Director Baptiste requiring replacement of the Senator Theatre tower as a condition of issuing a demolition permit. By a subsequent letter dated 2/23/99, attorneys for United Artists indicated steps that they would offer in connection with the demolition and eventual replacement of the tower.

Council acknowledged receipt of a letter dated 2/25/99 from Kris Zappettini, President of the Chico Heritage Association, recommending that the City require United Artists to restore the tower in place without removal and to utilize the skills and experience of knowledgeable craft persons. Also received was a letter dated 2/22/99 from Michael Jones suggesting that the Council clarify its position on property rights and be prepared to purchase property rights from United Artists for the Senator Theatre tower if it wished to preserve it as an architectural monument.

By memorandum dated 2/2/99, the City Manager provided information relating to the appeal and the restoration of the tower, and indicated that at the conclusion of the hearing the Council could adopt a motion to grant the appeal, deny the appeal, or grant the appeal with conditions. He recommended that the appeal be granted based upon the requirement of full documentation of the tower and the previously agreed-to process of tower deconstruction.

City Manager Lando provided background information on the tower, noting that the original request was to take

it down, then it was believed that it could be restored at less cost than taking it down, and then most recently United Artists applied for a demolition permit and the City imposed a condition on the permit that the tower be restored. In a recent meeting with City staff and representatives of United Artists, they agreed to take down the tower and allow it to be reconstructed on site, they would allow use of the El Rey Theatre for fund-raising events, and they would repaint the facade of the Senator Building once the tower was in place. He recommended that the Council grant the appeal and staff would work with United Artists on the other matters.

Community Development Director Baptiste and Building Official Purvis answered questions from the Council concerning the condition of the tower.

Steven Oberlander, a teacher at Neal Dow Elementary School, introduced 5th and 6th grade students who wanted to make presentations on the matter. Rachael Wright, Jessica Kingsley, Will Hopkins, Heather Taylor, and Alan Proctor submitted letters and made presentations in support of retaining the tower.

Jim Carter, 630 West 2nd Avenue #7, supported staff's recommendation. Kris Zappettini, Chico Heritage Association, urged a clear understanding of how the tower would be taken down and properly restored. Leonard Carter, noted that the top of the tower was lighted at one time. David Wilkinson, 3 Sun Circle Court, recommended securing engineering studies to restore the tower in place. Michelle Caron, 356 East 4th Avenue, suggested shoring up the tower for now and rebuilding it in place. Ray Murdoch, 520 West 7th Street, suggested cabling the tower, jacking it up and replacing the deteriorated parts. Dianne Wilkinson, 3 Sun Circle Court, pointed out that United Artists had neglected to maintain its facility and should be responsible for the cost of reconstructing the tower. She recommended staff contact the National Trust for Historic Preservation or the California Preservation Foundation Association for further information.

Neal Pinsker, representing United Artists, reported that they would allow use of the El Rey Theatre to raise funds, that they continued to pay employees while the Senator Theatre was closed and they also paid to relocate tenants that were in the building, that they have offered an easement in the building so the City could maintain the tower once it was reconstructed, and they were taking down the tower in sections so that it could be studied and reconstructed. Roger LeClerc, representing United Artists, reported that failure in one leg of the tower was causing it to lean even more than it was leaning last year, and that trying to cable and rebuild it on site would cause other problems.

John Gallardo, 397 East 6th Street, spoke on the need for the City to have an historic preservation ordinance for future similar situations. Steven Post-Jeys, 1363 East 10th Street, noted that the presence of lead paint and asbestos would need to be considered. Vanessa Davis, 1350 Manzanita Avenue, indicated that United Artists didn't maintain its property and she hoped the tower could be saved in place.

No one else spoke from the audience and the Mayor closed the hearing.

Councilmember Johnston moved to grant the appeal, which would authorize staff to issue a demolition permit to United Artists to deconstruct the Senator Theatre tower, but would not preclude it from reconstructing the tower if it decided to do so, to acknowledge and accept the conditions from United Artists set forth in its 2/23/99 letter, and to authorize City staff to work with United Artists on carrying out those conditions. The motion was seconded and unanimously carried.

In response to Council questions, the City Manager reported that staff would work with United Artists regarding storage of the tower pieces, and would also work with them on the conditions, one of which he believed was that United Artists rather than the City would maintain the tower once it was reconstructed.

The Council recessed for 20 minutes and reconvened at 9:40 p.m.

3.2. HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

City Manager Lando reviewed his memorandum dated 2/20/99 in which he reported that the City Council considered the adoption of the Police Protection Buildings and Equipment Development Impact Fee at the 1/26/99 meeting. At that time the City Council asked for more time to consider the fee and the testimony which had been received. Based upon comments made at that meeting, staff had provided the Council with an alternative recommendation which reduced the square footage cost of the animal shelter and also allocated the animal shelter cost based upon the ratio of future development to annexation (59% of total cost is assigned to new development). The remainder of the costs would continue to be allocated to new development as was previously proposed. He added that the City Council could either adopt the fee schedule before it or direct staff to prepare another alternative for its consideration.

In response to Councilmember Herbert, the City Manager indicated that since the Police Department was currently providing peak police protection (because both City and urban area residents impacted police services within the City), it was staff's opinion that any additional police facility needs would be due to new development, and therefore, 100% of the fee was attributable to new development.

Greg Webb, representing himself and the Building Industry Association, suggested a ratio of 80% to new development and 20% to annexation. Al Silva, Building Contractors Exchange, recommended leasing police facilities that could be built by private enterprise.

No one else spoke from the audience and the Mayor declared the hearing closed.

Following discussion, Councilmember Jarvis moved approval of a motion of intent to modify the Building and Equipment Fees relating to police facilities to provide that 80% would be charged to new development and 20% to annexation, and that the Animal Shelter Fees be accepted as proposed by staff. The motion was seconded and carried with Councilmember Keene voting no.

Councilmember Jarvis also asked staff to report on the feasibility of lease-back arrangements for any new City facilities, whereby a private party would build a facility that would be leased to the City.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. Resolution Designating Alternates to Serve as Members of Council in an Emergency.

Councilmember Johnston asked that one of his alternates, Larry Wahl, be replaced with Ross Bradford, since Wahl was listed as an alternate for other Councilmembers. Councilmember Keene asked that his wife be deleted as one of his alternates, and indicated that he would provide the City Clerk with the name of another individual. The City Clerk reported that the resolution would be modified and placed on a future agenda.

2.3. Minute Order No. 5-99 -- Landscape Agreement with Sandy Gulch Development, L.L.C.

Councilmember Kirk reported that staff had answered her questions relating to this minute order during the recess. She then moved approval of Minute Order No. 5-99. The motion was seconded and unanimously carried.

2.5. Approval of Co-Sponsorship of Shelter Partnership Appreciation Dinner.

Councilmember Jarvis reported that a written report was not provided since all information was reflected on the agenda. She announced that the Homeless Task Force would be having another series of meetings beginning with a meeting on Thursday at 7:00 p.m. in the Council Chamber. Councilmember Herbert moved approval of the co-sponsorship. The motion was seconded and unanimously carried.

2.6. Acknowledge Receipt of Chico Urban Area 1998 Bicycle Plan.

Ed McLaughlin indicated that the Bicycle Advisory Committee had approved the Plan last year, and delaying its approval by Council precluded applying for grants for bicycle facilities. The City Manager reported that questions were raised by Council during the quarterly budget review regarding some of the proposed bicycle facilities and, therefore, he was recommending that it be reviewed in greater detail by the Internal Affairs Committee.

Councilmember Herbert moved to acknowledge receipt of the 1998 Bicycle Plan and referral thereof to the Internal Affairs Committee. The motion was seconded and unanimously carried. The City Manager indicated that he would add the Bicycle Plan to the 3/16/99 agenda if the number of agenda items permitted, with a report to be provided by the Internal Affairs Committee on its 3/9/99 meeting when it would consider the plan.

4.2. UNITED ARTISTS THEATRE CIRCUIT APPEAL OF ADMINISTRATIVE DECISION RELATING TO ISSUANCE OF A DEMOLITION PERMIT FOR THE SENATOR THEATRE TOWER, AND CONSIDERATION RE POSSIBLE ACTIONS TO PRESERVE THE TOWER

(This item was considered at a special meeting held on 2/25/99, and a public hearing was held on the matter earlier this evening.)

4.3. REQUEST FROM BOYS & GIRLS CLUB FOR DONATION OR LEASE OF PROPERTY AT 270 EAST 7TH STREET AND POSSIBLE REQUEST FOR FUNDING ASSISTANCE

As requested by the Council at its 2/16/99 meeting, this item was to be considered by the Finance Committee at its 3/1/99 meeting and a verbal report provided at this evening's meeting. The Council was again being provided with copies of the letter dated 1/26/99 from the Boys & Girls Club, and the Boys & Girls Club Programs and Services handout from the 2/16/99 meeting. The Club requested that in order for it to apply for grant funding, the City either donate (would also satisfy the required 15% match) or lease the property (would not satisfy the 15% in-kind or monetary match).

Councilmember Keene reported that the Finance Committee recommended a grant out of Community Park Funds for the recreational activities to help the Boys & Girls Club leverage their funds, and indicated that the Chico Area Recreation & Park District could also be involved in the programs.

City Manager Lando reported that the City could enter into a 20-year lease with the Club for the facilities it now occupied. He noted that the Club was also considering acquisition of another facility across the street to serve as a gymnasium, but the City would need to carefully review proposed uses to assure that it met the requirements for use of Community Park Funds. He added that the Club would have to address parking requirements for the facility.

Maureen Pierce, Executive Director of the Boys & Girls Club, explained the proposal for a gymnasium and the need for matching funds to apply for grants from the California Youth Authority and the Sierra Health Foundation. She added that a feasibility study and rehabilitation of the Club's existing buildings was part of the entire project. Bud Tracy, 1st Vice President of the Boys & Girls Club, offered to answer any other Council questions.

City Manager Lando reported that the City Attorney would need to determine whether the Community Park Funds could be used for the proposed feasibility study.

Councilmember Jarvis moved to grant \$15,000 from either the General Fund or Community Park Fund and \$185,000 out of the Community Park Fund and enter into a 20-year lease. The motion was seconded and unanimously carried.

Councilmember Herbert moved approval of utilizing General Fund, Community Park Funds, or Redevelopment

Funds for the feasibility study. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 2/9/99.

Councilmember Jarvis reviewed a memorandum dated 2/9/99 from the Internal Affairs Committee which provided a report on its meeting held on 2/9/99, at which time the matters listed below were considered. Committee members present were Councilmember Jarvis, Chair; Councilmembers Johnston and Kirk.

1. CONSIDERATION OF REPORT ON NEIGHBORHOOD MEETING REGARDING TRAFFIC CONCERNS ON EAST FIRST AVENUE, VERBENA AVENUE, HAWTHORNE AVENUE, AND MADRONE AVENUE
2. CONSIDERATION OF REQUEST TO ELIMINATE A PREVIOUSLY APPROVED (BUT NOT INSTALLED) STOP SIGN ON NORTHBOUND MADRONE AVENUE AT EAST FIRST AVENUE

The Committee considered these two items together and recommended:

- a. (Council action required to adopt resolution)

That the City Council adopt a 25 MPH speed limit on East First Avenue between Verbena and Madrone Avenue;

RESOLUTION NO. 115 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 642).

After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

The Committee was in receipt of a proposal received 3/2/99 from Vincent Hutton, 1650 Cooks Way, supporting various traffic control devices in the area of Madrone Avenue and the East 1st Avenue extension.

- b. (No Council action required)

That the stop sign previously authorized northbound on Madrone Avenue at East First Avenue be eliminated, and that two stop signs be installed at this intersection: one southbound on Madrone at East First Avenue, and one eastbound on East First Avenue at Madrone;

- c. (No Council action required)

That the raised striping of the streets be implemented as soon as possible; and

- d. (No Council action required)

That the installation of stop signs on Cooks Way and Spanish Oak Circle, and the installation of pavement undulations on East First Avenue be deferred until the East First and Verbena Park was constructed.

Councilmember Jarvis reported that the Committee's minutes should be clarified to state that the Committee would not be considering item d until after the Park was constructed.

3. (No Council action required)

CONSIDERATION OF REQUEST TO ELIMINATE THE TWO-HOUR LIMITED TIME PARKING RESTRICTION ON THE NORTH SIDE OF WEST SEVENTH STREET BETWEEN BROADWAY AND SALEM STREETS. The Committee supported the staff recommendation not to eliminate the two-hour time limited parking restriction on the north side of West Seventh Street between Broadway and Salem Street.

4. (Council action required to introduce amending ordinance)

CONSIDERATION OF AMENDMENTS TO CHAPTER 5.32 OF THE CHICO MUNICIPAL CODE REGARDING CARDROOMS. The Committee recommended that the cardroom ordinance

b e
amended

to:

- a. Limit the number of tables per cardroom in the City to five or fewer card tables (thereby exempting the City from the State restriction which allows only one amendment to cardroom regulations without a vote of the electorate); and
- b. Expand the hours of operation for cardrooms to 24 hours per day on the weekends, using the wording of the first option offered in the staff report for this amendment.
- c. That no action be taken to amend the cardroom ordinance to additionally limit the type of games permitted in cardrooms; and
- d. That the minor language amendments to Sections 5.32.030 and 5.32.210 of the cardroom ordinance as recommended by staff be adopted.

In response to Councilmember Guzzetti regarding item b, Angela Harris reported that this would eliminate only the 5:00 a.m. to 9:00 a.m. closing time on Fridays and Saturdays, and they would be closed those hours on all other days of the week.

With regard to item c, Councilmember Keene wanted to limit the ordinance only to cardrooms, with anything else being considered on an individual basis, or issuing permits on an individual basis. Councilmembers Guzzetti and Jarvis thought it would be better to have provisions that were the same as State law, and notice could be given if amendments were considered in the future.

Councilmember Guzzetti moved approval of the Committee's recommendation in item 4.a. The motion was seconded and unanimously carried. He moved approval of the Committee's recommendation in item 4.b. The motion was seconded and unanimously carried. He moved approval of the Committee's recommendation in item 4.c. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston, and Kirk voting aye and Councilmembers Herbert, Keene and Bertagna voting no. Councilmember Guzzetti then moved approval of the Committee's recommendation in item 4.d. The motion was seconded and unanimously carried.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32, ENTITLED "CARDROOMS", OF TITLE 5 OF THE CHICO MUNICIPAL CODE TO LIMIT THE NUMBER OF CARD TABLES TO FIVE PER CARDROOM, TO ALLOW CONTINUOUS OPERATION OF CARDROOMS ON SATURDAYS AND SUNDAYS, AND TO MAKE MINOR TYPOGRAPHICAL CORRECTIONS — INTRODUCTORY READING. Councilmember Guzzetti moved for introductory reading after reading the title of the ordinance. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston, and Kirk voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

5. (Council action required to direct staff to draft Code amendments)
CONSIDERATION OF AMENDMENTS TO CHICO MUNICIPAL CODE TO DELETE OR MODIFY THE MANDATORY MEETING TIMES FOR BOARDS AND COMMISSIONS. The Committee recommended (2-0, Kirk absent):
 - a. That the Chico Municipal Code sections providing for mandatory meeting times for the Council's Boards and Commissions be amended to allow Boards and Commissions to change their mandatory meeting times every two years when new Board and Commission members were appointed following a municipal election and the seating of new City Councilmembers;
 - b. That the meeting times for regular meetings of the Airport Commission, Arts Commission, Bidwell Park & Playground Commission, and Planning Commission be restricted to evening hours;
 - c. That any proposed change in a Board or Commission's meeting time be subject to City Manager review and approval; and
 - d. That the specific process of changing a Board or Commission's regular meeting time be addressed in an Administrative Procedure and Policy.

Councilmember Keene moved approval of the Committee's recommendations in item 5. The motion was seconded and unanimously carried.

6. (No Council action required)

REPORTS FROM VARIOUS AGENCIES REGARDING NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAMS. The Committee acknowledged receipt of the "Neighborhood Traffic Management" binder containing examples of traffic management programs from other communities, and agreed that any Committee member who wished to discuss the information could schedule it for a future agenda.

4.5. FUTURE MEETINGS

A. Airport Manager Interviews. City Manager Lando reported that if a quorum of the Council planned to attend the interviews for the Airport Manager position on 3/5/99 at 9:00 a.m. in Conference Room No. 1 this meeting should be adjourned to that date. Councilmembers Bertagna, Keene and Kirk indicated an interest in attending portions of the interviews.

B. Chico Urban Area Fire/Rescue Agreement. The City Manager and Fire Chief requested that the Council indicate their preference regarding the Chico Urban Area Fire and Rescue Agreement by scheduling a separate work session, or agendaizing the item for a regular meeting in the near future. This evening the Council was provided with copies of a letter dated 3/1/99 from the Assistant Clerk of the Board forwarding the Chico Urban Area Fire & Rescue Agreements which were approved by the Butte County Board of Supervisors on 2/23/99.

Councilmember Guzzetti indicated he would not be able to participate in the meeting because of a conflict of interest, since he had provided catering services to IAFF and they were going to be involved in discussions regarding this item. The Council agreed to schedule a meeting on 4/1/99 from 5:15 to 7:00 p.m. in Conference Room #1. The Council asked that any comments or concerns from the Fire Chief, IAFF, or anyone else, be provided in advance of the meeting.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA -- No items

5. BUSINESS FROM THE FLOOR -- No items

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Memorandum dated 1/27/99 from Public Works Director forwarding the Chico Vecino Master Plan for Roadway Design Standards for approval. Staff recommends the Plan be referred to the Internal Affairs Committee for review and recommendation.

6.2. Letter dated 1/1/99 from Nan Jones, 980 Normal Street, requesting use of City-owned vacant property at West 9th and Hazel Street for a community garden. Staff recommends this request be referred to the Internal Affairs Committee for review and recommendation.

6.3. Memorandum dated 2/18/99 from the Director of Public Works providing a report on the Parking Place Commission meetings held on 1/20/99 and 2/3/99.

6.4. Memorandum dated 2/5/99 from the City Clerk Administrative Secretary providing a report on the attendance of members of Boards and Commissions of the City of Chico for the calendar year 1998.

6.5. Memorandum dated 2/10/99 from the Finance Director reporting that the list of claims paid during the month of January 1999 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.6. Memorandum dated 2/4/99 from the Chief of Police forwarding the Citizen's Option for Public Safety Grant

Summary Report for the period of 9/1/98 through 12/19/98.

- 6.7. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/9/99 for Chada Thai Cuisine, 117 West Second St. B.

7. ADJOURNMENT

The meeting was adjourned at 11:00 p.m. to Tuesday, 3/16/99 at 7:00 p.m. in Conference Room 2 if a closed session was scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

ADJOURNED REGULAR COUNCIL MEETING - MARCH 16, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 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 Sheryl Campbell. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJM JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)

The meeting was reconvened to open session at 7:45 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:45 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - MARCH 16, 1999
Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:45 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Peter Chapman, Abundant Life Center, delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Director of Public Works Ross, Park Director Beardsley, Police Chief Massie, Management Analysts Halldorson and Herman, Housing Specialist Burkland, Fire Division Chief Simpson, Police Captain Klassen, and Transportation Coordinator McEnespy.
- 1.4. Closed Session Announcement. None.

- 1.5. Proclamation proclaiming week of March 14-20 as Mediation Week was read by the Mayor and presented to Margaret Gunnell of the Mediation Center.

Proclamation proclaiming the week of March 7-14 as Girl Scout Week was read by the Mayor and presented to representatives of Girl Scout Troop 191.

2. CONSENT AGENDA

- 2.1. REDEVELOPMENT AGENCY RESOLUTION NO. RDA 1-99 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY DEDICATING A PUBLIC SERVICE EASEMENT (NORTH OF CONVAIR AVENUE, BETWEEN FORTRESS AND MARAUDER STREETS AT THE CHICO MUNICIPAL AIRPORT/AP No. 047-560-044)

By memorandum dated 3/3/99, the Executive Director reports that this resolution will dedicate and set aside a public service easement, which will be used for the installation of public utilities, on Agency-owned property located north of Convair Avenue, between Fortress and Marauder Streets at the Chico Municipal Airport. This easement will be recorded against the property, and will benefit the Agency in the future sale and development of the parcel or portions of the parcel. The Executive Director recommends adoption of the resolution.

Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARING

- 3.1. HEARING ON SALE OF AGENCY-OWNED PROPERTY, WITHIN THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA, TO FORTRESS DEVELOPMENT GROUP AND MIKE'S MOBILE WINDSHIELD

Assistant City Manager Dunlap reported that at its 10/20/98 meeting, the Redevelopment Agency approved the sale and Agency financing of approximately 2.0 acres of Agency owned property on Convair Avenue at the Chico Municipal Airport to the Fortress Development Group and approximately 1.7 acres on Convair Avenue to Mike's Mobile Windshield. The properties were adjacent to each other and were to be developed simultaneously. Subsequent to the approval of these sales, the developer determined that the Fortress Development Group required an additional 24 feet of property that was approved for sale to Mike's Mobile Windshield. Mike's Mobile Windshield had consented to this modification of the property boundary. This change would result in 2.13 acres being sold to Fortress Development Group and 1.6 acres being sold to Mike's Mobile Windshield. In addition, the Fortress Development Group recently determined not to use Agency financing for the purchase of the property.

The Assistant City Manager further reported that by memoranda dated 2/26/99, the Executive Director of the Redevelopment Agency was submitting the Summary Reports and proposed resolutions relating to the revised property sales. The Director was requesting approval for the sale of 2.13 acres of Chico Redevelopment Agency owned property to the Fortress Development Group and the sale of 1.6 acres to Mike's Mobile Windshield for the appraised values (\$65,340/acre or \$1.50/sq. ft.) of \$139,174 and \$104,544 respectively. The Executive Director recommended approval of the Resolutions.

No one spoke from the audience and the Mayor declared the hearing closed.

REDEVELOPMENT AGENCY RESOLUTION NO. RDA 2-99 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AMENDED AGREEMENT ENTITLED, "DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY FORTRESS DEVELOPMENT GROUP, LLC)", WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT

AREA TO FORTRESS DEVELOPMENT GROUP, L.L.C. After reading its title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

REDEVELOPMENT AGENCY RESOLUTION NO. RDA 3-99 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING THAT CERTAIN AMENDED AGREEMENT ENTITLED, "DISPOSITION AND DEVELOPMENT AGREEMENT CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA (CHICO REDEVELOPMENT AGENCY/MIKE'S MOBILE WINDSHIELD, INC.)", WHICH PROVIDES FOR THE SALE OF AGENCY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA TO MIKE'S MOBILE WINDSHIELD, INC. After reading its title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA. No Items.
- 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.
- 4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON ITS MEETING HELD FEBRUARY 11, 1999.

Councilmember Johnston reviewed a memorandum dated 3/8/99 from the Economic Development Committee that provided a report on its meeting held on 2/11/99, at which time the matters listed below were considered. All Committee members were present: Councilmember Johnston, Chair, and Councilmembers Keene and Kirk.

1. (No Agency action required at this time - Noticed Public Hearing will be held at a future meeting)
CONSIDERATION OF REQUEST FROM DAVID MERAZ TO PURCHASE CHICO REDEVELOPMENT AGENCY OWNED PROPERTY AT THE CHICO MUNICIPAL AIRPORT.
The Committee recommended that the Chico Redevelopment Agency approve the sale of 0.5 acres of Agency-owned property on Lockheed Avenue at the Chico Municipal Airport to Mr. Meraz.
2. (Council action required to approve recommendation)
CONSIDERATION OF PROPOSED REVISIONS TO THE PROGRAM GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REVOLVING LOAN FUND.
The Committee recommended the Agency approve amending the CDBG Revolving Loan Fund Program Guidelines as follows:
 - A. Eliminating funding for leasehold improvements.
 - B. Eliminating the requirement that certain borrowers sign a binding technical assistance agreement with the Small Business Development Center.
 - C. Adding the personal and Business Credit History to the Loan Rating Criteria.
 - D. Establishing a judicial collection procedure for defaulted loans if efforts to first restructure the loans fail.
 - E. Expanding the targeting requirements to include all businesses and industries citywide.

Marc Nemanic, Executive Director of the Tri County Economic Development Corporation, responded to Council questions regarding item A and its relationship to prevailing wages.

MINUTE ORDER NO. 7-99 -- AUTHORIZATION FOR THE CITY MANAGER TO AMEND THE AGREEMENT WITH TRI COUNTY ECONOMIC DEVELOPMENT CORPORATION TO REVISE THE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND PROGRAM GUIDELINES. Councilmember Jarvis moved approval of the minute order. The motion was seconded and carried with Councilmember Guzzetti voting no.

3. (Agency action required to approve the recommendation)

CONSIDERATION OF EXPANDING THE FACADE IMPROVEMENT PROGRAM TO THE ENTIRE CHICO MERGED REDEVELOPMENT PROJECT AREA.

The Committee recommended that the Redevelopment Agency approve expanding the Facade Improvement Program to owners of businesses and properties located within the entire Chico Merged Redevelopment Area.

Councilmember Johnston moved approval of the Committee's recommendations. The motion was seconded and unanimously carried.

4. (Agency action required to approve the recommendation)

REVIEW OF THE FINANCING POLICY FOR THE SALE OF CHICO REDEVELOPMENT AGENCY OWNED PROPERTY AT THE CHICO MUNICIPAL AIRPORT.

The Committee recommended that the Agency approve the following revisions to the current Agency financing policy for the purchase of Agency owned property at the Chico Municipal Airport (CMA):

- A. Increasing the loan percentage rate to 2% above the Agency's cost, which will bring the interest rate to 8% currently.
- B. Amending the City's Administrative Policy to change the \$1000 deposit, which is currently required to be paid by individuals or agencies interested in purchasing CMA property, to a nonrefundable fee that will be used to compensate the City for staff time to prepare the legal sales documents and for the costs of publishing public hearing notices.
- C. Decreasing the current loan term of 30 to a term 25 years
- D. Requiring prospective buyers to submit a business plan in addition to a letter of intent to purchase.

Councilmember Guzzetti moved approval of the Committee's recommendations. The motion was seconded and unanimously carried.

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

6. ADJOURNMENT. The meeting was adjourned at 8:25 p.m. to a City Council meeting.

ADJOURNED REGULAR CITY COUNCIL MEETING - MARCH 16, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:25 p.m.

- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Management Analysts Halldorson and Herman, Housing Specialist Burkland, Fire Division Chief Simpson, Police Captain Klassen and Transportation Coordinator McEnespy.

2. CONSENT AGENDA

- 2.1. 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 - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) -- AMENDMENT NO. 7 -- INTRODUCTORY READING

By memorandum dated 2/26/99, the Director of Public Works reports on a request from the Downtown Chico Business Association to amend its original franchise agreement adopted 4/5/94. This ordinance will amend Section D, entitled "Days and Times," of the franchise by changing the dates of "Slice of Chico" from the second

to the third Friday and Saturday in July; "A Taste of Chico" from the third Sunday in August to the second Sunday in September; the "Fall Harvest Faire" from the Friday and Saturday of the CSUC Parent's Weekend to the third Saturday in October; and the operating times of the Thursday Night Farmers' Market from March through December to April through October to coincide with daylight savings time. A public hearing has been scheduled for 4/6/99, a notice of which will be published 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 recommends adoption of the ordinance.

2.2. ORDINANCE NO. 2176 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.38, ENTITLED "FOOD FACILITIES," OF TITLE 5 OF THE CHICO MUNICIPAL CODE, TO MAKE TECHNICAL CORRECTIONS TO THE REFERENCES TO STATE LAW -- FINAL READING AND ADOPTION

The State Legislature has repealed the California Uniform Retail Food Facilities Law, formerly contained in Division 22 of the California Health and Safety Code, and recodified the law in Division 104 of the Health and Safety Code. This ordinance amends Chapter 5.38 of the Chico Municipal Code to correct the references in it to State law. The City Attorney recommends adoption of the ordinance.

2.3. ORDINANCE NO. 2177 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32, ENTITLED "CARDROOMS", OF TITLE 5 OF THE CHICO MUNICIPAL CODE TO LIMIT THE NUMBER OF CARD TABLES TO FIVE PER CARDROOM, TO ALLOW CONTINUOUS OPERATION OF CARDROOMS ON SATURDAYS AND SUNDAYS, AND TO MAKE MINOR TYPOGRAPHICAL CORRECTIONS -- FINAL READING AND ADOPTION

At its 3/2/99 meeting, the Council voted 4-3 in favor of accepting the Internal Affairs Committee recommendation to amend the cardroom ordinance as follows (Copies of the memorandum from the Assistant City Attorney regarding this matter are again being provided to the Council):

- a. Limit the number of tables per cardroom in the City to five or fewer card tables (thereby exempting the City from the State restriction which allows only one amendment to cardroom regulations without a vote of the electorate); and
- b. Expand the hours of operation for cardrooms to 24 hours per day on the weekends, using the wording of the first option offered in the staff report for this amendment.
- c. That no action be taken to amend the cardroom ordinance to additionally limit the type of games permitted in cardrooms; and
- d. That the minor language amendments to Sections 5.32.030 and 5.32.210 of the cardroom ordinance as recommended by staff be adopted.

2.4. RESOLUTION NO. 116 98-99 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE -- CITY OF CHICO MAINTENANCE DISTRICT NO. 44 -- CARRIAGE PARK

By memorandum dated 2/16/99, the Director of Public Works reports that this resolution will initiate the process to dissolve Chico Maintenance District No. 44 located at the NE corner of Bruce Road and E. 20th Street. This district was originally formed prior to the passage of Proposition 218 in November, 1996. No assessments were ever levied against parcels in the district since no development had occurred, and no improvements had been constructed. Further, at its budget meeting of 11/17/98, the City Council determined that the negative balance being carried for this district shall be cleared and the district dissolved. The Director of Public Works recommends adoption of the resolution and the scheduling of a public hearing.

2.5. RESOLUTION NO. 117 98-99 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 48 - HYDE PARK

By memorandum dated 2/10/99, the Director of Public Works reports that this resolution will initiate the process to dissolve Chico Maintenance District No. 48 generally located southwest of the intersection of East and Cussick

Avenues. This district was originally formed on 10/1/96, for the purpose of providing a means for funding the annual costs of operating and maintaining the public improvements specific to Hyde Park Subdivision. Proposition 218 was passed in November, 1996, prior to any assessments being levied for this district, making it necessary to put formation of the district to a vote of the property owners. The district was reformed as CMD 71, and on 12/15/98, the property owners voted to approve the formation of the maintenance district. Because CMD 48 was reformed as CMD 71, the need for CMD 48 no longer exists. The Director of Public Works recommends adoption of the resolution and the scheduling of a public hearing.

- 2.6. (Removed from the Consent Agenda at the request of Councilmember Keene.)
RESOLUTION NO. 118 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF A SINGLE-SERVE BEVERAGE CONTAINER RECYCLING GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF CONSERVATION

By memorandum dated 3/3/99, Management Analyst Herman explains staff's proposal to submit a grant application to the California Department of Conservation in the estimated amount of \$31,753 for the implementation of a recycling collection program for the downtown Chico area. The grant application process requires a resolution of the governing body, authorizing the submittal of an application for these funds. The Risk Manager recommends adoption of the resolution.

- 2.7. MINUTE ORDER NO. 8-99 -- AUTHORIZATION FOR THE CITY MANAGER TO AUTHORIZE THE USE OF A CITY VEHICLE TO TRANSPORT MEMBERS OF THE CHICO POLICE DEPARTMENT'S EXPLORER POST TO VARIOUS EXPLORER SPONSORED EVENTS

The Chico Police Department's Explorer Post has requested the use of a City vehicle to transport Explorers to and from the Western Regional Law Enforcement Explorer Conference in South Lake Tahoe in April, 1999. The vehicle will be driven by a City employee. There will be no fiscal impact for the City. This Minute Order will give the City Manager the authority to authorize the use of a City vehicle in this instance and to approve these requests for the Explorers in the future. The Chief of Police recommends approval of the Minute Order.

- 2.8. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO ALLOCATE ADDITIONAL FUNDING TO REPLACE THE HOSE DRYING TOWER AT FIRE STATION NO. 2 (182 E. 5TH AVENUE)

Funds in the amount of \$20,000 were included in the 1998-99 Annual Budget for a hose drying tower to be installed at Fire Station No. 2, located at 182 East Fifth Avenue (Project No. 28152), to replace the existing tower which was declared to be

unsafe and in violation of Cal-O S H A regulations. The lowest responsible bid, including inspection fees, contingencies, and overhead, is \$24,723. This supplemental appropriation would allocate an additional \$4,800 to this project with funds to be drawn from the General Fund (001). The City Council is being provided with a copy of the General Fund Summary which reflects the estimate d

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2.9. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR THE DEFENSE OF THE CITY IN THE CASE ENTITLED, MARK GORDON V. THE CITY OF CHICO, ET AL.

This supplemental appropriation in the amount of \$100,000 will cover the estimated cost and related costs of a ten-day jury trial in the case entitled, *Mark Gordon v. The City of Chico, et al.*, U.S. District Court No. CIV-S-97-2064 EJM/JFM. The City Attorney recommends approval of the supplemental appropriation.

2.10. (Removed from the Consent Agenda at the request of Councilmember Herbert.)
ACCEPTANCE OF OFFER OF MICHAEL AND CARYN JONES TO INSTALL ACCESS GATES FOR THE CITY'S "BIDWELL RANCH" PROPERTY

By letter dated 2/18/99, Michael and Caryn Jones have offered to install pedestrian gates providing access to the Bidwell Ranch property. Should Council approve this item, staff will allow the Joneses to install the gates at location(s) to be mutually agreed upon by staff and the Joneses, under the auspices of the City's volunteer program.

2.11. APPROVAL OF MINUTES FOR MEETINGS HELD FEBRUARY 2, 1999 THROUGH FEBRUARY 25, 1999.

The Council has been provided with copies of minutes for its meetings held on 2/2, 2/16, and 2/25, 1999.

2.12. (Removed from the Consent Agenda at the request of Caryn Jones.)
ACCEPTANCE OF RESIGNATION FROM PLANNING COMMISSION (WILLIAM HAMILTON)

By letter received 3/3/99, William Hamilton submits his resignation from the Planning Commission (term expires 1/1/01). A Notice of Unscheduled Vacancy has been posted; however, an appointment cannot be made for a period of 10 working days after the posting. Therefore, copies of applications currently on file in the City Clerk's Office will be provided to Council at its 4/6/99 meeting, and it may consider an appointment at that time.

By memorandum dated 3/3/99, Planning Commission Chair Jolene Dietle reports that Mr. Hamilton missed three consecutive regular or adjourned regular meetings in February and March, and that she was reporting this information in accordance with Administrative Policy & Procedure #10-18 relating to board and commission members' absences from meetings. In light of Mr. Hamilton's resignation above, no action need be taken on this matter.

Councilmember Keene moved adoption of each ordinance and resolution, and approval of all other items on the Consent Agenda, except items 2.6, 2.10 and 2.12. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: Councilmembers Herbert, Keene and Bertagna (item 2.3). ABSTAIN: Councilmember Guzzetti (item 2.2). ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON AMENDMENT TO THE CITY'S FEE SCHEDULE - ADJUSTMENT TO THE POLICE PROTECTION BUILDING AND EQUIPMENT FEES

City Manager Lando reported that the City Council held hearings on 1/26/99 and 3/2/99 to discuss the Police Protection Building and Equipment Fee. At the conclusion of the City Council's 3/2/99 hearing, the City Council agreed to consider a fee which would allocate 80% of the generalized Police facilities to new development, and maintain the 59%/41% split for new development versus annexation for animal shelter facilities. A memorandum dated 3/4/99 was provided to the Council which outlined this proposal, and if the Resolution was adopted, would be incorporated into the nexus study.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 119 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 233 - BUILDING AND EQUIPMENT FEES). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Kirk and Bertagna. NOES: Councilmember Keene. ABSENT: None.

3.2. INITIAL HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 72 (MARIPOSA PARK SUBDIVISION)

Public Works Director Ross reviewed his memorandum dated 2/17/99 in which he forwarded the Engineer's Report for Maintenance District No. 72 (Mariposa Park Subdivision, generally located off of Mariposa Avenue at Bartram Terrace). The purpose of forming the proposed Maintenance District was to levy annual assessments against the parcels within the District to fund the operation and maintenance of public improvements that were of special benefit to the subdivision. The Engineer's Report described the boundaries of the proposed district, the public improvements to be funded, how the amount of the annual assessment was calculated and how it was apportioned among the parcels. Proposition 218 required a vote of the property owners to establish the assessment. Ballots, copies of the Engineer's Report, and a notice of the two hearings were mailed to all affected property owners.

The Public Works Director added that the purpose of this initial hearing was for the Council to receive and consider the Engineer's Report as well as all comments on the Report, or any other matter relevant to the establishment of the proposed District. The final protest hearing on the District was scheduled for Council's meeting of 4/6/99, at the conclusion of which the ballots received either supporting or opposing formation of the District would be tabulated. If the majority of votes received were in favor of the proposed Maintenance District, the Council could order its formation, and if the majority of votes received are opposed, District formation proceedings would be abandoned. At the conclusion of this evening's hearing, the Council could adopt a motion to either approve the Engineer's Report as presented, modify the Report and approve it as modified, or abandon proceedings on the proposed District.

No one spoke from the audience and the Mayor declared the hearing closed.

Councilmember Jarvis moved to approve the Engineer's Report as presented. The motion was seconded and unanimously carried.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

- 2.6. Resolution No. 118 98-99 re Recycling Grant Application. Risk Manager Koch answered questions from Councilmember Keene regarding the program which would be administered by the Work Training Center. Councilmember Keene stated his concern that the City would be obligated to pay the cost of the program in future years and he suggested that the City instead use the existing solid waste collectors.

Following discussion, it was the consensus of the Council that the Solid Waste Joint Powers Agreement Committee would report to the Council six months after the program was implemented and at or near the end of the program.

Councilmember Jarvis then read the title and moved adoption of Resolution No. 118 98-99. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Kirk and Bertagna. NOES: Councilmember Keene. ABSENT: None.

- 2.10. Offer to Install Gates at Bidwell Ranch Property. Councilmember Herbert recommended that the Council delay accepting the offer so that public use is not encouraged, until such time as the Council had made a determination on future use of the property. Councilmember Keene agreed, noting that the property was purchased to avoid a costly lawsuit, and its use should be determined before access points were defined. Councilmember Jarvis pointed out that it was the same as any other public land owned by the City, grazing was being allowed, and the gate would prevent cattle from getting out and would also prevent individuals from climbing over fences.

City Manager Lando reported that he would be providing a report to Council at a future meeting regarding use of the property, and he brought the offer of the gate to the Council because he knew there were some concerns. He noted that some portions contained wetlands and meadowfoam.

Following discussion, the Council directed the City Manager to provide his report by the end of May.

Caryn Jones stated that their offer to install the pedestrian gates would remain open in the interim.

Councilmember Guzzetti moved that the Council accept the offer of Michael & Caryn Jones to install access gates at the City's Bidwell Ranch property. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no.

The Council recessed for 15 minutes and reconvened at 9:20 p.m.

- 2.12. Acceptance of Resignation from Planning Commission. Caryn Jones recommended that when the Council filled the vacancy that it consider an appointee that would move the composition of the Commission to be in balance with the makeup of the community.

Councilmember Jarvis then moved that the Council accept the resignation of William Hamilton from the Planning Commission. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF CHICO URBAN AREA 1998 BICYCLE PLAN

The Council was in receipt of a memorandum dated 2/18/99 from the Director of Public Works reporting that the Chico Urban Area 1998 Bicycle Plan had been prepared in compliance with state requirements and updated the previous plan prepared in 1995 by the Butte County Association of Governments. In order to apply for state Bike Lane Account and other grant funds, bike plans must be updated every three years and approved by CalTrans. The plan updated existing and proposed facilities, and provided goals, objectives, and policies for implementing

the plan. The Internal Affairs Committee considered the Plan at its 3/9/99 meeting and was to provide a verbal report to Council this evening.

Councilmember Jarvis reported that the Internal Affairs Committee recommended approval of the Bicycle Plan with the following changes: (a) On page 7, the annual average rainfall should be changed from 17" to 25". (b) On page 14, last paragraph, the sentence indicating that Lindo Channel was constructed to provide flood control for Big Chico Creek, should be deleted. (c) On page 23, Figure 3, should be revised to include all schools and school sites. (d) On page 32, clarify that bicycle parking requirements for new developments would be considered in connection with the Title 19 (Land Use Regulation) update now in process.

Councilmembers Keene and Herbert questioned the bike paths from the Airport to Keefer Road and the one from Wildwood Avenue to Bay Avenue, and whether they were related to new development.

The City Manager reported that paths, including peripheral paths, were needed to alleviate pressure on future road improvements, although the Council could consider other funding sources. The Public Works Director added that two additional Class 2 bike lanes were needed, one in the Henshaw Avenue area from the Esplanade to Alamo Avenue and one on Alamo Avenue from East Avenue to Henshaw. Further, the nexus study was based on the Bicycle Plan.

Councilmember Jarvis moved approval of the Bicycle Plan as recommended by the Internal Affairs Committee. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no.

Councilmember Herbert moved approval of the Bicycle Plan as presented but removing from the funding equation of 50/50 grants/developer fees, the bike path from the Airport to Keefer Road and an approximate two-mile section of the bike path along Mud Creek from Nord Avenue to the City's Sphere of Influence boundary. The motion was seconded and carried with Councilmember Jarvis voting no.

The Council agreed with the technical corrections recommended by the Internal Affairs Committee as reported by Councilmember Jarvis.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD MARCH 1, 1999

Councilmember Keene reviewed a memorandum dated 3/2/99 from the Finance Committee that provided a report on its meeting held on 3/1/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti, Herbert and Keene, Chair.

1. (Council action required to approve recommendation and budget modification)
APPROVAL OF FINANCE COMMITTEE REVIEW OF SUPPLEMENTAL APPROPRIATIONS. The Committee recommended that the City Council reinstate its former budget policy which provided for Finance Committee review of supplemental appropriations prior to submission to Council for consideration and approval. Councilmember Keene added that any urgent supplemental appropriations could come directly to the Council, as stated in the proposed budget policy.

Councilmember Kirk moved approval of the Committee's recommendation. The motion was seconded and unanimously carried.

APPROVAL OF BUDGET MODIFICATION TO REVISE BUDGET POLICY NO. C.2. (Reinstating Finance Committee review of Supplemental Appropriations). Councilmember Herbert moved approval of the budget modification. The motion was seconded and unanimously carried.

2. (Council action required to approve recommendation)
REVIEW OF COMMUNITY ORGANIZATION COMPLIANCE AUDITS FOR FY 1997-98. The Committee recommended:
 - A. That Theatre on the Inside-Out, under the umbrella of Very Special Arts, be allowed to retain the sound

equipment purchased with City funds, with the condition that it make the equipment available for loan to other non-profits and that it document those organizations using the equipment.

- B. That the staff recommendations regarding the Community Organization Compliance Audits for Fiscal Year 1997-98 as set forth in the Finance Director's memorandum of 2/16/99 be forwarded to Council for approval (with the exception of Theatre on the Inside-Out as outlined in No. 1 above).

Councilmember Herbert moved approval of the Committee's recommendations. The motion was seconded and carried with Councilmember Jarvis abstaining (her employer, Legal Services of Northern California, was one of the agencies that were audited).

3. (No Council action required at this time — first Public Hearing will be held on 4/6/99)
REVIEW OF 1999-2000 ANNUAL PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME). For the 4/6/99 Council hearing on the proposed CDBG/HOME Annual Plan, the Committee directed staff to:
 - A. Investigate other sources of funds in order to increase the amounts available for public improvements in the South Campus Neighborhood;
 - B. Provide more information and the economic analysis regarding the Work Training Center request for a \$50,000 loan for a food co-packing facility, and a recommendation on how this new request would fit into the Annual Plan;
 - C. Provide more information regarding the Homeless Task Force's source of operating funds for an Emergency Shelter Facility; provide more information on similar services provided by the Jesus Center; and invite both organizations to be present at Council's 4/6/99 hearing.

With regard to item C, Councilmember Keene reported that he was interested in the \$100,000 CDBG funding rather than operating funds, and whether there was any duplication of facilities and services for the homeless among various agencies.

Following further discussion, the Council concurred in Councilmember Jarvis' recommendation that staff contact all community organizations asking them to respond if the facility and services being proposed by the Homeless Task Force duplicated anything they provided, but in any event, Jesus Center representatives should be requested to be at the 4/6/99 meeting for the hearing on the CDBG program.

4. (No Council action required.)
CONSIDERATION OF THE FINANCE COMMITTEE'S ROLE IN THE BUDGET PROCESS. The Committee continued consideration of this item to its April meeting.
5. (No Council action required -- this matter was considered by Council at its meeting of 3/2/99.)
BOYS AND GIRLS CLUB REQUEST FOR DONATION OR LEASE OF CITY PROPERTY AT 270 EAST SEVENTH STREET, AND POSSIBLE REQUEST FOR CITY CONTRIBUTION. The Committee recommended that the Council approve in concept the allocation of \$200,000 from the Community Park Fund to the Boys & Girls Club for expansion of its existing facility and development of a gymnasium and teen center across the street, with the details to be worked out; and also approve a 20-year lease for the Club's existing facility.

Councilmember Jarvis then moved to accept the remainder of the report and recommendations from the Finance Committee. The motion was seconded and carried with Mayor Bertagna abstaining on item 3.B since a member of his family might be involved in the program.

4.4. FUTURE MEETINGS

Lindo Channel. The City Manager recommended that this item be scheduled for consideration on 4/20/99 at 7:30 p.m., along with any previously scheduled public hearings. Other items could be scheduled for the 4/27/99 budget meeting (if urgent) or the 5/4/99 regular meeting. Following discussion, the Council concurred in the City Manager's recommendation.

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

5. BUSINESS FROM THE FLOOR.

1. Newspaper Article. Chuck Boyd, 297 Boulder Creek Drive #D, Redding, provided Council with copies of a 2/28/97 newspaper article concerning a mother who was taken into custody and her baby who was placed under child protective services, and indicated that none of the law enforcement agencies mentioned in the article could provide him with any further information regarding the incident, nor the whereabouts of the two individuals. The City Manager indicated that if he left his name and phone number, City staff would try to respond to his questions.
2. Board/Commission Appointment Procedure. Councilmember Kirk reported that the committee (Kirk, Bertagna & Jarvis) had discussed the procedure and wanted some process other than that used during appointments in December. City Manager Lando added it was his understanding that the procedure would be amended to consider only those who had previously submitted applications, unless the Council advertised for additional applicants, and that the committee wanted Council to have an opportunity to vote on all nominated applicants. Staff would provide a report and revised procedure to Council prior to the time it makes an appointment to the Planning Commission on 4/6/99.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda

- 6.1. Memorandum dated 2/26/99 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 3/8/99 from the Finance Director reporting that copies of the list of claims for the month of February 1999 are available in the City Council, City Clerk and Finance Offices.
- 6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/19/99 for Duffy's Tavern, 337 Main Street.
- 6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 2/24/99 for Puerto Vallarta, 740 Mangrove Avenue..
7. ADJOURNMENT. The meeting was adjourned at 10:25 p.m. to Thursday, 4/1/99 at 5:15 p.m. in Conference Room No. 1 for a meeting regarding the Chico Urban Area Fire & Rescue Agreement.

April 1, 1999

ADJOURNED REGULAR COUNCIL MEETING - APRIL 1, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 5:15 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 5:20 p.m. in the Council Chamber, rather than Conference Room #1 as stated on the agenda, due to the larger audience expected to attend today's meeting.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Police Chief Massie and Fire Chief Brown.

2. CONSENT AGENDA — No items
3. NOTICED PUBLIC HEARINGS — No items
4. REGULAR AGENDA
 - 4.1. CONSIDERATION OF CHICO URBAN AREA FIRE AND RESCUE PLAN AND CHICO URBAN AREA FIRE AND RESCUE AGREEMENT (COUNTY OF BUTTE / CITY OF CHICO)

Fire Chief Brown reviewed his memorandum dated 3/24/99 in which he outlined the background, current situation, policy issues, fiscal impact and his recommendation regarding adoption of the Plan. The City Council was being provided with copies of the Chico Urban Area Fire and Rescue Plan, the Chico Urban Area Fire and Rescue Agreement (A Cooperative Fire and Rescue Agreement Between the County of Butte and the City of Chico) and the Operational Letter of Understanding (to the Chico Urban Area Fire and Rescue Agreement). The Council was also being provided with a letter dated 3/22/99 from the International Association of Fire Fighters (IAFF) Local 2734 submitting issues for Council consideration. IAFF had also provided four maps.

The Fire Chief added that the Council may wish to consider the following actions:

- (1) Adopt the 1/20/99 version of the Plan and Agreement approved by the Board of Supervisors on 2/9/99.
- (2) Adopt the 4/1/99 version of the Plan and Agreement as recommended by the Fire Chief.
- (3) Direct staff to amend the 4/1/99 Plan and/or Agreement for the purpose of adoption by the Council.
- (4) Provide additional negotiating direction to staff.

Fire Chief Brown responded to Council questions regarding Butte County Fire Station #43 (Nord Avenue) currently being staffed by volunteers, the need for another fire station on the west side of the railroad tracks, the estimated time before funding for City Fire Station #6 (west side) would be available, which engines would respond first under the agreement, and those issues that would either need a separate agreement or be dropped. He added that neither the City nor County fire ratings nor the existing mutual aid agreements would be affected.

After a number of questions were raised by Councilmembers, the Mayor suggested making a list of the issues at the end of this meeting and perhaps appointing a committee to then work out the details.

Bill Holmes, Butte County Division, indicated that Fire Station #44 on Fair Street was needed to cover the unincorporated area up to Paradise.

Steve Harrison, representing IAFF Local 2734, reviewed the union's letter to Council and noted their primary concerns were County Fire Station #43 staffing (located on Nord Avenue), increasing the response area for Fire Station #2 (East 5th Avenue), thereby diluting services to City residents, and duplication of services with Fire Station #4 (Notre Dame Boulevard) and County Fire Station #44 (Fair Street). He indicated the union was not opposed to contracting with the County for Fire Station #43.

April 1, 1999

Gary Ross, Butte County Fire Chief, reported that the County did not have sufficient funds for permanent staff for Fire Station #43 (Nord Avenue). They had not had an opportunity to review the Fire Chief 4/1/99 version, but the primary concern should be to secure the nearest response for each call.

Butte County Supervisor Curt Josiassen suggested finalizing the automatic aid agreement first and then considering the plan later.

Jim Goodwin, Chamber of Commerce, indicated their support for an agreement that would assure a response to emergencies from the closest engine.

Following discussion, Mayor Bertagna appointed Councilmembers Keene, Kirk and Johnston as an ad hoc committee to meet with City and County representatives (IAFF to be kept updated), with the meetings to be facilitated by the City, to consider the following list of issues:

1. Providing service on the west side of the railroad tracks, permanent staffing for County Fire Station #43 (Nord Avenue, west of East Avenue) and timing of City Fire Station #6 in the same general area.
 2. Differences in the 1/20/99 (adopted by County) and 4/1/99 (prepared by Fire Chief) versions of the Chico Urban Area Fire & Rescue Plan.
 3. Decrease in Chico Fire Station #2 (East 5th Avenue) response area.
 4. The second responding engine would be the closest, whether a City or County fire station.
- 4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA -- No items.
5. BUSINESS FROM THE FLOOR -- No items.
6. REPORTS AND COMMUNICATIONS — No items
7. ADJOURNMENT

The meeting was adjourned at 7:10 p.m. to Tuesday, 4/6/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting at 7:30 p.m. in the Council Chamber.

April 6, 1999

ADJOURNED REGULAR COUNCIL MEETING - APRIL 6, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

This meeting, which was scheduled for the purpose of meeting in closed session, was canceled. In the absence of a quorum, the meeting was adjourned by the City Clerk

REGULAR COUNCIL MEETING - APRIL 6, 1999
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation. Father Peter Hansen, St. Augustine of Canterbury Episcopal Church, delivered the invocation.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Management Analysts Herman and Halldorson, Urban Forester Boza, Housing Officer McLaughlin and Housing Specialist Burkland.

- 1.4. Closed Session Announcement. None - the closed session was canceled.
- 1.5. Award. Richard Dixon of the California Department of Forestry, on behalf of the National Arbor Day Foundation, presented a "Tree City U.S.A." award and flag to Mayor Bertagna and Urban Forester Boza on behalf of the City of Chico.

2. CONSENT AGENDA

- 2.1. RESOLUTION NO. 120 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INDICATING ITS INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - MISCELLANEOUS MEMBERS)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - MISCELLANEOUS MEMBERS) -- INTRODUCTORY READING

By memorandum dated 3/17/99, the Personnel Director reports that this Ordinance and Resolution will authorize amendment of the City's contract with the Public Employees' Retirement Systems (PERS) to implement Fourth Level Survivor Benefits for Miscellaneous Employees, as was agreed to in the most recent Memoranda of Understanding between the City and Service Employees International Union Units A and B, Confidential and Management Employees and Chico Police Officers Association Unit B. There is no cost to the City for this amendment for the first three years of implementation, and after that time the cost will be \$42 per employee per year, which would be \$9,366 per year based on current staffing levels. The City Manager and Personnel Director recommend adoption of the Resolution and introductory reading of the Ordinance.

- 2.2. (Removed from the Consent Agenda at the request of Steven Post-Jeys).

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 12R.16 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAPER ACRES PLAYGROUND AREA — BIDWELL PARK," BY ADDING THERETO A NEW SECTION 12R.16.080, TO BE ENTITLED "KICKING OR THROWING OBJECTS - PROHIBITED"

By memorandum dated 3/8/99, the Park Director reports that this resolution was approved by the Bidwell Park and Playground Commission, and would add to the Chico Municipal Code a new Section 12R.16.080, to be entitled "Kicking or Throwing Objects - Prohibited," which would prohibit throwing or kicking objects inside of the Caper Acres Playground in order to improve park user safety. The Bidwell Park & Playground Commission recommends adoption of the resolution.

- 2.3. RESOLUTION NO. 121 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 12R OF THE CHICO MUNICIPAL CODE, ENTITLED "RULES AND REGULATIONS OF BIDWELL PARK AND OTHER PARKS AND PLAYGROUNDS," BY ADDING CHAPTER 12R.17, TO BE ENTITLED "HUMBOLDT NEIGHBORHOOD PARK"

By memorandum dated 3/19/99, the Park Director reports that the Bidwell Park and Playground Commission approved the rules set forth in the proposed resolution at its 2/22/99 meeting. The addition of Chapter 12R.17, to be entitled "Humboldt Neighborhood Park," to Title 12R is necessary to provide for rules and regulations for this new park which is expected to be completed in May, 1999. The Bidwell Park and Playground Commission and Park Director recommend adoption of the resolution.

(This evening the Council received a memorandum dated 4/1/99 from the Park Director transmitting the wording for the two Humboldt Neighborhood Park signs which was inadvertently omitted from his report on this item.)

- 2.4. RESOLUTION NO. 122 98-99 -- 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 - MANZANITA AVENUE ANNEXATION DISTRICT NO. 13.

By memorandum dated 3/19/99, the Community Development Director reports that to conform with LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property at 1084 Manzanita Avenue, developed with a single family residence requiring sanitary sewer connection. Subdivision of the property to create a second parcel for single family residential development has also been approved. The Community Development Assistant recommends adoption of the resolution.

- 2.5. MINUTE ORDER NO. 9-99 -- AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A MONTH-TO-MONTH AGREEMENT TO ALLOW GRAZING ON THE BIDWELL RANCH PROPERTY

On 10/21/97, the City Council authorized the City Manager to enter into a month-to-month lease with Jim Brown to allow grazing on the Bidwell Ranch property. Jim Brown is not currently using the property in his grazing operation, and the City Manager has been contacted by another party wishing to use the property to graze cattle. This Minute Order would allow the City Manager to lease the property for cattle grazing purposes to different parties at different times, and to charge a rental amount not less than what the City charges for Airport grazing land. The grazing use has been reviewed, and it has been determined that it would not adversely affect the resources located on the property. The City Manager recommends approval of the Minute Order.

- 2.6. CONFIRMATION OF APPOINTMENT OF ROBERT GRIERSON AS AIRPORT MANAGER

The City Manager recommends City Council confirmation of the appointment of Robert Grierson as Airport Manager for the City of Chico. This confirmation is subject to final Personnel Office processing. Mr. Grierson is expected to start work for the City on 6/1/99. He is currently Administrative Manager of Airports for the City

of Fresno. Confirmation is also scheduled for the Airport Commission's 3/30/99 meeting. There is no written

report for this item. Staff will remove this item from the Consent Agenda if the Commission does not confirm the appointment.

2.7. APPROVAL OF COUNCIL MEETING PROCEDURES AND APPOINTMENT PROCEDURES

The Council Procedures Committee (Bertagna, Jarvis & Kirk) previously provided a report to Council on amendments to procedures relating to the conduct of Council meetings and to the appointment of board and commission members. By memorandum dated 3/24/99, the City Clerk submits copies of Administrative Procedure & Policy No. 10-10 (Council Rules of Procedure) and No. 10-23 (Application for Appointment to Boards & Commissions, Advisory Committees & Task Forces) which include both the Committee's recommendations and some "house-cleaning" changes made by staff.

2.8. APPROVAL OF AMENDMENT TO VEHICLE FOR HIRE PERMIT REGARDING NUMBER OF AUTHORIZED TAXI VEHICLES -- RODRIGO F. BENITEZ

By memorandum dated 3/16/99, the Risk Manager forwards the request of Rodrigo F. Benitez, dba Chico Independent Taxi, to change the number of taxi vehicles he is authorized to operate under his Vehicle for Hire Permit from the three vehicles originally approved by the City Council, to an indefinite number, due to the high demand for his services. Currently, there are three other active taxi permits, one with a limit of eight vehicles and two with no limit on the number of vehicles. The Risk Manager recommends approval of the requested Permit amendment.

2.9. APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - NORTHWEST CORNER OF SKYWAY AND BRUCE ROAD

By memorandum dated 03/22/99 from the Community Development Director, staff recommends 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 beer and wine license for a proposed gas station, mini mart and car wash to be constructed at the northwest corner of Skyway and Bruce Road, Chico.

2.10. APPROVAL OF MINUTES FOR MEETINGS HELD ON MARCH 2 AND MARCH 16, 1999

The Council has been provided with copies of minutes for its meetings held on 3/2/99 and 3/16/99.

Councilmember Jarvis moved adoption of each resolution and approval of all other items on the Consent Agenda, except item 2.2. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ORDINANCE AMENDING THE DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) FRANCHISE FOR USE OF CITY STREETS AND SIDEWALKS

Public Works Director Ross reviewed his memorandum dated 2/26/99 in which he reported on a request from the Downtown Chico Business Association to amend its original franchise agreement adopted 4/5/94. This ordinance would amend Section D, entitled "Days and Times," of the franchise by changing the dates of "Slice of Chico" from the second to the third Friday and Saturday in July; "A Taste of Chico" from the third Sunday in August to the second Sunday in September; the "Fall Harvest Faire" from the Friday and Saturday of the CSUC Parent's Weekend to the third Saturday in October; and the operating times of the Thursday Night Farmers' Market from March through December to April through October to coincide with daylight savings time. This ordinance received introductory reading on 3/16/99 and a notice of today's hearing was published and mailed to all franchisees and permittees who were authorized by the City to sell food and beverages from City streets and sidewalks. He recommended adoption of the ordinance.

No one spoke from the audience and the Mayor declared the hearing closed.

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ORDINANCE NO. 2178 -- 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 - DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) -- AMENDMENT NO. 7 -- FINAL READING AND ADOPTION. After reading the title, Councilmember Keene moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON 1999-2000 DRAFT ANNUAL PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

Councilmember Jarvis requested that category 2, Public Services (funding for community organizations) and category 5, Fair Housing (funding for educational programs to further fair housing), be considered separately since they could affect her employer, Legal Services of Northern California, and she would abstain from voting or discussion on these items.

Housing Specialist Burkland reviewed a memorandum dated 3/19/99 from the Housing Officer which reported that the City would receive \$1,421,000 in Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for the 1999-2000 program year. The memorandum included a list of proposed housing and community development activities recommended by the Finance Committee for inclusion in the City's draft Annual Plan. This evening the Council would conduct a public hearing to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements. A second hearing and adoption of the final Plan would be scheduled for Council's meeting of 5/18/99. Also being provided was a memorandum dated 3/30/99 from the Housing Officer transmitting responses from community organizations that serve the homeless regarding whether there would be any duplication of services in connection with the Emergency Shelter Facility proposed by the Chico Community Shelter Partnership. This information was requested by the Council at its meeting of 3/16/99. After receiving public input at tonight's hearing, the Council was being requested 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.

The Mayor opened the hearing for comments on the program in categories 2 (Public Services) and 5 (Fair Housing), and no one spoke from the audience. Councilmember Keene then moved approval of these two program categories as presented. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna voting aye and Councilmember Jarvis abstaining.

City Manager Lando reported that a separate recommendation was being proposed for Chico Merged Redevelopment Project Area funds for additional lighting and public improvements in the South Campus Neighborhood to balance out the amount being allocated to the Rancheria Neighborhood on the north side of the campus. In addition, the proposed Annual Plan included recommended funding for the Citrus/Vecino Neighborhood storm drain which included, but was an area larger than, the Rancheria Neighborhood.

The Mayor opened the hearing for comments from the audience. Charlie Preusser, 1405 West 3rd Street, representing the South Campus Neighborhood, recommended approval of funding for street lighting and sidewalk improvements being proposed in the area. Summer Brown, CSUC Women's Center, reviewed her letter distributed this evening, which was also from Jaspreet Johl of the CSUC Democratic Club, recommending additional street lighting in the north and south campus areas.

Public Works Director Ross indicated to Councilmember Jarvis that City staff would again check on areas where tree limbs might be blocking the light from the street lights. City Manager Lando added that City staff would also place a street lighting map in the Council Office so that both the Council and interested members of the public could see the location of existing lighting.

Jack Yerman and Michael McCrady indicated they owned property north of the campus and urged Council to begin installing the needed public improvements. Bob Ray, South Campus Neighborhood, spoke in support of street lighting in their area. Dan Clayton, a property owner in the south campus area, reported that the curb and gutter on the east side of Ivy Street, between 4th and 5th Streets, was in need of repair. Gina Vanderjack noted that she didn't reside in, but made deliveries to, the north campus area, and street lighting was needed.

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Councilmember Jarvis, as Chair of the Winter Emergency Shelter Task Force, spoke in favor of the request from the Chico Community Shelter Partnership (CCSP) for \$100,000 in funding for an emergency shelter facility to serve the homeless, and reported on the many organizations, churches and individuals that were involved in providing winter shelter for the homeless this past winter.

Andrew Holcombe, CCSP, reported on the need for additional bus passes for the homeless and asked for approval of the funding for a permanent shelter site for the homeless. Tom Tenorio, Community Action, explained that his agency provides transitional housing, and that they were returning \$30,000 of the funding previously provided by the City. Carl Wilfrid indicated that although the churches participated this past winter, a broader-based approach was needed in future years. Dave Howard believed that a central location was needed where all organizations and volunteers could help.

Katy Thoma, Jesus Center, reported that its Board of Directors might consider sheltering services in two years or so. Mary Flynn, a board member of CCSP and a member of the Task Force stated that plans for a shelter had to move forward and could not wait for uncommitted intentions of other agencies, and the churches could not be expected to fill housing needs indefinitely. Don Clark, a member of the Task Force, believed that this would not be a duplication of any homeless services provided elsewhere. Peggy McGinnis, a member of the Task Force, thought that more than one shelter might be necessary. Mike Helm urged that plans begin now for next year's shelter needs.

No one else spoke from the audience and the Mayor closed the hearing.

Councilmember Herbert appreciated the work of the Task Force and CCSP, did not believe that a permanent solution could be found in 2 years, and that other organizations should first be given the opportunity to develop their shelter plans. Councilmember Jarvis noted that the Salvation Army had not been able to find a permanent solution and asked the Task Force for assistance. The Task Force also planned to work with the Well Ministry. Councilmember Guzzetti indicated that at this point funding was being set aside for various community needs, and the amount set aside for a shelter would be subject to final Council approval at a later date when more information was available. Councilmember Kirk recommended setting aside \$130,000 for CCSP for a shelter. Councilmember Keene suggested that community organizations, churches and volunteers should continue to be involved rather than a governmental agency, that permanent shelters tended to act as a magnet in bringing the homeless from other communities, and that he would prefer having a specific proposal before taking action. Councilmember Kirk encouraged setting aside the funding now and later considering the type of facilities and services that might be needed. Councilmember Johnston stated that he would be concerned with a facility that would draw individuals from other communities.

Councilmember Jarvis moved approval of funding in the amount of \$130,000 for an emergency shelter facility to serve the homeless. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no. Councilmember Jarvis moved approval of funding in the amount of \$100,000 for an emergency shelter facility. The motion was seconded but also failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no. Councilmember Guzzetti then moved approval of funding in the amount of \$80,000 for an emergency shelter facility and \$20,000 for street lighting in the north campus area. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston, Kirk and Bertagna voting aye, and Councilmembers Herbert and Keene voting no.

The Council recessed for 10 minutes and reconvened at 9:25 p.m.

With regard to category 8 (Tenant Rental Assistance), Councilmember Guzzetti asked if \$5,000 could be used for emergency rental assistance. The Housing Officer indicated that he would work with the Butte County Housing Authority and provide a report to the Finance Committee. Councilmember Guzzetti added that some programs in other communities receive assistance from neighbors in the way of donated labor and materials. He would like to consider this further in a couple of years but would get more information to discuss at a future budget meeting. The City Manager indicated that staff would tickler file the matter for the January quarterly budget meeting and

the Council concurred.

Councilmember Jarvis requested a report before the final hearing on category 10 (Code Enforcement) with the possibility of increasing that amount from the recommended \$25,000. The Housing Officer reported that he could provide a report at the May 3 Finance Committee meeting and the May 18 Council hearing. The City Manager explained that this amount was insufficient to fund a position, and the Council might want to consider it in the following year's budget.

Councilmember Kirk moved to allocate \$30,000 for code enforcement, adopt the draft annual plan, and direct staff to publish the draft annual plan as part of a 30-day public comment period. The motion was seconded and unanimously carried. (It was clarified that the Council adopted motions earlier in this hearing regarding category 2 (Public Services) and category 5 (Fair Housing), and that a separate motion was not needed for curb and gutter repair on Ivy Street, requested during this hearing, since the Public Works Director indicated there were sufficient funds to do the work.)

3.3. FINAL PROTEST HEARING ON FORMATION OF CHICO MAINTENANCE DISTRICT NO. 72 (MARIPOSA PARK SUBDIVISION)

The Director of Public Works reviewed his memorandum dated 3/18/99 in which he reported that at the Initial Hearing on formation of this proposed district (located on Mariposa Avenue, south of East Avenue) held on 3/16/99, there were no comments from the property owners regarding the proposed assessments, and the Engineer's Report was approved. The purpose of the Final Protest Hearing was for the City Council to receive copies of all ballots for and against the proposed assessment district and the City Clerk's tabulation of such ballots. In addition, the Council could hear further comments from property owners within the proposed district on any matter bearing on the establishment of the district. The Director of Public Works reported that out of 9 property owners, 4 voted against the district and, therefore, proceedings on the proposed district would have to be abandoned.

No one spoke from the audience, no further ballots were received, and the Mayor declared the hearing closed.

3.4. INITIAL HEARING ON FORMATION OF CHICO MAINTENANCE DISTRICT NO. 83 (EIFFEL ESTATES SUBDIVISION)

The Director of Public Works reviewed his memorandum dated 3/22/99 which forwarded the Engineer's Report for Maintenance District No. 83 (Eiffel Estates Subdivision, generally located off of Henshaw Avenue between Alamo and Guynn Avenues). The purpose of forming the proposed Maintenance District was to levy annual assessments against the parcels within the District to fund the operation and Maintenance of public improvements that were of special benefit to the subdivision. The Engineer's Report described the boundaries of the proposed district, the public improvements to be funded, how the amount of the annual assessment was calculated and how it was apportioned among the parcels. Proposition 218 required a vote of the property owners to establish the assessment. Ballots, copies of the Engineer's Report, and a notice of the two hearings were mailed to all affected property owners.

The purpose of this initial hearing was for the Council to receive and consider the Engineer's Report as well as all comments on the Report or any other matter relevant to the establishment of the proposed District. The final protest hearing on the District had been scheduled for Council's meeting of 4/20/99, at the conclusion of which the ballots received either supporting or opposing formation of the District would be tabulated. If the majority of votes received were in favor of the proposed Maintenance District, the Council could order its formation, and if the majority of votes received were opposed, District formation proceedings would be abandoned.

No one spoke from the audience and the Mayor declared the hearing closed. Councilmember Keene moved to approve the Engineer's Report as presented. The motion was seconded and unanimously carried.

3.5. HEARING ON THE DISSOLUTION OF CHICO MAINTENANCE DISTRICT NO. 44 - CARRIAGE PARK

By memorandum dated 3/18/99, the Director of Public Works reported that this resolution would order the dissolution of Chico Maintenance District No. 44 (located at Bruce Road and East 20th Street), which was originally formed prior to the passage of Proposition 218 in 11/96. No assessments were ever levied against parcels in the district since no development had occurred and no improvements had been constructed. Further, at its budget meeting of 11/17/98, the City Council conceptually approved dissolution of this district and determined that the negative balance being carried for this district should be cleared. As development occurred in this area, new maintenance districts would be formed in accordance with Proposition 218. The Director of Public Works recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 123 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 44 - CARRIAGE PARK. After reading its title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.6. HEARING ON DISSOLUTION OF CHICO MAINTENANCE DISTRICT NO. 48 — HYDE PARK

By memorandum dated 3/18/99, the Director of Public Works reported that this resolution would order the dissolution of Chico Maintenance District No. 48 (located at Cussick and East Avenues), which was originally formed on 10/1/96, for the purpose of providing a means for funding the annual costs of operating and maintaining the public improvements specific to Hyde Park Subdivision. Proposition 218 was passed in November, 1996, prior to any assessments being levied for this district, making it necessary to put formation of the district to a vote of the property owners. The district was reformed as CMD 71, and on 12/15/98 the property owners voted to approve the formation of the maintenance district. Because CMD 48 was reformed as CMD 71, the need for CMD 48 no longer existed, and it could be dissolved. The Director of Public Works recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 124 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 48 - HYDE PARK. After reading its title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.2. Resolution Amending Park Rules to Prohibit Throwing Objects in Caper Acres Playground. Steven Post-Jeys recommended that the resolution not be adopted because the rule would be difficult to enforce, particularly in the case of small children. Park Director Beardsley reported that it was an issue of safety and that the Park Rangers could not enforce it against adults without an adopted regulation. As suggested by Councilmember Jarvis, he indicated that staff would look into posting an advisory sign. No action was taken by the Council on the resolution.

4.2. PUBLIC MEETING & CONSIDERATION OF REQUESTS FROM BUTTE DISPOSAL & RECYCLING AND NORTH VALLEY DISPOSAL FOR A SOLID WASTE COLLECTION RATE INCREASE.

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Management Analyst Herman reviewed her memorandum dated 3/24/99 submitting the City of Chico/County of Butte Solid Waste Joint Powers Agreement (JPA) Committee's recommendations regarding requests from Butte Disposal & Recycling and North Valley Disposal for an increase in the solid waste collection and recycling rates. After its review of the proposals and each company's revenues and expenses, the JPA Committee recommended amending the City's Solid Waste Collection and Recycling Fee Schedule to:

1. Combine the recycling fee with the regular solid waste collection rate so that there was one basic rate for both recycling and garbage service on customers' bills.
2. Increase the combined maximum solid waste and recycling collection rates charged to residential customers to the following:
 - a. Increase the current \$8.30/month maximum rate for the 32-gallon container size to \$9.00/month, which represents an 8% increase.
 - b. Increase the current \$13.00/month maximum rate for the 64-gallon container size to \$14.50/month, which represents an 11.5% increase.
 - c. Increase the current \$16.00/month maximum rate for the 96-gallon container size to \$18.50/month, which represents a 15.6% increase.

(The rates for multiple cans and collection frequencies for the 32-gallon container service would be adjusted proportionately in accordance with the existing fee schedule formulas.)

3. Establish a collection rate for residents using the bag solid waste collection system at \$2.50/bag.
4. Allow the solid waste companies to collect the amount due from their customers before the end of the quarterly billing cycle.

No one spoke from the audience at the Mayor's invitation. Councilmember Herbert reported that as a member of the JPA Committee, he brought up the idea of a free market and he thought Chico's rates were low because there was competition. Councilmember Jarvis suggested approving the rates and sending the issue of deregulation back to the JPA Committee. City Manager Lando pointed out that increasing the number of heavy trucks would cause damage to City streets. Councilmember Keene noted that there were now 3 trucks for each company, including garbage, recycling and yard waste trucks.

Councilmember Jarvis moved adoption of the resolution amending the City's solid waste collection & recycling fees, and referring to the JPA Committee the matter of deregulating of the number of solid waste collection permits issued in the City. The motion was seconded but failed to carry with Councilmembers Jarvis and Kirk voting aye, and Councilmembers Guzzetti, Herbert, Johnston, Keene and Bertagna voting no.

Councilmember Guzzetti moved that the matter of deregulating the number of solid waste collection permits issued by the City be considered by the full Council. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Johnston, Keene and Bertagna voting aye, and Councilmembers Jarvis and Kirk voting no.

The City Manager reported that staff would provide information on the history of the rates, secure information from other communities, and the impact on City streets if additional trucks were permitted through an increased number of collection trucks. The Mayor requested that the matter of scheduling a meeting date be listed on a subsequent Council agenda.

Councilmember Johnston moved approval of item #4 to allow the solid waste companies to collect the amount due from their customers before the end of the quarterly billing cycle. The motion was seconded and unanimously carried. Councilmember Jarvis moved approval of item #3 to establish a collection rate for residents using the bag solid waste collection system at \$2.50/bag. The motion was seconded but failed to carry with

Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no. Councilmember Herbert moved approval of item #3 at \$2.25/bag. The motion was seconded and unanimously carried.

RESOLUTION NO. 125 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 234 - SOLID WASTE COLLECTION AND RECYCLING FEES).

After reading the title, Councilmember Jarvis moved adoption of the resolution to only include #3 to establish a collection rate for residents using the bag solid waste collection system at \$2.25/bag, and #4 to allow the solid waste companies to collect the amount due from their customers before the end of the quarterly billing cycle. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

Councilmember Jarvis moved that the Council continue meeting up until 11:30 p.m. this evening if necessary. The motion was seconded and unanimously carried.

4.3. CONSIDERATION OF REQUEST FOR USE OF CITY PROPERTY ON WEST 9TH STREET AT HAZEL FOR A COMMUNITY GARDEN

By letter dated 1/1/99, Nan Jones requested the use of vacant, City-owned property on West 9th Street at Hazel as a community garden. At its meeting of 3/9/99, the Internal Affairs Committee forwarded this request for full Council consideration. The Bidwell Park and Playground Commission would be considering the request at its meeting of 3/29/99, and a report would be given at this evening's meeting. A funding application had also been submitted in relation this request, and would be considered by the Finance Committee as part of the community organization funding process.

Park Director Beardsley reviewed his memorandum dated 4/1/99 in which he reported that the Bidwell Park & Playground Commission did not support the use of the property for a community garden due to the need for fencing to protect the garden, current public concerns with encroachments on public property, use of public funding that could benefit private individuals and potential hazardous stream bank conditions.

Steven Post-Jeys, 1363 East 10th Street, and Caryn Jones, 5 Deborah Terrace, spoke in favor of the community garden. Also received was a letter dated 4/6/99 from Ken & Kim Young, 546 West 9th Street, expressing various concerns with use of the property as a community garden.

Councilmember Jarvis recommended that Nan Jones research the use of community gardens in other communities and then having the Internal Affairs Committee review the information when it was received. Nan Jones and the Council concurred.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 3/9/99

Councilmember Jarvis reviewed a memorandum dated 3/19/99 from the Internal Affairs Committee which provided a report on its meeting held on 3/9/99, at which time the matters listed below were considered. Committee members present were Councilmembers Johnston, Kirk, and Jarvis, Chair.

Consent Agenda

1. (Council action required to approve recommendation)
APPROVAL OF CHICO VECINO MASTER PLAN FOR ROADWAY DESIGN STANDARDS. The Committee recommended that the Chico Vecino Master Plan for Roadway Design Standards be forwarded to the City Council for approval.

Councilmember Keene moved approval of item #1. The motion was seconded and unanimously carried.

Regular Agenda

2. (No Council action required)
CONSIDERATION OF PROHIBITION OF PARKING AND ESTABLISHMENT OF A CLASS 2 BICYCLE LANE ON PORTIONS OF ALAMO AND CUSSICK AVENUES, AND PROHIBITION OF PARKING ON A

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PORTION OF HENSHAW AVENUE. The Committee adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 643, prohibiting parking along Henshaw Avenue adjacent to Stratford Estates II, and establishing Bike Lanes with parking prohibitions on Alamo Avenue adjacent to Stratford Estates II, and on Cussick Avenue adjacent to Stratford Estates I.

3. (No Council action required)

CONSIDERATION OF REPLACEMENT OF ONE BICYCLE PARKING SPACE ON MAIN STREET IN FRONT OF FOX 30 STUDIO WITH ONE TWO-HOUR METERED PARKING SPACE. The Committee recommended (2-1, Johnston voting no) that staff be directed to conduct traffic count surveys of the bicycle parking space adjacent to Fox TV-30 on Main Street during the evening hours, and if the results differed from the day time counts, that staff decide if the matter should be returned to the Parking Place Commission for further consideration.

4. (No Council action required)

CONSIDERATION OF REQUEST FOR STOP SIGNS ON EAST 8TH STREET AT EL MONTE, KERN, AND PARKWOOD. The Committee adopted (2-1, Johnston voting no) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 649, which authorized the installation of stop signs at the intersection of East 8th

Street and El Monte Avenue, and recommended that staff be directed to investigate the use of roundabouts as part of the future redesign of East 8th Street.

5. (No Council action required--see Item 4.3 above on this evening's agenda)

CONSIDERATION OF REQUEST FOR USE OF CITY PROPERTY LOCATED ADJACENT TO LITTLE CHICO CREEK ON THE SOUTHEAST CORNER OF WEST 9TH AND HAZEL STREETS AS A COMMUNITY GARDEN. The Committee forwarded the request from Nan Jones for the use of City-owned property as a community garden to the City Council for consideration on 4/6/99 after it is reviewed by the Bidwell Park & Playground Commission.

6. (No Council action required--the Plan was considered and approved by Council on 3/16/99)

CONSIDERATION OF CHICO URBAN AREA 1998 BICYCLE PLAN. The Committee recommended approval of the 1998 Urban Area Bicycle Plan with the corrections suggested by Councilmember Kirk.

Councilmember Jarvis moved acceptance of the Committee's report and recommendations. The motion was seconded and unanimously carried with Mayor Bertagna abstaining on item #3 because his campaign manager was employed at Channel 30.

4.5. APPOINTMENT TO PLANNING COMMISSION

At its 3/16/99 meeting, the Council accepted a resignation from the Planning Commission, and the term of the resulting vacancy would expire on 1/1/01. By memorandum dated 3/11/99, the City Clerk forwarded copies of applications currently on file in her office from individuals who submitted applications before the recruitment deadline last December. This evening the Council could proceed with making an appointment, or ask the City Clerk to advertise for additional applicants.

Mayor Bertagna nominated Kirk Monfort to the Planning Commission. Councilmember Johnston moved that nominations be closed, and a unanimous vote was cast for the appointment of Kirk Monfort to the Planning Commission for a term expiring on 1/1/01.

4.6. APPOINTMENT OF COUNCIL MEMBER TO THE COMMUNITY ACCESS USER GROUP SELECTION COMMITTEE

By memorandum dated 3/12/99, the Public Information Technician requested that the City Council appoint a

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member to the Community Access User Group (CAUG) Selection Committee to interview and recommend applicants for appointment as public interest members to the CAUG. In the past the City Council had indicated a desire to participate in the selection process of public members to the CAUG. Interviews would be held on Thursday, 5/6/99, at 3 p.m. in the Conference Room on the Third Floor of the Municipal Building.

Councilmember Keene moved approval of the appointment of Councilmember Guzzetti to the Selection Committee. The motion was seconded and unanimously carried.

4.7. FUTURE MEETINGS

- A. Meeting with Arts Commission - The Council acknowledged receipt of a memorandum dated 3/19/99 from the Arts Commission forwarding its recommendations regarding proposed modifications to the City's Public Art Selection Process. Council was requested to schedule a meeting with the Arts Commission for review and discussion of these recommendations, as well as a review and discussion of the Redevelopment Agency budget policies which set aside one percent of the net tax increment for redevelopment area art project funding.

The City Manager recommended that scheduling a meeting date be considered on a subsequent agenda. The Council concurred.

- B. Meeting to discuss Sewer/Annexation Issues - The City Manager recommended that the Council either schedule a meeting or appoint a committee to address sewer/annexation issues.

The City Manager stated that his preference would be a committee to meet with County representatives. The Council agreed that Mayor Bertagna and Councilmembers Keene and Kirk would serve on the committee.

4.8. ITEMS ADDED AFTER POSTING OF THE AGENDA — No items.

5. BUSINESS FROM THE FLOOR

Stop Signs on East 8th Street at El Monte Avenue. Hildi Capps, 1865 East 8th Street #106, spoke in opposition to the stop signs approved under agenda item 4.4.4. Christian Todenhagen, East 8th Street, spoke in favor of the stop signs.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 3/1/99 for Rays Marcos Pizza, 130 West East Avenue.
- 6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 3/17/99 for Turandot North China, 1851 Esplanade.

7. ADJOURNMENT

The meeting was adjourned at 11:25 p.m. to Tuesday, 4/20/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by an adjourned regular meeting regarding Lindo Channel in the Chamber at 7:30 p.m.

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ADJOURNED REGULAR COUNCIL MEETING - APRIL 20, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation. Pastor Jerry Skidgel, First Church of the Nazarene, gave the invocation.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - None.

City staff - Assistant City Manager Dunlap, City Attorney Frank, Director of Public Works Ross, Chief of Police Massie, Park Director Beardsley, Finance Director Martin, Management Analyst Halldorson, and Administrative Analyst Young.

- 1.4. Closed Session Announcement. None
- 1.5. Proclamation. Mayor Bertagna read the proclamation proclaiming April 18 - 24 as Retired Teachers Recognition Week. There was no one present to accept the proclamation.

2. CONSENT AGENDA — No items.

3. NOTICED PUBLIC HEARINGS

- 3.1. FINAL PROTEST HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 83 (EIFFEL ESTATES SUBDIVISION).

Director of Public Works Ross reviewed his memorandum dated 4/8/99, reporting that at the Initial Hearing on formation of this proposed district (generally located off Henshaw Avenue between Alamo and Guynn Avenues) held on 4/6/99, there were no comments from the property owners regarding the proposed assessment, and the Engineer's Report was approved as presented. The purpose of this Final Protest Hearing was for the City Council to receive copies of all ballots for and against the proposed assessment district and the City Clerk's tabulation of such ballots. In addition, the Council could hear further comments from property owners within the proposed district on any matter bearing on the establishment of the district. The Director of Public Works reported that out of 52 property owners, 18 voted in favor of formation of the district, and 5 voted against it.

No one spoke from the audience, no further ballots were received, and the Mayor declared the hearing closed. The votes in favor of the district exceeded the votes in opposition to it.

RESOLUTION NO. 126 98-99 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 83 (EIFFEL ESTATES). After reading its title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

- 4.1. CONSIDERATION OF REPORT FROM THE CITY ATTORNEY REGARDING LINDO CHANNEL

The City Council was provided with a memorandum dated 4/15/99 from the City Attorney reporting on various issues relating to Lindo Channel and disposition of historic encroachments. Also provided with this evening's addendum were copies an electronic mail memorandum dated 4/17/99 from Michael and Caryn Jones commenting on the City Attorney's memorandum.

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Assistant City Manager Dunlap reviewed the events leading up to this evening's meeting. At its meeting of 2/2/99, the Council considered the recommendation from the Internal Affairs Committee that encroachments on Lindo Channel be removed as sales or transfer of property occurred unless they impeded public access or the flow of water, in which case their immediate removal should be required. During that meeting the Council received a letter from attorney Richard Harriman, on behalf of Caryn and Michael Jones and Valley Advocates, raising legal issues. The Council asked that the City Attorney respond to those issues and other questions raised by the Council.

City Attorney Frank reviewed his memorandum dated 4/15/99, which included an analysis of the conveyances of the Lindo Channel property from Annie Bidwell to the State, from the State to the County and from the County to the City. He concluded that he did not believe the City had any legal obligation to abate the encroachments on Lindo Channel, but that it did have the authority to do so. He recommended that if the Council chose to require abatement of encroachments, that administrative remedies, such as a notice to property owners requesting a discussion of their encroachments, be pursued before legal remedies.

Mayor Bertagna felt the Internal Affairs Committee recommendation was consistent with the City Attorney's opinion that the City had no legal obligation to require immediate abatement of encroachments on Lindo Channel.

Councilmember Jarvis felt that just because the City had no duty to abate the encroachments, did not mean that it should not exercise its authority to do so.

The following members of the audience urged the City to require immediate abatement of the encroachments on Lindo Channel: Helen Ost, speaking first on behalf of the Yahi Group of the Sierra Club and then as an individual; Walter Cook, 42 Northwood Commons; Caryn Jones, 5 Deborah Terrace; and Roger Cole, President of Streamminders.

The Council recessed for 15 minutes and reconvened at 9:15 p.m.

Other comments from the audience were as follows: Les Gerton, 795 Caprice Way, referenced the 1994 grant deed from the County to the City, noting that the City should address the entire property covered by the grant, not just the Lindo Channel portion; Doug Young, 1080 Manzanita, felt that gardens and mowing of vegetation on Lindo Channel should not be considered encroachments, but, rather, improvements; Earl Nance, 8 Shimmering Oak Court, felt that un-managed vegetation on the Channel was a fire hazard for which the City should take responsibility, and also that a reasonable approach to the encroachment problem would be for the City to review each one individually with the property owner; Donald Jones, 1675 Manzanita, noted that he had submitted a letter to the Council providing additional information regarding the encroachments on Lindo Channel, felt that the City had the capability to resolve all 37 of the identified encroachments by working with the property owners, and urged Caryn and Michael Jones to abandon the threat of a lawsuit against the City; Marshal Gregory, 44 Guynn Bridge Court, said he had planted grass along the Channel to prevent erosion, and felt flood control was a major concern.

There were no further comments from the audience and the public hearing was closed.

Councilmember Jarvis moved that the City require existing encroachments on Lindo Channel which impeded public access or the flow of water to be immediately abated. Councilmember Johnston seconded the motion with the amendment that staff identify those encroachments which impeded public access or the flow of water. Councilmember Jarvis accepted the amendment, and clarified her motion to indicate that encroachments which impeded public access were physical, rather than mental, impediments. Under discussion of the motion, Councilmembers agreed that if property owners disagreed with a staff determination for removal of such an encroachment, the decision could be appealed to the City Council for consideration. The motion was unanimously carried.

Councilmember Jarvis moved that the Fire Chief be directed to meet with the residents in the area of Lindo Channel

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regarding the issue of fire safety, and submit recommendations to the Council as soon as possible. The motion was seconded and unanimously carried.

Councilmember Jarvis confirmed with Park Director Beardsley that the Park Department was responsible for trash clean-up of the City's parklands. She felt a policy and plan for trash clean-up of Lindo Channel should be developed, and recommended referring this matter to the Bidwell Park and Playground Commission. Mayor Bertagna suggested that the Park Department's Volunteer Coordinator reach out to community groups for clean-up of the Channel.

Park Director Beardsley agreed with Councilmember Jarvis that it would be appropriate for the Bidwell Park & Playground Commission to develop recommendations for a plan or policy for trash clean-up on Lindo Channel, and the City Council concurred.

Councilmember Guzzetti moved that the City send a letter to all of the property owners on Lindo Channel informing them that the City would be (1) investigating encroachment issues; and (2) addressing fire safety issues; requesting them (3) not to deposit trash and yard debris on the public lands along the Channel; and (4) not to use herbicides on the public lands on Lindo Channel.

Councilmember Jarvis suggested that the letter also inform the property owners that there was no legal basis for prescriptive right-of-ways on the Channel, and request them to voluntarily abate their encroachments.

Councilmember Johnston did not feel that this should be included in the letter.

City Attorney Frank cautioned the Council against notifying any property owner of an encroachment unless a property survey was performed to confirm the encroachment.

Councilmember Guzzetti clarified the portion of his motion regarding encroachments to direct that the letter be sent to all property owners bordering on Lindo Channel making them aware that the City was looking into the issue of encroachments, was interested in retaining public access to the Channel and requesting them not to encroach on the public lands.

The motion was seconded and unanimously carried.

Councilmember Guzzetti said he did not support the Internal Affairs Committee recommendation that existing encroachments (other than those which impeded public access or the flow of water) be left as they were until sale or transfer of the property. He proposed instead that the Bidwell Park and Playground Commission address the issue of encroachments with the goal of abatement and compliance within five years. He suggested that the Commission study and assess the encroachments, perhaps taking into account extreme hardship situations, and develop reasonable abatement policies by meeting with the property owners over this five-year period. The Commission might also consider forming a task force of interested community members to address the encroachment issues, and the project might coincide with the Park Commission's development of a Master Plan for Lindo Channel. He felt that the City could afford to spend time in resolving the encroachment issues, as long as it was addressing the problem, setting policies and making property owners aware of its intent.

Councilmember Kirk added that perhaps the Park Commission could examine which encroachments might be compatible or consistent with parkland uses.

Councilmember Jarvis objected that if the Council took this proposed action, it would not be setting a policy regarding encroachments on Lindo Channel, but would instead be transferring its responsibility for the encroachment problem to the Park Commission instead.

Councilmember Guzzetti responded that if the Park Commission studied and assessed a portion of the encroachments each year over a five-year period and reported to Council at the end of the first year, that Council would most likely develop policies arising out of the Commission's recommendations for abatement of encroachments.

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Councilmember Guzzetti moved that the matter of encroachments on Lindo Channel be referred to the Bidwell Park & Playground Commission to undertake a five-year study and assessment of the situation by addressing a portion of the property bordering the Channel each year, giving notice to the property owners; and that the Commission report back to the City Council with recommendations at the end of the first year of the project. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: Councilmember Jarvis. ABSENT: None.

Councilmember Kirk agreed with Councilmember Jarvis' concern that the Council should set a policy concerning future encroachments. In response to her inquiry, Park Director Beardsley said he felt that the previous motion was clear in its direction to the Park Commission to develop policy recommendations for Council consideration as part of its investigation of encroachments on Lindo Channel.

Assistant City Manager Dunlap indicated staff would draft a letter to Lindo Channel property owners as directed above and place it in Council mailboxes for review and comment.

4.2. FUTURE MEETINGS

Consideration of City Council meeting scheduled for 4/27/99. A budget review meeting was previously scheduled for 4/27/99, and Council direction was requested on whether it wished to proceed with that, and whether one or more of the topics listed below might also be considered at that time. Assistant City Manager Dunlap indicated that since there was no significant new budget information, the budget review could be abbreviated, leaving time for consideration of other matters.

The Council agreed to conduct an abbreviated budget review on 4/27/99 beginning at 8:30 a.m., directed staff to schedule its closed session for 1:00 - 2:00 p.m. on that date, and to schedule the following matters at specific times for consideration on that date, with notices to be mailed to interested parties on 4/21/99:

- A. Meeting with Arts Commission to review recommendations regarding proposed modifications to the City's public arts selection process, as well as to review the Redevelopment Agency budget policies which set aside one percent of the net tax increment for redevelopment area art project funding.
- B. Meeting to Consider Solid Waste Collection Matters relating to solid waste collector permits and rates.
- C. Meeting to Consider Noise Ordinance amendments as recommended by the Internal Affairs Committee.

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

5. BUSINESS FROM THE FLOOR

A. Encroachments on Wetland Mitigation Areas. Patrick Kelly, 900 East 19th Street, informed the Council that encroachments, consisting of individuals cutting fences to gain access, were occurring on several of the wetland mitigation areas, including the 60-70 acres on the west side, the Drake mitigation area, the 5-acre mitigation area on East 20th Street and Notre Dame, and also that the fence on the Enloe property along Humboldt Road was about to fall over. He said there was no City presence in these areas and suggested that the Council direct the Police Department to patrol them. He recommended that the City post signs in these areas and also provide public access through the fences to the wetland mitigation areas.

Assistant City Manager Dunlap requested Mr. Kelly to submit a letter outlining his concerns so that staff could respond.

B. Encroachments on Lindo Channel. Caryn Jones, 5 Deborah Terrace, stated she was disappointed that the Council had taken no direct action to abate the encroachments on Lindo Channel this evening, and she questioned why the letter to be sent to the property owners could not include a request for them to abate their encroachments.

Les Gerton, 795 Caprice Way, commended the Council for its action this evening on this matter.

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6. REPORTS AND COMMUNICATIONS — No items
7. ADJOURNMENT. The meeting was adjourned at 10:30 p.m. to Tuesday, 4/27/99 at 8:30 a.m. in Conference Room No. 1.

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ADJOURNED REGULAR COUNCIL AND REDEVELOPMENT AGENCY MEETING
APRIL 27, 1999 - 8:30 A.M. - CHICO MUNICIPAL CENTER, CONFERENCE ROOM NO. 1

1. CALL TO ORDER. The Mayor called the meeting to order, with the Council acting as the Redevelopment Agency, at 8:30 a.m.
- 1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene, and Kirk. Absent - Councilmember Guzzetti.

City staff attending all or portions of the meeting - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce, Management Analysts Halldorson and Herman, Police Captain Klassen, Assistant City Attorneys Barker and Wannemacher, and Public Information Technician Wood.

2. CONSENT AGENDA — No items
3. NOTICED PUBLIC HEARINGS — No items
4. REDEVELOPMENT AGENCY REGULAR AGENDA
- 4.1. REDEVELOPMENT AGENCY BUDGET REVIEW.

The Agency was provided with the following budget documents:

- A. Chico Merged Redevelopment Project Area Fund Five Year Trends
- B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends
- C. Low and Moderate Income Housing Fund Summary
- D. Arts Funds Summaries

City Manager Lando reported that the City/County Redevelopment Committee had met and reduced the amount allocated for capital projects; that the Committee was studying use of tax increment funds for sewers and other public facilities; that if reflected by the tax increment, the City would be able to draw on some of the bond funds; and that the City would pursue reimbursement from the previous consultant who made an error in calculating the amount of bond funds that the City could draw. With regard to Item B, the City Manager indicated he would recommend including only actual project costs to date for the Humboldt Disposal Site Remediation project since the City's consultant was now studying all the data related to the remedial action for the site, and that additional funds would be requested by a future supplemental appropriation if the Agency proceeds with the project based on the analysis. Assistant City Manager Dunlap added that five-year implementation plans were needed for each project by 12/31/00 and that the City would hire a consultant to develop them.

The Redevelopment Agency adjourned its meeting to a City Council meeting.

4. CITY COUNCIL REGULAR AGENDA.
- 4.2. CITY COUNCIL BUDGET REVIEW.

The Council was provided with the following documents for consideration:

- A. General and Park Funds Projected Trends
- B. Summary of Estimated Fund Balances for all Funds

City Manager Lando reported that Department funding requests for 1999-00 would need to be reduced to meet estimated revenues, that health insurance premium increases and other factors would need to be considered in next year's expenditures, and that he would be providing the Council with an update within the next two weeks or so regarding anticipated revenues and expenditures over the next several years.

2. CITY COUNCIL CONSENT AGENDA

2.1. (Removed from the Consent Agenda at the request of Councilmember Herbert.)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA - REZONE NO. 99-2 (INITIATED BY THE CITY OF CHICO) — INTRODUCTORY READING

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO PREZONING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA - PREZONE NO. 99-1 (INITIATED BY THE CITY OF CHICO) — INTRODUCTORY READING

By memorandum dated 4/20/99, Senior Planner Hayes reports that Rezone 99-2 and Prezone 99-1 provide zoning amendments consistent with proposed General Plan Amendment 99-2 that would conform the City General Plan land use with the Chico Municipal Airport Comprehensive Land Use Plan (CLUP), as recently amended by the Butte County Airport Land Use Commission (ALUC). Pursuant to Government Code Section 65450, general plans or any applicable specific plans must be consistent with a local CLUP adopted by an ALUC in accordance with State Law. ALUC will review the proposed rezone and prezone on 4/21/99 and a report on its action will be provided to Council at the 5/4/99 hearing. Senior Planner Hayes recommends introductory reading of the ordinances.

2.2. RESOLUTION NO. 127 98-99 -- 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.

By memorandum dated, 4/6/98, the Community Development Assistant reports that City approval of the Scout Court Subdivision, located on the west side of Marigold Avenue, 330 feet north of East Avenue, required the annexation of the project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. The subdivision will create 12 lots for single family residential on the 2.5 acre site. Prior to annexation of properties within the City to a County Service Area, the City Council must consent to such inclusion. The Community Development Assistant recommends City Council adoption of the resolution.

2.3. RESOLUTION NO. 128 98-99 -- 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 24.

By memorandum dated 4/8/99, the Community Development Assistant reports that City approval of the Foothill Park East Subdivision required the annexation of the project to County Service Area No. 24 (North Chico-Mud Creek-Sycamore Drainage) to provide funding for the maintenance of drainage channels. The subdivision of 137 acres in the eastern portion of the Foothill Park project is primarily intended for single family residential development with a 5-acre neighborhood park. The site is one-half mile north of East Avenue, south of Sycamore Creek and west of the diversion channel. Prior to annexation of properties within the City to a County Service Area, the City Council must consent to such inclusion. The Community Development Assistant recommends City Council adoption of the resolution.

2.4. RESOLUTION NO. 129 98-99 -- 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 25.

By memorandum dated, 4/6/98, the Community Development Assistant reports that City approval of the Stratford Estates Subdivision, located on the west side of Cussick Avenue, 660 feet north of East Avenue West, required the annexation of the project to County Service Area No. 25 (Shasta Union Storm Drainage) for the maintenance of storm drainage facilities. The subdivision will create 16 lots for single family residential on the 4.56 acre site. Prior to annexation of properties within the City to a County Service Area, the City Council must consent to such inclusion. The Community Development Assistant recommends City Council adoption of the resolution.

- 2.5. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

MINUTE ORDER NO. 10-99 -- AUTHORIZATION FOR THE CITY MANAGER TO REQUEST ADDITIONAL FUNDING AND A GRANT EXTENSION FOR THE SAFE ALTERNATIVE TRANSPORTATION GRANT THROUGH THE OFFICE OF TRAFFIC SAFETY

The Police Department was awarded a two-year grant from the Office of Traffic Safety in the amount of \$76,000 for a Safe Alternative Transportation grant (formerly Safe Communities) which funded one Community Services Officer to gather statistical data and develop educational programs regarding pedestrian and bicycle safety. The Office of Traffic Safety recently advised the City that additional funds were available if the Department was interested in extending the grant period to three years (10/01/98 thru 09/30/01). The Police Department is requesting an increase in funding to \$152,766 which will cover the actual costs of the Community Service Officer working on the program as well as necessary materials and supplies. There would be only minor fiscal impact to the City. This Minute Order will authorize the City Manager to request the additional funding and an extension of the grant period. If approved, the additional funding will be reflected in the 1999-00 Budget. The Chief of Police recommends approval of the Minute Order.

- 2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO AUGMENT FIRE DEPARTMENT FAIR LABOR STANDARDS ACT OVERTIME BUDGET

An agreement was finalized with the International Association of Firefighters (IAFF) and adopted by the City Council with Amendment #1 to the IAFF Memorandum of Understanding on 2/2/98 which settled matters related to payment of prior Fair Labor Standards Act (FLSA) overtime. The memorandum transmitting that amendment to Council, which indicated that the \$18,000 required for that settlement was budgeted, was in error. However, there were excess funds already budgeted for on-going FLSA costs, which decreased the additional amount required to \$9,145. A copy of the General Fund Summary which reflects the estimated 06/30/99 fund balance is attached to the supplemental appropriation. The Personnel Director recommends approval of the supplemental appropriation and the Finance Committee recommended approval at its 4/5/99 meeting.

- 2.7. APPROVAL OF MINUTES FOR MEETINGS HELD ON APRIL 1 AND APRIL 6, 1999

The Council has been provided with copies of minutes for its meetings held on 4/1/99 and 4/6/99.

Councilmember Johnston moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.1 and 2.5. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk, and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. CITY COUNCIL NOTICED PUBLIC HEARINGS -- No items.

4. CITY COUNCIL REGULAR AGENDA.

- 4.2. CITY COUNCIL BUDGET REVIEW (CONTINUED).

- C. Minute Order Authorizing the City Manager to Apply for and Accept a COPS Universal Hiring Grant through the U.S. Department of Justice

The Chief of Police reviewed the minute order and his 4/6/99 memorandum attached thereto in which he requested authority to apply for a COPS Universal Hiring Grant through the U.S. Department of Justice. The three-year grant would fund entry level Police Officer salary and benefit costs for three police officers at a rate of 75% the first year, 50% the second year and 25% the third year, up to a cap of \$75,000 per position. The City would be responsible for all remaining salary and benefit costs as well as all necessary equipment including two vehicles, uniforms, safety equipment and training. The total cost to the City for the first year of the program would be approximately \$169,173. The City would be required to make a good faith effort to retain all three positions at the conclusion of the grant. The Police Department proposed using these grant funds to hire one Sergeant and two Police Officers to staff a Gang Unit. This Minute Order would authorize the City Manager to apply for and accept this grant and to execute all documents in connection with the

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grant. If approved, the 1999-00 funding allocation would be included in the 1999-00 Budget. He recommended approval of the Minute Order.

The Police Chief indicated to the City Manager that although he would like to start sooner, it would be acceptable to apply now and decide later whether to proceed. He indicated to the Mayor that the City's growth and future anticipated personnel needs were considered when applying for grant funds. The City Manager added that some of the City's needs for a Gang Unit were caused by impacts from the urban area and individuals coming from surrounding communities. He recommended that the Council authorize the application, that the staff would refine the figures and try to reduce the City's obligation, and that a final decision could then be made at the 6/1/99 budget review meeting.

MINUTE ORDER NO. 11-99 — AUTHORIZATION FOR THE CITY MANAGER TO APPLY FOR AND ACCEPT A COPS UNIVERSAL HIRING GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE.

Councilmember Johnston moved approval of the minute order authorizing the City Manager to apply for the grant, and if funding was included in the 1999-00 Budget, the City Manager was authorized to accept the grant and execute all required grant documents. The motion was seconded and unanimously carried with Councilmember Guzzetti being absent.

The Council recessed at 9:20 a.m. and at 9:30 a.m. adjourned to a Redevelopment Agency meeting.

4. REDEVELOPMENT AGENCY REGULAR AGENDA.

4.2. JOINT MEETING WITH ARTS COMMISSION TO CONSIDER (A) PROPOSED MODIFICATIONS TO THE PUBLIC ART SELECTION PROCESS; AND (B) THE REDEVELOPMENT AGENCY BUDGET POLICIES WHICH SET ASIDE FUNDS FOR REDEVELOPMENT AREA ART PROJECT FUNDING

In attendance were Arts Commissioners Paula Busch, Todd Hall, Mary Memmer, Robin Nichols and Ross White.

Risk Manager Koch reported that by memorandum dated 3/19/99, the Arts Commission had forwarded its recommendations regarding proposed modifications to the City's Public Art Selection Process. He noted that Council was requested to schedule this meeting with the Arts Commission for review and discussion of these recommendations, as well as a review and discussion of the Redevelopment Agency budget policies which set aside one percent of the net tax increment for redevelopment area art project funding.

Risk Manager Koch reviewed the recommendations for increasing the level of public information and involvement in the art selection process, which included public involvement prior to the Call for Artists; having the Commission select an art selection panel consisting of 4 community members, 3 arts professionals, a neighborhood or area representative, and a technical person; having the selection panel meetings in the evenings; increasing public involvement through the entire process, including input on the final artists and models; and the Commission would then make a final recommendation to Council. He responded to questions from the Mayor on the means that would be used to advertise public input, give recognition to local artists, and give consideration to economic development and tourism. He noted that the Commission also recommended adding as a new criteria the "breadth of appeal" to the community of any proposed art. He added that the Council had also asked for a City Attorney opinion regarding the use of the 1% set aside of RDA tax increment for art purposes.

Assistant City Attorney Barker reported that it was appropriate to use RDA funds for public art if it was an integral part of a project such as the parking structure or the municipal building. Otherwise, a detailed analysis should be made for each specific use of the funds for art projects. In addition, it was necessary to make findings

on whether it would benefit a project area and fit into the goals and objectives of the five-year implementation plan. She indicated to Councilmember Keene that art does not have to be affixed to a building, and if art was not part of the original project, then it needed an independent analysis.

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Councilmember Keene moved that the City Attorney provide an opinion on whether use of RDA funds for the Park Avenue art project was appropriate, and whether each RDA art project should go through the City Attorney in advance for analysis.

Arts Commissioner Hall recommended that the Arts Commission develop general parameters for use of RDA arts funds rather than requiring the City Attorney to analyze each project.

Councilmember Keene indicated that if the City Attorney could define general parameters or a broad base to cover all expenditures, he would so amend his motion.

Assistant City Attorney Barker explained that she could define the analysis that the City would have to go through each time.

Arts Commissioner Nichols recommended contacting other cities on their customary procedures for use of RDA art funds.

The motion made and amended by Councilmember Keene was then seconded and carried with Councilmembers Herbert, Jarvis, Johnston, Keene and Bertagna voting aye, Councilmember Kirk voting no, and Councilmember Guzzetti being absent.

With regard to the current policy of setting aside 1% of the net RDA tax increment for art projects, Councilmember Herbert thought the Council should be allowed to consider community needs and use either RDA or General Fund monies in those areas that it determined were the highest priority. Councilmember Johnston was not in favor of changing the policy, noting that it should not be confused with police or street needs for instance, and that while there appeared to be a large amount of RDA arts funds now, it had accumulated in small increments over several years. Councilmember Kirk agreed, noting that arts projects were one-time expenditures, whereas police services were ongoing. Councilmember Keene stated that he agreed with Councilmember Herbert.

Councilmember Jarvis moved to approve the Arts Commission's recommendations as outlined in its memorandum to Council, except that the selection panel be changed to 2 neighborhood representatives (rather than 1) and 3 community members (rather than 4). The motion was seconded and unanimously carried with Councilmember Guzzetti being absent.

Councilmember Keene moved to rescind the Council's policy of setting aside 1% of the net RDA tax increment funds for art projects. The motion was seconded but failed to carry with Councilmembers Herbert, Keene and Bertagna voting aye, Councilmembers Jarvis, Johnston and Kirk voting no, and Councilmember Guzzetti being absent.

The Redevelopment Agency recessed at 10:30 a.m. and at 10:40 a.m. adjourned to a City Council meeting.

4. CITY COUNCIL REGULAR AGENDA.

4.3. CONSIDERATION OF REQUESTS FOR A SOLID WASTE COLLECTION RATE INCREASE AND OTHER SOLID WASTE ISSUES.

It was noted that at its 4/6/99 meeting, the City Council agreed to schedule a meeting to continue its consideration of requests from the solid waste collectors to increase the collection rates, and to discuss various issues relating to the regulation of solid waste collector permits. By memorandum dated 4/21/99, Management Analyst Herman resubmitted the City of Chico/County of Butte Solid Waste Joint Powers Agreement (JPA) Committee's recommendations regarding the rate requests, provided information regarding collection rates from neighboring communities, and also submitted sections of the Chico Municipal Code regarding solid waste permits. By memorandum dated 4/21/99, the Director of Public Works provided information regarding the impacts of solid waste collection trucks on local streets.

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City Manager Lando reported that the Council agreed to give further consideration to deregulating solid waste rates and the number of permits, as well as the range of services provided by the solid waste collectors, and he reminded Council that all or portions of these issues needed to be referred to the City/County Solid Waste JPA Committee under the terms of the joint powers agreement between the City and the County.

Councilmember Herbert asked if the Council might send its intent on any issues to the JPA Committee. He also noted that the Board of Supervisors members previously indicated their support for not limiting the number of permits. He thought an open market was best and allowed the solid waste collectors to then set their own rates. Councilmember Keene noted that the memorandum from the Public Works Director regarding potential damage to streets, did not mention when the three trucks per hauler became a requirement (solid waste, recycling and yard waste).

In response to the Mayor, Management Analyst Herman noted that rates in other communities could be impacted by such factors as landfill fees or zones for each solid waste collector. Some rates in Butte County were higher in remote areas. She indicated to Councilmember Herbert that commercial rates typically supported lower residential rates.

City Attorney Frank indicated to Councilmember Kirk that the City issued permits rather than granting franchises, and that he would have to review the provisions of the existing permits to determine if the City had any liability if it decided to amend the Municipal Code to allow additional permits.

Councilmembers Herbert and Keene thought the City should not have to review profit and loss statements provided by the solid waste collectors, determine what their profit margin should be, nor determine the rates they could charge.

City Manager Lando noted that solid waste collectors could be regulated because they utilized public assets such as City streets and the County landfill. Councilmember Jarvis noted that the City's rates were one of the lowest even with the requested rate increase, and while Council might consider not regulating rates it should continue to regulate permits.

Joe Matz, Butte County Disposal and Recycling, stated that before the number of permits were limited there were many equipment and employee safety issues that were not addressed, and employees received low wages and no benefits. If the City did not limit the number of permits, then it needed to establish operating standards, that it could experience a setback in services, and that it may not meet AB 939 requirements for reducing the amount of solid waste going to landfills.

Tom Valentino, Pacific Waste Services, reviewed his letter dated 4/20/99 provided today, in which he indicated that his company was interested in doing business in the City. If the number of permits was not limited, he recommended adoption of health and safety standards and also requiring a performance bond. As to AB 939, recycling standards should also be adopted for all haulers. He stated that his company would consider one truck for solid waste, recycling and yard waste, thus saving City streets. He also recommended that if there was no limit on the number of permits, then each one should have a specific operating term so that haulers acquiring new permits would not then immediately sell their company.

Stan Hankins, North Valley Disposal Human Resources Manager, recommended that Council continue to limit the number of permits so that equipment could be maintained and upgraded for safety and employees could receive better pay and benefits. Jesus Rodriquez, an employee of North Valley Disposal, noted that employees did not receive current pay and benefits when there were more permits. Bruce Rhodes, North Valley Disposal truck maintenance, added that equipment standards were much higher and better than they used to be.

Bill Crowder, Crowder Enterprises & Rubbish Service, stated that he had a permit to operate in the County and wanted to operate in the City, that he had been building a truck for all three areas (solid waste, recycling and yard waste) which was lighter and would cause less damage to City streets, and that the Highway Patrol regularly checked on the safety of the trucks.

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Bill Mannel, North Valley Disposal General Manager, explained that the solid waste collectors and the City had a public/private partnership in that the City depended upon them for certain services such as meeting AB 939 goals. He believed that City staff could review the financial data provided and assist the Council in making a decision on rates and determining a reasonable rate of return. If one part was deregulated, then it should all be deregulated, thus allowing companies to build up their business which they could then sell.

(The Council agreed to continue consideration of this item after lunch and the closed session.)

4.4. PRESENTATION BY CHICO HIGH SCHOOL STUDENTS REGARDING EXHIBITION PROJECT ENTITLED "OUR TOWN OUR WORLD".

Debbie Traverse, teacher, introduced Chico High School students Kaitlyn Baumgartner and Lindsay Chang. The students reported on the purpose and scope of their assignment and then provided a presentation about the Midtown Station Post Office at 5th and Broadway and the Hong Kong Postal System. Their letter dated 3/8/99 gave an overview of their presentation.

The Council recessed from 12:20 p.m. to 1:30 p.m., and then adjourned to Conference Room 2.

2.1. CLOSED SESSION. The Council adjourned to a closed session to consider the following:

2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)

2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)

2.3. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers' compensation claims of Daniel Pace and Barbara Lindsay (Gov. Code Sec. 54956.9(a).) The claim of Deanne Presnall was removed from the agenda for consideration at a subsequent meeting.

2.4. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney will review the following: *Service Employees International Union, Local 1292, AFL-CIO (SEIU) v. City of Chico, et al.*, Butte County Superior Court Case 120331. (Gov. Code Sec. 54956.9(a).)

The meeting was reconvened to open session at 1:30 p.m.

The Council adjourned at 2:05 p.m. back to Conference Room No. 1.

4. CITY COUNCIL REGULAR AGENDA.

4.3. CONSIDERATION OF REQUESTS FOR A SOLID WASTE COLLECTION RATE INCREASE AND OTHER SOLID WASTE ISSUES (CONTINUED).

(Discussion of this item was continued from this morning's portion of the meeting.)

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Councilmember Herbert moved approval of a motion of intent to refer matters back to the City/County JPA Committee for comment and a recommendation on the City not limiting the number of solid waste collector permits, reviewing existing and recommending any new regulations and standards to be set forth in the Municipal Code, and commenting on removing rate control from the Municipal Code. The motion was seconded by Councilmember Keene.

Councilmember Jarvis stated she would vote against the motion since it did not address how to fund recycling and other programs. Councilmember Herbert stated that he would add to his motion having the JPA Committee also consider recycling. Councilmember Kirk noted she would vote against the motion because the current process and programs were now working so well in the City. Councilmember Johnston indicated that he would support it as a conceptual motion for now.

The motion made by Councilmember Herbert was then carried with Councilmembers Herbert, Johnston, Keene and Bertagna voting aye, Councilmembers Jarvis and Kirk voting no, and Councilmember Guzzetti being absent.

Councilmember Jarvis moved that the Council approve the solid waste rates as previously recommended by the City/County JPA Committee. The motion was seconded by Councilmember Kirk.

Bill Mannel of North Valley Disposal noted that their last rate increase was in 1993, and their request reflected increases in the cost of providing services and the CPI.

Councilmember Johnston stated that he would approve a rate increase based on the CPI. Councilmember Jarvis noted that the JPA Committee wouldn't be able to consider matters until its June meeting.

A vote on the motion made by Councilmember Jarvis then failed to carry with Councilmembers Jarvis and Kirk voting aye, Councilmembers Herbert, Johnston, Keene and Bertagna voting no, and Councilmember Guzzetti being absent.

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD 4/13/99 AT 6:00 P.M.

Councilmember Jarvis reviewed a memorandum dated 4/19/99 from the Internal Affairs Committee which provided a report on its meeting held on 4/13/99 at 6:00 p.m., at which time the matter listed below was considered. Committee members present were Councilmembers Johnston, Kirk, and Jarvis, Chair.

PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE CITY'S NOISE ORDINANCE

The Committee recommended that City staff draft an ordinance with the provisions suggested at the Committee meeting, along with any recommendations from staff, and submit it to Committee members for review prior to submitting it to the Council for consideration. Councilmember Jarvis requested that Council consider the Committee's recommendation, any comments received at today's meeting, and then give direction to staff.

It was noted that a notice of today's meeting, with copies of the Internal Affairs Committee report attached, was mailed to all interested parties on the City Clerk's Noise Ordinance mailing list on 4/21/99. Today the Council received a letter dated 4/15/99 from Deborah Cady, 635 West 2nd Street, and a letter received 4/22/99 from Jill Zinke, P.O. Box 3508, both opposing any changes to the noise ordinance.

Assistant City Attorney Wannemacher provided Council with copies of his memorandum dated 4/26/99 that summarized the suggested amendments made by the Committee. In response to a question in the Assistant City Attorney's memorandum, the City Manager indicated that the City should be consistent and not issue warnings at certain times and citations and other times.

Charlie Preusser, 1405 West 3rd Street, representing the South Campus Neighborhood Association, agreed with the changes recommended by the Committee, and recommended that the City acquire an updated noise level meter. Bill Priel, 666 Esplanade, indicated that the time it took for a Police Officer to respond to a complaint needed to be taken into consideration. Richard Elsom, CSUC Associated Students President and member of the South Campus Neighborhood Association, presented the Council with a petition that he indicated contained 450

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signatures in support of extending the noise ordinance regulations until 12:00 Midnight on Friday and Saturday nights in the South Campus area, and he stated the proposed changes in the noise ordinance would be coordinated with other measures they were considering for the younger people in the neighborhood. Betty Chin, 517 West 1st Avenue, provided a letter in which she opposed any changes in the noise ordinance since student neighborhoods should not be entitled to any special rights or privileges not provided to the rest of the community. Sean Adams, 1521 Nord Avenue #78, noted that there were no specific standards for noise levels nor the size of a group at one address, that could guide those planning some type of gathering. Adam Roberts, 1263 North Cedar Street, suggested distributing noise level standards in each neighborhood to inform people in advance.

Councilmember Jarvis moved to amend the City's noise ordinance as recommended by the Internal Affairs Committee, along with the following revisions and additions to make the ordinance easier to read:

Attach a warning to the residence rather than to a specific person.

There would not be an ambient noise level.

Decibel levels would be established for measuring fixed noise limits.

The disturbance should be unreasonable.

Add that the conduct could be either wilful or negligent.

A warning would be issued on the first response and a citation issued on the second response.

The citation would be issued by having either a complaint corroborated by law enforcement or two citizen complaints from two different addresses.

The reasonable person standard should include the 17 criteria set forth in the Assistant City Attorney's memorandum to the Committee.

The time between the warning and the citation can be 12 hours.

With the clarifications to be made in the noise ordinance, there would be no need to extend the hours to 12:00 Midnight in the South Campus area.

Councilmember Jarvis requested that law enforcement provide a recommendation within two months on how to enhance the Student Neighborhood Assistance Program (SNAP); that staff create a summary of the ordinance for handout; and that Council review the ordinance again and the Police Department provide a status report on enforcement in January 2000.

Councilmember Keene recommended providing the ordinance summary with the warning and also handing it out at student orientations.

In response to Councilmember Kirk, the Police Chief indicated that the warning would go to the residence, but a citation would be issued to the responsible person/party.

Councilmember Johnston recommended that property owners be notified if multiple noise violations occurred on their property.

Councilmember Jarvis noted that noise level meters would be used at the discretion of law enforcement for verification of noise levels and to show violators they have exceeded them.

Councilmember Jarvis and the City Manager further clarified that a signed complaint was not needed on the first response in order to issue a warning, but it would be required on the second response.

Councilmember Kirk then seconded Councilmember Jarvis' motion.

Councilmember Jarvis added to her motion that the noise limit would be 70 decibels, measured 25 feet from the source or the property line, whichever was greater.

The City Manager indicated to Councilmember Kirk that for law enforcement purposes, it was easier to measure noise at the source or property line rather than from the point of the complaint. Councilmember Herbert recommended leaving the provision, and reviewing it again in January. The Council concurred.

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The motion was then carried with Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna voting aye, and Councilmember Guzzetti being absent.

4. CITY COUNCIL REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. Ordinance Approving Rezone No. 99-2 and Ordinance Approving Prezone No. 99-1. In response to Councilmember Herbert, the City Manager and Planning Director reported that the Planning Commission tried to meet the concerns of the County Airport Land Use Commission and neighbors in coming up with its recommendations. A hearing was scheduled for the Council's 5/4/99 meeting. After reading the titles of the ordinances, Councilmember Kirk moved for introductory reading. The motion was seconded and unanimously carried with Councilmember Guzzetti being absent.

2.5. Minute Order re Safe Alternative Transportation Grant. The Police Chief indicated to Councilmember Kirk that the minute order would extend the grant for a third year without any financial obligation on the part of the City. The City Manager added that the Council would be reviewing all grant-funded positions. Councilmember Keene then moved approval of Minute Order No. 10-99. The motion was seconded and unanimously carried with Councilmember Guzzetti being absent.

4.2. COUNCIL BUDGET REVIEW (CONTINUED).

D. Capital Project Status Report, and Update on East Avenue Project

City Manager Lando reviewed the Capital Projects Status Report dated April 1999. In response to Council questions, he noted that bicycle and street facilities were coordinated with the needs of the school district.

Public Works Director Ross reviewed his memorandum dated 4/20/99 in which he provided an update on the East Avenue - Ceanothus to Wildwood/Eaton Intersection project. In FY 98-99 this project included full urban improvements from Ceanothus Avenue to halfway between Marigold and Cactus Avenues. In FY 99-00 additional funds were being requested to continue the improvements to the Wildwood/Eaton intersection. Staff held a neighborhood meeting on 4/14/99 to present the project and alternatives for alignment to the property owners and residents in that area. Following the environmental review, Public Works would be presenting the alignment alternatives to Council. He was recommending consideration of the southerly alignment of East Avenue, and considering the Wildwood Avenue intersection area later.

Mike Weissenborn, Chico Unified School District, indicated their concerns with the impact of the alignment on the Marigold School property, however, they would work with the City on resolving issues. He then reported on other public improvements being undertaken by the district. The Council requested periodic updates from the school district, and Mayor Bertagna reported that this was done through the Intergovernmental Committee.

Councilmember Keene then moved approval of the southerly alignment of East Avenue. The motion was seconded and unanimously carried with Councilmember Guzzetti being absent.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA - No items.

5. BUSINESS FROM THE FLOOR - No items.

6. REPORTS AND COMMUNICATIONS.

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

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- 6.1. Memorandum dated 4/12/99 from Finance Director transmitting the Financial Audit of the Downtown Chico Business Association for Fiscal Year ending 6/30/98. Staff recommends this be referred to the Finance Committee for review and recommendation.
- 6.2. Memorandum dated 4/5/99 from the Finance Director transmitting the Downtown Chico Business Association Financial Reports for the quarter ended 12/31/98.
- 6.3. Memorandum dated 4/14/99 from the Assistant City Manager providing 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 4/20/99 from the Finance Director reporting that the list of claims paid during the month of March 1999 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.
7. ADJOURNMENT

The meeting was adjourned at 4:30 p.m. to Tuesday, 5/4/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting at 7:30 p.m. in the Council Chamber.

ADJOURNED REGULAR COUNCIL MEETING - MAY 4, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The meeting was called to order at 7:15 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, and Assistant City Attorney Barker.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LABOR NEGOTIATOR. The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was Chico Police Officers Association, Unit B. (Gov. Code Sec. 54957.6)

The meeting was reconvened to open session at 7:20 p.m.

3. ADJOURNMENT.

The meeting was adjourned at 7:20 p.m. to a Redevelopment Agency meeting to begin at 7:30 p.m. in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING - MAY 4, 1999
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 P.M.

1. CALL TO ORDER. The meeting was called to order at 7:30 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. The Mayor announced that Pastor Tom Mount, Valley Community Church, was unable to attend this evening. Councilmember Herbert delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, and Kirk.
Absent - none.

City staff - City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Fire Chief Brown, Assistant City Attorney Barker, Housing Officer McLaughlin, Police Captain Klassen, Senior Planner Hayes, and Assistant Public Works Director Hislop.

- 1.4. Closed Session Announcement. None.
- 1.5. Proclamations:
 - A. The Mayor read a proclamation proclaiming May as "Mental Health Month" and presented it to a representative of the Butte County Department of Behavioral Health.

- B. The Mayor read a proclamation proclaiming 10/1/98 through 10/1/99 as “The Year of Older Persons”, and presented it to a representative of the Janet Levy Center.
- C. The Mayor read a proclamation proclaiming Saturday, 5/8/99 as “Letter Carrier Food Drive Day”, and presented it to representatives of the Letter Carriers Union.
- 2. CONSENT AGENDA - No Items
- 3. NOTICED PUBLIC HEARINGS - No Items
- 4. REGULAR AGENDA
- 4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD APRIL 5, 1999

Councilmember Keene reviewed a memorandum dated 4/8/99 from the Finance Committee that provided a report on its meeting held on 4/5/99, at which time the matters listed below were considered. Councilmember Jarvis substituted for Committee member Guzzetti, and the other Committee members present were Councilmembers Herbert and Keene, Chair.

Consent Agenda

- 1. (No Council action necessary -- considered by Council at its 4/27/99 meeting))
APPROVAL OF SUPPLEMENTAL APPROPRIATION TO AUGMENT FIRE DEPARTMENT FAIR LABOR STANDARDS ACT OVERTIME BUDGET. The Committee recommended approval of the supplemental appropriation in the amount of \$9,145 for settlement of the Fair Labor Standards Act (FLSA) overtime as adopted by Council with Amendment #1 to the International Association of Firefighters Memorandum of Understanding.

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- 2. (Council action necessary to approve Minute Order)
CONSIDERATION OF REQUEST FROM THE COMMUNITY ACTION AGENCY OF BUTTE COUNTY (CAA) FOR THE 1997/98 COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET ASIDE OF HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS. The Committee recommended that the City Council authorize the City Manager to enter into an Agreement with the Community Action Agency (CAA) for the use of the 1997/98 Community Housing Development Organization (CHDO) set aside of Home Investment Partnership Program (HOME) Funds in the amount of \$70,000.

MINUTE ORDER NO. 12-99 -- AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE COMMUNITY HOUSING DEVELOPMENT (CHDO) AGREEMENT BETWEEN THE COMMUNITY ACTION AGENCY OF BUTTE COUNTY (CAA) AND THE CITY OF CHICO. Councilmember Keene moved approval of the minute order. The motion was seconded and unanimously carried.
- 3. (No Redevelopment Agency action required)
CONSIDERATION OF REQUEST FROM THE WELL MINISTRY OF RESCUE FOR FINANCIAL ASSISTANCE FOR ACQUISITION OF THE EL DORADO MANOR (2612 THE ESPLANADE). The Committee took no action on The Well Ministry of Rescue’s request for financial assistance at this point, but requested Mr. Bennett to come back to the Committee with a specific proposal for further consideration.
- 4. (No Council action required -- this was discussed at Council’s 4/6/99 meeting and will be considered as part of the 5/18/99 hearing on the Annual Plan for CDBG/HOME program funds.)
CONSIDERATION OF REQUEST FROM HABITAT FOR HUMANITY FOR HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FOR ACQUISITION OF TWO HOUSING SITES. The

Committee supported the staff recommendation that \$33,200 of Home Investment Partnership Program (HOME) Funds be allocated to Habitat for Humanity in the draft 1999/2000 Annual Plan for the acquisition of two housing parcels near 22nd and Elm Streets.

5. (No Council action required)

CONSIDERATION OF FINANCE COMMITTEE'S ROLE IN THE BUDGET PROCESS. The Committee agreed (2-0, Guzzetti absent and Jarvis abstaining):

- a. That staff be directed to bring back one or two of the budget concepts outlined in Chair Keene's memorandum, as well as the concept of incentive or expenditure control budgeting, to each subsequent meeting for further Committee review and recommendation; and
- b. That its review of the Police Department budget be continued to the next meeting, with Committee members to contact Chief Massie in the interim with any questions or requests for further information regarding items of particular concern.

Councilmember Keene moved approval of the Committee's report and recommendations. The motion was seconded and unanimously carried.

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

6. ADJOURNMENT.

The meeting was adjourned at 7:50 p.m. to a City Council meeting.

REGULAR COUNCIL MEETING - MAY 4, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The meeting was called to order at 7:30 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Fire Chief Brown, Assistant City Attorney Barker, Housing Officer McLaughlin, Police Captain Klassen, Senior Planner Hayes and Assistant Public Works Director Hislop.

2. CONSENT AGENDA

2.1. (Removed from the Consent Agenda by Personnel Director for consideration at a subsequent meeting).

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - MISCELLANEOUS MEMBERS) -- FINAL READING AND ADOPTION

By memorandum dated 4/7/99, the Personnel Director reports that final adoption of this ordinance will complete authorization of an amendment of the City's contract with the Public Employees' Retirement System (PERS) to implement Fourth Level Survivors Benefits for Miscellaneous Employees, as was agreed to in the most recent Memoranda of Understanding between the City and Service Employees International Union Units A and B, Confidential and Management Employees and Chico Police Officers Association Unit B. The City Manager and Personnel Director recommend adoption of the Ordinance.

(The Personnel Director reported this evening that this item would be rescheduled after PERS had completed its internal review and approval of the amendment.)

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 12 OF THE CHICO MUNICIPAL CODE, ENTITLED "PARKS AND PLAYGROUNDS - GENERAL PROVISIONS," BY AMENDING SECTION 12.04.050, ENTITLED "DRUG FREE ZONES," TO INCLUDE HUMBOLDT NEIGHBORHOOD PARK — INTRODUCTORY READING

By memorandum dated 4/2/99, the Park Director reports that the Bidwell Park and Playground Commission approved inclusion of the Humboldt Neighborhood Park as a drug free zone. Such designations are pursuant to California Health and Safety Code Section 11380.5 which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of city parks and playgrounds. The Bidwell Park and Playground Commission and Park Director recommend approval.

2.3. RESOLUTION NO. 130 98-99 -- 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 DIRT)

By memorandum dated 4/19/99, the Fire Chief reports that the Lot Cleaning 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 dirt which constitute a fire hazard or public nuisance, or may become a fire hazard or nuisance, if not abated. Adoption of this resolution declares that noxious, combustible or dangerous weeds and/or rubbish, refuse and dirt exist on the properties set forth on Exhibit "A" attached to the resolution, and constitute a public nuisance which must be abated. The resolution also sets a public hearing for the purpose of hearing and considering all objections to the proposed removal of weeds, rubbish, refuse and/or dirt and the assessment of the cost of such removal for Tuesday, 5/18/99. The Fire Chief recommends adoption of the resolution.

2.4. RESOLUTION NO. 131 98-99 -- 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 - 2705 FLORAL AVENUE / A.P. NO 048-600-056

By memorandum dated 3/29/99, the Director of Public Works reports that in accordance with a petition from the property owner, Layne Nickels, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 3/29/99 attached to the 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 recommends adoption of the resolution.

2.5. RESOLUTION NO. 132 98-99 -- 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 - 2858 LESTER COURT / A.P. NO 006-340-019

By memorandum dated 3/29/99, the Director of Public Works reports that in accordance with a petition from the property owners, Terence J. and Bonnie L. Moore, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 3/29/99 attached to the 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 recommends adoption of the resolution.

2.6. RESOLUTION NO. 133 98-99 -- 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 - 800 NORD AVE (FORMERLY 730) / A.P. NO: 043-220-003

By memorandum dated 3/29/99, the Director of Public Works reports that in accordance with a petition from the property owners, Patricia A. Miller, Linda R. Cole, Susan L. Sutherland, & Ruth C. Purdon, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 3/29/99 attached to the 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 recommends adoption of the resolution.

- 2.7. RESOLUTION NO. 134 98-99 -- 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 - 2710 NORTH AVENUE / A.P. NO 048-270-017

By memorandum dated 3/29/99, the Director of Public Works reports that in accordance with a petition from the property owner, Peter F. Berkow, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 3/29/99 attached to the 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 recommends adoption of the resolution.

- 2.8. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR CONTINUED FUNDING OF THE CASE ENTITLED MELODY DAVIDSON V. CITY OF CHICO, ET AL.

This supplemental appropriation in the amount of \$55,000 is requested to fund the estimated costs of discovery activities in the case entitled *Melody Davidson v City of Chico, et al.* The City Council is being provided with a copy of the General Fund (001) Fund Summary which reflects the estimated 6/30/99 fund balance. The City Attorney recommends approval of the Supplemental Appropriation.

- 2.9. APPROVAL OF SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS TO COVER THE COSTS OF UPGRADING ON-SITE TRAINING EQUIPMENT FOR THE POLICE DEPARTMENT

The Police Department was recently notified that all future multimedia courseware produced by the Commission on Peace Officer Standards and Training (POST) will be delivered on CD-ROM. In order to assure that this training will continue to be available to all law enforcement agencies, POST has authorized funds for agencies to purchase a multimedia training system with a high speed CD-ROM drive. This system will replace the department's existing Interactive Video Disc (IVD) system, which was also purchased by POST, and allow for the continued use of POST training tools on-site. In order to qualify for reimbursement, the City must purchase the equipment by 6/30/99 and provide documentation of purchase and installation to POST. Once documentation is received, POST will provide reimbursement up to \$2,575. The total cost to the City will be \$75 and will be funded from the ~~Police Department's Training Supplies~~ General Fund Minor Unallocated Account. The Chief of Police recommends approval of the Supplemental Appropriation.

- 2.10. APPROVAL OF DESIGNATION OF THE CHICO AREA RECREATION AND PARK DISTRICT AS THE LEAD AGENCY IN THE DEVELOPMENT AND MAINTENANCE OF NEIGHBORHOOD PARKS

By memorandum dated 4/1/99 the Park Director reports that, at its 3/29/99 meeting, the Bidwell Park and Playground Commission concurred with the recommendation to designate the Chico Area Recreation and Park District (CARD) as the lead agency in developing and managing neighborhood parks due to CARD's success in working with neighborhood groups to develop local park facilities. The Bidwell Park and Playground Commission and Park Director recommend approval of the designation of CARD as lead agency.

Councilmember Jarvis moved adoption of each resolution and approval of all other items on the Consent Agenda, including a correction to item 2.9 and excepting item 2.1 which was removed to a subsequent meeting. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON GENERAL PLAN AMENDMENT 99-2, REZONE 99-2, AND PREZONE 99-1

By memorandum dated 4/21/99, Senior Planner Hayes reported that General Plan Amendment No. 99-2, Rezone 99-2 and Prezone 99-1 provided General Plan and zoning amendments that would conform the City General Plan land use with the Chico Municipal Airport Comprehensive Land Use Plan (CLUP), as recently amended by the Butte County Airport Land Use Commission (ALUC). Pursuant to Government Code Section 65450, general plans or any applicable specific plans must be consistent with a local CLUP adopted by an ALUC in accordance with State Law. In accordance with state law, the amendments were submitted to ALUC for a determination of consistency with the CLUP. At its meeting of 4/21/99, ALUC considered the amendments and determined the proposed actions consistent with the CLUP. The Planning Commission recommended approval of the General Plan and zoning amendments.

Site A - Approximately 6 acres located easterly of the intersection of Morseman Avenue and Eaton Road would be changed from Low Density Residential to Medium Density Residential. General Plan text would be amended to provide that density would be limited to a total of 24 multiple-family units clustered on the eastern-most 3 acres of the site.

Site B - Approximately 20 acres located southerly of Mud Creek and westerly of Hicks Lane would be changed from Low Density Residential to Medium Density Residential. General Plan text would be amended to restrict development to a maximum of 80 multiple-family dwelling units, clustered on no more than 50% of the site.

Site C - Two parcels consisting of approximately 3 acres located on the east side of Ceres Avenue, approximately 1,000 feet north of East Avenue, would be changed from Low Density Residential to Very Low Density Residential. Also proposed to prezone 2670 Ceres Avenue from R-1 Single Family Residential to RS-2 Suburban Residential (two acre minimum lot size) and rezone 2671 and 2674 Ceres Avenue from R-1 Single Family Residential to RS-2 Suburban Residential (two acre minimum lot size).

Site D - Two parcels ranging in size from 2 to 2.5 acres, and both developed with a single family residence, located on the west side of Floral Avenue, approximately 100 feet south of Glenshire Lane, would be changed from Low Density Residential to Very Low Density Residential. Also proposed to change zoning from R-1 Single Family Residential to RS-2 Suburban Residential (two acre minimum lot size).

Councilmember Keene requested colored maps in the future, where appropriate, for easier reference.

Dan Hays, 1041 Cherry St. #2, representing owners in Site D, disagreed with the ALUC recommendations and requested that Council allow greater density as on other sites.

Doug Richardson, 794 Marcia Ct., spoke against denser development for Site A and recommended designating at least 3 acres as a park/buffer zone, not allowing access to Morseman Avenue, and instead going to Eaton Road. In response to Council questions, Senior Planner Hayes added that it could be made a requirement of site development in the General Plan.

Layne Nichols, 2721 Floral Ave., reported that she had connected 2 acres in Site D to the City sewer, that the proposal would make her property worthless, and that all the property around her was already developed.

In response to questions, the City Manager indicated that he would contact ALUC to determine their notice requirements to property owners and adjacent residents when it was considering changes in the CLUP.

No one else spoke, and the Mayor closed the hearing to the audience.

Councilmember Johnston moved approval of the proposals for Sites A and B except that access would go to

Eaton Road and open space would be provided adjacent to Morseman and Netters, single story development would be determined by the Planning Commission, and staff be directed to develop findings for not making the proposed changes in Sites C and D. The motion was seconded and carried with Councilmembers Herbert, Jarvis, Johnston, Kirk and Bertagna voting aye, and Councilmembers Guzzetti and Keene voting no.

3.2. HEARING ON FORMATION OF UNDERGROUND DISTRICT NO. 12

By memorandum dated 4/6/99, Assistant Director of Public Works Hislop reported on a resolution to form Underground District No. 12 on East Avenue and adjacent properties between the Esplanade and State Route 99 and also to order the undergrounding of existing overhead utility facilities within the district. The undergrounding project would be financed with a portion of the City's allocation of Utility Company Rule 20A funds. A request had been forwarded to Butte County to form a companion underground district covering those properties on the south side of this segment of East Avenue that were under County jurisdiction. A neighborhood meeting to receive input from affected property owners was held on 4/14/99. All notices of this hearing had been published and sent in conformance with Chapter 14.44 of the Chico Municipal Code. He recommended adoption of the resolution.

No one spoke, and the Mayor declared the hearing closed to the audience.

RESOLUTION NO. 135 98-99 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO (1) DECLARING AND DETERMINING A CERTAIN AREA WITHIN THE CITY AS AN UNDERGROUND DISTRICT, AND (2) FINDING AND DETERMINING THAT THE PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME (UNDERGROUND DISTRICT NO. 12). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

The Council recessed for 15 minutes and reconvened at 9:15 p.m.

3.3. HEARING ON FORMATION OF CHICO MAINTENANCE DISTRICT NO. 91, STRATFORD ESTATES SUBDIVISION

By memorandum dated 4/13/99, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 91. As a condition of development of this subdivision, generally located westerly of Cussick Avenue between Henshaw and East Avenues, the developer, Rocco Ritchie, had consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage leach trenches and stamped concrete entry 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 for by property owners within this district. Future annual assessments will be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the Resolution.

No one spoke from the audience, and the Mayor declared the hearing closed.

RESOLUTION NO. 136 98-99 -- 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. 91 -- STRATFORD ESTATES SUBDIVISION). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

- 4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. Item 2.1 was continued to a subsequent meeting.
- 4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 4/13/99 AT 8:00 A.M.

Councilmember Jarvis reviewed a memorandum dated 4/14/99 from the Internal Affairs Committee that provided a report on its meeting held on 4/13/99 at 8:00 a.m., at which time the matters listed below were considered. Committee members present were Councilmembers Johnston, Kirk, and Jarvis, Chair.

Consent Agenda

1. (No Council action required)
APPROVAL OF THE INSTALLATION OF PARKING PROHIBITIONS ON WHITEWOOD WAY AND DESCHUTES DRIVE. The Committee adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 648, which establishes parking prohibitions on the south side of Whitewood Way between Sun River Drive and Floral Avenue, and on the north side of Deschutes Drive between Sun River Drive and Upland Drive.
2. (Council action required to approve recommendation)
DENIAL OF REQUEST FOR THE INSTALLATION OF A PEDESTRIAN SIGNAL AT THE INTERSECTION OF WEST FIRST AND SALEM STREETS. The Committee recommended denial of the request for the installation of a pedestrian signal at the intersection of West First and Salem Streets.

Tim Bousquet, who did not attend the Committee meeting, reported that he previously owned a business in the vicinity of the intersection and was still concerned with pedestrian safety. He questioned if bulbing at the intersection might improve pedestrian safety.

Councilmember Guzzetti questioned if raised pavement markers before the stop sign might help, and Councilmember Kirk noted that the Committee had not considered any alternatives to the pedestrian signal.

Following discussion, Councilmember Keene moved that the matter be referred back to the Committee to consider other alternatives. The motion was seconded and carried with Councilmember Johnston voting no.

The City Manager indicated that he would ask Public Works staff to discuss the matter with the Police Department as well as adjacent business owners.

3. (Council action required to adopt resolution)
APPROVAL OF THE ELIMINATION OF ONE HANDICAPPED PARKING SPACE ADJACENT TO 235 IVY STREET. The Committee recommended that the implementing resolution which would eliminate one handicapped parking space adjacent to 235 Ivy Street be forwarded to the City Council for adoption.

RESOLUTION NO. 137 98-99 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 646). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

Regular Agenda

4. ITEMS REMOVED FROM THE CONSENT AGENDA. — None
5. (No Council Action required)
CONSIDERATION OF REQUEST FOR MEASURES TO REDUCE SPEEDING ON YOSEMITE DRIVE, INCLUDING THE INSTALLATION OF STOP SIGNS ON YOSEMITE DRIVE AT ITS NORTHERLY

INTERSECTION WITH IDYLLWILD CIRCLE. The Committee denied the request for stop signs on Yosemite Drive at its northerly intersection with Idyllwild, and directed staff to (1) investigate the feasibility of alternate traffic devices, including traffic circles, on Yosemite Drive at its intersections with Palisade, Idyllwild and Delaney; (2) investigate whether changing the speed limit on Yosemite Drive would help alleviate the speeding problem; (3) provide the Canyon Oaks Golf Club with a flyer requesting its clients to consider using California Park Drive, rather than Yosemite Drive, for access to the facility, and provide the flyer to the California Park Homeowners' Association; and (4) bring the matter back to the Committee for further consideration when the studies were completed.

6. (Council action required to approve recommendation)
CONSIDERATION OF REQUEST FOR AMENDMENT TO THE CITY'S SIGN REGULATIONS TO ALLOW PORTABLE SIGNS TO BE LOCATED ON PRIVATE PROPERTY OTHER THAN THAT OWNED BY THE BUSINESS. The Committee recommended that Ms. Bertagna's request for amendments to the sign regulations to allow portable signs to be located off-site be denied; and directed staff to contact her and inform her that she may wish to address the Planning Commission regarding her concerns during its upcoming review of amendments to the City's land use regulations (Title 19 of the Chico Municipal Code).

Vice Mayor Johnston presided over the meeting during discussion of this item. Councilmember Keene moved approval of the Committee's recommendation. The motion was seconded and carried with Councilmembers Herbert, Jarvis, Keene and Kirk voting aye, Councilmembers Guzzetti and Johnston voting no, and Mayor Bertagna abstaining. The Mayor then presided over the remainder of the meeting.

7. (No Council action required)
CONSIDERATION OF REQUEST BY BUTTE COUNTY DEPARTMENT OF PUBLIC WORKS TO TEMPORARILY REMOVE THE CLASS 2 BIKE LANES LOCATED ON LOCUST STREET BETWEEN 19TH AND 20TH STREETS. The Committee concurred with the recommendation of staff and the Bicycle Advisory Committee not to remove the Class 2 bike lanes located on Locust Street between 19th and 20th Streets.

8. (Council action required to approve recommendation)
CONSIDERATION OF LOCAL ADOPTION OF THE MILLS ACT TO PROVIDE INCENTIVES FOR THE PRESERVATION OF HISTORICAL STRUCTURES. The Committee recommended approval of local implementation of the Mills Act, including the recommendations set forth in the Community Development Assistant's memorandum of 3/30/99, and directed staff to provide more information on its fiscal impacts, particularly staff costs to administer the program, when the matter was considered by the City Council.

The Council was provided with a memorandum dated 4/27/99 from the Community Development Assistant regarding estimated administrative costs relating to local implementation of the Mills Act. If Council concurred with the Committee recommendation, the implementing ordinance and fee schedule resolution would be submitted at a future meeting.

Councilmember Keene moved approval of the Committee's recommendation. The motion was seconded and unanimously carried.

9. (Council action required to approve recommendation)
CONSIDERATION OF AMENDMENTS TO TITLE 1 OF THE CHICO MUNICIPAL CODE REGARDING THE IMPOSITION OF ADMINISTRATIVE PENALTIES FOR CODE VIOLATIONS AS AN ALTERNATIVE TO CRIMINAL CITATIONS. The Committee recommended that the proposed ordinance providing for administrative citations and fines in lieu of criminal citations and fines be forwarded to the City Council for adoption along with the fee schedule resolution setting forth the penalties.

The below ordinance was submitted to Council this evening for introductory reading, and the fee schedule resolution would be submitted for consideration when the ordinance was scheduled for final reading and adoption.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTERS 1.01, TITLED "CODE ADOPTION," AND 1.04, TITLED "GENERAL PROVISIONS," OF THE CHICO MUNICIPAL CODE AND REPEALING AND REPLACING CHAPTER 1.15 OF THE CHICO MUNICIPAL CODE, TITLED "CIVIL PENALTY ASSESSMENTS," WITH A NEW CHAPTER 1.15, TITLED "ADMINISTRATIVE CITATIONS" — INTRODUCTORY READING. After reading the title, Councilmember Kirk moved approval of introductory reading. The motion was seconded and unanimously carried.

4.3. CONSIDERATION OF REFERRAL OF THE MATTER OF PUBLIC ACCESS TO TEICHERT PONDS TO THE BIDWELL PARK & PLAYGROUND COMMISSION

Since the City of Chico had acquired ownership of Teichert Ponds, Councilmember Kirk requested that the City Council consider referring the matter of public access to the Bidwell Park & Playground Commission. She added that while it was not intended to become a park, it was a greenway, and there was some confusion about when the public would have access.

Community Development Director Baptiste reported that the adjacent Heather Glen Subdivision map was now being processed, and would include public streets and access. City Manager Lando added that the City allowed groups to tour the area, and explained at what point public access could be allowed.

Dick Cory, 1765 Oak Way, recommended that the City address water quality and quantity, public access, educational programs at the site, management of the ponds, trails, and liability issues. Paul Maslin recommended referral of all issues to the Park Commission.

Councilmembers Keene and Johnston reported that they had made it clear when the City acquired the ponds that the area was to remain as a drainage area.

Councilmember Jarvis moved that the matter of public access be referred to the Park Commission for consideration and a recommendation. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no. Councilmembers Bertagna and Keene indicated they would consider the matter again when a map for development of the property was available.

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

5. BUSINESS FROM THE FLOOR.

A. Jesus Center in Ice House Building. Barbi Boeger, 1414 Park Avenue, representing various business owners on Park Avenue, reviewed her letter requesting that the Council schedule on the next available agenda, consideration of an appeal regarding the Community Development Director's decision to allow the Jesus Center to operate a soup kitchen, laundry, shower and clothing operation in the old Ice House building under current zoning provisions. It was her understanding that a use permit application and public hearing would be required before the Planning Commission if an emergency shelter was proposed, however, Park Avenue businesses were concerned that they had no opportunity to provide public input when the Community Development Director allowed the Jesus Center to locate in the Ice House building.

After discussing various options, Councilmember Keene requested that the matter be placed on the 5/18/99 agenda for further consideration.

B. Pedestrian Safety on Warner Street. Stephen Smith, 847 Warner Street, asked if the City could consider measures to improve pedestrian safety at the crosswalk between the dormitories and West Sacramento Avenue because of speeding vehicles.

The Council agreed with Councilmember Jarvis' suggestion that the matter be referred to the Internal Affairs Committee for consideration.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Letter dated 3/30/99 from California Water Service Company reporting that it has filed an application with the California Public Utilities Commission for an increase in rates of 3.2% for Chico-Hamilton City District.
- 6.2. Memorandum dated 4/7/99 from the Risk Manager submitting report regarding liability claims against the City that were denied during the quarter ending 3/31/99.
- 6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 4/2/99 for Wild Hare Saloon, 1414 Park Avenue.
- 6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 4/20/99 for Turandot North China, 1851 Esplanade.

7. ADJOURNMENT

The meeting was adjourned at 10:10 p.m. to Friday, 5/14/99 at 8:00 a.m. in the Council Chamber Building, in the event that a quorum of the Council attended the interviews for Chief of Police.

ADJOURNED REGULAR COUNCIL MEETING - MAY 18, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Johnston, Keene and Kirk. Absent - Councilmember Jarvis.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Service Employees International Union, Local 1292, AFL-CIO (SEIU) v. City of Chico, et al.*, Butte County Superior Court Case 120331. (Gov. Code Sec. 54956.9(a).)
 - 2.4. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers' compensation claim of Deanne Presnall (Gov. Code Sec. 54956.9(a).)
 - 2.5. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).) This item was not discussed during the closed session.
 - 2.6. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 7:30 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - MAY 18, 1999
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation. Pastor Curtis Barbarick, Church of Christ, delivered the invocation.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Johnston, Keene and Kirk. Absent - Councilmember Jarvis.
 - 1.4. Introduction of City staff members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Community Development Assistant Sellers, Housing Officer McLaughlin, and Assistant Public Works Directors Hislop and Martinez.
 - 1.5. Closed Session Announcement. None.
 - 1.6. Awards / Proclamations.
 - A. An Award was presented to the Mayor for the City from Peter Ramirez, Chairperson and Chief of the Mechoopda Indian Tribe, for the City's participation in the Mechoopda Indian housing project.
 - B. The Mayor read a proclamation proclaiming the month of May as Teen Pregnancy Prevention Month and presented it to Ann Dickman of the Butte County Department of Public Health.
 - C. The Mayor read a proclamation proclaiming the week of June 1 - 7 as Drug Court Week and presented it to Butte County Superior Court Judge Darrell Stevens.
2. CONSENT AGENDA — No items
3. NOTICED PUBLIC HEARINGS — No items
4. REGULAR AGENDA
 - 4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD MAY 3, 1999. Councilmember Keene reviewed a memorandum dated 5/4/99 from the Finance Committee which provided a report on its meeting held on 5/3/99, at which time the matters listed below were considered. (Councilmember Jarvis was present substituting for Committee member Guzzetti; and the other Committee members present were Councilmembers Herbert and Keene, Chair.)

Consent Agenda

1. (Council action required to approve supplemental appropriation.)
APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND THE CITY'S PARTICIPATION OF 10% TOWARDS FEDERAL AVIATION ADMINISTRATION (FAA) FUNDING FOR AIRPORT IMPROVEMENT PROGRAM PROJECTS. The Committee recommended (2-0, Councilmember Jarvis absent) approval of this supplemental appropriation.

Councilmember Guzzetti moved approval of the supplemental appropriation. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

Regular Agenda

2. ITEMS REMOVED FROM THE CONSENT AGENDA. — None.

3. (No Agency action required.)
MORTGAGE SUBSIDY PROGRAM (MSP) BORROWER REQUEST FOR FORGIVENESS OF INTEREST-CHRISTOPHERSEN- 2742 CERES. The Committee tabled the request from the Christophersens for forgiveness of interest on their MSP loan until after any Committee recommendations for MSP policy changes had been considered by Council and became effective.

4. (No Agency action required.)
CONSIDERATION OF PROVIDING MORTGAGE SUBSIDY PROGRAM (MSP) AND REHABILITATION PROGRAM ASSISTANCE TO PARTICIPANTS IN RESOURCES FOR RURAL COMMUNITY DEVELOPMENT (RRCDD) HOUSING PROGRAM. The Committee agreed not to set a policy on the Resources for Rural Community Development's (RRCDD) request for use of MSP and Housing Rehabilitation funds to assist developmentally disabled home buyers, but instead to consider specific proposals on a case by case basis; and also advised RRCDD that a stronger commitment of funds for maintenance of homes from the Far Northern Regional Center would be helpful.

5. (Council action required to approve recommendation.)
CONSIDERATION OF EXPANDING THE CODE ENFORCEMENT PROGRAM USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS. The Committee recommended that staff be directed to monitor the City's code enforcement program over the next year and bring back a recommendation on whether additional funding should be allocated for expansion of the program.

Councilmember Guzzetti moved approval of the Committee's recommendation. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

6. (Council action required to approve recommendation.)
CLARIFICATION OF BUDGET POLICY REGARDING FINANCE COMMITTEE REVIEW OF SUPPLEMENTAL APPROPRIATIONS. The Committee concurred with the staff recommendation that the budget policies regarding Finance Committee review of supplemental appropriations be amended to clarify that if they had been reviewed by the full Council or discussed directly in conjunction with a Council policy, these supplemental appropriations would go directly to Council.

Councilmember Guzzetti moved approval of the Committee's recommendation. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

7. (No Agency action required.)
REVIEW OF MORTGAGE SUBSIDY PROGRAM (MSP) POLICY ISSUES. The Committee directed staff to develop proposed criteria and conditions to clearly define "hardship" situations, for which the interest rates on MSP loans could be administratively reduced retroactively to the lower rates implemented two years ago without Committee review, and that these recommendations be brought back for consideration by the Committee at its next meeting.

8. (No Council action required.)
(A) FINANCE COMMITTEE ROLE IN THE BUDGET PROCESS AND (B) REVIEW OF POLICE DEPARTMENT BUDGET (Cont'd from Committee meeting of 4/5/99)
 - A. FINANCE COMMITTEE ROLE IN THE BUDGET PROCESS. The Committee agreed (2-0, Jarvis absent) that departments should be requested to provide the type of information outlined in the City Manager's memorandum of 4/28/99 in connection with the Finance Committee's review of departmental budgets, and in addition, that information be provided on programs which receive outside grants and were time specific.
 - B. REVIEW OF POLICE DEPARTMENT BUDGET. The Committee agreed to continue its review of the Police Department budget, requesting further discussion of the following matters at its next meeting:
 1. Is it possible to reduce overtime costs by adding personnel without incurring additional costs?
 2. Are any service consolidations with the Fire Department possible?
 3. Development of a five year plan to address future growth and funding needs.

4. How could the NET (Neighborhood Enforcement Team) program be tied into the need for a gang program?
 5. Priority of enforcement vs. prevention.
5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
 6. ADJOURNMENT. The meeting was adjourned at 8:00 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING - MAY 18, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Johnston, Keene and Kirk. Absent - Councilmember Jarvis.

City staff - City Manager Lando City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Community Development Assistant Sellers, Housing Officer McLaughlin, and Assistant Public Works Directors Hislop and Martinez.

2. CONSENT AGENDA

- 2.1. (Removed from the Consent Agenda at the request of Steven Post-Jeys.)
ORDINANCE NO. 2179 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 12 OF THE CHICO MUNICIPAL CODE, ENTITLED "PARKS AND PLAYGROUNDS - GENERAL PROVISIONS," BY AMENDING SECTION 12.04.050, ENTITLED "DRUG FREE ZONES," TO INCLUDE HUMBOLDT NEIGHBORHOOD PARK — FINAL READING AND ADOPTION

By memorandum dated 4/2/99, the Park Director reports that the Bidwell Park and Playground Commission approved inclusion of the Humboldt Neighborhood Park as a drug free zone. Such designations are pursuant to California Health and Safety Code Section 11380.5 which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of city parks and playgrounds. The Bidwell Park and Playground Commission and Park Director recommend approval.

- 2.2. RESOLUTION NO. 138 98-99 -- 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 FIRST AVENUE ANNEXATION DISTRICT NO. 17.

By memorandum dated 5/3/99, the Community Development Assistant forwards a report on initiation of annexing 1452 East First Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property at 1452 East First Avenue, developed with a single family residence requiring sanitary sewer connection. The Community Development Assistant recommends adoption of the resolution.

- 2.3. RESOLUTION NO. 139 98-99 -- 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 8TH AVENUE ANNEXATION DISTRICT NO. 6.

By memorandum dated 5/3/99, the Community Development Assistant forwards a report on initiation of the

annexation of one parcel located at 1306 West 8th Avenue. The parcel, totaling .420 acre, is developed with utility uses consistent with the General Plan and zoning. Annexation was initiated by AT&T, the owner, to provide sewer service to existing and new facilities on that site. The Community Development Assistant recommends adoption of the resolution.

- 2.4. RESOLUTION NO. 140 98-99 -- 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 - SHERIDAN AVENUE ANNEXATION DISTRICT NO. 5.

By memorandum dated 4/30/99, the Community Development Assistant forwards a report on initiation of the annexation of 15 parcels located along the east side of Sheridan Avenue between East 1st Avenue and East 5th Avenue. Each of the parcels is developed with residential uses consistent with the City's General Plan and rezoning. The annexation has been initiated by the owner of 9 parcels to facilitate sanitary sewer connection and supported by two others. The remaining four properties were added after notice to the owners to reflect LAFCo policy for uniform boundaries. The Community Development Assistant recommends adoption of the resolution.

- 2.5. RESOLUTION NO. 141 98-99 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO DISSOLVE AN EXISTING MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 20 - EDGEWATER COVE

By memorandum dated 4/5/99, the Director of Public Works reports that this resolution will initiate the process to dissolve Chico Maintenance District No. 20, located in California Park, southerly of Lakewest Drive, which was originally formed prior to the passage of Proposition 218 in November, 1996. No assessments were ever levied against parcels in the district, and since the California Park Homeowner's Association has agreed to take over the operation and maintenance of the public improvements, the need for this district no longer exists. If Council adopts this resolution, a public hearing will be scheduled for 6/15/99. The Director of Public Works recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 142 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING CERTAIN CITY OFFICIALS AND A CITY CONTRACTOR ACCESS TO SALES AND USE TAX RECORDS PURSUANT TO SECTION 7056 OF THE REVENUE AND TAXATION CODE

By memorandum dated 5/5/99, the Finance Director submits this "housecleaning" Resolution which will revise the personnel authorized to access State Board of Equalization sales and use tax records, replacing the names of staff no longer employed by the City with appropriate position titles to provide for continuity of authority regardless of changes in personnel. The Finance Director recommends adoption of the resolution.

- 2.7. RESOLUTION NO. 143 98-99 -- 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 (SOUTHWEST CORNER OF COUNTRY DRIVE AND EAST PARK AVENUE

By memorandum dated 5/6/99, the Director of Public Works reports that at the request of the County of Butte, this resolution will initiate the abandonment process for a portion of excess right of way at the southwest corner of Country Drive and East Park Avenue, reserving a public service easement over the entire area. The County wishes to construct a new access to the Sheriffs' Substation from Country Drive.

The Director of Public Works recommends adoption of this resolution which will schedule a public hearing at Council's 6/15/99 meeting.

- 2.8. MINUTE ORDER NO. 13-99 -- AUTHORIZATION TO CONDUCT ELECTION OF COVERED EMPLOYEES FOR

POSSIBLE CHANGES IN HEALTH AND DENTAL INSURANCE PROVISIONS

The City provides health and dental insurance coverage to employees through various bargaining agreements. Those agreements require that employees vote to approve changes in the carrier or plan for those benefits. The City, through its Health Plan Review Committee, is reviewing dental and medical plan options. Pursuant to her memorandum dated 5/3/99, the Personnel Director recommends approval of this Minute Order which would authorize an employee election for potential changes in health and dental plan benefits. Any plan changes would have to be reviewed and approved by the City Council in a separate action prior to implementation. This Minute Order approves only the employee election. The Personnel Director recommends approval of this Minute Order.

2.9. APPROVAL OF MINUTES FOR MEETING HELD ON APRIL 20, 1999

The Council has been provided with copies of minutes for its meeting held on 4/20/99.

2.10. APPROVAL OF UTILITY USERS TAX REFUND PROGRAM VERY LOW INCOME LEVELS AND MAXIMUM REFUND AMOUNTS FOR THE APPLICATION PERIOD MAY - JUNE 1999

By Resolution No. 46 97-98 adopted 11/21/97, the City Council approved a one year trial period for issuing utility users tax refunds based on very low income levels by household size, as opposed to one income level for all sizes of households, for the application period May - June 1998. By memorandum dated 5/11/99, the Finance Director reports that the trial period was successful, and recommends continuing to use very low income levels by household size and corresponding maximum refunds. Income levels are adjusted annually, January 1, by the U.S. Department of Housing & Urban Development (HUD). The Finance Director recommends approval of the very low income levels published by HUD effective January 1, 1999, for purposes of calculating utility users tax refunds for the application period May - June 1999.

2.11. (Removed from the Consent Agenda at the request of Frank Solinsky.)

PUBLIC MEETING REGARDING FISCAL YEAR 1998-99 ANNUAL REPORT FOR CHICO MAINTENANCE DISTRICT (CMD) NO. 9 — PAYLESS LUMBER

By memorandum dated 4/4/99 Management Analyst Halldorson presents the Annual Report for CMD No. 9 for FY 1998-99. During the annual report process for FY 1998-99, the Council removed the report for this district for further evaluation. Subsequently at the November 1998 budget meeting, Council provided direction to staff to include the parcels within this district in the proposed formation of the district which will include newly constructed Home Depot. These parcels are adjacent to each other along the east side of SHR 99 south of the Skyway. As the Community Development Department is not yet ready to form a district for Home Depot, and as FY 98-99 is nearing conclusion, this department has prepared an annual report on CMD No. 9 for FY 98-99 in order to levy an assessment to recover costs incurred for water and electricity. This report is prepared in compliance with Proposition 218, as the amount of the district assessment does not exceed the amount of the cost of operating and maintaining the district in fiscal year 1996-97. The Director of Public Works recommends adoption of this annual report after the final public hearing which is scheduled for Council's meeting of 6/15/99.

2.12. (Removed from the Consent Agenda at the request of Frank Solinsky.)

PUBLIC MEETING REGARDING FISCAL YEAR 1999-00 ANNUAL REPORT FOR CHICO MAINTENANCE DISTRICTS

(Councilmembers should bring the binders containing the Maintenance District Annual Report, which were previously distributed, to this meeting and to the final public hearing scheduled for 6/15/99.) By memorandum dated 4/6/99 Management Analyst Halldorson presents the Chico Maintenance District Annual Report for FY 1999-00. In accordance with Proposition 218, the amount of the district assessments cannot exceed the amount of the cost of operating and maintaining the districts in fiscal year 1996-97. Staff has made adjustments in the scope of work for some districts and with conservative management, most of the districts are operating within budget. The Director of Public Works recommends adoption of this annual report after the final public hearing

scheduled for Council's meeting of 6/15/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.1, 2.11 and 2.12. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Jarvis.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING TO CONSIDER OBJECTIONS TO RESOLUTION ORDERING ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DIRT

Fire Chief Brown reviewed his memorandum dated 5/5/99 in which he reported that the purpose of this evening's hearing was to consider all objections to the removal of weeds, rubbish, refuse and/or dirt. Notice of the hearing was mailed to all property owners on the list attached to the resolution as Exhibit "A". This resolution would establish Sunday, May 30, 1999 as the last day for abatement and removal of weeds. He recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 144 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING OBJECTIONS TO RESOLUTION DECLARING WEEDS, RUBBISH, REFUSE AND/OR DIRT TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT AND REMOVAL OF THE WEEDS, RUBBISH, REFUSE AND/OR DIRT, AND PROVIDING FOR AN ASSESSMENT OF THE COST OF SUCH ABATEMENT AND REMOVAL

After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Jarvis.

3.2. HEARING ON FLORAL AVENUE ANNEXATION DISTRICT NO. 14

Community Development Assistant Sellers reviewed his memorandum dated 4/29/99 forwarding the proposed annexation of 25 parcels, totaling 50 acres, along Floral and Mariposa Avenues north of East Avenue. The properties included 22 residences, a wholesale nursery, a utility substation and vacant land. The annexation was initiated by the owners of 8 parcels to facilitate the subdivision to create 29 lots for single family residential development. As this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Deny the annexation if a majority protest is filed. (2) Approve the annexation subject to confirmation by voters if a protest is filed by 25% to 49.9% of the registered voters or 25% or more of the landowners. (3) Approve the annexation without an election if the protest represents less than 25% of the registered voters and landowners. In the absence of a valid protest, the Community Development Assistant recommended adoption of the resolution.

The Community Development Assistant further reported that this evening the Council had received a letter dated 5/18/99 from Cyril and Shirley Weagle, both property owners and registered voters at 2726 Mariposa Avenue, protesting the annexation of their property to the City. The Community Development Assistant indicated that it did not represent a majority protest.

No one spoke from the audience, no other written protests were received, and the Mayor declared the hearing closed.

RESOLUTION NO. 145 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - 99-13 - CITY OF CHICO - FLORAL AVENUE

ANNEXATION DISTRICT NO. 14. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Jarvis.

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 87, ENLOE PARCEL MAP 97-01 SUBDIVISION

Community Development Director Baptiste reviewed his memorandum dated 4/15/99 in which he reported that this resolution would order the formation of Chico Maintenance Assessment District No. 87. As a condition of development of this subdivision, located on the west side of Bruce Road and bounded by E. 20th Street, Notre Dame Blvd., and Humboldt Road, the developer, N.T. Enloe Memorial Hospital, had consented to the formation of this district for operation and maintenance of landscaping and irrigation within the public right of way. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Although the district was being formed now, no assessments would be made until such time as development occurred. He recommended adoption of the Resolution.

Councilmember Guzzetti reported that he would abstain from discussion or voting on this item since he had done business with the Enloe Hospital Foundation in the last year.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 146 98-99 -- 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. 87 — ENLOE PARCEL MAP 97-01). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Guzzetti. ABSENT: Councilmember Jarvis.

3.4. HEARING ON RESOLUTION AMENDING THE CITY'S FEE SCHEDULE

Assistant City Manager Dunlap reviewed a memorandum dated 5/4/99 from Management Analyst Herman which reported that an annual review of the City's Fee Schedule had been conducted by various City Departments resulting in the recommendations listed in her memorandum. The California Government Code required that a public hearing on the establishment or increase of fees that impact development be held and that a public notice be mailed to any party who had filed a written request for such mailed notice. Therefore, the required notice regarding adjusting the Annexation Fees, the Building Fees and the Public Works Fees was mailed to the one party who filed such a request. The City Manager recommended adoption of the resolution.

Various City staff members answered questions from Councilmembers regarding proposed increases in some of the fees. The Mayor and City Manager recommended deleting any fees that the Council wanted reviewed by the Finance Committee, and then adopting the remaining fees.

No one spoke from the audience and the Mayor declared the hearing closed. Councilmember Keene moved to amend the resolution by deleting Fee Schedules 11.010 Annexation Fees, 11.025 Chico Municipal Center Use Fees, 50.050 Sewer Fees, 60.010 Building Division Fees, 60.020 Public Works Fees and 60.170 Public Right of Way Cafe License Fees. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

RESOLUTION NO. 147 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 235 - TRANSPORTATION SYSTEM FEES, BUSINESS LICENSE TAX INFORMATION, FEES FOR ISSUANCE, ASSUMPTION AND REFUNDING OF REVENUE BONDS, PREFERENTIAL PARKING PERMIT FEES, POLICE DEPARTMENT FEES). After reading the title, Councilmember Keene moved adoption of the resolution as amended. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None.

ABSENT: Councilmember Jarvis.

3.5. HEARING ON FISCAL YEAR 1999-2000 CDBG/HOME ANNUAL PLAN

Housing Officer McLaughlin reviewed his memorandum dated 5/5/99 in which he reported on the proposed Annual Plan for the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. The memorandum included the FY 1999/2000 proposed Annual Plan adopted by Council at its 4/6/99 meeting and published for a 30-day comment period. There were no comments received during the public review period nor subsequent to the preparation of this evening's agenda. The Council was also provided with copies of the Housing Officer's memorandum dated 3/19/99 which was provided for Council's 4/6/99 Public Hearing and which included the staff report provided to the Finance Committee for its meeting of 3/21/99. After receiving input on the proposed Annual Plan and completing its own deliberations, the Council should 1) adopt the final 1999/2000 Annual Plan, and 2) authorize the City Manager to submit the Annual Plan to the Department of Housing and Community Development (HUD) with the required certifications, and execute the Grant Agreement between HUD and the City.

Councilmember Keene indicated he would vote against adoption of the Plan due to the emergency shelter set-aside funding. No one spoke from the audience and the Mayor declared the hearing closed.

Councilmember Kirk moved to (1) adopt the final 1999/2000 Annual Plan, and (2) authorize the City Manager to submit the Annual Plan to HUD with the required certifications, and execute the Grant Agreement between HUD and the City. The motion was seconded and carried with Councilmembers Guzzetti, Johnston, Kirk and Bertagna voting aye, Councilmembers Herbert and Keene voting no, and Councilmember Jarvis being absent.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

- 2.1. Ordinance Amending Title 12 of Municipal Code to Include Humboldt Neighborhood Park as a Drug Free Zone. Steven Post-Jeys observed that designating a drug free zone did not create such a zone, that the designation might only result in an enhanced penalty for any violation within the park, and that the cost to the City for enforcement and signs might be spent elsewhere.

The City Manager reported that the surrounding neighborhood had requested the designation, the Park Director reported that the Park Commission recommended the designation, and the Police Chief indicated that the Chico Area Recreation District and neighbors near other designated areas have indicated that signs did heighten awareness and did appear to reduce drug use. Councilmember Kirk suggested consideration of adding wording to the signs that enhanced penalties could result from violations.

Following discussion and after reading the title, Mayor Bertagna moved adoption of Ordinance No. 2179. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Jarvis.

- 2.11. Public Meeting re 1998-99 Annual Report for Maintenance District No. 9 (Payless Lumber).

- 2.12. Public Meeting re 1999-00 Annual Report for Chico Maintenance Districts.

City Manager Lando reported that Frank Solinsky, owner of the Payless Lumber property, had agreed to meet with City staff prior to the 6/15/99 public hearing to try to answer questions and resolve any of his concerns and would report to Council at the hearing.

Councilmember Keene moved to acknowledge receipt of items 2.11 and 2.12. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

The Council recessed for 15 minutes and reconvened at 8:55 p.m.

4.2. CONSIDERATION OF PROPOSAL REGARDING USE OF BIDWELL RANCH PROPERTY

City Manager Lando reviewed his memorandum dated 5/5/99 in which he recommended that the Council conceptually approve setting aside the Bidwell Ranch property for wetland mitigation, airport overflight area, and other designated non-residential uses, and direct staff to amend the General Plan to remove the existing residential designation from the property. If conceptually approved, he would recommend that the Council then schedule a work session.

The City Manager further reported that in a letter attached to his memorandum the California Department of Forestry (CDF) was recommending that no structure be built on the site, and that they planned to expand their operations at the Airport. He added that the Airport Commission conceptually approved the use of Airport Funds to acquire an overflight area. Another letter attached to his memorandum from Pete Giampaoli expressed an interest in acquiring wetland mitigation, and it was thought that development on the west side of the Airport could acquire wetland mitigation areas in Bidwell Ranch. Also being considered was the sale of sewer trunkline capacity to other development which was originally set aside for the Bidwell Ranch property. Butte County Meadowfoam plants also existed on the property. The City Manager believed that the infrastructure needed for public access to the property could be costly and difficult, depending upon the size and location of any development.

The City Manager then responded to Council questions regarding wetland mitigation set aside areas, contacting the Federal Aviation Administration (FAA) for potential assistance in acquiring an overflight area, the referendum petition some years ago against the Bidwell Ranch development, outstanding sewer assessments, and loss of revenues if 1500 residential units were taken out of the General Plan. The Council would be undertaking its five-year General Plan review this fall.

Carl Johnson, 1850 Vallombrosa Avenue, Gloria Bettencourt, 1366 Vallombrosa Avenue, Jerry Olio, 2595 Cactus Avenue, and Suzanne Gibbs, 1162 East 7th Street, all spoke in favor of further study of the City Manager's proposals.

Following discussion, Councilmembers requested further information from the City Manager regarding the CDF overflight area needs, the wetland mitigation possibilities, a comparison of costs to acquire wetland on this site and elsewhere, and the estimated cost to provide access to the property if it was developed. Councilmember Guzzetti then moved that after the City Manager determined how long it would take to secure the requested information, that he report back to Council on a suggested date for a workshop. The motion was seconded and unanimously carried with Councilmember Jarvis being absent.

4.3. CONSIDERATION OF REQUEST FROM BARBI BOEGER TO WAIVE FILING FEE, CALL UP THE RECORD AND SCHEDULE A PUBLIC HEARING ON AN APPEAL FROM THE SOUTH CHICO CHAMBER RELATING TO THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO ALLOW THE JESUS CENTER IN THE ICE HOUSE BUILDING ON PARK AVENUE

The City Manager reported that at the City Council meeting of 5/4/99, Councilmember Keene asked that Barbi Boeger's request (set forth in her 5/4/99 letter) for review of staff's decision allowing the Jesus Center as a permitted use in the Ice House Building (located on Park Avenue) be heard by the Council. The Council had been provided with a memorandum dated 5/11/99 from the Community Development Director which provided a report indicating the basis for his decision. In his memorandum dated 5/10/99, the City Manager was recommending that the appeal not be heard.

In response to Council questions, the Community Development Director stated that his decision made in 1997 was based on allowed uses in a C-1 zone, and the City Attorney stated he did not know how the Council could extend

the time to file an appeal unless it amended the Municipal Code and applied it retroactively. The Mayor questioned the City's liability after the Jesus Center had acquired and made a substantial investment in the property.

Barbi Boeger, 1414 Park Avenue, asked the Council to schedule a hearing because Park Avenue businesses were advised in 1997 that they had no legal remedy and that there was not an appeal process for the staff decision. She believed that the definition of uses set forth in the Municipal Code did not apply to the actual uses to provide food and clothing that were to be located within the Jesus Center.

Cookie Scott, P.O. Box 4780, and Caryn Jones, 5 Deborah Terrace, Mike O'Brien, a member of Jesus Center Board of Directors, and Susan Johnsen, 569 East 14th Street, supported the City Manager's recommendation. Michelle Shover, East 12th Street; John Mull, Olde Clippings Hair Design on Park Avenue; Mike O'Bryan, a business owner on Park Avenue; Kit Clements, 1101 Nelson Street; April & Art Gausemel, 857 East 8th Street and owners of property on East 12th Street, all spoke in favor of a public hearing because of the impact the prior Jesus Center had on the Park Avenue area and the potential impacts once the new Center opened. A letter dated 5/15/99 was provided this evening from Robin Freer, 1224 Locust Street, expressing concern for the Jesus Center coming back to the neighborhood. Councilmembers Guzzetti and Kirk stated their reasons for supporting a hearing.

Following discussion, Councilmember Kirk moved that the Council hear the appeal. The motion was seconded but failed to carry with Councilmembers Guzzetti and Kirk voting aye, Councilmembers Herbert, Johnston, Keene and Bertagna voting no, and Councilmember Jarvis being absent.

4.4. 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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Memorandum dated 4/29/99 from the Risk Manager forwarding the Arts Commission recommendations regarding 1999-2000 Transient Occupancy Tax (TOT) Funding Requests (Arts Organizations). This will be considered by Council at its 6/1/99 budget review meeting.

6.2. Mike Crandall, President of Stansbury Home Preservation Association, submits the Annual Report for 1998 as required by the terms of the lease for operation and maintenance of the Stansbury Home.

6.3. Memorandum dated 5/4/99 from the City Clerk Administrative Analyst reporting that the Annual Statements of Economic Interests for designated positions filed for calendar year 1998 are available for review in the City Clerk's office.

6.4. Memorandum dated 4/26/99 from the Director of Public Works forwarding the Report of the Parking Place Commission on its meeting held 4/21/99.

6.5. Memorandum dated 4/28/99 from the Chief of Police forwarding the Citizens' Option for Public Safety Grant Summary Report for the period of 9/1/98 - 3/27/99.

6.6. Memorandum dated 5/4/99 from the Finance Director reporting that the list of claims paid during the month of April 1999 is available for review in the offices of the Finance Director, the City Clerk and the City Council.

6.7. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 5/5/99 for Taste of India, 121 Broadway.

7. ADJOURNMENT

The meeting was adjourned at 10:50 p.m. to Tuesday, 5/25/99 at 7:00 p.m. in Conference Room No. 1 for a budget meeting with boards and commissions.

ADJOURNED REGULAR COUNCIL MEETING - MAY 25, 1999
Chico Municipal Center, Conference Room 1, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1 Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2 Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.
 - 1.3 Introduction of Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Transportation Coordinator McEnespy, Budget Officer Pierce and Urban Forester Boza.
2. CONSENT AGENDA - No items.
3. NOTICED PUBLIC HEARINGS - No items.
4. REGULAR AGENDA.
 - 4.1. MEETING WITH BOARDS & COMMISSIONS.

The Council scheduled today's meeting as part of its 1999-00 Budget Calendar. A memorandum was sent on 3/15/99 from the City Clerk asking boards and commissions if there were any budget issues they wished to discuss with the Council at today's meeting, and the responses received were listed below. (All boards and commissions were not listed since some did not have any matters to discuss with the Council.)

- A. Community Transit Advisory Committee. In attendance were Committee Members Sherri Lynn Douglas, Peggy Hargrove, Linda Leahy, Barbara Shockley and Jonathan Studebaker.

The Council was in receipt of a memorandum dated 5/5/99 from the Director of Public Works advising that the Committee was requesting discussion of the following items:

1. New Chico Area Transit System (CATS) route to the Sierra Sunrise Village, Enloe Outpatient Center area.
2. Additional service for Chico Clipper users.
3. Request that Council send correspondence to the Butte County Board of Supervisors asking that the County utilize its Transportation Development Act (TDA) funds for improved public transportation services.

Committee Member Shockley spoke on the need for more bus shelters in the California Park area and the Raley's Shopping Center area. The Transportation Coordinator reported that the City would receive some Clean Air Act funds for shelters.

Councilmember Guzzetti arrived at 7:10 p.m.

Board Member Douglas spoke on the need to assure the reliable operation of the wheelchair lift on the Route 2 bus and the need for a concrete pad at the Enloe Outpatient Center bus stop in the California Park area. The Transportation Coordinator added that because this was a new CATS route, the City was still experimenting with the most suitable bus stops. Councilmember Guzzetti suggested improving the bus stop on Whitman Avenue where there was a bike lane but no sidewalk.

Board Member Studebaker recommended that the Council consider increased service hours for the Chico Clipper, and the Transportation Coordinator added that items 2 and 3 were tied together.

Following discussion, the Council concurred in the City Manager's recommendation to consider these matters further at the 6/1/99 budget meeting (100% of the City's transportation funds were allocated to transportation, but the County's were divided between transportation and road projects.) The Council also agreed with his suggestion that the Transit Committee hold a public meeting relating to bus stops and bus

shelters and report back to the Council. The Transportation Coordinator added that staff would also review bus maintenance records and report back to the Council.

- B. Arts Commission. In attendance were Commissioners Todd Hall, Jack Lee, Mary Memmer, Robin Nichols, Greg Tropea and Ross White.

The Council was in receipt of a memorandum dated 5/6/99 from the Risk Manager which noted that the Commission desired to discuss the following items:

1. Status of the Diamond Alley art project.
2. Conversion of old Municipal Building into an art museum.
3. Allocation of TOT arts funding to staff Art Projects Coordinator position.
4. Commission subcommittee updates.

Commissioner Hall reviewed item 1 and asked if the Commission should move forward on the project since the Council had placed it on hold at one time. Risk Manager Koch noted that no funds were included in the budget for this project. Following discussion, the Council agreed with Councilmember Johnston's suggestion that no further action be taken until the City knew the final disposition of the vacant Diamond Hotel building located on the east side of the City's parking structure.

Commissioner Tropea asked if the Council was interested in having the Commission pursue item 2 and proceeding with some type of a study. Following discussion, the Council agreed with Councilmember Jarvis' suggestion that staff provide a status report to Council at its mid-July meeting of various uses of the building that were now being explored by staff.

Commissioner Lee reviewed item 3 and he and Risk Manager Koch responded to Council questions on the hours worked and the various assignments/projects that were being done by Art Projects Coordinator Gardner. Following discussion, the Council concurred in Mayor Bertagna's suggestion that the Commission provide an outline of the projects and assignments that the Art Projects Coordinator performed in her various job categories.

With regard to item 4, Commissioner Memmer provided an update on various projects and programs being undertaken by the Art in Public Places Subcommittee, and noted that Commissioners Busch and Nichols also were members. Commissioner Tropea provided an update relating to the Information Subcommittee, and reported that Commissioner Jack Lee also was a member.

The Council recessed for 10 minutes and reconvened at 8:10 p.m.

- C. Bidwell Park & Playground Commission. In attendance were Commissioners Tom Barrett, Russell Mills and Steven O'Bryan.

The Council was in receipt of a memorandum dated 5/11/99 from the Park Director regarding the following:

1. Funding for the Chico Creek Nature Center.
2. Resource analysis for the new acquisition (north side of Upper Park).
3. Volunteer Program.

With regard to item 1, Commissioner Mills reported that the Commission was recommending approval of the Nature Center's \$45,000 funding request rather than the \$35,000 recommended by the Finance Committee. He provided a comparison of community organization funding requests and the amounts being recommended by the Finance Committee, and pointed out that the Nature Center was one of the few recommended for less funding for next fiscal year than this fiscal year.

The Council agreed with the Mayor's recommendation that the Nature Center provide the Council with a summary of funds it received from other sources as well as a summary of its fund-raising efforts and submit it during the 6/1/99 budget review meeting. The City Manager added that he thought a third party might be providing additional funding for the Nature Center, however, he would confirm that information and report back to the Council.

Commissioner Barrett reported on item 2. He stated that the Commission had drafted an amendment to the Bidwell Park Master Management Plan, that before proceeding on the amendment a resource analysis was required to provide the baseline information needed to complete an environmental review of the amendment, and that the cost of the analysis was estimated at \$30,000 based on a proposal from the University Research Foundation. The Park Director added that funds were not included in the 1999-00 proposed budget for the analysis, and the City Manager noted that the request could be included on the "Additive List" for consideration on 6/1/99.

Park Director Beardsley reported on item 3 and the results of combining a full-time Park Ranger and a full-time Volunteer Coordinator position in May of last year. He added that the Park Ranger/Volunteer Coordinator's report dated 5/8/99 was attached to the memorandum provided to Council this evening, and it summarized various activities during 1999 and a comparison to a similar period in 1998.

Commissioner Barrett provided the Council with a handout dated 5/20/99 regarding the creation of a Bidwell Park Endowment Fund, which would provide additional funding for Bidwell Park, and would be managed by the North Valley Community Foundation.

D. Parking Place Commission. In attendance were Commissioners Cynthia Augur, Ali Sarsour and Rick Tofanelli.

1. Funding for one additional parking enforcement officer position (memorandum dated 5/13/99).
2. The City Manager requested direction from the Council on the process it would prefer using to consider Saturday parking meter enforcement.

Commissioner Sarsour reported that the Commission was recommending an additional parking enforcement officer position, at an estimated cost of approximately \$45,000, or making the current part-time position into a full-time position at an estimated \$8,000 to \$10,000 over current costs. It was their belief that the cost would be offset by the additional revenue received from parking citations and by the proposed increase in parking fines.

After discussing various issues, the Council agreed with the City Manager's suggestion that at the 6/1/99 budget meeting the Council could further discuss revenues from fines, Saturday enforcement, a full-time community services officer for parking enforcement, and having a bike patrol position also perform parking enforcement.

Councilmember Keene recommended that Council wait until the new Chief of Police was hired before considering Saturday parking meter enforcement and an increase in parking fines, and the Council concurred. Council also agreed with Councilmember Jarvis' suggestion that it be left to the Mayor's discretion whether to schedule the meeting in July or August, and that representatives of the University be in attendance during discussion of the parking fines.

Mary Andrews, a downtown business owner, indicated her opposition to Saturday meter enforcement, and instead educating business owners and employees not to use metered parking spaces on Saturdays.

The Council recessed for 10 minutes and reconvened at 9:00 p.m.

E. Planning Commission. In attendance were Commissioners Ross Bradford and Kirk Monfort.

The Council was in receipt of a memorandum dated 5/10/99 in which the Commission requested consideration of traffic impacts at the intersection of the Esplanade and East Avenue.

Planning Director Seidler reported that during recent meetings, members of the public and Commission members expressed their concern on the impact that continued development to the north and west would have on traffic at this intersection. The Commission thought that a substantial problem already existed, and that the intersection should be moved up in priority in the Capital Improvement Program.

The City Manager reported that staff was working with the Butte County Association of Governments on utilizing congestion management funding, however, additional right of way needed to be acquired to provide the needed width for right turn lanes.

In response to the Council, the City Manager indicated that he would find out whether the City could be reimbursed at a later date from congestion management funds if it installed right turn lanes now.

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

5. BUSINESS FROM THE FLOOR. None.

6. REPORTS AND COMMUNICATIONS - No items.

7. ADJOURNMENT

The meeting was adjourned at 9:15 p.m. to Tuesday, 6/1/99 at 9:00 a.m. in Conference Room 1 for all-day Budget Review. (The Regular Meeting on 6/1/99 at 7:30 p.m. will be canceled.)

ADJOURNED REGULAR COUNCIL & REDEVELOPMENT AGENCY MEETING - JUNE 1, 1999

Chico Municipal Center, Conference Room #1, 421 Main Street, 9:00 a.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 9:00 a.m., and the Council then adjourned to Conference Room #2 for a closed session.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.
- 1.2. City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, and Personnel Director Erlandson.

- 1.3. CLOSED SESSION. The Council adjourned to a closed session at 9:05 a.m. to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 9:30 p.m. and adjourned to a Council meeting in Conference Room No. 1.

1. CALL TO ORDER. The Mayor called the meeting to order at 9:35 p.m. in Conference Room No. 1.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.
- 1.3. City Staff Members attending all or portions of the meeting - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce, Management Analyst Halldorson, Assistant Public Works Director Martinez, Police Captains Klassen and Maloney, Public Information Technician Wood, Transportation Coordinator McEnespy, Housing Officer McLaughlin and Housing Specialist Burkland.

2. CONSENT AGENDA

- 2.1. RESOLUTION NO. 148 98-99 -- 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 - 2334 FAIR STREET / A.P. NO. 005-480-056

By memorandum dated 5/10/99, the Director of Public Works reports that in accordance with a petition from the property owner, Margaret Williamson, Managing Partner, Williamson Properties, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/10/99 attached to the 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 recommends adoption of the resolution.

- 2.2. RESOLUTION NO. 149 98-99 -- 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 - 1924 MANGROVE AVENUE / A.P. NO 003-365-012

By memorandum dated 5/10/99, the Director of Public Works reports that in accordance with a petition from the property owner, Richard L. Stewart, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/10/99 attached to the 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 recommends adoption of the resolution.

- 2.3. RESOLUTION NO. 150 98-99 -- 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 - 1355 EAST LINDO AVENUE / A.P. NO 045-560-025

By memorandum dated 5/12/99, the Director of Public Works reports that in accordance with a petition from the property owners, Paul W. Conley & Julie A. Conley Trustees, Conley Revocable Trust dated 5/9/97, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/12/99 attached to the 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 recommends adoption of the resolution.

- 2.4. RESOLUTION NO. 151 98-99 -- 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 - 1704 MANGROVE AVENUE / A.P. NO 003-371-045

By memorandum dated 5/10/99, the Director of Public Works reports that in accordance with a petition from the property owner, Mary Anne Houx, Trustee of the Mary Anne Houx Living Trust, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/10/99 attached to the 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 recommends adoption of the resolution.

- 2.5. RESOLUTION NO. 152 98-99 -- 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 - 3124 ESPLANADE / A.P. NO 006-200-001

By memorandum dated 5/10/99, the Director of Public Works reports that in accordance with a petition from the property owners, Donald R. and Dorothy A. Brown, partners in the Almond Tree R.V. Park and Mini Storage, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/10/99 attached to the 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 recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 153 98-99 -- 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 - 1432 NORTH CHERRY STREET / A.P. NO 043-132-022

By memorandum dated 5/10/99, the Director of Public Works reports that in accordance with a petition from the property owner, Cheryl A. Cozad, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 5/10/99 attached to the 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 recommends adoption of the resolution.

- 2.7. RESOLUTION NO. 154 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 1 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION UNIT A REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 5/7/99, the Personnel Director recommends adoption of this resolution which implements changes in City payment for health insurance for employees represented by Chico Police Officers' Association (CPOA) Unit A. The City Council approved this modification for all employee groups in June, 1998; however, this agreement was not modified at that time. The Personnel Director recommends adoption of the resolution.

- 2.8. RESOLUTION NO. 155 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE CHICO POLICE OFFICERS' ASSOCIATION - UNIT B REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 5/19/99, the Personnel Director recommends adoption of this resolution which approves a replacement Memorandum of Understanding between the City and Chico Police Officers' Association (CPOA) Unit B. The additional costs for this agreement have been included in the 1999-2000 Preliminary Budget. A copy of the Memorandum of Understanding has been made available for Council review. The Personnel Director and City Manager recommend adoption of the resolution.

- 2.9. RESOLUTION NO. 156 98-99 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO EXPRESSING ITS APPRECIATION AND CONGRATULATIONS TO CHIEF OF POLICE JIM MASSIE UPON HIS RETIREMENT.

This resolution expresses the Council's appreciation to Chief of Police Jim Massie for his service to the City and congratulates him upon his upcoming retirement on 7/7/99. The resolution will be prepared in a form for execution by all Councilmembers and presented to him at a future date.

- 2.10. APPROVAL OF REJECTING ALL BIDS AND RE-ADVERTISING FOR BIDS FOR THE CITY'S OFFICIAL PUBLICATIONS.

By memorandum dated 5/19/99, the City Clerk reports that bids were received from the Chico Enterprise-Record (E-R) and the Chico News & Review (N&R) on 5/7/99 for the City's official publications, but the E-R failed to list the unit prices (cost per column inch) for legal and for display advertising. Since bids for the City's official publications are under the jurisdiction of the City Council pursuant to provisions of the City Charter, this matter is being brought to Council for its consideration and action. The City needs a daily newspaper to meet its publication requirements. The City Clerk recommends that the Council reject all bids for the City's official publications, request staff to re-advertise for bids, and if bids are received from both newspapers, then authorize staff to award bids to both and to place advertising as equally as possible.

- 2.11. APPROVAL OF APPOINTMENT OF COMMUNITY INTEREST REPRESENTATIVES TO THE COMMUNITY ACCESS USER GROUP

By memorandum dated 5/21/99, the Public Information Technician reports that the Community Access User Group (CAUG) is recommending the appointment of Sandy Boyd, Connie Pike and Hollie Vinson to the Community Access Users Group for four-year terms beginning 7/1/99 and ending 6/30/03. The Butte Community College

Board of Trustees also must appoint the candidates and will act on the recommendation from the CAUG at its June meeting. Council has been provided with copies of all applications.

2.12. APPROVAL OF MINUTES FOR MEETINGS HELD ON APRIL 27 AND MAY 4, 1999

The Council has been provided with copies of minutes for its meetings held on 4/27/99 and 5/4/99.

Councilmember Johnston moved adoption of each resolution and approval of all other items on the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: Councilmember Keene (item 2.8 because he was not in favor of the health club provisions in the agreement). ABSENT: Councilmember Guzzetti.

3. NOTICED PUBLIC HEARINGS. None.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. COUNCIL BUDGET REVIEW.

A. General Budget Review.

City Manager Lando provided the Council with copies of (a) a memorandum dated 5/28/99 containing miscellaneous information that was excerpted from the budget, (b) a memorandum dated 5/25/99 submitting a list of priority street projects to accommodate growth in areas that were currently being developed, and (c) a list of additional discussion items for today's meeting.

The City Manager added that as time permitted today, he would provide an overview of the 1999-00 Proposed Budget, including a review of the General Fund, Estimated Fund Balances, Operating Budget, and Capital Budget. The "General and Park Funds Projected Trends" and the "Summary of Estimated Fund Balances" were located under the green "Fund Projections" tab in the budget binder.

Councilmember Guzzetti returned to the meeting at this time.

B. Department Budget Review.

Council was advised that the Department Operating Budget pages were located under specifically identified department tabs (green) in the budget binder.

1. Police Department. Police Chief Massie reviewed his budget requests and responded to Council questions regarding additional personnel needs, establishing a gang unit, vehicle acquisition and maintenance costs, booking costs, school crossing guards, and the Finance Committee's review of the Police Department budget.

The Council agreed with the City Manager's recommendation to have the Finance Committee, as part of its review of the Police Department budget, discuss the proposed program for reducing vehicle acquisition and maintenance costs and increasing the length of time vehicles were retained by assigning vehicles to officers.

The City Manager further reported that he would be recommending funding for two school crossing guards since the City was able to reach an agreement with the Chico Unified School District on sharing costs.

The Council recessed for 10 minutes and reconvened at 10:40 p.m. Councilmember Guzzetti was absent from the meeting at this time.

2. Fire Department. Fire Chief Brown reviewed the Department's operating and capital budget requests and responded to Council questions relating to staffing for Fire Station #5, transferring a public safety position to the Police Department, overtime budget reductions, Office of Traffic Safety grant, contractual/professional services budget, and his support of the Police Chief's request for additional staffing for the communications center.

Councilmember Guzzetti returned to the meeting at this time.

Fire Chief Brown continued reviewing and responding to Council questions regarding the Department's request for foam systems on the older fire engines, thermal imaging system to be able to see through smoke, reroofing of Fire Station #2, and replacement of a rescue vehicle.

City Manager Lando reported that funding was included in the 3-year projections for Fire Station #6, including personnel and equipment needs. He noted that a committee of the Council and Board of Supervisors would be meeting this week regarding the automatic aid agreement.

3. Department of Public Works. The City Manager reported that additional funds were being budgeted for road maintenance. Public Works Director Ross reviewed a number of major road projects and the Water Pollution Control Plant expansion project. He added that several miles of streets had been added through annexation and there was a need to add maintenance personnel to the Department, which could be considered in November.

In response to the Mayor, the City Manager reported that staff would provide a report on the cost of patching sidewalks with concrete as compared to using asphalt.

4. Park Department. Park Director Beardsley reviewed funding requests for the next fiscal year, some of which were discussed at the 5/25/99 joint meeting with the Park Commission. He responded to questions from Councilmember Guzzetti on the proposal to close the Skateboard Park for 24 hours if there were certain problems/violations, and stated that he would discuss whether this could be different from other enforcement measures with the Commission this evening. He was requesting a seasonal position for maintenance district inspections and a seasonal park ranger position. The Park Director also reviewed and answered Council questions relating to some of his capital budget requests. Lastly, the Park Director reported that the City Council had been provided with a memorandum dated 5/17/99 submitting the Annual Park Clean-up Program Report. Councilmember Jarvis noted that she would like to again consider the private sector, such as the Butte Environmental Council, for the park cleanup program.
5. Community Development Department. Community Development Director Baptiste reviewed new homes and commercial building activity, the upcoming five-year General Plan review, transition to a new Building Code, and the need to fill a vacant Supervising Inspector position, preferably by 7/1/99, for the upcoming construction season. The City Manager recommended waiting until November.

The Council recessed from 12:00 Noon to 1:30 p.m. and then reconvened in Conference Room #2 for a closed session.

- 1.3. CLOSED SESSION. The Council adjourned to a closed session at 1:30 p.m. in Conference Room #2 to consider the following:

CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)

CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)

CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Service Employees International Union, Local 1292, AFL-CIO (SEIU) v. City of Chico, et al.*, Butte County Superior Court Case 120331. (Gov. Code Sec. 54956.9(a).)

CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

The Council reconvened to open session at 2:00 p.m. and adjourned to the Council Chamber to consider community organization funding requests.

- 4.2. COUNCIL BUDGET REVIEW (CONTINUED).

C. Community Organization Funding.

By memorandum dated 5/14/99, the Assistant City Manager provided a summary of funds available and a listing of the 1999-00 community organization funding requests, the recommendations of the Finance Committee made at its 4/22/99 meeting, and the recommendations of the Arts Commission made at its 4/21/99 meeting.

The Council was also provided with copies of the following: (1) Reports from the Finance Committee for its meetings held on 4/8/99 and 4/22/99. Included in the 4/22/99 report were memoranda from the City Manager and the Park Director forwarding recommendations on those organizations providing park-related services. (2) Memorandum dated 4/29/99 from the Risk Manager providing a report on the Arts Commission's funding recommendations for TOT funds.

On behalf of Councilmember Jarvis, the Mayor requested that Council first consider funding for Legal Services of Northern California, since she was disqualified from discussing or voting on that item as an employee of the organization.

Councilmember Guzzetti moved approval of funding in the amount of \$17,000 for Legal Services of Northern California. The motion was seconded and carried with Councilmember Jarvis abstaining.

Barbi Boeger, South Chico Chamber, reported that the Finance Committee did not recommend any funding. After discussing the groups fund-raising plans, the boundaries for the proposed area, plans for promoting south Chico, and their efforts to organize as a non-profit organization, she asked if the Council would approve funds once they achieved non-profit status.

Following discussion, Councilmember Guzzetti moved that the Council continue further discussions with the South Chico Chamber at such time as the group provided a status report on its progress, possibly in

November. The motion was seconded and unanimously carried.

Judy White, Chico Creek Nature Center, provided copies of her letter dated 5/28/99 outlining their fund-raising activities, monetary contributions, and in-kind services, and requested that the Council approve their full funding request of \$45,000 rather than the \$35,000 recommended by the Finance Committee.

Jean Baker, Tehama Recovery Center, requested that the Council consider their full funding request of \$10,083 or something more than the \$3,000 recommended by the Finance Committee.

Janece Webb, 3360 Neal Road, Paradise; Caryn Jones, 5 Deborah Terrace; and Karen Laslo, 468 East Sacramento Avenue, all spoke in favor of increased funding for the Nature Center. Also received was a letter dated 5/20/99 from the Fairview Elementary School in Orland supporting an additional \$10,000 in funding for the Center.

Councilmember Kirk moved approval of funding in the amount of \$45,000 for the Chico Creek Nature Center, and the motion was seconded by Councilmember Guzzetti. Some members of the Council indicated that they would support the motion provided that the source of the additional \$10,000 could be considered later in today's meeting. The motion was then unanimously carried.

Councilmember Jarvis moved approval of one-half of the \$10,083 funding request for the Tehama Recovery Center. The motion was seconded and unanimously carried.

Councilmember Jarvis moved approval of the remaining funding requests as recommended by the Finance Committee. Councilmember Herbert moved to eliminate the \$3,000 in funding recommended by the Finance Committee for the Northern California AIDS Foundation. The motion was seconded but failed to carry with Councilmembers Herbert and Keene voting aye, and Councilmembers Guzzetti, Jarvis, Johnston, Kirk and Bertagna voting no.

Councilmember Jarvis again moved approval of the remaining funding requests as recommended by the Finance Committee. Councilmember Keene recommended only \$2,600 for the Chico Cat Coalition rather than the \$7,675 recommended by the Finance Committee.

Councilmember Jarvis then moved approval of reducing funding by \$2,000 for the Chico Chamber Business Resource Center, by \$2,000 for the Chico Chamber Visitor Bureau, by \$1,000 for the Chico Economic Planning Corporation, by \$1,000 for the Chico Museum Association, by \$2,000 for the Downtown Chico Business Association, by \$2,000 for the Nature Center, by \$1,000 for the Chico Cat Coalition, and by \$1,000 for IAFF, for a total of \$12,000. She amended her motion to delete IAFF since Councilmember Guzzetti indicated he was disqualified from voting because of doing business with IAFF within the last year, and to delete

the Chico Cat Coalition. The motion was then seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Johnston voting aye, and Councilmembers Herbert, Keene, Kirk and Bertagna voting no.

Councilmember Guzzetti then moved to apply \$12,000 in reduced funding to all organizations (based on a percentage of the amount recommended by the Finance Committee), to the total \$560,000 in General Fund, Community Development Block Grant, and Transient Occupancy Tax funding recommended by the Finance Committee, excluding Legal Services of Northern California and IAFF.

Councilmember Johnston moved approval of funding for IAFF in the amount of \$7,500 as recommended by the Finance Committee minus 2%. The motion was seconded and unanimously carried with Councilmember Guzzetti abstaining.

Councilmember Guzzetti then repeated his above motion, which was seconded and unanimously carried.

Councilmember Jarvis moved approval of the Arts Commission's recommendations for community organizations requesting Transient Occupancy Tax arts funding. The motion was seconded and

unanimously carried.

The Council recessed for 10 minutes and then reconvened at 3:40 p.m. in Conference Room No. 1.

D. Conclude Council Budget Review.

City Manager Lando provided an overview of the 1999-00 Proposed Budget, including a review of the General Fund, Estimated Fund Balances, Operating Budget and Capital Budget. He noted that the "General & Park Funds Projected Trends" and the "Summary of Estimated Fund Balances" were located under the "Fund Projections" tab in the budget binder.

The City Manager reported that during the morning closed session, the proposed increase in health insurance premiums was discussed and he was recommending a \$150,000 reduction in that funding, and was also recommending that some items on the additive list be considered today and the remainder delayed until November.

Councilmember Jarvis moved approval of funding for a Laboratory Technician and Operator II at the Water Pollution Control Plant, an Equipment Mechanic I in the Public Works Department, two hourly positions in the Finance Office, School Crossing Guards in the Police Department at the reduced amount of \$5,000, and a Seasonal Ranger and Seasonal Inspector in the Park Department. The motion was seconded and unanimously carried.

The Council agreed with Councilmember Jarvis' suggestion that the Police Chief provide the Council with additional information in September regarding the gang unit (associated with Federal COPS grant) and whatever new information was available on the City's estimated revenues, so that the Council could consider it again at that time.

4. REDEVELOPMENT AGENCY REGULAR AGENDA.

4.1 REDEVELOPMENT AGENCY BUDGET REVIEW.

A. General Budget Review.

The City Manager provided an overview of the 1999-00 Proposed Chico Redevelopment Agency Budget, including a review of the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas Five Year Trends (located under the RDA budget tab entitled "Fund Projections"), the Operating Budget, the Capital Budget, the Low and Moderate Income Housing Fund Summary, and an update on the 1996 Chico Public Financing Authority Escrow Bonds.

The City Manager reported that based on an analysis by an independent consultant, the City could draw up to \$3,750,000 in bond funds. He recommended \$1,000,000 in the budget for the old Municipal Building, however, the Redevelopment Committee wanted to first budget \$20,000 for a feasibility study. He asked if the funding should be left in the budget or considered further in November. Councilmember Jarvis suggested the Council discuss it before November when they would be getting an update on uses being considered for the building (July 20 meeting).

Following discussion, Councilmember Johnston moved that funding for the old Municipal Building be deleted from the budget at this time, and discussed when the old Municipal Building uses were discussed. The motion was seconded and carried with Councilmembers Herbert, Johnston, Keene and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis and Kirk voting no.

City Manager Lando then reported that additional funding needed for landscaping at the Skateboard Park was not included in the budget. Following discussion, Councilmember Guzzetti moved approval of using

\$66,000 in Community Park funds for the Skateboard Park. The motion was seconded and unanimously carried.

The City Manager reported that he had retained only \$360,000 in the Greater Chico Urban Area Project Area for studies related to the Humboldt Dump site remediation, and that the remaining \$3,500,000 had been deleted since the City first needed to receive the consultant's study. Following discussion, the Council voted 4-3 to retain the funding until the matter could be discussed further in November, at which time the consultant's study might possibly be available.

The City Manager reported on the project for resealing the jail holding cell floor in the Police Department. Councilmember Jarvis moved approval of funding in the amount of \$12,000 for the project. The motion was seconded and unanimously carried.

The City Manager noted that \$200,000 from Community Park funds was included in the budget to assist the Chico Area Recreation & Park District (CARD) in the acquisition of an additional 10 acres for DeGarmo Park. Councilmember Keene moved approval of the City Manager's recommendation to request a letter from CARD setting forth the time frame, its needs and its commitment relating to the park prior to the 7/6/99 Council meeting. The motion was seconded and unanimously carried.

The City Manager indicated that funding for the design of the Otterson Drive extension was included in the budget, although the Redevelopment Committee had recommended no funding. Councilmember Jarvis moved that the Otterson Drive project funds be removed from the budget. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis, Keene, and Kirk voting aye, and Councilmembers Johnston and Bertagna voting no.

The City Manager explained that \$200,000 from Community Park funds was included in the budget for an aquatic facility, however, he would meet with representatives of the University and School District to determine if they were still interested in pursuing the project and to assure that they would be providing for its maintenance. Councilmember Jarvis moved approval of the funding. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no.

The City Manager asked the Council about funding for the Art Projects Coordinator position, which the Risk Manager indicated would be \$11.25/hour per the CPI. Councilmember Jarvis moved approval of the proposed allocation of \$8,113 of TOT funds for the Art Projects Coordinator's salary and an increase in the hourly rate as recommended by the Arts Commission. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston, and Kirk voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

With regard to additional Chico Clipper service, the City Manager reported that the short-range transit plan was now underway and he recommended that this be considered further in January. The Council concurred.

B. Conclude Council/Agency Budget Review.

RESOLUTION NO. 157 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 1999-00 TENTATIVE BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

RESOLUTION NO. RDA 4-99 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 1999-00 TENTATIVE BUDGET FOR THE CHICO REDEVELOPMENT AGENCY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES:

None. ABSENT: None.

- 4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
5. BUSINESS FROM THE FLOOR. None.
6. REPORTS & COMMUNICATIONS. No items.
7. ADJOURNMENT.

The meeting was adjourned at 5:35 p.m. It was noted that the regular City Council meeting scheduled for 7:30 p.m. this evening had been canceled.

REGULAR COUNCIL MEETING - JUNE 1, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

This being the date, time and place for the regular meeting of the City Council, and no quorum appearing, the City Clerk adjourned the meeting to 6/15/99 at 7:00 p.m. in Conference Room 2 if a closed session was scheduled, and then to an adjourned regular meeting at 7:30 p.m. in the Council Chamber.

ADJOURNED REGULAR COUNCIL MEETING - JUNE 15, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street, 7:15 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:20 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap and City Clerk Evans.

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2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management and Confidential Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 7:30 p.m.

3. ADJOURNMENT.

The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - JUNE 15, 1999
Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Pastor Ron Pate, Neighborhood Church, delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.
- 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Fire Chief Brown, Police Captain Klassen and Management Analyst Halldorson.

1.5. Proclamations and Awards. The Mayor presented Police Officer Arthur Moore with an award upon the occasion of his receiving a Distinguished Service Medal citation from the United States Army for his meritorious service in the reserves from 4/9/64 to 4/30/99.

1.6. Closed Session Announcement. None.

Councilmember Jarvis left the meeting at this time.

2. CONSENT AGENDA.

2.1. REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 2-99 -- AUTHORIZATION FOR EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE TFI CORPORATION FOR ASSISTANCE AND FINANCING FOR PROPOSED EXPANSION TO THE CHICO MUNICIPAL AIRPORT.

The TFI Corporation is planning to relocate and expand its manufacturing business from its current location in South Chico to property it owns at the corner of Lockheed Avenue and Marauder Street at the Chico Municipal Airport (CMA). TFI has requested assistance from the Redevelopment Agency (RDA) in the amount of \$225,000. At its 4/15/99 meeting, the Economic Development Committee recommended that the RDA provide assistance in the amount \$150,000, which represents approximately 50% of the tax increment expected to be generated from development of the property over a 10 year period. This Minute Order would authorize the Executive Director to enter into an agreement with the TFI Corporation for Agency assistance of \$150,000 and a loan in the amount of up to \$75,000 at 5.5% interest for a term of 5 years from date of occupancy. The Economic Development Committee and the Executive Director recommend approval of the Minute Order.

Councilmember Keene moved approval of the minute order. The motion was seconded and carried with Councilmembers Herbert, Johnston, Keene, Kirk and Bertagna voting aye, and Councilmembers Guzzetti and Jarvis being absent.

Councilmember Jarvis returned to the meeting at this time.

3. NOTICED PUBLIC HEARINGS — No items

4. REGULAR AGENDA — No items

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

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

6. ADJOURNMENT.

The meeting was adjourned at 7:55 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING - JUNE 15, 1999
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 7:55 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Guzzetti.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Fire Chief Brown, Police Captain Klassen and Management Analyst Halldorson.

2. CONSENT AGENDA

2.1. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING ARTICLE V, ENTITLED "PARK FACILITY FEES," OF CHAPTER 3.85, ENTITLED "DEVELOPMENT IMPACT FEES," OF TITLE 3, ENTITLED "REVENUE AND FINANCE" OF THE CHICO MUNICIPAL CODE — INTRODUCTORY READING

By memorandum dated 5/20/99, the Community Development Assistant forwards this proposed ordinance, which would amend the Chico Municipal Code to provide: (1) that park fee credits include the costs of park improvements, in addition to the land and adjacent infrastructure costs provided by the current code provisions; and (2) that park fee credits be allocated on the basis of the actual number of residential units constructed, rather than on the basis of the maximum number of units which could be constructed pursuant to zoning standards. The provisions in the current code limiting the maximum credits to the amount of the park fees due would remain unchanged. The Community Development Assistant recommends adoption of the ordinance.

2.2. RESOLUTION NO. 158 98-99 -- 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. 9

By memorandum dated 6/24/99, the Community Development Assistant forwards a report on initiating the annexation of 2710 and 2830 North Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties, each developed with a single family residence requiring sanitary sewer connection. The Community Development Assistant recommends adoption of the Resolution.

2.3. RESOLUTION NO. 159 98-99 -- 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. 18

By memorandum dated 5/24/99, the Community Development Assistant forwards a report on initiating the annexation of 1165 East Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property at 1165 East Avenue, proposed for development with an office building and requiring sanitary sewer connection. The Community Development Assistant recommends adoption of the resolution.

2.4. RESOLUTION NO. 160 98-99 -- 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 - CAMEO DRIVE ANNEXATION DISTRICT NO. 2

By memorandum dated 5/25/99, the Community Development Assistant forwards a report on initiating annexation of 22 parcels located on Cameo Drive and Coral Circle. Each of the parcels is developed with multiple family residential uses consistent with the City's General Plan and rezoning. The annexation has been initiated to facilitate sanitary sewer connection by five of the parcels. The remaining four properties were added after notice to the owners to reflect LAFCo policy for uniform boundaries. The Community Development Assistant recommends adoption of the resolution.

2.5. RESOLUTION NO. 161 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING

DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Pursuant to Penal Code Section 832.5 and Government Code Section 34090, the Chief of Police is requesting Council approval to destroy certain confidential City records, documents, instruments and other papers under his control since they are no longer required. The City Attorney has provided his written consent for the destruction of these records. The Chief of Police recommends adoption of the Resolution.

2.6. RESOLUTION NO. 162 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DESIGNATING AND APPOINTING ALTERNATES TO SERVE AS MEMBERS OF THE CITY COUNCIL IN THE EVENT OF AN EMERGENCY

By memorandum dated 5/28/99, the City Clerk forwards this resolution and reports that pursuant to the California Emergency Services Act, Chico Municipal Code Section 2.68.050, and the City of Chico Emergency Plan, in order to provide for the continuance of the city's legislative and executive functions during a local emergency, state of emergency or state of war emergency, in the event that one, several or all of the members of the City Council are unavailable to fulfill their functions, each Councilmember is required to appoint three standby alternates in designated order of precedence who shall serve in their stead so long as the member remains unavailable. The resolution lists the three alternates which each Councilmember has designated. The City Clerk and Fire Chief recommend adoption of the resolution.

2.7. MINUTE ORDER NO. 14-99 -- AUTHORIZATION FOR CITY MANAGER TO DEED A ONE FOOT FEE SIMPLE STRIP TO THE OWNERS OF MINOR LAND DIVISION NO. 96-6 IN EXCHANGE FOR RIGHT OF WAY AND A RECONFIGURED ONE FOOT FEE SIMPLE STRIP

Minor Land Division No. 96-6 (Robert and Sandra Kalinowski), is located on property that abuts Cromwell Drive and Alamo Avenue, west of Cussick Avenue. The conditions of approval for the Minor Land Division required that Parcel 1 have full access rights to Cromwell Drive with a widened street and realigned sidewalk in order to provide on-street parking adjacent to the parcel. This Minute Order would authorize the right-of-way action necessary to accomplish this. The Assistant Director of Public Works recommends approval of the Minute Order.

2.8. APPROVAL OF MINUTES — MAY 18 AND 25, 1999

The City Council has been provided with copies of minutes for its meetings held on 5/18/99 and 5/25/99.

On this evening's Addendum, Council was informed that the minutes of 5/25/99, item 4.2.B, Arts Commission, fourth paragraph, should be corrected to read as follows:

“Commissioner Lee reviewed item 3 and he and Risk Manager Koch responded to Council questions on the hours worked and the various assignments/projects that were being done by Art Projects Coordinator Gardner. Following discussion, the Council concurred in ~~Councilmember Keene's~~ Mayor Bertagna's suggestion that the Commission provide an outline of the ~~amount of time~~ projects and assignments that the Art Projects Coordinator ~~spent performed~~ in her various job categories. ~~and an explanation of the Commission's recommendation for increased funding.~~”

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda except item 2.1, and approval of item 2.8 as corrected. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON ABANDONMENT OF A PORTION OF EXCESS RIGHT-OF-WAY (SOUTHWEST CORNER OF COUNTRY DRIVE AND EAST PARK AVENUE) AND ITS CONVEYANCE TO THE COUNTY OF BUTTE

Public Works Director Ross reported that at its meeting of 5/18/99, the City Council adopted a Resolution of Intention initiating this abandonment and setting tonight's public hearing. By memorandum dated 5/6/99, he reported that at the request of the County of Butte, this proposed action would abandon a portion of excess right-of-way at the southwest corner of Country Drive and East Park Avenue, reserving a public service easement. The County had also requested that the City grant title to the County of Butte to this abandoned excess right-of-way in order to provide better access to the Sheriff's Substation. In exchange, the County of Butte would construct a bus shelter on East Park Avenue in the vicinity of the Substation to coincide with the City's construction of the bus pullout and other road improvements along East Park Avenue. Because of the public benefit to the County in providing improved access to the Sheriff's Substation, and because of the benefit to the City in obtaining a bus shelter for the benefit of the community, he was recommending approval of the resolution and the minute order.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 163 98-99 -- 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 (SOUTHWEST CORNER OF COUNTRY DRIVE AND EAST PARK AVENUE). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

MINUTE ORDER NO. 15-99 -- AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A GRANT DEED TO CONVEY TO THE COUNTY OF BUTTE CITY OWNED ABANDONED EXCESS RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF COUNTRY DRIVE AND EAST PARK AVENUE. Councilmember Kirk moved approval of the minute order. The motion was seconded and carried with Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna voting aye and Councilmember Guzzetti being absent.

3.2. HEARING ON DISSOLUTION OF CHICO MAINTENANCE DISTRICT NO. 20 (EDGEWATER COVE)

Public Works Director Ross reviewed his memorandum dated 5/24/99 in which he reported that this resolution would order the dissolution of Chico Maintenance District No. 20, which was originally formed prior to the passage of Proposition 218 in November, 1996. No assessments were ever levied against parcels in the district, and since the California Park Homeowner's Association had agreed to take over the operation and maintenance of the public improvements, the need for this district no longer existed. He recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 164 98-99 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING THE DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE DISTRICT NO. 20 - EDGEWATER COVE. After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3.3. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 94, SHASTAN AT HOLLY AVENUE SUBDIVISION

Community Development Director Baptiste reviewed his memorandum dated 5/28/99 in which he reported that this resolution would order the formation of Chico Maintenance Assessment District No. 94. As a condition of development of this subdivision, located near the intersection of Holly and Lindo Avenues, the developer, Jay Halbert, had consented to the formation of this district for operation and maintenance of the storm drain leach trenches within this subdivision. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes were collected. He recommended adoption of the resolution. This evening the Council was provided with a corrected copy of Exhibit

“B” (vicinity map).

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 165 98-99 -- 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. 94 -- SHASTAN AT HOLLY AVENUE SUBDIVISION). After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3.4. HEARING ON CITY OF CHICO MAINTENANCE DISTRICT ANNUAL REPORT FOR CHICO MAINTENANCE DISTRICT NO. 9 (PAYLESS LUMBER) FOR FISCAL YEAR 1998-1999

Management Analyst Halldorson reviewed her memorandum dated 6/7/99 in which she presented the Annual Report for Chico Maintenance District No. 9 for FY 1998-99. During the annual report process for FY 1998-99, the City Council removed the report for this district from the Annual Report for all districts at the request of the property owner, Frank Solinsky. Staff was asked to and did meet with Frank Solinsky. Mr. Solinsky agreed with staff's recommendation to levy an assessment for these charges in the amount of \$1,002.00 for water and electricity for FY98-99. However, Staff has agreed to reduce the cost to the parcel owners in future years as the water and electrical facilities serve a larger area than the area identified within the district. This reduction is reflected in the Annual Report for FY 1999-2000 which is also before the Council for hearing this evening. This report was prepared in compliance with Proposition 218 as the amount of the district assessment does not exceed the amount estimated to operate and maintain the district in fiscal year 1996-97. She recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 166 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE ANNUAL REPORT OF THE DIRECTOR OF PUBLIC WORKS FOR MAINTENANCE DISTRICTS ESTABLISHED PURSUANT TO CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE (CHICO MAINTENANCE DISTRICT NO. 9) — 1998-99 FISCAL YEAR. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3.5. HEARING ON CITY OF CHICO MAINTENANCE DISTRICT ANNUAL REPORT FOR FISCAL YEAR 1999-2000

Management Analyst Halldorson reviewed her memorandum dated 4/6/99 presenting the Chico Maintenance District Annual Report for FY 1999-00. In accordance with Proposition 218, the maximum annual district assessment may not exceed the gross amount required in FY 96-97 for maintaining and operating the public improvements for the district. Staff had made adjustments in the scope of work for some districts and with conservative management most of the districts were operating within budget.

Further, by memorandum dated 5/28/99, Management Analyst Halldorson reported that only one parcel owner, Frank Solinsky, CMD No. 9, had contacted the City regarding this resolution. Mr. Solinsky attended the 5/18/99 Council meeting and subsequently met with staff regarding the report. He requested the City to amend the report for CMD No. 9 to include a City contribution for water and electric charges as the area north of the district boundary was served by these facilities. City staff agreed and had submitted revised pages for this district to be inserted into the Annual Report. She recommended adoption of the resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 167 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE ANNUAL REPORT OF THE DIRECTOR OF PUBLIC WORKS FOR ALL MAINTENANCE DISTRICTS ESTABLISHED PURSUANT TO CHAPTER 3.80 OF THE CHICO MUNICIPAL CODE -- 1999-2000 FISCAL YEAR.

After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. Ordinance Amending Park Facility Fees in Chapter 3.85 of Municipal Code.

Councilmember Kirk indicated that the proposed amendments, as outlined in the staff memorandum, were difficult to understand, and that she would also prefer being provided with the standard form of ordinance that reflected strikeouts for those portions being deleted from the Code for comparison to those portions being added.

The City Manager explained the purpose of the proposed amendments, however, he indicated that staff could provide additional information at a subsequent meeting or the ordinance could be referred to the Internal Affairs Committee.

Councilmember Jarvis recommended that the Community Development Assistant provide a new memorandum and a revised ordinance format as requested by Councilmember Kirk, the City Manager could then transmit it to Council, and Councilmembers could indicate if they preferred having it placed back on the Council agenda or referred to the Internal Affairs Committee. Councilmember Keene moved approval of Councilmember Jarvis' recommendation. The motion was seconded and carried with Councilmember Guzzetti being absent.

Mayor Bertagna disqualified himself from discussion or voting on the next item, and Vice Mayor Johnston presided over the meeting.

4.2. DISCUSSION OF PACIFIC BELL TOWER ON MARIPOSA AVENUE

City Manager Lando reviewed his memorandum dated 6/4/99 in which reported that several Councilmembers had contacted staff regarding the construction of the Pacific Bell tower located on Mariposa Avenue approximately 2000 feet north of East Avenue. Councilmember Guzzetti specifically requested this item be scheduled on this evening's agenda to discuss what, if any, action the City could take, the notification process for activities which occur in the County areas, and to allow neighbors to express their concerns.

By memorandum dated 6/7/99, the City Manager provided the Council with copies of a letter from Pacific Bell in which they were offering to repaint the tower and remove the light, along with a summary from Pacific Bell of the sequence of events that occurred in connection with the application for the tower that it submitted to the County.

This evening the Council was provided with a letter dated 6/11/99 from Linda Langston, Pacific Bell, transmitting relevant correspondence pertaining to the Pacific Bell Wireless telecommunications tower, and providing additional information regarding its approval process.

City Manager Lando clarified that uses approved within the County were legal nonconforming uses upon annexation, that the Council had no jurisdiction over the matter now before it, and that staff could review provisions relating to towers that were included in the Title 19 (Land Use Regulation) update that would soon come before the Council. He added it was his understanding that the County had recently placed a temporary moratorium on towers.

Members of the audience speaking to the Council were Mike Van Dame, 2695 Silver Oak Drive; Linnea Hanson, 2837 Mariposa Avenue; Chris Perske, 2732 Silver Oak Drive; Kerry Rippon, 2815 Mariposa Avenue; Doug Perske,

2732 Silver Oak Drive; Harold Carlson, 2837 Mariposa Avenue; and Karen Laslo, 468 East Sacramento Avenue. Their comments included carefully reviewing any existing or proposed Municipal Code provisions that regulate towers, coordination between the City and County on these types of land use issues, considering the distance that towers were visible, the effect on nearby land uses, better notice to residents, making residents aware of the appeal process, considering whether removing the paint and lighting on the tower would create a hazard for airplanes, whether to prohibit towers near residential areas, what jurisdiction the Federal Communications Commission, Federal Aviation Administration or the Airport Land Use Commission had with regard to towers, and whether communications towers posed any type of health danger.

Linda Langston, Pacific Bell, reported that the County Airport Land Use Commission recommended the paint striping and light, that they have requested permission from the County to remove the striping and light, that they were unable to find any suitable shield to reduce the effect of the light that would meet FAA standards, that residents were given notice of the appeal process, that other telecommunications companies could utilize the tower, and that towers were located so that they could communicate with other towers. John Newman, counsel for Pacific Bell, reported that the statements in their material indicating that there was no public comment or opposition was in error because of material they reviewed at the County, and that the City might ask the County to give its permission to Pacific Bell to remove the striping and light.

Councilmember Keene recommended consideration of notice requirements for towers when the Council considered the upcoming Title 19 amendments, and the City Attorney noted that these could be broader than other notice requirements if desired by the Council. Councilmember Jarvis recommended that the Planning Office include in any notices the right of individuals to appeal any Planning Commission decisions. The City Manager noted that ALUC's requirements for painting and lighting went beyond any FAA requirements and that safety was not an issue.

The Council recessed for 10 minutes and reconvened at 9:30 p.m.

Councilmember Keene recommended that notice requirements for towers be included in Title 19, that Butte County be requested to notify the City of all tower applications so that the Council could agendaize and comment on them, and that notice requirements be expanded to cover a larger area in both the City and County. The City Manager suggested notice be expanded to cover an area within 500 feet of a proposed tower, and questioned if the Council wanted to agendaize all tower applications in view of its current workload. Councilmember Keene noted that as an alternative, the County could be asked to notify the City until further notice. The City Manager stated that he and the City Attorney would make recommendations regarding notice requirements when Title 19 was considered by the Council. He indicated to Councilmember Jarvis that staff would include appeal rights in any future Planning Commission notices. Councilmember Keene also noted that as a representative on the Butte County Local Agency Formation Commission, he would ask LAFCO to delay any annexation of the area if it came up in the near future.

Following discussion, Councilmember Keene moved approval of his recommendations as outlined. The motion was seconded and carried with Mayor Bertagna abstaining and Councilmember Guzzetti being absent.

Mayor Bertagna presided over the remainder of the meeting.

4.3. CONSIDERATION OF REQUEST OF JOHN BROCKMAN & BERNADETTE ROSS REGARDING PUBLIC IMPROVEMENTS AT 333 WEST 14TH STREET.

By letter dated 5/30/99, John Brockman & Bernadette Ross indicated that the City was requiring the installation of curb, gutter, sidewalk and road improvements in connection with construction of a single-family home on property located at 333 West 14th Street, and were asking if there was any way they could be relieved of the requirement, if there were any City block grants to fund the project either in full or in part, or if there were any other

mitigated approaches that might satisfy the City.

By memorandum dated 6/7/99, the Community Development Director indicated that apparently there was a misunderstanding of the information provided by staff to Mr. Brockman and Ms. Ross regarding the City's requirement that they install curb, gutter and road improvements at this site, that staff did not agree that the City advised them that the improvements would not be required, and that there were no Block Grant funds programmed for construction of public right-of-way improvements for this circumstance.

Michelle Caron, 356 East 4th Avenue, the housing contractor, and John Brockman & Bernadette Ross, 1335 Hemlock Street #4, the owners, reported that prior to the acquisition of the property they were advised by a City staff member that public improvements would not be required but that some alley improvements would be, that they would not have acquired the property if the public improvements had been required because the costs were prohibitive, that the public improvement requirements were revealed at the preliminary review stage, that there was an existing single-family residence on the lot and the lot was later split into two lots which may have caused the City error, that they sought permission to begin construction on the garage, that improvements already existed along the Salem Street frontage and the ones being required along West 14th Street were particularly costly due to the excessive length of that frontage, and they requested some assistance from the City for the cost of improvements that were beyond the length of a normal City lot and because it could be a means of encouraging infill development.

In response to Council questions, the City Manager indicated that staff could explore the number of additional single-family homes that could be built in the area, that a combination loan and grant program be considered, that the boundaries of the neighborhood area be defined, and that the matter be referred to the Finance Committee for review and a recommendation. Following discussion, Councilmember Keene moved approval of the City Manager's recommendation. The motion was seconded and carried with Councilmember Guzzetti being absent.

The City Manager indicated that he would ask the Community Development Director to clarify procedures within his department regarding notice of requirements for the installation of public improvements.

4.4. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 5/11/99

Councilmember Jarvis reviewed a memorandum dated 5/13/99 from the Internal Affairs Committee that provided a report on its meeting held on 5/11/99, at which time the matters listed below were considered. Committee members present were Councilmembers Johnston, Kirk, and Jarvis, Chair.

Consent Agenda

1. (No Council action required)
APPROVAL OF THE ELIMINATION OF TWO 10-MINUTE PARKING SPACES AND REPLACEMENT OF ONE TAXI ZONE WITH 2-HOUR SIGNED PARKING ON THE EAST SIDE OF WALL STREET NEAR THE OLD GREYHOUND BUS DEPOT. The Committee adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 650, which eliminates two, 10-minute parking spaces and replaces one taxi zone with two-hour signed parking on the east side of Wall Street adjacent to the old Greyhound Bus Depot.
2. (Council action required to adopt resolution)
APPROVAL OF RECOMMENDATION FROM THE PARKING PLACE COMMISSION TO ELIMINATE ONE BICYCLE PARKING SPACE ON MAIN STREET ADJACENT TO FOX TV-30 AND REPLACE IT WITH ONE 2-HOUR METERED PARKING SPACE. The Committee recommended that the bicycle parking space on Main Street adjacent to Fox TV-30 be removed and replaced with one, 2-hour metered vehicle parking space, and that the implementing resolution be submitted to the City Council for adoption.

RESOLUTION NO. 168 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO

ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 644). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

3. (No Council action required)
APPROVAL OF PROHIBITION OF PARKING ON PORTIONS OF THE ESPLANADE BETWEEN SHASTA AVENUE AND COMMERCIAL AVENUE FOR THE INSTALLATION OF A TWO-WAY LEFT TURN LANE. The Committee adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 651, which prohibits parking on portions of the Esplanade between Shasta Avenue and Commercial Avenue (to allow striping pursuant to the conditions of approval for the Aspen Glen Subdivision).

Regular Agenda

4. ITEMS REMOVED FROM THE CONSENT AGENDA. — None.
5. (No Council action required)
CONSIDERATION OF SCENIC STREET DESIGN GUIDELINES FOR EAST 8th STREET, BETWEEN STATE HIGHWAY ROUTE 32 AND BRUCE ROAD. The Committee:
- a) Tabled the proposed scenic design guidelines for East 8th Street in order for staff to conduct another neighborhood meeting, with Councilmember Kirk to attend representing the Internal Affairs Committee; and directed staff to give notice of the meeting to all neighborhood residents, the Planning Commission, the Bidwell Park & Playground Commission, the Bicycle Advisory Committee, Heritage Partners, and any developers with pending projects in the area; and to bring the guidelines back for further Committee consideration within the next 60 days.
 - b) Directed staff to prepare for the neighborhood meeting an analysis comparing the City's proposed scenic design guidelines for East 8th Street with the plan prepared by Heritage Partners.
 - c) Directed staff to provide a status report on the Benedict Ranch Subdivision's compliance with the conditions of the agreement.
6. (Council action required on (A) to approve recommendation)
- (A) CONSIDERATION OF CITY'S POLICY REGARDING INSTALLATION OF SIDEWALKS IN RESIDENTIAL AREAS. The Committee recommended (1) that the City Attorney be requested to provide a report within the next 30 days on whether the City could use in-lieu development fee funds for street and sidewalk improvements; and (2) that the policy that collector streets be given priority for sidewalk installation, if funds were available, be reaffirmed and formalized in an Administrative Procedure and Policy.
 - (B) UPDATE ON REPAIRING OR REPAVING UNIMPROVED STREET SHOULDER AREAS. The Committee took no action on this informational item.

Councilmember Keene moved approval of the Committee's recommendation as set forth in item 6(A). The motion was seconded and carried with Councilmember Guzzetti being absent.

7. (No Council action required)
CONSIDERATION OF THE ESTABLISHMENT OF NEW TRUCK ROUTES WITHIN THE CITY OF CHICO. The Committee approved in concept the new truck routes as proposed by staff, with the elimination of West 8th Avenue as a truck route until the improvements in both City and County areas were completed; and directed that the final proposal be rescheduled for Committee consideration with full notification to be given in order to receive public input.

- 4.5. CONSIDERATION OF ADOPTING PLAN FOR CITY/COUNTY AUTOMATIC AID FOR FIRE/RESCUE SERVICES IN THE CHICO URBAN AREA AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AUTOMATIC AID AGREEMENT

City Manager Lando reported that the City and County had been working on the concept of automatic aid for fire and rescue in the Chico Urban Area for at least two decades. A subcommittee of the City Council had met several times with a subcommittee of the Board of Supervisors and had unanimously agreed to recommend the adoption of the County of Butte/City of Chico, Chico Urban Area Fire and Rescue Plan dated 6/3/99. This plan provided for the provision of fire emergency services based upon defined response areas regardless of political jurisdiction. The actual mechanics of the plan would be implemented through an operational agreement between the City and County, which would go into effect no earlier than 1/1/2000, but only when Fire Station 6 was staffed and equipped. Fire Station 6 would be located on the west side of the community, with the facility to be paid for and remodeled at the expense of the County and to be staffed by the City. He recommended approval of the minute order.

Al Silva, a member of the Chamber of Commerce Safety Committee, and Sharon Chambers, 600 Flume Street #216, both spoke in favor of approving the minute order.

MINUTE ORDER NO. 16-99 — ADOPTING PLAN FOR CITY/COUNTY AUTOMATIC AID FOR FIRE/RESCUE SERVICES IN THE CHICO URBAN AREA AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AUTOMATIC AID AGREEMENT. Councilmember Kirk moved approval of the minute order. The motion was seconded and carried with Councilmember Guzzetti being absent.

4.6. CONSIDERATION OF AMENDMENTS TO TITLE 1 OF THE CHICO MUNICIPAL CODE REGARDING THE IMPOSITION OF ADMINISTRATIVE PENALTIES FOR CODE VIOLATIONS, AND CONSIDERATION OF A RELATED FEE SCHEDULE AMENDMENT

At its 5/4/99 meeting, the Council accepted a recommendation from its Internal Affairs Committee and gave introductory reading to the ordinance listed below. City Attorney Frank reviewed his memorandum dated 3/22/99 to the Internal Affairs Committee, with a copy of the ordinance attached, indicating that the purpose of the ordinance was to provide an expedited administrative process for the handling of violations of the Municipal Code as an alternative to the current process which involved the issuance of an infraction citation and a court appearance.

The City Attorney also reported that by memorandum dated 6/3/99, Assistant City Attorney Barker was recommending adoption of the resolution listed below which sets forth the fine amount for various violations of the Municipal Code.

ORDINANCE NO. 2180 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTERS 1.01, TITLED "CODE ADOPTION", AND 1.04, TITLED "GENERAL PROVISIONS", OF THE CHICO MUNICIPAL CODE, AND REPEALING AND REPLACING CHAPTER 1.15 OF THE CHICO MUNICIPAL CODE, TITLED "CIVIL PENALTY ASSESSMENTS", WITH A NEW CHAPTER 1.15, TITLED "ADMINISTRATIVE CITATIONS" - FINAL READING & ADOPTION. After reading the title, Councilmember Herbert moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

RESOLUTION NO. 169 98-99 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 236 - ADMINISTRATIVE FINES FOR MUNICIPAL CODE VIOLATIONS). After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Guzzetti.

4.7. APPOINTMENT OF COUNCILMEMBER TO SERVE AS ALTERNATE ON THE TRI-COUNTIES ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Councilmember Kirk, who is the Council representative on the Tri-Counties Economic Development Corporation Board of Directors, requested the Council to appoint an alternate in the event she was unable to attend a meeting. Councilmember Jarvis offered to serve as alternate, and the Council concurred in her appointment.

4.8. FUTURE MEETINGS

- A. Rescheduling of Finance Committee's regular meeting date. City Manager Lando reported that Councilmember Guzzetti had indicated that Mondays were no longer compatible with his schedule, and was requesting that the Committee's current regular meeting date (the first Monday of the month at 4:00 p.m.) be rescheduled to another day of the week.

Since Councilmember Guzzetti was not in attendance this evening, Councilmember Keene as Chair of the Committee indicated that he would contact Councilmember Guzzetti regarding regular meeting dates for the Committee.

- B. Hearing on amendments to Title 19 (Land Use Regulation) of the Chico Municipal Code. City Manager Lando announced that staff was requesting direction from the City Council on whether it wished to schedule the public hearing and introductory reading of the ordinance containing comprehensive revisions to Title 19 for its meeting of 7/6/99, or for some other date.

Following discussion, it was the consensus of the Council to schedule the Title 19 hearing and introductory reading at its 7/20/99 meeting.

4.9. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.

5. BUSINESS FROM THE FLOOR

Dan Hays reviewed his request set forth in his letter listed under item 6.1 on this evening's agenda, and asked that Council schedule it for further consideration.

Councilmember Jarvis recommended that it be referred to the Internal Affairs Committee, and the Council agreed. The City Manager noted that there were questions on the impact of gifting property to the City as well as decisions to be made regarding the standards for the public improvements. Councilmember Kirk requested that Mr. Hays also provide the City with legal information regarding the proposed gift, and the Council concurred.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Letter dated 6/1/99 from Daniel Hays, Hays & Associates, reporting that he and Gene Damschen have an industrial property located northerly of Ivy Street, southerly of West 22nd Street, and westerly of Park Avenue, which consists of approximately 9.50 acres, which they plan to annex to the City in the near future. They would like to deed a portion of the land to the City for the extension of Ivy Street, northerly to Normal, together with an extension easterly to the property/private road that connects to Park Avenue. In addition, they would install the public improvements within the boundaries of these extensions, but need Council direction and approval to meet with staff members to determine the standards for the improvements.
- 6.2. Memorandum dated 5/28/98 from the Building Official transmitting the annual report which summarizes the Building Division's efforts to secure Housing Code compliance on rental units for the calendar year 1998, as required by the Revenue and Taxation Code. There were no substandard rental units reported to the Franchise Tax Board during 1998.
- 6.3. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 5/11/99, for Cozy Diner, 1695 Mangrove Avenue.
- 6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 6/1/99, for La Sirena, 305 Nord Avenue.

7. ADJOURNMENT.

The meeting was adjourned at 10:30 p.m. to Tuesday, 7/6/99 at 7:00 p.m. in Conference Room No. 2 for a closed session if scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

July 6, 1999

SPECIAL COUNCIL MEETING - JULY 6, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street, 6:30 p.m.

At the call of the Mayor, the City Council met in special session at 6:30 p.m. for the purpose of adjourning to a closed session. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

CLOSED SESSION. The purpose of the closed session was to consider the following:

PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and the City's Attorney's performance (Gov. Code Section 54957).

ADJOURNMENT. The meeting was adjourned at 7:15 p.m.

ADJOURNED REGULAR COUNCIL MEETING - JULY 6, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:15 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, and Personnel Director Erlandson.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:

2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Tom Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the International Association of Firefighters. (This item was not discussed.)

2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Service Employees International Union, Local 1292, AFL-CIO (SEIU) v. City of Chico, et al.*, Butte County Superior Court Case 120331. (Gov. Code Sec. 54956.9(a).)

2.4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Initiation of litigation: One Case. (Gov. Code Sec. 54956.9(c).)

The Council reconvened to open session at 7:40 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:40 p.m. to a Redevelopment Agency meeting in the Council Chamber.

July 6, 1999

REGULAR REDEVELOPMENT AGENCY MEETING - JULY 6, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:45 p.m.

1.1. Flag Salute. Those in attendance recited the pledge of allegiance.

1.2. Invocation. Father Peter Hansen, St. Augustine of Canterbury Episcopal Church, delivered the invocation.

Moment of Silence. A moment of silence was observed in memory of Dwight Sample, who recently passed away, and who worked for the City of Chico for 24 ½ years in the Park Department, starting as a Tree Trimmer in 1965, being promoted to Field Supervisor in 1981, and retiring from City service in 1989. A moment of silence was also observed in memory of Russell Webster, who recently passed away, and who began working for the City as a contract employee as the City's Poundmaster in the 1950's and had sole responsibility for the animal control program. He became Assistant Poundmaster on 1/1/61, Poundmaster on 7/1/65, and then retired on 5/12/78.

1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce, Community Development Assistant Sellers, Assistant Public Works Director Martinez, Housing Officer McLaughlin, Police Captain Klassen and Management Analyst Halldorson.

1.5. Award. Presentation of an Award to the Chico Police Department for development of the "Every 15 Minutes" program was made by Dr. Robert Villarrea, physician with the University of Texas Science Health Center, and Lt. Christina Guerra on behalf of the State of Texas Department of Alcoholic Beverage Control, Highway Patrol, and DUI Task Force, who had implemented a "Shattered Dreams" program modeled after Chico's program on the dangers of drinking and driving.

Oath of Office. The Mayor presented Police Chief Massie with the original Oath of Office that he executed on 6/23/66 when he began working for the Chico Police Department as a Dispatcher.

1.6. Closed Session Announcement. None.

2. CONSENT AGENDA. No items

3. NOTICED PUBLIC HEARINGS. No items

4. REGULAR AGENDA.

4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD JUNE 7, 1999

Councilmember Keene reviewed a memorandum dated 6/14/99 from the Finance Committee that provided a report on its meeting held on 6/7/99, at which time the matters listed below were considered. (Committee members present: Councilmembers Herbert and Keene, Chair. Absent: Councilmember Guzzetti)

Consent Agenda

1. (Council action required to accept Audit)

ACCEPTANCE OF FINANCIAL STATEMENTS AUDIT OF THE DOWNTOWN CHICO BUSINESS ASSOCIATION (DCBA) FOR FISCAL YEAR 1997-98. The Committee recommended (2-0, Guzzetti absent) that the DCBA Financial Statements audit for Fiscal year 1997-98 be accepted.

2. (No Agency action required)
APPROVAL OF REQUEST FROM MORTGAGE SUBSIDY PROGRAM (MSP) BORROWER TO REFINANCE THEIR LOAN FOR ADDITION OF A BEDROOM — CHRISTOPHERSEN, 2742 CERES. The Committee approved (2-0, Guzzetti absent) the Christophersens' request to refinance their MSP loan in order to add a third bedroom to their home at 2742 Ceres Avenue, subject to the value of the home after the addition being at least equal to the total debt secured against the property.
3. (No Council action required)
APPROVAL OF REQUEST FOR ACCESSIBILITY PROGRAM GRANT FOR INSTALLATION OF ROLL-IN SHOWER AT 957 NORMAL AVENUE. The Committee approved (2-0, Guzzetti absent) the Accessibility Program Grant request for installation of a roll-in shower at 957 Normal Avenue.
4. (Council action required to approve recommendation)
APPROVAL OF MODIFICATION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM TO ALLOW ASSISTANCE TO TENANTS FACING EVICTION. The Committee recommended (2-0, Guzzetti absent) that the City Manager be authorized to modify the existing HOME funded Tenant Based Rental Assistance Program administrative services agreement with the Housing Authority of the County of Butte to serve clients who were facing eviction and had been referred to it by Legal Services of Northern California.

Councilmember Kirk moved to approve all items on the Consent Agenda. The motion was seconded and unanimously carried.

Regular Agenda

5. ITEMS REMOVED FROM THE CONSENT AGENDA. None.
6. (Council action required to adopt Resolution)
CONSIDERATION OF AMENDMENTS TO THE CITY OF CHICO FEE SCHEDULE (ANNEXATION FEES, CHICO MUNICIPAL CENTER USE FEES, SEWER FEES, BUILDING DIVISION FEES, PUBLIC WORKS FEES, AND PUBLIC RIGHT OF WAY CAFE LICENSE FEES).

Assistant City Manager Dunlap reported that the resolution provided this evening included items (a), (b), (e) and (f), but did not include items (c) or (d).

- (a) Annexation Fees. The Committee did not reach agreement on a recommendation regarding proposed amendments to annexation fees (Herbert in favor, Keene opposed, Guzzetti absent), and forwarded this matter for full Council consideration.

Councilmember Herbert reported that after further consideration, he was now opposed to the fees. Councilmember Johnston moved to eliminate the fees for properties with failed septic systems. The motion died for lack of a second. Al Silva, Chamber of Commerce Board of Directors, indicated the Chamber's support for the City's annexation efforts. Councilmember Jarvis then moved approval of only the \$50 fee for the Global Positioning System equipment and no others. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston and Kirk voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

- (b) Chico Municipal Center Use Fees. The Committee recommended (2-0, Guzzetti absent) that the Chico Municipal Center Use Fees be amended as proposed by staff.

Councilmember Jarvis moved approval of these fees. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis, Johnston, and Kirk voting aye, and Councilmembers Keene and Bertagna voting no.

- (c) Sewer Fees. The Committee recommended (2-0, Guzzetti absent) that consideration of the proposed

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amendments to sewer fees be continued to its next meeting in order for staff to develop a more complete analysis of the cost of personnel time spent on processing sewer connection applications, as recommended by the City Manager.

- (d) Building Division Fees. The Committee recommended (2-0, Guzzetti absent) against the establishment of a Certificate of Occupancy fee as proposed by the Community Development Director.

Councilmember Jarvis moved approval of these fees. The motion was seconded but failed to carry with Councilmembers Guzzetti and Jarvis voting aye, and Councilmembers Herbert, Johnston, Keene, Kirk and Bertagna voting no.

- (e) Public Works Fees. The Committee did not reach agreement on a recommendation regarding the proposed amendments to Public Works Fees (Herbert in favor, Keene opposed, Guzzetti absent), and forwarded this matter for full Council consideration.

Councilmember Kirk moved approval of these fees. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis and Kirk voting aye, and Councilmembers Johnston, Keene and Bertagna voting no.

- (f) Public Right-of-Way Cafe License Fee. The Committee did not reach agreement on a recommendation regarding the proposed amendment to the Public Right-of-Way Cafe License Fee (Herbert in favor, Keene opposed, Guzzetti absent), and forwarded this matter for full Council consideration.

Councilmember Jarvis moved approval of these fees. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis, and Kirk voting aye, and Councilmembers Johnston, Keene and Bertagna voting no.

By memorandum dated 6/17/99, Management Analyst Herman forwarded a resolution approving amendments to the City's fee schedule. The resolution provided did not contain amendments to the sewer fees (which were continued for further Committee consideration), nor to the building division fees (which were opposed by the Committee). Since the Committee did not reach agreement on several of the amendments, the below resolution contained the fee schedule amendments as originally proposed by staff.

RESOLUTION NO. 2 99-00--RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 237 — ANNEXATION FEES, CHICO MUNICIPAL CENTER USE FEES, PUBLIC WORKS FEES, AND PUBLIC RIGHT OF WAY CAFE LICENSE FEE). After reading the title, Councilmember Kirk moved adoption of the resolution as amended by the Council's actions above. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston and Kirk. NOES: Councilmembers Keene and Bertagna. ABSENT: None.

7. (Agency action required)
CONSIDERATION OF REQUEST FOR ASSISTANCE THROUGH THE HOUSING REHABILITATION LOAN PROGRAM AND THE MORTGAGE SUBSIDY PROGRAM (MSP) — WARREN BAKKER, 2257 ELM STREET. The Committee did not reach agreement on this request (Herbert in favor, Keene opposed, Guzzetti absent) and forwarded the matter for full Council consideration.

Following discussion of this item, Councilmember Kirk moved approval of the request. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis, Johnston and Kirk voting aye, and Councilmembers Keene and Bertagna voting no.

8. (Council action required to approve recommendation)
CONSIDERATION OF PROPOSALS FROM CALIFORNIA STATE UNIVERSITY, CHICO (CSUC) FOR CITY

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ASSISTANCE IN FINANCING PROPERTY ACQUISITION AND SOCCER STADIUM. The Committee recommended (2-0, Guzzetti absent) approval of the University's requests for:

- (a) a loan in the range of \$550,000 to \$750,000 to assist with construction of the soccer stadium, to be repaid over a 20-year period, with interest paid at 1% over the City's rate of return based on the Local Agency Investment Fund rate; and
- (b) establishment of a line of credit with the City for a loan of up to \$1,500,000 to assist with opportunity acquisition of properties in the College Park area (without supporting any particular uses of the property at this time), to be repaid over a 20-year term with interest paid at 1% over the City's rate of return on the Local Agency Investment Fund.

If the Council concurred with the Committee recommendation, it could adopt the Minute Orders which would authorize the City Manager to enter into the two loan agreements and appropriate the funds for same.

This evening the Council received a letter dated 7/6/99 from Bob Best recommending that this item be referred back to the Finance Committee for additional study and raising a number of questions in his letter.

City Manager Lando reviewed prior discussion and consideration of these items, the public purpose that would be accomplished, and the financial arrangements that would be made.

Councilmember Herbert moved approval of referring the matter back to the Finance Committee for further consideration. Councilmember Jarvis spoke on the need to consider additional CSUC parking.

Sharon Chambers, 600 Flume Street #216, asked questions on the financial arrangements and use of the housing. Tim Bousquet, P.O. Box 4627, recommended student housing in the College Park area. Steven Depa, 285 Pinyon Hills Drive, spoke in favor of opportunity purchases in the College Park area and making financial arrangements with the University Foundation. Bob Best, 1740 Estates Way, reviewed his letter provided earlier in this meeting and requested further study by the Finance Committee. Dennis Graham, representing the University and the Foundation, explained the financial flexibility available to the Foundation, assets that could be used to secure the loan for property acquisitions, the need for further consideration of the soccer stadium financing, and the need for further consideration of the CSUC Master Plan in the near future.

Following discussion, the motion previously made by Councilmember Herbert was seconded and unanimously carried.

9. (No Agency action required)
REVIEW OF MORTGAGE SUBSIDY PROGRAM (MSP) POLICY ISSUES. The Committee (2-0, Guzzetti absent) continued this matter for consideration when Councilmember Guzzetti could be present.
10. (No Council action required)
CONTINUED REVIEW OF POLICE DEPARTMENT BUDGET. The Committee (2-0, Guzzetti absent) continued further review of the Police Department budget until after the new Chief of Police was hired.
5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The Council recessed for 15 minutes and then adjourn to a City Council meeting at 9:35 p.m.

REGULAR COUNCIL MEETING - JULY 6, 1999
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 9:35 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

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City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Fire Chief Brown, Budget Officer Pierce and Management Analyst Halldorson.

2. CONSENT AGENDA

2.1. ORDINANCE NO. 2182 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF CHICO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (FOURTH LEVEL OF 1959 SURVIVOR BENEFITS - MISCELLANEOUS MEMBERS) -- FINAL READING AND ADOPTION

By memorandum dated 4/7/99, the Personnel Director reports that final adoption of this ordinance will complete authorization of an amendment of the City's contract with the Public Employees' Retirement System (PERS) to implement Fourth Level Survivors Benefits for Miscellaneous Employees, as was agreed to in the most recent Memoranda of Understanding between the City and Service Employees International Union Units A and B, Confidential and Management Employees and Chico Police Officers Association Unit B. The City Manager and Personnel Director recommend adoption of the Ordinance.

2.2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 2 OF THE CHICO MUNICIPAL CODE, ENTITLED "ADMINISTRATION AND PERSONNEL," RELATING TO REGULAR MEETING TIMES OF THE CITY BOARDS AND COMMISSIONS — INTRODUCTORY READING

On 3/2/99, the Council approved a recommendation from the Internal Affairs Committee that the Municipal Code be amended to provide that city boards and commissions biennially set the day and time for their regular meetings and to require that regular meetings of the Airport, Park, Planning and Arts Commissions be set to occur in the evening hours. This ordinance would make the amendments as previously approved by the City Council.

2.3. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 3.82.210 OF THE CHICO MUNICIPAL CODE, ENTITLED "OTHER STREET FACILITY FEES," RELATING TO STREET FACILITY FEE REIMBURSEMENT — INTRODUCTORY READING

It was recently discovered that Section 3.84.210 of the Chico Municipal Code contains a reference to a non-existent Chapter 3.86. The correct reference is Chapter 3.85. Apparently the error occurred when the current Chapter 3.85 was adopted and the former Chapter 3.86 was repealed several years ago. This ordinance will correct the erroneous reference. The Assistant City Attorney recommends adoption of the ordinance.

2.4. RESOLUTION NO. 3 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.72.140, ENTITLED "EMPLOYMENT STATUS", OF CHAPTER 2R.72, ENTITLED "PERSONNEL AND EMPLOYEE REPRESENTATION RULES", OF TITLE 2R OF THE CHICO MUNICIPAL CODE

By memorandum dated 5/7/99, the Personnel Director recommends approval of the proposed amendment to the Personnel and Employee Representation Rules (PERR) which increases the probationary period for all new employees from six months to twelve months. Employee groups have been provided an opportunity to review this proposed amendment, as is required by the Code. This amendment will provide the City more time to evaluate non-safety employees prior to their becoming permanent. There is no additional cost related to this PERR amendment. The Personnel Director recommends adoption of the resolution.

2.5. (Removed from the Consent Agenda at the request of IAFF to allow additional time for its review. Will be placed on a subsequent agenda after the Personnel Director is notified by IAFF.)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS

OF EMPLOYMENT"

By Memorandum dated 6/10/99, the Personnel Director forwards this resolution which adopts Amendment #2 to the Memorandum of Understanding (MOU) between the City and the International Association of Firefighters (IAFF). This MOU amendment clarifies administrative procedures relating to sick leave/ retiree health transfer, floating holiday and the union time bank. Implementation of the sick leave / retiree health transfer program has been delayed since 1997 while this agreement was developed. The on-going cost per year for the sick leave / retiree health transfer program is expected to be in the \$18,000 to \$20,000 per year range. The Personnel Director recommends approval of the resolution.

- 2.6. RESOLUTION NO. 4 99-00 -- 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 - 1670 E. 8TH STREET/A.P. NO 002-030-016

By memorandum dated 6/9/99, the Director of Public Works reports that in accordance with a petition from the property owner, Joyce Griffith, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 6/9/99 attached to the 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 recommends adoption of the resolution.

- 2.7. RESOLUTION NO. 5 99-00 -- 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 - 1156 MANZANITA AVENUE / A.P. NO 048-160-068

By memorandum dated 6/16/99, the Director of Public Works reports that in accordance with a petition from the property owners, Efrén Memoracion and Elizabeth Memoracion, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 6/16/99 attached to the 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 recommends adoption of the resolution.

- 2.8. RESOLUTION NO. 6 99-00 -- 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 - 635 BRYANT AVENUE / A.P. NO 045-291-600

By memorandum dated 6/9/99, the Director of Public Works reports that in accordance with a petition from the property owner, Elena Wrightson, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 6/9/99 attached to the 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 recommends adoption of the resolution.

- 2.9. APPROVAL OF REQUEST FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - 1414 PARK AVENUE

By memorandum dated 06/16/99 from the Community Development Director, staff recommends that the City Council make a determination of public convenience or necessity as required by Business and Professions Code

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Section 23958.4, concerning the issuance of an on-sale alcoholic beverage license for the Wild Hare Saloon, a bar and nightclub business located at 1414 Park Avenue. The type of Alcoholic Beverage Control (ABC) license is being changed from "on-sale general bona fide public eating place," to "on-sale general public premises," because food sales no longer meet the volume required by ABC.

2.10. APPROVAL OF RECOMMENDATIONS REGARDING PROJECT PRIORITIES FOR THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs)

The Tri-County Economic Development Corporation (TCEDC) acts as the planning and coordinating agency for the Tri-County Economic Development District, which consists of the three counties and ten incorporated cities within the region of Butte, Glenn and Tehama counties. The Federal Economic Development Administration is requiring TCEDC to submit a five-year Comprehensive Economic Development Strategy (CEDs) with recommended projects for the District. The projects contained in the CEDs must be related to economic development and must provide technical assistance, financing or infrastructure.

The Economic Development Committee reviewed a list of proposed CEDs projects for the City of Chico at its 5/13/99 meeting. By memorandum dated 6/17/99, Management Analyst Herman submits the list of projects that were reviewed by the Committee and are recommended by the City Manager to be included in the CEDs document. The City Manager recommends approval of the proposed CEDs projects for submittal to the Economic Development Administration.

2.11. ACKNOWLEDGE RECEIPT OF REPORT REGARDING ABSENCES FROM PARKING PLACE COMMISSION MEETINGS

By memorandum dated 6/7/99, Parking Place Commission Vice-Chair Cynthia Augur reports that Ann Schwab, Chair of the Parking Place Commission, missed two consecutive meetings in April and May due to a family emergency out of state, and that Ms. Schwab expects to attend the next regularly scheduled meeting of the Commission.

2.12. APPROVAL OF MINUTES FOR MEETINGS HELD ON JUNE 1, 1999, AND JUNE 15, 1999

The Council has been provided with copies of minutes for its meeting held on 6/1/99 and 6/15/99.

(On this evening's addendum, Council was advised that the 6/1/99 minutes would be corrected under paragraph C (Community Organization Funding) of item 4.2. (Council Budget Review), to correct the name of "June" Baker to read "Jean" Baker, per request of Councilmember Kirk.)

Councilmember Keene moved adoption of the ordinance and resolutions, and approval of all other items on the Consent Agenda, including item 2.12 as corrected, and excluding item 2.5. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS. None.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

Item 2.5. for consideration at a subsequent Council meeting.

4.2. INITIAL CONSIDERATION OF APPEAL BY JORGE A. ACOSTA OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT TO ALLOW OPERATION OF PET STORE AT 851 MAIN STREET

Planning Director Seidler reviewed a memorandum dated 6/24/99 from Planning Division Staff reporting that at its 4/17/99 meeting, the Planning Commission approved, with conditions, Use Permit No. 98-16 (Aguilera) to allow

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operation of a pet store on property located at 851 Main Street, Assessor's Parcel No. 004-421-005, in a C-1 Restricted Commercial zoning district designated on the General Plan as Downtown. The appellant is appealing Condition No. 4 of the use permit, requiring compliance with Architectural Review Board conditions adopted on 4/21/99. He recommended that the City Council take no action, thereby denying the appeal. He added that at this evening's meeting, the Council could either (a) take no action, in which case the appeal would be denied (and this was his recommendation); or (b) by at least four affirmative votes, schedule the matter for a public hearing at a subsequent meeting. He indicated to Councilmember Jarvis that the appellant did not specify if he was appealing some or all of the ARB conditions, and the conditions were added to Use Permit to place a 30-day time line for compliance with them.

Jorge Acosta believed that the ARB sign requirements were too restrictive and the signs were too small, and that his current signage met all Municipal Code requirements and that he wanted to retain it. He indicated to the Mayor that he did not appeal the ARB decision because it was his understanding that it would nullify his use permit.

The City Attorney reported that the ARB decision was separate from that of the Planning Commission, and if the Council wanted to hear it then the time limit should be waived.

Following discussion, Councilmember Johnston moved that the Council waive the 15-day time limit for appealing the Architectural Review Board decision and that the matter be scheduled for hearing at a subsequent meeting. The motion was seconded and unanimously carried.

The Council and City Manager requested that Mr. Acosta provide City staff with precise plans for the signs that he wanted and specific written information to accompany it.

4.3. ADOPTION OF 1999-00 CITY OF CHICO AND CHICO REDEVELOPMENT AGENCY FINAL BUDGETS.

To consider this item, the City Council convened as both the City Council and the Chico Redevelopment Agency.

City Manager Lando reviewed his memorandum dated 6/23/99, submitting the Final Budget resolutions for the 1999-2000 City of Chico and Chico Redevelopment Agency Annual Budgets together with a summary of budget adjustments which included those approved by the City Council and the Chico Redevelopment Agency at the 6/1/99 budget review meeting, and those additional requests and corrections that were discovered by staff following adoption of the Tentative Budget on 6/1/99. The approved budget adjustments would be incorporated into the Final Budgets.

The City Manager further reported that the City Council had also been provided with copies of: (a) a letter dated 6/22/99 from the Chico Area Recreation and Park District relating to DeGarmo Community Park which was specifically referenced in the City Manager's Final Budget memorandum; (b) a document dated 3/19/99, prepared by CSU, Chico Research Foundation for the City of Chico Park Department, entitled "Proposal for Preparation of Resource Analysis of Upper Bidwell Expansion," for consideration as requested by Councilmember Kirk; and (c) a Department Listing which would be incorporated into the City of Chico 1999-00 Final Budget.

Councilmember Kirk requested that the Council consider funding to contract for Bidwell Park cleanup, which was estimated at \$3,000. Councilmember Guzzetti moved approval of funding for this purpose, and agreed to amend his motion at the request of Councilmember Keene to add the condition that the contract come back to the Council after responses were received to the Request for Proposals. The motion was then seconded and unanimously carried.

In response to Councilmember Kirk regarding Phase II of Wildwood Park, Park Director Beardsley reported that cost estimates were not yet available. Council agreed with the City Manager's recommendation that this item be considered at the November budget meeting.

Councilmember Kirk suggested consideration of funding for the thermal imaging camera for the Fire Department,

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estimated at \$15,000. ~~Mayor Bertagna~~ *Councilmember Kirk* suggested consideration of funding for the foam systems for the Fire Department, estimated at \$21,000. Following discussion, Councilmember Guzzetti moved approval of funding for the foam systems. The motion was seconded and carried with Councilmember Johnston voting no.

Councilmember Kirk moved approval of \$30,700 in funding for the Upper Bidwell Park Resource Inventory. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, and Councilmembers Herbert, Johnston, Keene and Bertagna voting no. Councilmember Keene then moved that the matter be considered further at the November budget meeting. The motion was seconded and unanimously carried.

RESOLUTION NO. 1 99-00 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE 1999-00 FINAL BUDGET FOR THE CITY OF CHICO, THE CHICO PUBLIC FINANCING AUTHORITY AND THE CITY OF CHICO PARKING AUTHORITY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

REDEVELOPMENT AGENCY RESOLUTION NO. RDA 5-99 – RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 1999-00 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

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

5. BUSINESS FROM THE FLOOR.

Code Enforcement. John Gillander believed that procedures relating to Code enforcement were not uniformly carried out nor properly followed when individuals or businesses were cited for violations. He noted that some were provided with a warning and given an opportunity to correct violations while he was required to appear in court. Following discussion, the Council agreed with the City Manager's recommendation that he meet with Mr. Gillander to determine if City personnel made any errors in following procedures.

6. REPORTS AND COMMUNICATIONS.

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Letter dated 5/30/99 from William Morris requesting reimbursement from the City for storm drain and sewer facilities; and Letter of response dated 6/18/99 from the Community Development Director to Mr. Morris. The Community Development Director recommends that consideration of Mr. Morris' request be referred to the Finance Committee for review and recommendation.
- 6.2. Notification to Local Governing Body of request for modification or removal of conditions on alcohol license for La Sirena, 305 Nord Avenue, received from the Department of Alcoholic Beverage Control on 6/21/99.
- 6.3. Memorandum dated 6/14/99 from the Director of Public Works providing a report on the Parking Place Commission meeting held on 5/12/99.
- 6.4. Memorandum dated 6/7/99 from the Chief of Police providing the Citizens' Option for Public Safety grant Summary Report for the period of 9/1/98 - 5/22/99.
- 6.5. Memorandum dated 6/14/99 from the Finance Director reporting that the list of claims paid during the month of May 1999 has been produced and is available for review in the offices of the Finance Director, the City Clerk, and the City Council.

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6.6. Memorandum dated 6/22/99 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.

6.7. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 6/8/99 for Ray's Liquor, 207 Walnut Street.

7. ADJOURNMENT.

The meeting was adjourned at 10:30 p.m. to Tuesday, 7/20/99 at 7:00 p.m., in Conference Room No. 2 for a closed session if scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: August 3, 1999

City Clerk

Mayor



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ADJOURNED REGULAR COUNCIL MEETING - JULY 20, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Johnston, Keene and Kirk. Councilmember Guzzetti arrived at 7:15 p.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Police Chief Massie and Fire Chief Brown.

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2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Service Employees International Union, Local 1292, AFL-CIO (SEIU) v. City of Chico, et al.*, Butte County Superior Court Case 120331. (Gov. Code Sec. 54956.9(a).)
 - 2.4. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was International Association of Firefighters (IAFF).

The Council reconvened to open session at 7:30 p.m.

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3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - JULY 20, 1999
Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 P.M.

1. CALL TO ORDER. The meeting was called to order at 7:40 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Since the scheduled pastor was unable to attend this evening, Carolyn McKeown, a Chico Police Chaplain, delivered the invocation.
- 1.3. Proclamations.
 - A. The Mayor read a proclamation proclaiming 8/29/99 as Freedom Fest Day in the City of Chico, and presented it to Frank Martinez of the Stonewall Alliance Center of Chico.

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B. The Mayor read a proclamation proclaiming July as Aqua Jets month in recognition of its 50th Anniversary and presented it to Sara Hernandez of the Aqua Jets.

1.4. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

1.5. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Airport Manager Grierson, Senior Planner Hayes, Consulting Senior Planner Figge, and Management Analyst Herman.

1.6. Closed Session Announcement. None.

2. CONSENT AGENDA. No items.

3. NOTICED PUBLIC HEARING. No items

4. REGULAR AGENDA.

4.1. CONSIDERATION OF TERMINATING GROUND LEASE AGREEMENT AND ENTERING INTO NEW AGREEMENT WITH REGARD TO THE DIAMOND MATCH WAREHOUSE

Assistant City Manager Dunlap reported that this Minute Order would authorize the Executive Director to execute a termination of the Ground Lease Agreement Between the Chico Redevelopment Agency and Louisiana-Pacific Corporation (Diamond Match Lumber Warehouse), as assigned to Barber Land Company, and to enter into an agreement with Barber Land Company regarding the Diamond Match lumber warehouse. Under the terms of the agreement, Barber would: (1) actively attempt to incorporate the warehouse building in its master plan for the property; (2) not destroy the building without providing the Agency an opportunity to remove the building in the event the building could not be incorporated into the master plan; and (3) provide access rights to the building in the event the Agency exercises its right to remove it.

REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 3-99 -- AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO TERMINATE GROUND LEASE AGREEMENT BETWEEN THE CHICO REDEVELOPMENT AGENCY AND BARBER LAND COMPANY (ASSIGNED BY LOUISIANA PACIFIC CORPORATION) AND TO ENTER INTO A NEW AGREEMENT REGARDING THE DIAMOND MATCH LUMBER WAREHOUSE.

Councilmember Guzzetti moved approval of the minute order with an amendment in item (2) to assure that the Agency has sufficient time within which to remove the building, and an amendment adding item (4) to require fire insurance coverage on the lumber warehouse in the amount of \$90,000 with the Agency named as beneficiary. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF POSSIBLE USES OF THE OLD MUNICIPAL BUILDING AND FUNDING OF SEISMIC AND ACCESSIBILITY RETROFIT

City Manager Lando reviewed a memorandum dated 7/13/99 from the Community Development Director reporting on the possible re-use of the old municipal building located at 441 Main Street. At the 6/1/99 budget meeting, the City Council requested an update report on the uses being considered for the old municipal building. The Council, acting in its capacity as the Redevelopment Agency, also agreed to consider the allocation of funds for seismic and accessibility retrofit of the building at this time. He indicated to Councilmember Jarvis that the Redevelopment Committee recommended a feasibility study first on possible uses, fair market value, and other information before proceeding further. Councilmember Herbert added that the purpose of the study was to determine if it would be cost-effective for someone to do the retrofit work.

Following discussion, Councilmember Keene moved that City staff secure information on potential tenants that would be interested in leasing space in the building, and whether they would be interested in installing all or a portion of the seismic and accessibility retrofit improvements, and report back to the Council within 6 months..

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Community Development Director Baptiste recommended that Council approve funding for design of the retrofit improvements, which would include restoring the original entrance on East 5th Street, and would not preclude any uses in the building that have been considered in the past. Assistant City Manager Dunlap indicated that funds were still available in last year's budget for this purpose.

Greg Tropea suggested consideration of the quality of life and the relationship to the downtown area when considering uses in the building.

The motion made by Councilmember Keene was then seconded and carried with Councilmember Jarvis voting no.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 8:30 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING - JULY 20, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:30 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Massie, Consulting Senior Planner Figge, Airport Manager Grierson, Senior Planner Hayes and Management Analyst Herman.

2. CONSENT AGENDA.
- 2.1. ORDINANCE NO. 2182 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 2 OF THE CHICO MUNICIPAL CODE, ENTITLED "ADMINISTRATION AND PERSONNEL," RELATING TO REGULAR MEETING TIMES OF THE CITY BOARDS AND COMMISSIONS -- FINAL READING & ADOPTION

By memorandum dated 6/21/99, Assistant City Attorney Barker reports that on 3/2/99, the Council approved a recommendation from the Internal Affairs Committee that the Municipal Code be amended to provide that city boards and commissions biennially set the day and time for their regular meetings and to require that regular meetings of the Airport, Park, Planning and Arts Commissions be set to occur in the evening hours. This ordinance would make the amendments as previously approved by the City Council.

- 2.2. ORDINANCE NO. 2183 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 3.82.210 OF THE CHICO MUNICIPAL CODE, ENTITLED "OTHER STREET FACILITY FEES," RELATING TO STREET FACILITY FEE REIMBURSEMENT -- FINAL READING & ADOPTION

It was recently discovered that Section 3.84.210 of the Chico Municipal Code contains a reference to a non-existent Chapter 3.86. The correct reference is Chapter 3.85. Apparently the error occurred when the current Chapter 3.85 was adopted and the former Chapter 3.86 was repealed several years ago. This ordinance will correct the erroneous reference. The Assistant City Attorney recommends adoption of the ordinance.

- 2.3. (Removed from the Consent Agenda at the request of Councilmember Keene.)
RESOLUTION NO. 7 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING

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AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION TO IMPOSE AND USE A PASSENGER FACILITY CHARGE AT THE CHICO MUNICIPAL AIRPORT

By memorandum dated 7/1/99, the Airport Manager recommends approval of the resolution which would give him the authority to proceed with implementation of a passenger facility charge (PFC) of \$3 per passenger enplaned at Chico Municipal Airport. The PFC application to the Federal Aviation Administration will be for approximately \$532,316.00 to reimburse the City for the local match portion of Airport Improvement Program (AIP) grants on some projects completed, and provide the local match on approved projects which have not yet been completed. The Airport Manager recommends adoption of the resolution.

2.4. (Removed from the Consent Agenda at the request of Al Silva.)

MINUTE ORDER NO. 17-99 -- AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A LEASE OF PROPERTY AT THE CHICO MUNICIPAL AIRPORT TO GAINES AND GAINES FOR A TERM OF 99 YEARS

Gaines and Gaines, owners of Transfer Flow, Inc., located at the north end and on the east side of Fortress Street, desire to lease approximately 3.24 acres on the west side of what would be an extension of Fortress Street. Transfer Flow, Inc., currently has 93 employees and anticipates having approximately 112 employees by January. In order to accommodate their rapidly growing business, they wish to construct a 20,000 square foot warehouse building designed with the capability of expansion to 40,000 square feet. This property was not included in the deed of release from the Federal government, so it cannot be sold. In order to obtain the necessary financing for these expansion plans, Gaines and Gaines are requesting a 99-year lease. The rental rate would be at the 1998 appraisal of \$3,049 per acre per year, with an annual adjustment of 50% of the Consumer Price Index, but not to exceed a 5% rent increase, and a reappraisal every 20 years. The terms of the lease are similar to those previously approved for Aero Union. Because the lease term exceeds 15 years, City Council approval is required. The Airport Commission and the Airport Manager recommend approval of this Minute Order.

2.5. (POSTED ADDENDUM)

CONFIRMATION OF THE APPOINTMENT OF MICHAEL R. EFFORD AS THE CHIEF OF POLICE OF THE CITY OF CHICO.

By memorandum dated 7/14/99, the City Manager recommends that the City Council confirm the appointment of Michael R. Efford as the Chief of Police of the City of Chico, subject to psychological and physical examinations. If approved, Chief Efford will be expected to begin work in Chico on 8/20/99.

Councilmember Keene moved adoption of each ordinance and resolution, and approval of all other items on the Consent Agenda, except items 2.3 and 2.4. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE COMPREHENSIVE UPDATE TO TITLE 19 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CHICO MUNICIPAL CODE; ASSOCIATED AMENDMENTS TO THE CITY ZONING MAP (REZONE/PREZONE 99-05); AND AN AMENDMENT TO TITLE 19R (LAND USE) TO ADD FOOTHILL DESIGN CRITERIA

Councilmembers were reminded to bring their folders that contained all reports and documents to this evening's meeting.

Consulting Senior Planner Figge reviewed her memorandum dated 6/6/99 in which she reported that the Planning Commission had recommended adoption of a negative declaration of environmental impact and approval of the Comprehensive Update to Title 19 (Land Use and Development Regulations), and an amendment to add Foothill

Design Criteria to Title 19R (Land Use). The proposed revisions would bring the City zoning regulations into consistency with the Chico General Plan. All notices of this hearing had been published and mailed in conformance with the Chico Municipal Code. She then provided a detailed review of the provisions of the

ordinances and the resolution.

She added that the Council was being requested to conduct a public hearing on this item and following the public hearing, introduce the ordinances by the reading of the titles only. The Planning Commission and Planning Director recommend adoption of the ordinances and resolution at a subsequent meeting.

The City Attorney and Planning Director recommended that the Council adopt a motion designating the Planning Director as the person to prepare a summary of the Title 19 ordinance for publication in the newspaper (in lieu of the entire ordinance) after its adoption, as allowed under Government Code Section 36933(c).

The Council recessed for 15 minutes and reconvened at 9:05 p.m.

Councilmember Guzzetti requested information from other communities on the role of the zoning administrator position, indicated that he was not in favor of eliminating the amortization schedule for signs for properties annexing to the City, and noted that he was in favor of allowing small restaurants of 2,500 square feet or less as an allowed use without the need for a use permit in the OR Office Residential District.

Councilmember Jarvis addressed provisions dealing with emergency shelters under definitions, temporary uses, and uses requiring a use permit, and thought they should be allowed almost anywhere with a use permit. Further, she compared the definitions for emergency shelters as a temporary use and for social services as an ongoing use and thought these needed to be clarified, and also believed that defining the specific population they served could be considered discriminatory.

Jim Mann, Building Industry Association, recommended adoption of the ordinances and resolution. John Gillander recommended that mobile food vendors on private property be allowed for a year and then yearly continuances be granted administratively by the Planning Director. He also recommended adding language giving notice of an opportunity to appeal a decision. Grace Mejia, a Farmers Insurance agent serving many of the vendors, agreed with Mr. Gillander's suggestions.

Rolland Berger, 9 Lindo Park Drive, was opposed to provisions allowing dance halls and bars serving alcohol within 300 feet of a residential area without a use permit and its potential impact on his neighborhood.

Doug Perske, 2732 Silver Oak Drive, reported that property in northeast Chico that was the site of a cellular tower had been annexed into the City, and he urged the Council to adopt the same cellular tower regulations now under consideration by the County. The City Manager indicated he would provide the Council and Mr. Perske with a report on the impact of the annexation and the County's proposed regulations.

Maggie Van Dame, 2695 Silver Oak Drive, urged the Council to adopt a moratorium on cellular towers and to then adopt the same regulations being considered by the County so that they would not be allowed near residential areas nor be easier to construct in the City than in the County. The City Manager indicated that in addition to mailing of notices, provisions for posting of notices could be added.

Linnea Hanson, 2837 Mariposa Avenue, recommended adding provisions that would allow removal of cellular towers under certain circumstances, and also consider adopting the same ordinance being considered by the County.

Angelo Volpato, Jr., 1279 East 8th Street, spoke in favor of the provisions relating to mobile food vendors.

Nan Jones, 305 Wall Street, requested that the Council give consideration to a letter dated 7/19/99 from her client, Cory Williams of CR Beans Espresso, who had applied for a use permit for the proposed development of an espresso coffee business with drive-through at 1835 Mangrove Avenue. He was requesting that the Council consider amendments to the Development Standards for Signs, Table 5-8 Community Commercial Zoning Districts, to allow adequate sign area and flexibility while still fulfilling the purpose of the regulations as long as the signs were consistent with the surrounding development. The City Manager reported that the proposed sign

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provisions were the same as currently existed in the Code and, therefore, it should be referred to the Planning Commission for consideration. The Council concurred.

Chris Perske, 2732 Silver Oak Drive, recommended a moratorium on cellular towers, keeping the towers away from schools and public areas (in addition to residential areas) and adopting an amortization schedule as proposed in the County's ordinance. The City Manager indicated that staff would review the amortization schedule and other provisions of the County's ordinance, and perhaps meet with the neighbors.

Al Silva, Valley Contractors Exchange, and Dan Davis, Chamber of Commerce, recommended adoption of the ordinances and resolution.

Barbara Vlamis, Butte Environmental Council, reported that the Environmental Impact Report for the General Plan contained language stating that clustered foothill development would occur north and south of SHR 32, however, the language in the General Plan was later changed from "require" to "encourage" without further environmental review. The same language was contained in the ordinance now before the Council. The City Manager offered to provide a written response on how these provisions would be interpreted.

The Council agreed with Councilmember Jarvis's suggestion to allow emergency shelters and/or social services in all zones, except the downtown area, with a use permit.

The City Manager indicated to Councilmember Kirk that staff would provide a report on the amortization of signs.

No one else spoke from the audience and the Mayor declared the hearing closed.

Summary of requests/actions from this meeting:

- a. Report on zoning administrator's duties from other jurisdictions.
- b. Amendment regarding emergency shelters and/or social services.
- c. Amendment regarding mobile food services.
- d. Report on annexation of property containing the cellular tower.
- e. Secure copy of County's ordinance regarding cellular towers and meet with the neighbors.
- f. Refer the sign ordinance amendments to the Planning Commission.
- g. Review provisions relating to foothill development and the related environmental review.
- h. Retain the amendment for restaurants of less than 2,500 square feet to be a permitted use in the OR Office Residential District.
- i. Refer sale of alcohol near residential areas to the Planning Commission.
- j. Report on amortization of signs for property annexed to the City.

City Manager Lando suggested that the ordinances be placed on the mid-August or a September agenda for final reading and adoption, after consideration of the amendments requested by the Council, which would be done at a prior meeting.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING TITLE 19 ENTITLED "LAND USE REGULATION," OF THE CHICO MUNICIPAL CODE AND REENACTING TITLE 19, TO BE ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" — INTRODUCTORY READING. After reading the title, Councilmember Herbert moved for introductory reading of the ordinance. The motion was seconded and carried with Councilmember Jarvis voting no.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING AND PREZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO AND UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA REZONE/PREZONE NO. 99-5 — INTRODUCTORY READING. After reading the title, Councilmember Herbert moved for introductory reading of

the ordinance. The motion was seconded and carried with Councilmember Jarvis voting no.

The Council recessed for 10 minutes and reconvened at 11:00 p.m.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

- 2.3. Resolution re Passenger Facility Charge at Airport. In response to Council questions, Airport Manager Grierson reported that the charge was an extension of one already in effect, that the funds were used for Airport improvements, and if not collected in Chico the charges would be allocated to other airports.

After reading the title, Councilmember Johnston moved adoption of Resolution No. 7 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Kirk, and Bertagna. NOES: Councilmember Keene. ABSENT: None.

- 2.4. Minute Order re Lease of Airport Property to Gaines & Gaines. Councilmember Guzzetti disqualified himself from discussion or voting on this item since he had recently done business with the Gaines.

Al Silva questioned if the appraisal should be done more frequently than every 20 years. Mayor Bertagna noted that an automatic inflator was built into the contract, and the City Manager added that the terms were the same as for similar agreements. Further, due to the location of the land, it could remain vacant if not leased to the Gaines.

Jeanne Gaines explained that due to the financial commitment for the needed improvements, a 99-year lease was needed and the property could not be purchased. There were also benefits to the City through jobs and the products they manufactured.

Councilmember Keene moved approval of Minute Order No. 17-99. The motion was seconded and carried with Councilmember Guzzetti abstaining.

Councilmember Kirk moved that the Council continue with this meeting, beyond the normal time of adjournment. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF THE CITY/COUNTY SOLID WASTE JOINT POWERS AGREEMENT (JPA) COMMITTEE RECOMMENDATIONS REGARDING DEREGULATION OF THE SOLID WASTE RATES AND PERMIT SYSTEM, AND OTHER SOLID WASTE ISSUES FOR THE CHICO URBAN AREA

At its 4/27/99 meeting, the City Council considered whether to deregulate the solid waste rates and the current permit system to allow more than two companies to collect waste in the Chico Urban Area. The City Council referred this issue to the City/County Solid Waste JPA Committee for review and recommendation.

Councilmember Jarvis reviewed a memorandum dated 7/9/99 from Management Analyst Herman submitting the following JPA Committee recommendations:

- A. Continue to regulate residential collection rates and to adopt a rate methodology in which to evaluate future rate increase requests.
- B. Revise the Chico Municipal Code to clarify definitions and to establish a base rate for the base level of collection service, with a provision that special consideration be given to the elderly and those who are physically unable to take the container to the curb.
- C. Establish stricter performance standards, which may include a recycling diversion percentage requirement, to be developed with assistance from the Solid Waste Task Force and the JPA Committee.

D. Change to a waste service agreement system from the current permit system.

Councilmember Jarvis added that a motion to allow two additional solid waste permits failed by a 2-2 vote, so no recommendation regarding deregulating the current solid waste permit system was being forwarded to the Council. The 2-2 vote was because the two County Supervisors wanted a limited number of permits, Councilmember Herbert wanted an unlimited number, and she preferred leaving the permit system as is. Councilmember Herbert asked the Council to approve items B, C and D, and not regulate the number of solid waste collector permits.

Tom Valentino, Pacific Waste Services, spoke in favor of a free-market system without a restriction on the number of permits, and indicated his interest in being issued a permit.

Bill Mannel, General Manager of North Valley Disposal, reviewed his letter dated 7/19/99, copies of which were provided this evening, in which he recommended that the Council not consider additional solid waste collector permits and he made a comparison of current conditions and programs with limited permits, and proposed conditions and programs with more permits.

Joe Matz, Butte Disposal & Recycling, stated that if the Council deregulated permits then it should also repeal all solid waste regulations, and noted that solid waste rates needed to be at a certain level to meet operating costs.

Frank Harkins, 1565 Filbert, spoke against allowing additional permits since it would create a greater number of trucks traveling on City streets.

Bill Crowder, 4216 Shorthorn Drive, spoke in favor of allowing more solid waste collector permits.

Councilmember Herbert moved to deregulate the number of solid waste collector permits and rates, and approval of the Committee's recommendations set forth in items B, C and D. The motion was seconded but failed to carry with Councilmembers Herbert and Keene voting aye, and Councilmembers Guzzetti, Jarvis, Johnston, Kirk and Bertagna voting no.

Councilmember Jarvis moved approval of the Committee's recommendations set forth in items A, B, C and D. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston and Kirk voting aye, and Councilmembers Herbert, Keene and Bertagna voting no.

4.3. FUTURE MEETINGS

(The following items were not considered by the Council this evening.)

- A. Schedule meeting to review Capital Improvement Program and priority street projects.
- B. Schedule meeting to review parking fines and Saturday parking meter enforcement.

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

Councilmember Johnston moved to continue with this evening's meeting, beyond the usual time for adjournment. The motion was seconded and unanimously carried.

5. BUSINESS FROM THE FLOOR.

Motorized Scooters. Matt York provided the Council with some information on motorized scooters, indicated he was interested in selling them, and asked who would decide if they could be legally operated in the City. The Council agreed with Councilmember Jarvis' suggestion to refer the matter to the Internal Affairs Committee, although she indicated that it wouldn't be on the Committee's agenda until its September meeting. The City

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Manager noted that City staff would provide a report for the Committee meeting.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 7/8/99 from Assistant Planner Summerville to the Planning Commission, for its 7/19/99 meeting, to authorize the installation of an unmanned cellular wireless facility to include 12 panel antennas mounted on an existing water storage tank and an equipment shelter placed at the base of the tank located at 215 Orange Street. (This memorandum is being provided for Council's information in view of its recent discussions relating to cellular towers.)
- 6.2. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 6/25/99 for Candis Deli, 2625 Aztec Drive, Suite A.

7. ADJOURNMENT.

The meeting was adjourned at 12:10 a.m. to Tuesday, 8/3/99 at 7:00 p.m. in Conference Room No. 2 for a closed session if scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: August 17, 1999

City Clerk

Mayor



August 3, 1999

ADJOURNED REGULAR COUNCIL MEETING - AUGUST 3, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:05 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Herbert.

City staff - City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, and Police Chief Massie.

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2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-98-1089 FCD PAN. (Gov. Code Sec. 54956.9(a).)

The Council reconvened to open session at 7:30 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING - AUGUST 3, 1999
Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 P.M.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Father James Barfield, Sts. Sergius & Herman Orthodox Church, delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Herbert.
- 1.4. Introduction of City Staff Members. City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Park Director Beardsley, Police Chief Massie, Arts Project Coordinator Gardner, Housing Officer McLaughlin, and Community Development Assistant Sellers.
- 1.5. Closed Session Announcement. None.

2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items.
4. REGULAR AGENDA.
- 4.1. CONSIDERATION OF ARTS COMMISSION RECOMMENDATION TO ALLOCATE FUNDS AND APPROVE THE SELECTION PROCESS FOR ART TREATMENT(S) WITHIN THE CHICO MUNICIPAL AIRPORT TERMINAL BUILDING PARKING LOT EXPANSION PROJECT

Arts Project Coordinator Gardner reviewed her memorandum dated 7/26/99 which provided background information regarding the Arts Commission's recommendation to allocate funds in the amount of \$50,000-\$100,000 to fund one or more art treatments within the Chico Municipal Airport Terminal Building parking lot expansion project. After meeting with the Airport Commission, the Arts Commission was also recommending a modified selection process which would include the Airport Commission throughout the process. She further reported that the Airport Commission considered this recommendation at its meeting of 7/27/99 and agreed that finalist proposal/models would be submitted to the Airport Commission for approval prior to the selection panel making its final selection of the artist(s).

Paula Busch, a member of the Arts Commission, spoke on the importance of having art at the Airport. Councilmember Keene indicated his opposition to using RDA funds for art projects.

Following discussion, Councilmember Jarvis moved approval of a joint selection process by both the Airport and Arts Commissions and allocating funds in the amount of \$75,000 for one or more art treatments for the Airport Terminal Building parking lot expansion project. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Johnston, and Kirk voting aye, Councilmembers Keene and Bertagna voting no, and Councilmember Herbert being absent.

- 4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD JULY 14, 1999

Councilmember Keene reviewed a memorandum dated 7/19/99 from the Finance Committee which provided a report on its meeting held on 7/14/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti, Herbert and Keene, Chair.

Consent Agenda

1. (No Council action required)
APPROVAL OF HOUSING REHABILITATION REQUEST— ACKERMAN, 904 KAREN DRIVE. The Committee approved (3-0) the Ackerman request for a \$20,000 Housing Rehabilitation Loan for the home at 904 Karen Drive, with the terms as recommended by staff.

Regular Agenda

2. ITEMS REMOVED FROM THE CONSENT AGENDA. None.
3. (No Council action required)
CONSIDERATION OF REQUEST FROM WILLIAM MORRIS REGARDING SEWER AND STORM DRAIN FACILITY REIMBURSEMENT — ALAMO EAST SUBDIVISION (EAST AVENUE WEST AND ALAMO AVENUE). The Committee (2-1, Guzzetti opposed) continued further consideration of this matter to its next meeting in order to review the materials submitted by Mr. Morris at today's meeting.

4. (Council action required)

CONSIDERATION OF CITY PARTICIPATION IN FUNDING PUBLIC RIGHT OF WAY IMPROVEMENTS ADJACENT TO VACANT LOTS WITHIN COMMUNITY DEVELOPMENT BLOCK GRANT ELIGIBLE NEIGHBORHOODS. The Committee recommended (3-0) that \$30,000 in Community Development Block Grant Funds be designated for providing funding assistance for public right of way improvements to encourage infill of vacant lots in the areas (1) bounded by the University on the north, West 22nd Street on the south, Walnut/Nord Avenue on the west, and Park Avenue on the east and (2) Little Chico Creek on the north, East 20th Street on the south, Park Avenue on the west, and Boucher Street on the east; with the conditions that the developers pay 50% of the total costs; and that the benefitted properties be required to be owner-occupied.

Councilmember Kirk moved approval of the Committee's recommendation in item #4. The motion was seconded and carried with Councilmember Herbert being absent.

5. (Agency action required to approve Minute Order)

CONSIDERATION OF REQUEST FROM THE ASSOCIATION FOR RETARDED CITIZENS (ARC) OF BUTTE COUNTY FOR ADDITIONAL FINANCIAL ASSISTANCE. The Committee recommended (3-0) that \$200,000 be allocated from the Agency's Low & Moderate Income Housing Program Bond Fund to ARC of Butte County for acquisition and rehabilitation of the Longfellow Apartments (1350 Manzanita Avenue) as a supported living complex for its clients and other low-income families and individuals.

CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 4-99 -- ALLOCATION OF AN ADDITIONAL \$200,000 OF GRANT FUNDS FROM THE AGENCY'S HOUSING BOND FUND TO THE ASSOCIATION FOR RETARDED CITIZENS (ARC) OF BUTTE COUNTY AND AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT FOR THE FUNDS ALLOCATED.

Councilmember Jarvis moved approval of the minute order. The motion was seconded and carried with Councilmember Herbert being absent.

6. (No Council action required)

FURTHER CONSIDERATION OF PROPOSALS FROM CALIFORNIA STATE UNIVERSITY, CHICO (CSUC) FOR CITY ASSISTANCE IN FINANCING SOCCER STADIUM AND PROPERTY ACQUISITION. The Committee (3-0) continued this matter to its August meeting, directing staff to provide the following: (a) sources of repayment of the proposed loans; (b) a legal opinion regarding whether these loans were a permitted use of the City's investment fund; (c) the financial statements of the CSUC Research Foundation; and (d) CSUC's plans for use of the property to be acquired in the College Park area with the City's loan funds.

7. (Council action required)

CONSIDERATION OF RECOMMENDATION TO CHANGE FUNDING SOURCE FOR CITY ASSISTANCE FOR BOYS & GIRLS CLUB PURCHASE AND REHABILITATION OF GYMNASIUM/TEEN CENTER FACILITY. The Committee (3-0) directed staff to work with the Boys & Girls Club and the Chico Area Recreation & Park District (CARD) to provide more opportunity for CARD use of the Club's proposed gymnasium / teen center, and recommended that the funding source not be changed.

Assistant City Manager Dunlap reported that the City Manager recommended that the funding source not be changed from the Community Park Fund to any other funding source. She added that a supplemental appropriation in the amount of \$200,000 was approved by Council in the 1998-99 fiscal year, and that \$15,000 of that amount was set aside for a feasibility study of the proposed facility.

John Merz, 1331 Broadway, opposed using Community Park funds unless he could be assured by CARD, in writing, that there would be sufficient community use of the facility, and not just use by the Boys & Girls Club.

John Simmons, 365 1/2 East 7th Avenue, stated it was his understanding that Maureen Pierce had a proposed

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list of days and times that the Boys & Girls Club would use the facility, and he thought they were minimal and would allow sufficient days and times for CARD use.

Following discussion, Councilmember Jarvis moved that the City Attorney provide an opinion on whether Community Park funds could be used to benefit a membership club, such as the Boys & Girls Club, which would share use of the facility with CARD; that the Finance Committee consider other funding sources depending upon the City Attorney's opinion; that staff provide information on meetings attended by representatives of CARD, the Boys & Girls Club and City staff regarding the amount of use of the facility by CARD and the Boys & Girls Club; and that this matter be referred back to the Finance Committee for consideration. The motion was seconded and carried with Councilmember Herbert being absent.

Assistant City Manager Dunlap reported that the matter could probably be considered at the September Finance Committee meeting.

8. (No Agency action required)
REQUEST FROM MORTGAGE SUBSIDY PROGRAM (MSP) BORROWER FOR A REDUCTION IN ACCRUED INTEREST — CAHOON, 87 ARTESIA DRIVE. The Committee authorized (3-0) the current interest rate of 5.25% to be applied to Ms. Cahoon's MSP loan, thus reducing the amount of the shortfall upon sale of her home to \$2,192, and that she be allowed to repay this amount to the Agency over a five-year period at \$42 per month.
9. (Council action required)
CONSIDERATION OF SUPPLEMENTAL APPROPRIATION FOR PROFESSIONAL APPRAISAL SERVICES — APPRAISAL OF PROPERTY LOCATED ON THE WEST SIDE OF AND ADJACENT TO THE CHICO MUNICIPAL AIRPORT. The Committee recommended (3-0) that no funds be appropriated for appraisals of properties near the Chico Municipal Airport at this time, since the City would not be able to acquire any of the properties for several years.

Councilmember Jarvis moved approval of the Committee's recommendation in item #9. The motion was seconded and carried with Councilmember Herbert being absent.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 8:35 p.m. to a City Council meeting.

REGULAR CITY COUNCIL MEETING - AUGUST 3, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:35 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Jarvis, Johnston, Keene and Kirk. Absent - Councilmember Herbert.

City staff - City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Park Director Beardsley, Police Chief Massie, and Community Development Assistant Sellers.
2. CONSENT AGENDA.
 - 2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE

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INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA -
REZONE NO. 99-4 (A & L Properties) — INTRODUCTORY READING

By memorandum dated 07/07/99, Associate Planner Sigona reports that the applicant, A & L Properties, has requested a General Plan Amendment and rezone for 3.01 acres located on the south side of Springfield Drive, approximately 525 feet east of Forest Avenue, portion of Assessor's Parcel No. 002-370-028, from Offices designation and C-O Commercial Office zoning to Community Commercial designation and C-1 Restricted Commercial zoning. A mitigated negative declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA). A hearing has been scheduled for Council's meeting of 8/17/99, at which time the resolution amending the General Plan will be considered, along with final reading and adoption of this ordinance. At its meeting of 6/21/99, the Planning Commission recommended approval of the request.

- 2.2. RESOLUTION NO. 8 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THAT CERTAIN AGREEMENT ENTITLED, "AGREEMENT FOR THE SALE OF CHICO MUNICIPAL AIRPORT PROPERTY (CITY OF CHICO/JEFFERY B. DAY AND PATRICIA M. DAY)", WHICH PROVIDES FOR THE SALE OF CITY-OWNED PROPERTY WITHIN THE BOUNDARIES OF THE CHICO MUNICIPAL AIRPORT TO JEFFERY B. DAY AND PATRICIA M. DAY

By memorandum dated 7/21/99, Management Analyst Herman submits a proposal from Jeffery and Patricia Day, owners of Brady's Moving and Storage, who are interested in purchasing city-owned property located at the Chico Municipal Airport. The property was previously declared to be surplus property and consists of approximately 0.14 acre located on the east side of Fortress Street, south and adjacent to the Day's property at 251 Boeing Avenue. Mr. and Mrs. Day are interested in expanding the existing building on their property and need additional property to accommodate parking. The purchase price of the parcel is \$9,000, which is based on the appraised value of \$1.50 per sq. ft. The Airport Commission recommended approval of this property sale at its 3/31/98 meeting.

- 2.3. RESOLUTION NO. 9 99-00 -- 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 - 560 E. LASSEN AVENUE / A.P. NO 007-220-022

By memorandum dated 6/30/99, the Director of Public Works reports that in accordance with a petition from the property owners, Wendell L. Cass and Donna M. Cass, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 6/30/99 attached to the 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 recommends adoption of the resolution.

- 2.4. RESOLUTION NO. 10 99-00 -- 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 - 2574 CEANOTHUS AVENUE / A.P. NO 048-740-012

By memorandum dated 7/12/99, the Director of Public Works reports that in accordance with a petition from the property owners, Gerald L. Chamberlain & Vicki Chamberlain, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 7/12/99 attached to the 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 recommends adoption of the resolution.

- 2.5. RESOLUTION NO. 11 99-00 -- 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 9TH AVENUE ANNEXATION DISTRICT NO. 2.

By memorandum dated 7/9/99, the Community Development Assistant forwards a report on initiation of the annexation of 683 East 9th Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property developed with a single family residence and a small business. The Community Development Assistant recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 12 99-00 -- 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 - HUMBOLDT AVENUE ANNEXATION DISTRICT NO. 14.

By memorandum dated 7/9/99, the Community Development Assistant forwards a report on initiation of the annexation of 881, 953, 961, 969, 995, 1053 and 1065 Humboldt Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with six single family residences and a vacant lot acquired by the City for creekside greenway. The Community Development Assistant recommends adoption of the resolution.

- 2.7. (Removed from the agenda for consideration at a subsequent meeting.)
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 8TH STREET ANNEXATION DISTRICT NO. 17.

By memorandum dated 7/9/99, the Community Development Assistant forwards a report on initiation of the annexation of the 31.5 acre parcel located southwest of the intersection of East 8th Street and Bruce Road. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties approved for development of the Benedict Ranch (Nob Hill) Subdivision, consisting of 97 lots for single family residential use. The Community Development Assistant recommends adoption of the resolution.

(This evening John C. Schaller, 1458 Esplanade, representing Philip & Anne Smith, residents on Husa Lane, reported that Council had been provided with copies of his letter dated 7/29/99 in which he requested that the annexation proceedings be deferred until the developer of the Benedict Ranch/Nob Hill Subdivision complied with the conditions of the subdivision relating to an agreement for transfer of 60 feet of property on Husa Lane to the adjacent property owners. The Community Development Assistant recommended that this item be removed from the agenda and the annexation proceedings deferred pending resolution of the Husa Lane issue consistent with the conditions of approval for the Benedict Ranch/Nob Hill Subdivision. Mr. Schaller requested that he be notified when the matter was again considered by the Council.)

- 2.8. RESOLUTION NO. 13 99-00 -- 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 - VALLOMBROSA AVENUE ANNEXATION DISTRICT NO. 13.

By memorandum dated 7/7/99, the Community Development Assistant forwards a report on initiation of the annexation of 1380 Vallombrosa Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with a single family residence. The Community Development Assistant recommends adoption of the resolution.

- 2.9. RESOLUTION NO. 14 99-00 -- 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. 19.

By memorandum dated 7/7/99, the Community Development Assistant forwards a report on the annexation of 1275 East Avenue, between Floral and Mariposa Avenues. The resolution, upon adoption will initiate the annexation of three parcels with a total area of 4.735 acres. Currently, there are two residences on the parcels. Further subdivision to create 21 additional parcels for single family residential development and two lots for office use has been approved by the City Planning Commission, consistent with the General Plan and rezoning. The Community Development Assistant recommends adoption of the resolution.

- 2.10 RESOLUTION NO. 15 99-00 -- 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. 2.

By memorandum dated 7/7/99, the Community Development Assistant forwards a report on initiation of the annexation of 2249 Holly Avenue. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the property developed with a single family residence. The Community Development Assistant recommends adoption of the resolution.

- 2.11. RESOLUTION NO. 16 99-00 -- 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 - DAYTON ROAD ANNEXATION DISTRICT NO. 3.

By memorandum dated 7/6/99, the Community Development Assistant forwards a report on initiation of the annexation of the five parcels on the west side of Dayton Road between Archer and Pomona Avenues and Dayton Road right-of-way. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with four single family residences, and a vacant lot proposed for development with an additional residence and a restaurant. The Community Development Assistant recommends adoption of the resolution.

- 2.12. MINUTE ORDER NO. 18-99 -- AUTHORIZATION FOR CITY MANAGER TO DONATE SURPLUS POLICE VEHICLE TO BUTTE COUNTY SHERIFF'S OFFICE

In 1999, the City replaced a 1988 unmarked police vehicle which is now classified as surplus (under \$500 in value). The Chief of Police requests City Council authorization to donate the vehicle to the Butte County Sheriff's Office for use by the Butte Interagency Narcotics Task Force, a law enforcement program in which the City is a participating agency. Butte County Sheriff-Coroner Scott A. Mackenzie has indicated that his office will accept the vehicle if the donation is approved by the Council. This minute order will authorize the City Manager to donate the surplus 1988 unmarked police vehicle to the Butte County Sheriff's Office for use by the Butte Interagency Narcotics Task Force. The Chief of Police recommends approval of the Minute Order.

- 2.13. CONFIRMATION OF THE APPOINTMENT OF GAIL DRYDEN AS THE INFORMATION SYSTEMS DIRECTOR FOR THE CITY OF CHICO

By memorandum dated 7/22/99, the City Manager recommends that the City Council confirm the appointment of Gail Dryden as the Information Systems Director for the City of Chico subject to all pre-employment requirements. If approved, Ms. Dryden will be expected to begin work in Chico on or about 9/1/99.

- 2.14. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

APPROVAL OF MINUTES FOR MEETING HELD ON JULY 6, 1999

The Council has been provided with copies of minutes for its meeting held on 7/6/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.7 and 2.14. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Herbert.

The Council recessed for 20 minutes and reconvened at 9:00 p.m.

3. NOTICED PUBLIC HEARINGS.

3.1. CONSIDERATION OF AN APPEAL BY JORGE ACOSTA OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT NO. 98-16 TO ALLOW A PET STORE ON PROPERTY LOCATED AT 851 MAIN STREET (AGUILERA)

Planning Director Seidler reviewed a memorandum dated 7/26/99 in which Planning Division Staff reported that at its 5/17/99 meeting, the Planning Commission approved this use permit, with conditions, to allow a pet store on property located at 851 Main Street, Assessor's Parcel No. 004-421-005, in a C-1 Restricted Commercial zoning district and designated on the General Plan Diagram as Downtown. This appeal, filed by Jorge Acosta, was directed at Condition No. 4 of the use permit, which required compliance with Architectural Review Board conditions.

The Planning Director further reported that after meeting with staff, Mr. Acosta had confirmed in writing that he agreed with the appeal issues as set forth in the staff report, as well as with the staff recommendation that the appeal be upheld in part and that Condition No. 4 of the Use Permit be revised to read:

4. Within 30 days of the Commission action on 5/17/99, or within 30 days of Council action, should the decision be appealed, the permittee shall comply with all Architectural Review Board conditions adopted on 4/21/99, except as amended below, and shall request an inspection by the City of Chico Fire Department and Animal Control:
 - a. The final design may incorporate signage into the transom area.
 - b. The 9th Street sign shall not exceed 8x14 square feet.

Mr. Acosta reviewed his letter dated 7/26/99, copies of which were provided to Council this evening, submitting his comments on the signs and the agreement reached regarding them.

No one else spoke from the audience and the Mayor declared the hearing closed.

Councilmember Keene moved adoption of a motion of intent to grant the appeal and approve the use permit with the conditions of approval agreed to between staff and the appellant, and referral of the matter to staff to formalize appropriate findings to be adopted at a subsequent meeting. The motion was seconded and carried with Councilmember Herbert being absent.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

2.14. Approval of 7/6/99 minutes. Councilmember Kirk requested a correction in item 4.3, adoption of the 1999-00 budget, sixth paragraph, to show that she, rather than Mayor Bertagna suggested consideration of funding for the foam systems for the Fire Department. Councilmember Keene moved approval of the minutes with the requested correction. The motion was seconded and carried with Councilmember Herbert being absent.

4.2. A. INITIAL CONSIDERATION OF APPEAL FILED BY NORA TODENHAGEN REGARDING 7/8/99 STAFF

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DETERMINATION FOR ALTERNATIVE MITIGATIONS FOR BENEDICT RANCH/NOB HILL SUBDIVISION; AND CONSIDERATION OF REQUEST FOR CONTINUANCE.

It was noted on the agenda that an appeal of this matter had been filed by Nora Todenhagen. Pursuant to the Chico Municipal Code, the City Council had between 14 and 45 days to decide whether to call up the record and hear the appeal. The City Attorney had been requested to clarify whether this time frame was directive or mandatory. Ms. Todenhagen had requested that this initial consideration of her appeal be continued to Council's meeting of 8/17/99 because she could not attend tonight's meeting due to being out of the area on vacation. Jim Stevens of NorthStar Engineering, on behalf of the applicant, Andrew Meghdadi, had requested that the matter not be continued to 8/17/99 because Mr. Meghdadi rescheduled his vacation in order to attend tonight's meeting. In addition, Councilmember Keene had requested Council consideration of alternative mitigations for the Benedict Ranch/Nob Hill Subdivision (see item B below).

By memorandum dated 7/21/99, the City Manager set forth the following options he believed were available to the Council at tonight's meeting: (1) The Council could discuss the request of Councilmember Keene to consider the actions concerning the mitigation measures (see item B below). (2) The Council could decide to discuss Councilmember Keene's request on 8/17/99. (3) The Council could, as requested by the appellant, delay initial consideration of this appeal to 8/17/99. (4) The Council could, by at least 4 affirmative votes, call up the record of the proceedings on the matter being appealed and set it for a public hearing.

The City Council was provided with the following documents relating to this matter:

1. Memorandum dated 7/21/99 from the City Manager outlining Council's possible options
2. Memorandum dated 7/26/99 from the Planning Director providing background information
3. Memorandum dated 7/8/99 from the Planning Director regarding the Benedict Ranch/Nob Hill penalty (the subject of this appeal)
4. Appeal of this matter filed by Nora Todenhagen on 7/13/99
5. Letter dated 7/16/99 from Nora Todenhagen requesting continuance of the initial consideration of her appeal from 8/3/99
6. Letter dated 7/20/99 from Jim Stevens of NorthStar Engineering, on behalf of the applicant, Andrew Meghdadi, requesting that the matter not be continued from 8/3/99
7. Appeal of this matter filed by Phil Smith on 7/22/99
8. Letter received 7/23/99 from Altacal Audubon Society, Inc. suggesting mitigation measures for removal of trees from Benedict Ranch/Nob Hill development

B. REVIEW OF STAFF DETERMINATION FOR ALTERNATIVE MITIGATIONS FOR BENEDICT RANCH/NOB HILL DEVELOPMENT (REQUESTED BY COUNCILMEMBER KEENE)

By letter dated 7/22/99, Councilmember Keene requested that due to the community interest concerning the Benedict Ranch/Nob Hill Subdivision, and the fact that two appeals had been filed regarding alternative mitigations, that the City Council address this matter outside of the appeals process, clarify its position on the issue, and give direction to staff.

This evening the Council was provided with copies of the following additional items:

1. Memorandum dated 7/30/99 from the City Manager reporting on a meeting held with staff and interested parties on 7/28/99 regarding these issues, and recommending that the Council schedule a public hearing on 8/17/99 regarding alternative performance standards for meeting the required mitigation.
2. Memorandum dated 7/30/99 from the City Attorney addressing the proposed penalty assessed by staff, and indicating that although the appeal of this matter did not qualify to be heard as an appeal, this did not preclude the Council from providing a forum to discuss enforcement of mitigation measures for this project.
3. Letter dated 8/1/99 from Nora Todenhagen indicating that she understood that it was agreed at the 7/28/99 meeting with staff that it would be premature to issue a grading permit for this project until substitute mitigations were performed by the developer, and that such mitigations would be considered by Council on 8/17/99.
4. Letter dated 8/2/99 from Phil Smith, on behalf of the South Bidwell Park Neighborhood Association, indicating that his understanding of the consensus of the meeting held with staff on 7/28/99 was that a grading permit for the Benedict Ranch development was inappropriate at this time, and required further Council discussion.

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5. Letter dated 8/2/99 from Greg Steel outlining his understanding of the 7/28/99 meeting with staff, his concerns with the planning process that had recently occurred regarding the Benedict Ranch/Nob Hill Subdivision alternative mitigations, and supporting the scheduling of an advertised public hearing on these issues for Council's 8/17/99 meeting.
6. Letter dated 7/30/99 from Jeffery Carter requesting that this matter be scheduled for another date since he could not attend this evening's meeting, and listing his concerns relating to the amount of the penalty and the value of the trees that were removed.
7. Memorandum dated 8/3/99 from the Planning Director transmitting a memorandum dated 6/9/99 from the Urban Forester setting forth his assessment of the tree loss valuation for the trees removed from the subdivision. It was noted that he was providing the memorandum to the Council at this time since the issue could be raised at tonight's meeting or during a future discussion.
8. Letter dated 8/3/99 from Richard Harriman, representing Valley Advocates, in which he requested that the Council set a hearing to consider the rescission and/or revocation of the development entitlements previously granted by the City, and prepare a revised and amended Initial Study and Mitigated Negative Declaration and hold a noticed public hearing before taking any further action.

Mayor Bertagna reported that there had been confusion regarding the 7/28/99 meeting of staff and the neighbors in that it was his understanding that grading on the site would be acceptable if the discussion of the mitigation measures was scheduled. The City Attorney reviewed his memorandum dated 7/30/99, listed above, regarding the appeals and the ability of the Council to schedule a forum to discuss the issues. Councilmember Jarvis noted that the fees for filing the appeals could be refunded. She also noted that the Internal Affairs Committee would be discussing mitigation monitoring in general at its 8/10/99 meeting. The City Attorney indicated to the Mayor that if the Council considered rescinding the map it would preclude further work on the site.

Neil McCabe, 2255 East 8th Street, recommended setting a hearing and not giving the developer any further entitlements or permits before then. The Community Development Director responded to Council questions regarding a waiver of jurisdiction from the County relating to development of this subdivision since it had not yet been annexed to the City. Marty Luger, 14055 Hereford Drive, agreed with a hearing but saw no purpose in totally stopping development on the site. Greg Steel, 603 Parkwood Drive, reviewed his letter listed above and stated his agreement with scheduling a public hearing. John Merz, 1331 Broadway, also agreed with further consideration of mitigation measures.

In response to Council questions and comments, Jim Stevens, 20 Declaration Drive, engineer representing the developer, reported that Mr. Meghdadi was not the original developer and that he had not been aware of all the conditions and mitigations. He noted the penalty recommended by staff and the inability to perform the raptor study now, and asked that the developer be allowed to proceed with grading the site. He had no objection to a hearing on 8/17/99 but was concerned with further delays beyond that date. Andrew Meghdadi, 2686 Chandese Lane, reported that he became involved with the development in January, that he didn't remember all the mitigations, and asked that he be allowed to grade the site. He was concerned with further delays beyond the 8/17/99 meeting.

John Gillander recommended not allowing any further work on the site until alternate mitigations were considered. Richard Redmond, 1740 Citrus Avenue, reviewed the letter from the Altacal Audubon Society, and recommended that grading on the site not be allowed. Kristyna Demaree, 2280 East 8th Street, was in favor of a hearing on 8/17/99 and thought the fine imposed on the developer by staff was insufficient.

At the Council's request, Assistant City Manager Dunlap and Mayor Bertagna indicated that they would limit the number of agenda items so that this matter could be heard on 8/17/99.

Councilmember Keene moved that the appeals filed by Nora Todenhagen and Phil Smith be returned and the appeals fee refunded, that a hearing be scheduled on 8/17/99 to consider whether (1) to accept some alternative

performance of the mitigation measure in question, (2) to impose a different condition, or (3) to consider revocation of approval of the map. Further, that no grading permit be issued, that all other agencies be notified

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for their comments, and that a public hearing notice be published. The motion was seconded and carried with Councilmember Herbert being absent.

Councilmember Jarvis asked that staff advise the Internal Affairs Committee at its 8/10/99 meeting and Council at its 8/17/99 meeting on the legality of substituting mitigation measures as well as revoking the subdivision map.

The City Attorney reported that the contents of the Notice of Hearing would include considering whether to (1) accept the recommendation of the Planning Director, (2) impose some different alternative performance requirement, or (3) revoke approval of the tentative map.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 7/13/99

Councilmember Jarvis reviewed a memorandum dated 7/21/99 from the Internal Affairs Committee which provided a report on its meeting held on 7/13/99, at which time the matters listed below were considered. Committee members present were Councilmembers Kirk, and Jarvis, Chair. Councilmember Johnston was absent.

1. (No Council action required)

CONSIDERATION OF ESTABLISHMENT OF NEW TRUCK ROUTES WITHIN THE CITY OF CHICO. The Committee (2-0, Johnston absent):

- A. Adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico adopting Traffic Regulation Amendment No. 654, which designates the truck routes within the City of Chico as proposed by staff.
- B. Directed staff to conduct a traffic study of West 11th Avenue between the Esplanade and Holly, to determine whether inappropriate use of the street by trucks warranted the posting of signs.
- C. Directed staff to identify the roads where designated truck routes and bicycle routes overlapped, in order to determine if road widths were adequate, and report by memorandum to Committee members and Ed McLaughlin.

This evening the Council was provided with copies of a letter dated 7/20/99 from Terry Larson, 467 East 1st Avenue, opposing the inclusion of East 1st Avenue, from SHR 99 to Mangrove Avenue, as a designated truck route. Also provided was a memorandum dated 8/2/99 from Assistant Public Works Director Hislop responding to the request and outlining staff's reasons for designating East 1st Avenue as a truck route and the reasons it was recommended for approval by the Committee. Public Works Director Ross reported that the other traffic matters mentioned in Mr. Larson's letter would be reviewed by staff and a report would be made to the Committee at a subsequent meeting.

2. (No Council action required)

REPORT ON STATUS OF PROPOSED PEDESTRIAN AND BICYCLE PATH PROJECTS ON EL MONTE AVENUE — EAST 8TH STREET TO LITTLE CHICO CREEK. This item was presented for information only, and no action was taken. However, the Committee wished to send a message to the community requesting that cards and letters be directed to CalTrans to convince the State that a traffic signal was needed at the intersection of El Monte Avenue and SHR 32.

This evening the Council was provided with copies of a letter dated 8/2/99 from Thomas Wood, CalTrans Director, Traffic Operations, advising Mike Weissenborn of the Chico Unified School District that the installation of a traffic signal at the intersection of El Monte Avenue and SHR 32 had been approved by CalTrans. Councilmembers Jarvis and Guzzetti asked that staff provide more detailed information on statements made in CalTrans' letter which stated that for the operation of the new signal to be most effective, it would have to be interconnected and synchronized with the signals at Bruce Road and Forest Avenue.

4.4. DESIGNATION OF COUNCILMEMBERS AS VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING ON 10/12/99

By letter received 7/19/99 from the League of California Cities, the City Council was requested to designate a voting representative and an alternate who would be present at the annual business meeting to be held on 10/12/99 at 9:15 a.m. during the League's Annual Conference, scheduled this year for 10/10 through 10/12 in San Jose. Councilmember Johnston moved that Councilmember Guzzetti be designated the voting representative, and Councilmember Kirk the alternate, to represent the City during the business meeting at the conference. The motion was seconded and carried with Councilmember Herbert being absent.

4.5. FUTURE MEETINGS

- A. Assistant City Manager Dunlap requested that the Council schedule a meeting to review Capital Improvement Program and priority street projects. The Council agreed that the Public Works Director would first meet with the Redevelopment Committee.
- B. Assistant City Manager Dunlap also requested that the Council schedule a meeting to review parking fines and Saturday parking meter enforcement, some time after the new Police Chief assumed office. It was the consensus of the Council to hold this meeting on 9/14/99 from 6:00 p.m. to 8:00 p.m. and that DCBA, CSUC, the Chamber and other interested parties be notified. Councilmember Guzzetti requested that staff provide information on the Community Services Officer who issues parking citations. The Mayor recommended that the meeting be in the form of a work session to only gather facts.
- C. The City Council requested that staff provide a schedule of major issues that were expected to be coming before the Council in the next several months and for which the Council would be asked to consider setting dates and times for their consideration.

4.6. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.

5. BUSINESS FROM THE FLOOR.

Code Enforcement. John Gillander believed that City personnel were not consistent in giving warnings or issuing citations for Code violations, that staff met with him after he brought this issue up at a prior meeting but staff thought the procedures were adequate, and he requested that Council give more guidance to staff since some of the violators were repeat offenders. In response to Council, the City Attorney indicated that Council could refer the matter to staff or place it on a subsequent agenda.

Otterson Drive Extension. Mike Smith, 1970 Wild Oak Lane, reviewed his letter dated 7/30/99, copies of which were provided to Council this evening, in which he noted that an environmental impact report was being drafted for the proposed Otterson Drive Extension at an estimated cost of \$75,000, even though the extension was not in the General Plan, was not necessitated by traffic in the area, and would only appear to benefit nearby commercial interests and landowners. He requested that Council schedule consideration on this matter on a future agenda. The Council agreed with Councilmember Keene's suggestion that the matter be discussed when the Council reviewed the Capital Improvement Program, and Council asked that Mr. Smith be notified when the meeting was scheduled.

6. REPORTS AND COMMUNICATIONS.

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 7/11/99 from the Personnel Director providing a semi-annual report on Equal Employment Opportunity Goal Achievement on a department basis for the period ending 6/30/99. This report was reviewed by the Human Resources Commission on 7/8/99 and forwarded to Council for its information.
- 6.2. Memorandum dated 7/6/99 from the Risk Manager forwarding the report of denial of claims against the City for the quarter ending 6/30/90.

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- 6.3. Memorandum dated 7/21/99 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. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 7/15/99 for Zepeda's Market, 671 Walnut Street, Suite 4.
- 6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 7/13/99 for Singh Mohan (no name of business given), 2230 Esplanade.
- 7. ADJOURNMENT.

The meeting was adjourned at 10:35 p.m. to Tuesday 8/17/99 at 7:00 p.m. in Conference Room No. 2 for a closed session if scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: September 7, 1999

City Clerk

Mayor



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ADJOURNED REGULAR COUNCIL MEETING - AUGUST 17, 1999
Chico Municipal Center, Conference Room #2, 421 Main Street - 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Johnston, Keene and Kirk. Councilmember Jarvis arrived at 7:05 p.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson and Police Chief Massie.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJM JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. (POSTED ADDENDUM) CONFERENCE WITH LEGAL COUNSEL - PENDING ARBITRATION: *Melody Davidson v. City of Chico, et al*, Pending Arbitration (Gov. Code Sec. 54956.9(a).) This item was not discussed.

The Council reconvened to open session at 7:35 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:35 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING - AUGUST 17, 1999
Chico Municipal Center, Council Chamber, 421 Main Street - 7:30 P.M.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Pastor Peter Chapman, Abundant Life Center, delivered the invocation.
- 1.3. Proclamation. The Mayor read a proclamation for the National Rehabilitation Awareness celebration, September 12-18, and presented it to a representative of the Work Training Center.
- 1.4. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk. Absent - none.

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- 1.5. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie, Airport Manager Grierson, Associate Planner Sigona, and Management Analyst Herman.
- 1.6. Closed Session Announcement. None.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARING.
- 3.1. HEARING ON THE PROPOSED SALE OF AGENCY-OWNED PROPERTY WITHIN THE CHICO MUNICIPAL AIRPORT COMPONENT OF THE CHICO MERGED REDEVELOPMENT PROJECT AREA TO DEREK BUTCHER AND KELLY BUTCHER (MEDWASTE DISPOSAL)

The Council acknowledged receipt of a memorandum dated 7/28/99 from the Agency's Executive Director which submitted a proposal from Derek and Kelly Butcher of Medwaste Disposal who were interested in purchasing Chico Redevelopment Agency-owned property located at the Chico Municipal Airport. The one acre parcel was located on the east side of Fortress Street, north of Lockheed Avenue. Mr. and Mrs. Butcher were interested in establishing a medical waste sterilization/transfer and paper shredding/recycling business on the property. The purchase price was \$65,340 and the purchaser was not requesting financial assistance from the Redevelopment Agency for the sale.

The Airport Commission recommended approval of the property sale at its 5/20/99 meeting, and further recommended that Mr. Butcher submit an operations plan to be incorporated into the sales agreement. A copy of the operations plan was provided to the City Council. The proposed project would also require a Use Permit and the Airport Commission would be considering approval of such permit at its 8/31/99 meeting. The Council was being asked to consider approving the property sale, recognizing that the applicant must obtain a Use Permit for the proposed project.

Due to the nature of the business planned for the property, a Mitigated Negative Declaration of Environmental Impact was proposed for the project pursuant to the California Environmental Quality Act (CEQA). By separate memorandum dated 8/9/99, Associate Planner Sigona submitted the public comments received regarding the project, the Final Initial Study, and more information regarding the environmental impacts of the proposed project.

This evening the Council was provided with copies of: (a) Minutes of the Airport Commission meeting held on 5/20/99 (provided at the request of Commissioner Wendy Coggins), at which time the Commission recommended approval of the sale with the condition that the Butchers submit an operations plan to be incorporated into the sales agreement. (b) Letter dated 8/12/99 from Fleet Irvine, owner of property at 1100 Fortress, requesting that a full environmental impact report be required for the Medwaste project. (c) Letter dated 8/10/99 from Medwaste Disposal responding to Darlene Scott's (Medipose) letter dated 8/3/99. (d) Letter dated 8/13/99 from the Dept. of Health Services, Medical Waste Management Program, to Derek Butcher, Medwaste Disposal, responding to questions regarding autoclave treatment raised in his letter of 7/29/99. (e) Letter dated 8/14/99 from the Sierra Club Yahi Group requesting that the Agency either delay the decision on sale of this property for 60 days in order to provide more information regarding the project, or require that a full environmental impact report be prepared for the Medwaste project. (f) Letter dated 8/13/99 from Derek Butcher, Medwaste Disposal, providing a copy of the presentation he would be making at tonight's meeting. (g) Memorandum dated 8/17/99 from Associate Planner Sigona providing a General Plan consistency analysis of the Medwaste project. (h) Letter dated 8/17/99 from Attorney Stephen Trover, representing Mooney Farms, a food processing and packaging firm located at the Airport, opposing the project and setting forth matters for Council consideration in deciding whether the proposed site was an appropriate location for a medical waste treatment facility. (i) Letter dated 8/17/99 from Jesus Arredondo, which opposed the proposed facility, was handed to staff this evening.

City Manager Lando reported that the matter before the Council this evening was the sale of the property and that

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the correspondence related to the use permit which would be considered by the Airport Commission at its 8/31/99 meeting. He recommend Council continue this hearing until after the Airport Commission acted on the use permit since it was likely that if the Commission either approved or denied the use permit its decision would be appealed to the Council.

Councilmember Jarvis moved that the hearing be continued to 9/21/99 at 7:30 p.m. and the motion was seconded by Councilmember Keene. Councilmember Kirk thought the public should have been notified in advance if testimony would not be taken this evening.

The Council directed that the Airport Commission meeting scheduled for 8/31/99 at 4:30 p.m. in Conference Room #1 be moved to the Council Chamber and that the meeting be televised.

Derek Butcher, Medwaste Disposal, P.O. Box 486, Lakeport, stated he had no objection to the continuance. Yvonne Warren, 3834 Keefer Road, asked that everyone in the area be notified. Mary Ann Mooney, Mooney Farms, 1220 Fortress Street, and Stephen Trover, P.O. Box 720, Attorney for Mooney Farms, noted that they were unable to send correspondence sooner due to the late date that they became aware of tonight's hearing and the notice of hearing on the proposed Mitigated Negative Declaration stated that comments could be provided until 5:00 p.m. this evening. Michael LePeilbet, P.O. Box 1239, Corning, asked to receive notice of the Airport Commission meeting.

No one else spoke from the audience, and the motion made by Councilmember Jarvis was then carried with Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Bertagna voting aye, and Councilmember Kirk voting no.

4. REGULAR AGENDA. No items.
5. ITEMS ADDED AFTER POSTING OF THE AGENDA. No items.
6. ADJOURNMENT. The meeting was adjourned at 8:05 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING - AUGUST 17, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:05 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene and Kirk.
Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Massie and Associate Planner Sigona.

2. CONSENT AGENDA.
 - 2.1. RESOLUTION NO. 17 99-00-- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING AMENDMENT TO TRAFFIC REGULATIONS (AMENDMENT NO. 657)

By memorandum dated 7/27/99, the Assistant Director of Public Works reports on the Parking Place Commission recommendations, based upon a request from Georgie Bellin (The Group Real Estate) acting on behalf of Immediate Care Medical Center, Inc., for modification of parking spaces within Municipal Parking Lot # 5 and modification to a parking space on East 1st Street. The purpose of the requested modifications is to facilitate occupancy and use of the building at 250 & 260 East 1st Street by Immediate Care Medical Center, Inc. If the Council concurs with the staff recommendation, an implementing resolution has been provided for adoption. The Assistant Director of Public Works recommends adoption of this resolution.

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- 2.2. RESOLUTION NO. 18 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF AN AIR AND LIGHT EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (4 VALLOMBROSA CIRCLE - DANA AND GREG FOUTZ)

The owners of 4 Vallombrosa Circle have petitioned the City to abandon 5 feet of the 25-foot air and light easement along their front lot line so they can build a pool house encroaching into the easement. The lot was originally developed under County standards which required a 25-foot setback; the property is now in the City which only requires a 20-foot setback. The Community Development Director recommends adoption of the resolution.

- 2.3. MINUTE ORDER NO. 19-99 -- AUTHORIZATION TO CONDUCT ELECTIONS OF COVERED EMPLOYEES FOR POSSIBLE CHANGES IN HEALTH INSURANCE PROVISIONS

The City provides health insurance coverage to employees through various bargaining agreements. Those agreements require that employees vote to approve any changes made in the plan. The City through its Health Plan Review Committee has recommended that employees be given the opportunity to vote to make a change in plan benefits, with the goal of reducing costs. Pursuant to her memorandum dated 8/4/99, the Personnel Director recommends approval of this Minute Order which would authorize a two step employee election for potential changes in health plan benefits. Any plan changes would have to be reviewed and approved by the City Council in a separate action prior to implementation. This Minute Order approves only the employee elections. The Personnel Director recommends approval of this Minute Order.

- 2.4. MINUTE ORDER NO. 20-99 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AMENDMENT NO. 10 TO "AGREEMENT TO PROVIDE BUS SERVICE ON CHICO AREA TRANSIT FOR CALIFORNIA STATE UNIVERSITY, CHICO STUDENTS"

This minute order will authorize the City Manager to execute Amendment No. 10 to the "Agreement to Provide Bus Service on Chico Area Transit for California State University, Chico Students" which will extend the term of the agreement through the 1999-00 academic school year, and accept a flat fee of \$92,000. Although this does not meet the \$0.50 per ride requirement of the agreement, the Butte County Association of Governments has begun to study county-wide transit administration which would include various funding aspects. The Director of Public Works and City Manager are recommending that the City accept the flat fee of \$92,000 for this fiscal year. The Director of Public Works recommends approval of this minute order.

- 2.5. MINUTE ORDER NO. 21-99 -- AUTHORIZATION FOR THE FINANCE DIRECTOR TO EXECUTE AND RECORD A NOTICE OF RELEASE OF LIEN FOR ASSESSMENT INSTALLMENTS IN LIEU OF PAYMENT OF SEWER CONNECTION FEES - 1411 SHERMAN AVENUE (APN 003-433-006)

Assessments In Lieu of Payment of Sewer Connection Fees were levied against this property by Council on 2/16/99. The owner, Lynette Terrill, no longer intends to construct an addition to the residence and connect to the City Sewer System and has requested that the requirement for payment of assessments be rescinded. This Minute Order authorizes the Finance Director to execute and record a Notice of Release of Lien under these circumstances. The Assistant Director of Public Works (Engineering) recommends approval of this Minute Order.

- 2.6. ACCEPTANCE OF RESIGNATION OF KATHLEEN SALAMON FROM HUMAN RESOURCES COMMISSION

By letter dated 7/25/99, Kathleen Salamon submits her resignation from the Human Resources Commission, effective on the date of her letter. This resignation will create a vacancy, the term of which expires 1/1/03, and the Council may consider making an appointment at its 9/7/99 meeting.

- 2.7. APPROVAL OF MINUTES FOR MEETING HELD ON JULY 20, 1999

The Council has been provided with copies of minutes for its meeting held on 7/20/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda.

The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Johnston (item 2.1). ABSENT: None.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON GENERAL PLAN AMENDMENT AND REZONE #99-4 (A&L PROPERTIES)

Associate Planner Sigona reviewed her memorandum dated 07/07/99 in which she reported that the applicant, A & L Properties, had requested a General Plan amendment and rezone for 3.01 acres located on the south side of Springfield Drive, approximately 525 feet east of Forest Avenue, portion of Assessor's Parcel No. 002-370-028, from Offices designation and C-O Commercial Office zoning to Community Commercial designation and C-1 Restricted Commercial zoning. A mitigated negative declaration was proposed for this project pursuant to the California Environmental Quality Act (CEQA). At its meeting of 6/21/99, the Planning Commission recommended approval of the request.

No one spoke from the audience and the Mayor closed the hearing.

RESOLUTION NO. 1999-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN DESIGNATION FOR PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA — GENERAL PLAN AMENDMENT NO. 99-4 (A & L PROPERTIES). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

ORDINANCE NO. 2184 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA - REZONE NO. 99-4 (A & L Properties) — FINAL READING AND ADOPTION. After reading the title, Councilmember Keene moved adoption of the ordinance. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Johnston, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON ALTERNATIVES REGARDING BENEDICT RANCH/NOB HILL SUBDIVISION

Planning Director Seidler reported that the Benedict Ranch Subdivision (now known as Nob Hill), located at the southwest corner of the Bruce Road/East 8th Street intersection, was approved by the City Council on 11/17/98, with an environmental mitigation measure that required the developer to conduct a survey of nesting raptors prior to the issuance of grading permits. The intent of the mitigation was to determine whether there were any raptor nests in the trees on the property (all of which were to be removed in order to install required subdivision improvements). If nests were found, grading (and tree removal) was to wait until the end of the nesting season, and if there were no nests, grading could commence immediately upon securing any required permits.

The Planning Director further reported that the trees, including those within the City right-of-way along East 8th Street, were removed without first completing the required raptor study. Without the trees, a study would be meaningless, and the mitigation could not be performed as approved. As an alternative performance requirement for that mitigation, he had proposed that the developer 1) pay a fee of \$5,000 into a City account for the purpose of raptor habitat preservation or rehabilitation, and 2) provide security for the replacement of trees on City property at a somewhat larger size than required by City standards. He added that thereafter, the developer also removed the tree stumps on the site.

The Planning Director noted that the City Council would be considering whether to: 1) accept an alternative performance of the mitigation measure, either as recommended by the Planning Director or as otherwise determined by the Council; 2) propose a different mitigation measure; or 3) revoke approval of the tentative map for failure to comply with the mitigation measure. Public testimony would be limited to these issues.

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This evening the Council was provided with a letter received 8/11/99 from Jon Luvaas, 1980 Wild Oak Lane, indicating he would be unable to attend tonight's hearing, urging the Council to assess a strict penalty for the violation, and to enact a mitigation monitoring program.

The Council discussed the alternatives that it could consider this evening, and what might be done with the money if it decided to impose a fine, such as a raptor study covering a larger area. Councilmember Guzzetti recommended that funding be allocated to the Chico Creek Nature Center. Councilmember Jarvis pointed out that the broader issue of mitigation monitoring was being addressed by the Internal Affairs Committee.

The Council recessed for 15 minutes and reconvened at 8:55 p.m.

Jim Stevens, representing the property owner, Andrew Meghdadi, reported that his client was attempting to secure development rights on approximately 9 acres near the Sacramento River, and if acquired he would agree to preclude any residential or agricultural use thereon for the benefit of raptors and it would provide a perpetual nesting habitat. He had no objection to Council's consideration of a raptor study covering a larger area.

Nora Todenhagen, 2298 East 8th Street, felt the Council should decide what was an appropriate alternative, however, she would like some native habitat for raptors. The Planning Director answered her questions regarding fees that Fish & Game could assess for Swainsens Hawk habitat. Helen Ost, 1255 East Lindo Avenue, recommended that any penalty or performance objective not cost the developer less than his estimated profit for proceeding with the project without complying with the mitigation measures. Barbara Shockley, Sierra Sunrise Terrace #120, noted that the mitigations were small and the developer could have easily complied with them. Jeff Carter, 600 Parkwood, recommended a cease a desist order until the raptor nesting season was over plus a penalty for destruction of City property. John Gillander suggested a raptor study in Upper Park or at Teichert Ponds, both of which were in the general area and would provide habitat in perpetuity. John Merz, 1331 Broadway, questioned the authority that allowed imposing a penalty and noted that there should be regulations that were applied uniformly because he was aware of other developer violations. He thought alternate performance requirements needed to be considered before and not after a project was approved. If a policy was not in place the map should be revoked and the environmental review done again.

Neil McCabe, 2255 East 8th Street, thought there were two mitigation violations, the raptor study and the Swainsens Hawk foraging area, since the habitat had been destroyed. He stated the developer should not profit from his actions, and he would be in favor of a study to find other habitat in the area. Carol Switzer, 866 Husa Lane, reported that the developer had not yet complied with a condition relating to an easement and lot-line change adjacent to Husa Lane, and she was concerned about flooding if the developer could not proceed with grading on the site. She was also concerned with the disposition of the oak trees along East 8th Street when the street was improved. Stan Johnson, 6 Pelican Park Drive, noted the developer had already been penalized financially by not being allowed to proceed with the project, and suggested putting in poles for raptors to nest on. Jeff Goolsby, Centennial Avenue, recommended assessing a fine to pay someone to supervise the site so that further violations did not occur.

Dave Tinker, 21581 Simpson Road, Corning, a member of the Audubon Society, noted that a \$5,000 penalty was insignificant in comparison to the developer having to wait until September, when the raptor nesting season was over, if a study had found raptor habitat. Cathy Carl, 102 Centennial, recommended that the map be revoked. Richard Redmond, 1740 Citrus Avenue, advised Council that the Swainsens Hawk would be in Mexico in October although some stayed farther north. Marty Lugar, 14055 Hereford Drive, stated that a policy should be in place to deal with violations so that developers were aware of them. Phoebe Ambrosia, 2581 California Park Drive #131, believed that the map should be revoked, but to keep in mind the flooding mentioned earlier. Kevin Quinn, 1778 Estates Way, noted that the developer and engineer should be expected to be aware of mitigation measures and that the City needed to hire a mitigation officer. Jim Powell, 875 El Monte Avenue, reported that he leased the property for 14 years for horse grazing and that were raptors on the property.

No one else spoke from the audience, and the Mayor closed the hearing.

The Council recessed for 10 minutes and reconvened at 10:25 p.m.

The City Attorney responded to Council questions regarding the actions that it could take in this matter, the Park Director responded to Council questions regarding removal and replanting of street trees through the subdivision process, and the Community Development Director responded to questions relating to additional monitoring that could be paid by developers. The City Manager suggested that developers and engineers meet with City staff to go through any mitigation measures and how to implement them, and then determine if additional inspections were needed at certain points. Councilmember Guzzetti thought that at some point an additional staff person would be needed to attend neighborhood meetings to know what people wanted and it would generate more trust.

Following discussion, Councilmember Jarvis moved approval of a motion of intent to adopt an alternate performance standard by requiring the developer to deposit the sum of \$22,000 with the City for the purpose of funding activities that would promote raptor habitat preservation, enhancement or study, or public education concerning raptors, that \$5,000 of that amount be allocated to the Chico Creek Nature Center and \$17,000 to the Upper Park resource study, that the developer provide security for replacing any City trees, and that the developer pay any costs for monitoring his project. The motion was seconded and unanimously carried.

The City Manager reported that the action would be formalized and placed on a future Consent Agenda.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

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

5. BUSINESS FROM THE FLOOR.

Humboldt Road Burn Dump. Kevin Quinn, 1778 Estates Way, requested a public meeting on the status of the Humboldt Road Burn Dump. The City Manager indicated that Council could consider a date at its next meeting, and he would determine the status of the information that was to be provided by the City's consultant and by the State.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Memorandum dated 7/29/99 from the Director of Public Works providing a report on the Parking Place Commission meeting held on 7/21/99.

6.2. Memorandum dated 7/27/99 from the Finance Director reporting that the list of claims paid during the month of June 1999 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 7/19/99 from the Chief of Police providing the Citizens' Option for Public Safety grant Summary Report for the period of 9/1/98 - 6/20/99.

6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License for Tower Mart, 1255 W East Avenue.

6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License for Moxies Cafe & Gallery, 128 Broadway.

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6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License for Chuck E Cheeses, 966 East Avenue.

7. ADJOURNMENT

The meeting was adjourned at 11:00 p.m. to 9/7/99 at 6:30 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: September 7, 1999

City Clerk

Mayor



September 7, 1999

ADJOURNED REGULAR COUNCIL MEETING — SEPTEMBER 7, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 6:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:30 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

City staff in attendance at 7:00 p.m. after item 2.1 - City Manager Lando, City Attorney Frank, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, and Chief of Police Efford.

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2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and the City Attorney's performance (Gov. Code Section 54957).
 - 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJJ JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LEGAL COUNSEL — PENDING ARBITRATION: The City Attorney did not review the following: *Melody Davidson v. City of Chico, et al.*, Pending Arbitration. (Gov. Code Sec. 54956.9(a).) This item was not discussed.
 - 2.4. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers' compensation claim of George Harris. (Gov. Code Sec. 54956.9(a).)
 - 2.5. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers' compensation claim of James Jackson. (Gov. Code Sec. 54956.9(a).)
 - 2.6. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represented employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 7:30 p.m.

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3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING — SEPTEMBER 7, 1999

Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.

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- 1.2. Invocation. Pastor Gaylord Enns, Pleasant Valley Assembly of God, delivered the invocation.
- 1.3. Proclamation. The Mayor read a proclamation proclaiming September 17-23 as Constitution Week and presented it to Helen Kutz of the Chico Chapter, Daughters of the American Revolution.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.
- 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Senior Planners Hayes and Figge, Community Development Assistant Sellers, Housing Specialist Burkland, Urban Forester Boza, Fire Division Chief Scholar, Budget Officer Pierce, and Management Analyst Halldorson.
- 1.5. Closed Session Announcement. None.
2. CONSENT AGENDA. No items
3. NOTICED PUBLIC HEARINGS. No items
4. REGULAR AGENDA.
- 4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD AUGUST 20, 1999

Councilmember Keene reviewed a memorandum dated 8/23/99 in which the Finance Committee provided a report on its meeting held on 8/20/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti, Herbert and Keene, Chair.

1. (Council action required)
FURTHER CONSIDERATION OF REQUEST FROM WILLIAM MORRIS REGARDING SEWER AND STORM DRAIN FACILITY REIMBURSEMENT — ALAMO EAST SUBDIVISION (EAST AVENUE WEST AND ALAMO AVENUE). The Committee unanimously recommended that the City (a) enter into a storm drain reimbursement agreement with Mr. Morris in the amount calculated by City staff, and (b) initiate an amendment to the Chico Municipal Code so that a similar agreement could be prepared for a sewer main reimbursement.

Councilmember Jarvis moved approval of the Committee's recommendation in item #1. The motion was seconded and carried with Councilmember Johnston being absent.

2. (No Council action required)
FURTHER CONSIDERATION OF PROPOSALS FROM CALIFORNIA STATE UNIVERSITY, CHICO (CSUC) AND THE UNIVERSITY RESEARCH FOUNDATION FOR CITY ASSISTANCE IN FINANCING SOCCER STADIUM AND PROPERTY ACQUISITION. The Committee unanimously recommended that the University prepare draft documents based on the direction provided today, and that these documents be reviewed by the Committee at a subsequent meeting.
3. (Agency action required)
REQUEST FROM OSM INVESTMENTS FOR FINANCIAL ASSISTANCE FOR ACQUISITION OF LITTLE CHICO GARDENS APARTMENTS — 851 POMONA AVENUE. The Committee unanimously recommended that the City approve the allocation of \$510,000 in funding from the Redevelopment Agency's Low & Moderate Income Housing Fund to OSM Investment Company for the acquisition and rehabilitation of the Little Chico Gardens Apartments at 851 Pomona Avenue, subject to OSM Investment Company receiving the other financing for the project as described in its request.

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RESOLUTION NO. RDA 6-99 -- RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING A LOAN OF FUNDS FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND TO OSM INVESTMENTS TO FACILITATE ACQUISITION AND REHABILITATION OF PROPERTY LOCATED AT 851 POMONA AVENUE, CHICO, CALIFORNIA, AS A LOW INCOME HOUSING PROJECT. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

4. (No Agency action required)
REQUEST FROM COMMUNITY HOUSING AND CREDIT COUNSELING CENTER (CHCCC) FOR FUNDING FOR ITS 1999-00 PROGRAM YEAR. The Committee unanimously recommended that the Community Housing & Credit Counseling Center provide the Committee with a report on its accomplishments and the benefits of its programs to the community, following receipt of which the Center's request for \$26,000 in funding for its counseling program for another year could be placed on the Committee's 9/1/99 Consent Agenda for approval.

Councilmember Jarvis recommended that more publicity be provided on the availability of the City funded Tenant Based Rental Assistance (TBRA) program. Housing Specialist Burkland took note of the recommendation.

5. (No Council or Agency action required)
ITEMS CONTINUED TO 9/1/99 MEETING.
 - a. Consideration of amendments to the City's Sewer Fee Schedule.
 - b. Review of Mortgage Subsidy Program policy issues.

Councilmember Guzzetti moved to accept the report and remaining recommendations of the Finance Committee on its meeting held 8/20/99. The motion was seconded and carried with Councilmember Johnston being absent.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 8:00 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING — SEPTEMBER 7, 1999
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:00 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

City staff - City Manager Lando, City Attorney Frank, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Community Development Assistant Sellers, Housing Specialist Burkland, Senior Planners Figge and Hayes, Urban Forester Boza, Fire Division Chief Scholar, Budget Officer Pierce and Management Analyst Halldorson.

2. CONSENT AGENDA.
 - 2.1. RESOLUTION NO. 20 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 12R.04.130 OF THE CHICO MUNICIPAL CODE ENTITLED "DOGS- PROHIBITED AREAS"

By memorandum dated 8/5/99, the Park Director reports that the Bidwell Park and Playground Commission at its 4/26/99 meeting approved an amendment to Section 12R.04.130 Entitled "Dogs - Prohibited areas" of the Chico Municipal Code, which would restrict dogs from the sports fields at Wildwood Park. The reason for the change is to be consistent with policy restricting dogs from athletic fields for health and safety purposes. If approved,

dogs on leashes would be allowed on the pathways around the sports fields. The Bidwell Park and Playground Commission and Park Director recommend adoption of the resolution.

- 2.2. RESOLUTION NO. 21 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit A)"

RESOLUTION NO. 22 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 1 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit B)"

By memorandum dated 7/20/99, the Personnel Director reports that a settlement agreement has been reached with Service Employees International Union (SEIU) regarding an arbitration on the use of hourly exempt employees. These resolutions adopt amendments to the Memoranda of Understanding between the City and SEIU Units A and B which implement that settlement. The 1999-00 Annual Budget impact of the changes would be approximately \$7,000 General/Park Fund and \$780 Non-General Fund. The City Manager, City Attorney and Personnel Director recommend adoption of the resolutions.

- 2.3. RESOLUTION NO. 23 99-00 -- 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 - BRYANT AVENUE ANNEXATION DISTRICT NO. 7

By memorandum dated 8/16/99, the Community Development Assistant forwards a report on initiation of the annexation of 11 parcels along Bryant Avenue between Vallombrosa Avenue and Filbert Avenue, totaling 8.4 acres. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties developed with 10 single family residences and a Cal Water well site. The Community Development Assistant recommends adoption of the resolution.

- 2.4. MINUTE ORDER NO. 22-99 -- AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE "ANIMAL SHELTER OPERATING SERVICES AGREEMENT (CITY OF CHICO/BUTTE HUMANE SOCIETY, INC.)"

In 1994, the City and the Butte Humane Society entered into an agreement for the operation of the City's Animal Shelter for a ten-year term. The Agreement provides for City payment of a fee for these operating services in a minimum amount of \$5,208 per month, and a maximum amount of \$6,250 per month. The amounts are based upon a care and handling cost of \$28.00 per in-live City animal, based on a 3-day animal holding period set forth in State law. During 1998-99, the average monthly cost to the City was \$5,702. State law was amended in 1998 to provide that, effective 7/1/99, such holding period would increase to 6 days unless animal shelter hours were changed, as specified in the law, in which case the holding period would be 4 days. As a result of this requirement for an additional holding period day, and because the costs to the Humane Society to operate the Animal Shelter have increased since 1994, the Society has requested an increase in the fee paid by the City for animal shelter services. This Minute Order would increase the basic operating services fee to \$32.00 per in-live City animal, and increase the minimum and maximum monthly fees to \$5,952 and \$7,000, respectively, effective 7/1/99. Sufficient funds have been budgeted in the City's 1999-00 Annual Budget to fund the maximum amount. The City Manager recommends approval of the Minute Order.

- 2.5. (Removed from the Consent Agenda at the request of Councilmember Keene.)

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MINUTE ORDER NO. 23-99 -- AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR THE CITY-OWNED PROPERTY LOCATED AT 965 FIR STREET (CITY OF CHICO/BUTTE COUNTY ASSOCIATION OF GOVERNMENTS)

This Minute Order would authorize the City Manager to execute a lease agreement with the Butte County Association of Governments to lease City-owned property located at 965 Fir Street. The property includes an office building, a detached garage, and a parking lot. The initial term of the lease would be for a five year period with an option to extend at the end of the initial term, and would contain the provisions set forth in the minute order. The Assistant City Manager recommends approval of the minute order.

- 2.6. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

MINUTE ORDER NO. 24-99 -- AUTHORIZATION FOR CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JOHN D. DRAKE TO ACQUIRE APPROXIMATELY 292± ACRES OF PROPERTY LOCATED IN FOOTHILL PARK FOR A WETLANDS PRESERVE (048-020-099), AND ACCEPTANCE OF THE PRESERVE MANAGEMENT PLAN FOR FOOTHILL PARK EAST

The City Council previously approved the acceptance of 235± acres adjacent to Foothill Park East as a wetlands mitigation preserve area. In the process of setting aside the appropriate mitigation area, the U.S. Fish and Wildlife Service required that the preserve area be increased from 235± acres to 292± acres. The necessary actions have been taken to create the preserve area parcel and to segregate the assessment within the Northeast Chico Sewer Assessment District. Further, the City Council allocated \$418,000 to pay for the City's 50% share of the sewer assessment bonds on this property. This Minute Order authorizes the acquisition of the 292± acre preserve upon payment and release of the outstanding sewer assessment, and acceptance of the Preserve Management Plan for Foothill Park East. The City Manager and the Community Development Director recommend approval of this Minute Order.

- 2.7. APPROVAL OF MINUTES FOR MEETING HELD ON AUGUST 3 AND 17, 1999

The Council has been provided with copies of minutes for its meetings held on 8/3/99 and 8/17/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.5 and 2.6. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3. NOTICED PUBLIC HEARINGS

- 3.1. 1999 LOT CLEANING PROGRAM - COST REPORT AND HEARING PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY

By memorandum dated 7/30/99, the Fire Chief reported on costs incurred by the City in connection with the 1999 Lot Cleaning Program. Each property owner would be billed for costs incurred in cleaning the lot. Any unpaid bills would be added to the 1999-2000 tax roll for collection. The Fire Chief recommended that the City Council either confirm the cost report as submitted, or confirm the report after making any modifications(s) it deemed appropriate.

Fire Division Chief Scholar offered to answer any Council questions. No one else spoke from the audience and the Mayor declared the hearing closed.

Councilmember Jarvis moved to confirm the cost report as submitted. The motion was seconded and carried with Councilmember Johnston being absent.

- 3.2. HEARING ON ABANDONMENT OF A PORTION OF AN AIR AND LIGHT EASEMENT (4 VALLOMBROSA CIRCLE — DANA AND GREG FOUTZ)

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By memorandum dated 8/19/99, the Director of Public Works reported that the owners of 4 Vallombrosa Circle had petitioned the City to abandon 5 feet of the 25-foot air and light easement along their front lot line so they could build a pool house encroaching into the easement. The lot was originally developed under County standards which required a 25-foot setback; the property was now in the City which only required a 20-foot setback. At the 8/17/99 meeting, the City Council adopted a resolution of intention to abandon this portion of the easement. The Director of Public Works recommended adoption of the resolution ordering the abandonment.

Jim Stevens of Northstar Engineering, representing the property owners, offered to answer any Council questions. No one else spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 24 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF AN AIR AND LIGHT EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (4 VALLOMBROSA CIRCLE - DANA AND GREG FOUTZ). After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3.3. HEARING ON MANZANITA AVENUE ANNEXATION DISTRICT NO. 14

By memorandum dated 7/22/99, the Community Development Assistant forwarded a report on the proposed annexation of 4 parcels at 22 Highland Circle and 1084, 1088 and 1156 Manzanita Avenue. Each of the parcels was developed with a single family residence and construction of two additional residences had been approved by the City. As this uninhabited (less than 12 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Deny the annexation if a majority protest was filed. (2) Approve the annexation without an election if the protest represented less than 50% of the landowners and assessed value of land. In the absence of a valid protest, Community Development Department staff recommended adoption of the resolution.

No one spoke from the audience, no written protests were received, and the Mayor declared the hearing closed.

RESOLUTION NO. 25 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - 99-19 - CITY OF CHICO - MANZANITA AVENUE ANNEXATION DISTRICT NO. 14. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3.4. HEARING ON SHERIDAN AVENUE ANNEXATION DISTRICT NO. 5

By memorandum dated 8/12/99, the Community Development Assistant forwarded a report on the proposed annexation of 15 parcels located along Sheridan Avenue between East 5th and East 1st t Avenues. All of the parcels were developed with single family or multiple family residences. The annexation was initiated to extend sewer service to nine of the parcels. As this inhabited (more than 11 registered voters) annexation included properties which did not request annexation, the City Council must hold a hearing to receive protests to annexation. Based on the size of the protest, the Council must take one of the following actions: (1) Deny the annexation if a majority protest was filed. (2) Approve the annexation subject to confirmation by voters if a protest was filed by 25% to 49.9% of the registered voters or 25% or more of the landowners. (3) Approve the annexation without an election if the protest represented less than 25% of the registered voters and landowners. In the absence of a valid protest, Community Development Assistant recommended adoption of the resolution.

No one spoke from the audience, no written protests were received, and the Mayor declared the hearing closed.

RESOLUTION NO. 26 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE ANNEXED TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - 99-22 - CITY OF CHICO - SHERIDAN AVENUE ANNEXATION DISTRICT NO. 5. After reading the title, Councilmember Herbert moved adoption of the

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resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3.5. HEARING ON THE REVISED SECTIONS OF THE COMPREHENSIVE UPDATE TO TITLE 19 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CHICO MUNICIPAL CODE, ASSOCIATED AMENDMENTS TO THE CITY ZONING MAP (REZONE/PREZONE 99-05) AND AN AMENDMENT TO TITLE 19R (LAND USE) TO ADD FOOTHILL DESIGN CRITERIA

Councilmembers were requested to bring their folders containing copies of the Title 19 draft that were provided for the 7/20/99 meeting.

By memorandum dated 8/25/99, Consulting Senior Planner Figge reported that the City Council held a public hearing on the Comprehensive Update to Title 19 (Land Use and Development Regulations) and an amendment to add Foothill Design Criteria to Title 19R (Land Use) at the 7/6/99 City Council meeting. Following the public hearing, the Council directed staff to revise certain sections of the proposed Title 19 which it would consider at this public hearing. Those sections pertained to (temporary) emergency shelters, social services, and mobile food vendors. Staff was also directed to respond to comments regarding clustering in the foothill areas and a memorandum dated 8/31/99 from Senior Planner Hayes was being provided responding to these concerns. Also added, based upon subsequent information, was clarifying language for Redevelopment Agency owned property at the Chico Municipal Airport. All notices of this hearing were published and mailed in conformance with the Chico Municipal Code. The Council was being requested to conduct a public hearing on this item and following the public hearing, introduce the ordinances by the reading of the titles only. The Planning Commission and Planning Director recommended adoption of the ordinances at a subsequent meeting.

This evening the Council was provided with a memorandum dated 9/7/99 from Associate Planner Sigona which reported that the Airport Commission discussed proposed changes to a portion of the Airport Land Use Regulations at its 8/31/99 meeting. As a component of the Comprehensive Update to Title 19, it was proposed to modify existing Code Section 19.74.110 by adding property owned by the Redevelopment Agency to the circumstances under which a property sale, lease or other agreement could be approved in lieu of a use permit, for uses requiring use permit approval at the Airport. Currently, this section only applied to property owned by the City. The general consensus among the Airport Commissioners was that a separate use permit process should be maintained whether projects involved City-owned or Agency-owned property. The Commission felt the topic warranted more discussion at its 9/28/99 meeting, however staff recommended that Council adopt the revised language as proposed.

Council was advised that since the beginning of August, approximately 100 signed, preprinted postcards had been received and placed in the Council's Office, which indicated that they wanted a strong ordinance to limit the placement of cellular phone towers in or near residential neighborhoods.

City staff members responded to questions from Council regarding various provisions in the proposed ordinance. No one spoke from the audience and the Mayor declared the hearing closed.

As recommended by the City Attorney and Planning Director, Councilmember Jarvis moved that the Planning Director be designated as the person to prepare a summary of the Title 19 ordinance for publication in the newspaper (in lieu of the entire ordinance) after its adoption, as allowed under Government Code Section 36933(c). The motion was seconded and carried with Councilmember Johnston being absent.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING TITLE 19 ENTITLED "LAND USE REGULATION," OF THE CHICO MUNICIPAL CODE AND REENACTING TITLE 19, TO BE ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" — INTRODUCTORY READING. After reading the title, Councilmember Jarvis moved for introductory reading of the ordinance. The motion was seconded and carried with Councilmember Johnston being absent.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING AND PREZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO AND UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA REZONE/PREZONE NO. 99-5 — INTRODUCTORY READING. After reading the title, Councilmember Jarvis moved for introductory reading of the ordinance. The motion was seconded and carried with Councilmember Johnston being absent.

3.6. HEARING ON ARROYO GREENS TENTATIVE SUBDIVISION MAP ALTERNATIVE PERFORMANCE STANDARDS

Planning Director Seidler reported that the developer of the Arroyo Greens Subdivision violated mitigations as well as conditions of the approved tentative subdivision by removing selected trees without authorization. This matter was placed on the agenda for the City Council to review proposed alternative performance requirements. By staff report dated 9/1/99, he was recommending alternative performance standards.

In response to Council questions, Urban Forester Boza reported on the estimated cost to plant and maintain 216 replacement saplings for 5 years at approximately \$255 each, for a total of \$55,080. Further, for the 3 or 4 trees possibly damaged from dirt being placed at their base or having limbs cut off, the City was working with the developer to have the soil pulled back, Wineland Walnut could perform remedial pruning, and a 1 to 3 year monitoring program could be implemented to assure survival of the trees.

Helen Ost, 1255 East Lindo Avenue, recommended a monitoring program for blue oaks that was long enough to assure their survival. Scot Wineland, Wineland Walnut, 9009 River Road, reported that he was hired by Paul Leete, the developer, to prepare a proposed tree replacement/mitigation plan for the subdivision and it was attached to the Planning Director's memorandum. He thought a 5-year program would assure the successful growth and survival of any trees. Michael Panzarini recommended that a species of trees, other than oak trees, be planted on the property because of the difficulty of growing oak trees on developed property. John Merz, 1331 Broadway, thought that Council needed more information on what occurred and to adopt some mitigation monitoring policies before taking any action, that further environmental review was needed, and that the subdivider should be required to start over. John Gillander questioned if future homeowners would be able to comply with any conditions for maintaining the trees in the future. Paul Leete, 1074 East Avenue, explained the circumstances under which the trees were inadvertently removed.

No one else spoke from the audience and the Mayor declared the hearing closed.

Councilmember Jarvis moved (1) that the developer be required to replace a minimum of 18 trees, (2) that the trees be replanted at a ratio of 12:1 either on site or on public property with approval by the Urban Forester, at an estimated cost of \$3,060 per tree including maintenance, (3) that there be a five-year monitoring period for the replanted trees, with the period to start over for each tree that dies, (4) evaluation of any trees impacted by construction activities, with replacement where necessary, (5) class 1 pruning of all trees, (6) prior to further construction, the fill situation is to be evaluated by City staff to ensure that grading is consistent with approvals; if not return to Council; if ok lift stop work order, and (7) provide periodic reports to Council on status of mitigation. The motion was seconded and carried with Councilmember Johnston being absent.

The Council recessed for 15 minutes and reconvened at 9:45 p.m.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.5. Minute Order No. 23-99 re Lease of Property at 965 Fir Street to BCAG. The City Manager indicated to Councilmember Keene that any extensions to the lease agreement would have to be agreed to by both the City and BCAG. Councilmember Keene then moved approval of Minute Order #23-99. The motion was

seconded and carried with Councilmember Johnston being absent.

- 2.6. Minute Order No. 24-99 re Foothill Park Wetlands Preserve. The City Manager and Community Development Director responded to questions from Councilmember Kirk regarding some of the provisions in the agreement. They also responded to questions from John Merz regarding title to the land and the relationship between the developer and the non-profit corporation that would operate the preserve.

Jim Mann, 70 Declaration Drive #101, representing Drake Homes, named the State and Federal agencies that had approved the management plan. Ken Whitney, Rocklin, stated he was president of Foothill Associates and on the board of the non-profit corporation, that any information Council wanted on the corporation could be provided, and that it was formed to keep it separate from the Foothill Park development.

Councilmember Kirk moved approval of Minute Order #24-99. The motion was seconded and carried with Councilmember Johnston being absent.

- 4.2. CONSIDERATION OF ARTS COMMISSION RECOMMENDATION FOR APPROVAL OF THE CHICO OPEN BOARD ART PROJECT (COBA) AND SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE GENERAL FUND

By memorandum dated 7/18/99, the Risk Manager forwarded the Arts Commission's request for project approval of the Chico Open Board Art project and approval of a supplemental appropriation in the amount of \$5,000 from the City's General Fund. The COBA project proposed by local artists Jefferson Goolsby and Geno Lucich, envisioned having four artists per month for two months creating eight 4' by 4' art panels in a downtown, public setting, at an approximate cost of \$4,720. If approved, the project would begin in September. At the end of the project, the Arts Commission would select the top two outstanding panels and the artists would be provided with a cash award. Project costs include the cost of materials and supplies, the labor costs for Mr. Goolsby and Mr. Lucich to coordinate the project, \$200 stipends to each participating artist, and the cash awards for the top two artists. The City could retain ownership of the eight panels, or could retain the top two selections and return the rest to the artists. A supplemental appropriation from the General Fund was being requested by the Commission because it was staff's opinion that the project was not eligible for funding from Redevelopment funds. The Arts Commission recommended approval of the project and supplemental appropriation.

Jeff Goolsby and Geno Lucich were present to review the proposed project with the Council. Councilmember Keene offered to meet with them on exploring sources of private funding for their project. In response to the Mayor's question, Mr. Lucich suggested a no vote or postponement of this request, and continuation of the discussion, since the project was better suited to spring and summer, and the implementation plan revision was pending.

Following discussion, the Council agreed with Councilmember Jarvis' recommendation that the matter be considered at the November 16 budget review meeting. At that time the Redevelopment implementation plan might be amended and would allow use of RDA funds. Councilmember Guzzetti stated that at that time, he would also like information on how other communities spend their RDA funds with regard to art projects.

- 4.3. INITIAL CONSIDERATION OF APPEAL OF USE PERMIT NO. 99-31 (THE WELL MINISTRY) - PROPOSED TRANSITIONAL HOUSING FACILITY

Planning Director Seidler reviewed a memorandum dated 08/23/99 from Associate Planner Sigona which reported that Use Permit No. 99-31, which was unanimously approved by the Planning Commission at its meeting of 8/2/99, was appealed to the City Council by an area resident, Vern Kelch. The proposed use permit would authorize a modification to a nonconforming use to allow a transitional housing facility for a maximum of 90 residents at 2612 The Esplanade in an R-P zoning district. The appellant cited general opposition to the project as well as lack of notification for the basis of the appeal. Also attached to the appeal application was a petition of opposition signed by area residents. Planning staff recommended that the City Council not schedule a public hearing to hear this appeal, finding that notification in excess of Municipal Code requirements was conducted for the project. This course of action would uphold the Planning Commission's approval of Use Permit No. 99-31. Four affirmative

votes would be required if the Council decided to schedule a public hearing.

Vern Kelch, 2720 Rafael Street, the appellant, asked for a public hearing because neighbors were unaware of the proposal until it was approved by the Planning Commission. Others speaking in favor of scheduling a public hearing were Harley Perez, 2717 San Jose Street, Dennis Smith, 2713 San Jose Street, Kathy Perez, 2717 San Jose Street, and Wendy Taylor, 2718 San Jose Street. Those opposed to a public hearing were Ed Rogers, 2639 San Jose Street, Barry Coccellare, 724 West 2nd Avenue, and Louie Ricci, 2480 Gynn Avenue.

Michael (last name & address not provided) spoke in favor of a hearing but also recommended some provision for waiving the fee to file an appeal when someone couldn't afford it. The Council agreed with Councilmember Jarvis' suggestion to refer this matter to the Finance Committee for review.

Neil Bennett, The Well Ministry, 2612 Esplanade, explained the notices that were provided to neighbors and the area in which they were distributed.

At 10:50 p.m. Councilmember Kirk moved that the Council continue with this meeting past the recommended 11:00 p.m. time of adjournment. The motion was seconded and carried with Councilmember Johnston being absent.

Following discussion, Councilmember Keene moved that the Council not schedule a hearing on the appeal. The motion was seconded and carried with Councilmember Johnston being absent.

4.4 CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON AUGUST 10, 1999

Councilmember Jarvis reviewed a memorandum dated 8/16/99 from the Internal Affairs Committee which provided a report on its meeting held on 8/10/99, at which time the matters listed below were considered. Committee members present were Councilmembers Kirk, and Jarvis, Chair. (Mayor Bertagna was present during a portion of the meeting, substituting for Councilmember Johnston, who was absent.)

Consent Agenda

1. (No Council action required)
APPROVAL OF INSTALLATION OF A BICYCLE LANE ALONG THE WESTERLY SIDE OF FLORAL AVENUE ADJACENT TO HIGHLAND PARK SUBDIVISION. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 656, which establishes a bicycle lane along the westerly side of Floral Avenue from the northerly curblineline of Glenshire Lane to 180 feet northerly of the northerly curblineline of Whitewood Way.

Regular Agenda

2. (No Council action required)
CONSIDERATION OF REPORT ON USE OF FUNDS DEPOSITED UPON ISSUANCE OF A BUILDING PERMIT AND IN LIEU OF INSTALLATION OF PUBLIC IMPROVEMENTS. The Committee (3-0) directed staff to bring back for further Committee consideration at a subsequent meeting recommendations on: (1) whether it was necessary to repay in-lieu funds to owners of prepaid parcels; and (2) specific locations/priorities for use of the funds.
3. (Council action required to adopt the Guidelines)
CONSIDERATION OF SCENIC STREET DESIGN GUIDELINES FOR EAST 8TH STREET, BETWEEN STATE HIGHWAY ROUTE 32 AND BRUCE ROAD. The Committee recommended (2-0, Bertagna, substituting for Johnston, absent) adoption of the Scenic Design Guidelines for East 8th Street as proposed by the neighborhood residents:
 - a. with the revisions (1) that the bicycle lane on the north side of the street in Section 4 be widened to six feet, and (2) that a one-foot wide, flush, concrete strip be installed on the south side of the street in Section 4 in order to combat road erosion;
 - b. with the understanding (1) that all of the trees would be preserved, (2) that the street lighting would be

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- limited to the intersection in Section 4, and (3) that no curb and gutter would be installed in conjunction with the storm drainage facilities in Section 1; and
- c. that the Guidelines be referred to the Bicycle Advisory Committee for review and recommendation prior to being forwarded to the City Council for adoption.

By memorandum dated 8/17/99, Senior Planner Hayes transmitted diagrams of the street sections for the proposed East 8th Street scenic design guidelines, which had been revised to incorporate the changes recommended by the Committee.

By memorandum dated 8/25/99, Senior Planner Hayes reported that the Bicycle Advisory Committee reviewed the proposed guidelines at its meeting of 8/18/99, and recommended that Council incorporate additional criteria into the guidelines as listed in his memorandum.

This evening the Council received a letter dated 9/1/99 from Robert & Judith Thomas, 1651 Park Vista Drive, expressing concern with safety issues and drainage problems in Section 1 of the proposed guidelines.

City staff members responded to Council questions regarding various provisions of the guidelines.

Neil McCabe, 2255 East 8th Street, requested consideration be given to horses crossing the street when designing the roundabouts, and taking out the word "eastbound" for bicycles traveling on South Park Drive and allow it to travel in both directions.

Following discussion, Councilmember Keene moved approval of the guidelines, removing reference to "eastbound" bicycle traffic, and having the Park Commission review bicycle traffic on South Park Drive in this vicinity. The motion was seconded and carried with Councilmember Johnston being absent.

4. (No Council action required)

REVIEW OF THE CITY'S MITIGATION MONITORING PROGRAM. The Committee recommended (2-0, Bertagna, substituting for Johnston, absent) that staff be directed to analyze the City's current mitigation monitoring program, develop recommendations on the various issues the City must address, including those listed below, and report back to the Internal Affairs Committee in 30 - 60 days.

- (a) what constituted a violation and methods for characterizing violations (minor or major, and whether a violation was correctable, including whether or not the mitigation measure could still be performed)
- (b) methods for imposing penalties for violations
- (c) who had the authority to impose penalties / modify mitigation measures
- (d) whether and at what point a project approval could be revoked if a violation was serious enough
- (e) how to inform the public of violations / modifications
- (f) whether Municipal Code provisions limiting the right to appeal staff decisions to aggrieved parties should be reconsidered
- (g) methods for recouping the cost of staff time spent on the mitigation monitoring process

5. (No Council action required)

CONSIDERATION OF PROPOSAL BY DAN HAYS AND GENE DAMSCHEN TO MAKE A GIFT OF LAND TO THE CITY FOR THE EXTENSION OF IVY STREET. The Committee (2-0, Bertagna, substituting for Johnston, absent) continued this matter to its next meeting due to improper notice to Mr. Hays, and directed the Clerk's office to let him know that the Committee was not inclined to recommend approval of his gift proposal.

Councilmember Keene moved to accept the report and remaining recommendations of the Committee. The motion was seconded and carried with Councilmember Johnston being absent.

4.5. FIVE YEAR REVIEW OF THE GENERAL PLAN — APPROVAL OF OUTLINE

By memorandum dated 8/30/99, Senior Planner Hayes forwarded a draft outline for the upcoming Five Year Review of the General Plan. The current General Plan established a system for reviewing the plan annually with a more extensive review each five years. The outline provided a process framework including timeline for the first five

year review of the plan. A list of information items that staff recommended be prepared in conjunction with the Five Year Review report was also provided. Before proceeding on preparation of the report, staff was seeking Council direction and approval.

After considering the proposed timeline, it was the consensus of the Council that the Planning Commission should hold its public hearing at its first meeting in January rather than on the 11/18/99 tentative date.

John Gillander requested that measures be included that would not raise the cost of housing, thereby keeping it affordable.

4.6. COUNCIL RULES OF PROCEDURE.

- A. Council Rules. City Manager Lando reported that the Council's committee that evaluated the Council-appointed employees previously asked that the rules be placed on the agenda for Council review, so that any newer members would have an opportunity to comment on them.

Councilmember Jarvis requested that committee chairs be allowed to request information from the City Attorney when a committee agenda was being reviewed. The City Manager noted this would depend on whether it was a request for a formal opinion that would require research or simply staff assistance, and how the request would impact on the City Attorney's workload. Councilmember Jarvis suggested a committee chair could give a proposed timeline to receive the information and it could be approved by the City Attorney.

Following discussion, it was the consensus of the Council that the Finance Committee and Internal Affairs Committee chairs would be allowed to request information or an opinion from the City Attorney during agenda review meetings, that the City Attorney would provide a time estimate within which the requested information/opinion might be provided, that the City Attorney would inform the chair if the estimated timeline needed to be extended, and that the City Attorney report back to the Council within 6 months on his evaluation of this proposed Council rule.

Councilmember Jarvis also recommended that the rules be revised in some way to discourage material being provided to the Council just prior to or at a meeting because there was no time to review it after a meeting had started. The rules now provided that if late material was received, the Council had the option of continuing an item to give it time to review such material, which she did not want to do.

Following discussion, it was the consensus of the Council that the City Manager would meet with the City Attorney and other staff members to review notice requirements and when written material could be received for either (a) those notices given pursuant to some law where the City has no discretion on when written material could be received and (b) those notices given by staff that could include a deadline for receiving written material.

- B. Stewart Letter. The Council was provided with a letter dated 8/20/99 from Attorney Ronald Stewart requesting an apology for remarks made by Councilmember Jarvis at the last Council meeting regarding material that was submitted in accordance with a notice of hearing (5:00 p.m. on the day of the hearing) in connection with the Medwaste use permit hearing.

The Council's Rules provide that if written material was provided to Council at a meeting, it may determine whether or not to continue an item to a subsequent meeting in order that it would have time to review the written material.

Mayor Bertagna extended his apologies for the comments. Councilmember Jarvis indicated she did not intend to apologize because of the comments in Stewart's letter.

4.7. APPOINTMENT TO HUMAN RESOURCES COMMISSION

At its 8/17/99 meeting, the Council accepted the resignation of Kathleen Salamon from the Human Resources Commission. By memorandum dated 8/2/99, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment.

Councilmember Kirk nominated Susan Bollinger to the Human Resources Commission for a term that would expire on 1/1/03, nominations were closed, and a unanimous ballot was cast for Susan Bollinger with Councilmember Johnston being absent.

4.8. CONSIDERATION OF LIST OF MAJOR ISSUES AND SCHEDULING OF FUTURE MEETINGS

A. List of Major Issues. As requested by the City Council at its 8/3/99 meeting, in his memorandum dated 8/26/99 the City Manager provided a list of major items which would be coming to the Council over the next several months. Some of them could be handled on regular agendas, however, a number of them would require significant time and may be appropriate for separate work sessions.

Following discussion of the list of items, it was the consensus of the Council to (a) consider the Capital Improvement Program and road expenditure priorities at the same meeting in November, (b) add the Little Chico Creek Greenway to the list of items, and (c) consider the priority of Otterson at the same meeting.

B. Future Meetings.

1. Schedule meeting to discuss Humboldt Dump. The Council agreed to discuss a meeting date at its 9/21/99 meeting. Kevin Quinn, 1778 Estates Way, asked if the consultant could also schedule a neighborhood meeting.
2. Schedule meeting to consider Special Events Task Force report (see item 6.1). The Council agreed to meet on 9/23/99 from 7:00 to 10:00 p.m. with the Task Force.

4.9. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.

5. BUSINESS FROM THE FLOOR.

- A. Lindo Channel. Caryn Jones, 5 Deborah Terrace, requested that the Council schedule a joint meeting with the Park Commission regarding Lindo Channel encroachments.
- B. Conflicts of Interest. John Gillander stated that the City had received an opinion from the Fair Political Practices Commission that Councilmember Jarvis could not vote on community organization funding matters because she was employed by one of the agencies that received funding from the City. He asked what effect this would have on prior votes she may have been involved in and also asked who enforced any violations of the City Charter.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 8/20/99 from Chair Lisa Michels forwarding the findings and the recommendations of the Special Events Task Force dealing with Halloween, and some other non-sponsored special events which take place within the City of Chico. The City Manager recommends that the City Council acknowledge receipt of the findings and recommendations and set a date to consider them.
- 6.2. Memorandum dated 8/23/99 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.

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- 6.3. Memorandum dated 9/7/99 from the Finance Director reporting that the list of claims paid during the month of July 1999 has been produced and is available for review in the offices of the Finance Director, the City Clerk, and the City Council.
- 6.4. Carl Colbie letter dated 8/19/99, requesting that the Council agendaize and then consider adopting an ordinance against placing fluoride into the water supply.
- 6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License for Windys Restaurant, 1000 West Sacramento Avenue, #G.
- 6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License for Albertsons, 2157 Pillsbury Road.
- 7. ADJOURNMENT.

The meeting was adjourned at 12:20 a.m. to Tuesday, 9/14/99 at 6:00 p.m. in the Council Chamber for a work session regarding parking fines and Saturday parking meter enforcement in the downtown area.

Date Approved: October 5, 1999

City Clerk

Mayor



September 14, 1999

ADJOURNED REGULAR COUNCIL MEETING - SEPTEMBER 14, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 6:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:00 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Roll Call. Present - Mayor Bertagna and Councilmember Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.
 - 1.3. Introduction of Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Finance Director Martin, Public Works Director Ross, Police Chief Efford, Associate Civil Engineer Johnson, Accountant Thorpe, Police Captain Maloney, Management Analyst Herman, and Administrative Analyst Wallick.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items
4. REGULAR AGENDA.
 - 4.1. PARKING PLACE COMMISSION RECOMMENDATION TO EXTEND ENFORCEMENT OF PAID METERED PARKING AND TWO HOUR TIME LIMITATIONS TO INCLUDE SATURDAYS IN DOWNTOWN CHICO

Director of Public Works Ross reviewed his memorandum dated 8/19/99 in which he reported on a recommendation from the Parking Place Commission to extend enforcement of paid metered parking and two hour time limitations to include Saturdays. The proposed Saturday enforcement would include only that downtown core area bounded by Wall and Salem Streets and First through Fourth Streets. All other parking spaces and parking lots would remain free on Saturdays. The report also included a recommendation from the Downtown Chico Business Association (DCBA) to enforce the two-hour time limitation only; and a memorandum from former Chief of Police Massie reporting on the potential cost and availability of additional Police Department staff required for Saturday enforcement, and recommending that it would be more effective to enforce both paid metered parking and time limits consistently.

Police Chief Efford reviewed his memorandum dated 9/10/99 in which he reported on the current hours being funded for one full-time position and one part-time position for parking enforcement, which were not sufficient to proceed with Saturday enforcement, and options for the Council's consideration if it decided to proceed with Saturday enforcement.

Don Kidd, Mr. Kopy, 119 Main Street, President of the DCBA, provided the Council with a petition containing 62 signatures of downtown business owners and employees opposing any implementation of downtown meter enforcement on Saturdays. He recommended that only the two-hour parking time limit be enforced, more stringent enforcement of meters during the week, having parking enforcement personnel use a scooter so tires could be chalked from either side, requiring each business to fund two parking spaces for each three full-time-equivalent employees at the time they paid their business license, and having a uniformed person on foot enforcing parking, skating and bicycle regulations.

Jeff Dow, Sierra Stationers, 228 Broadway, a DCBA Board Member, agreed with comments made by Mr. Kidd and recommended increasing parking fines to reduce use of metered spaces by downtown business owners and employees.

Rick Tofanelli, a member of the Parking Place Commission, provided a letter dated 5/24/99 from Burnes Consulting of Grass Valley, noting that Saturday meter parking typically was not enforced when banks and professional offices were not open on the weekends. He suggested that the best parking should be reserved for customers, and without meter enforcement business owners and employees would continue to use on-street parking.

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Anne Deschenes, Anne's Place for Hair, 315 Wall Street, believed that Saturday enforcement would cause her to lose customers. Marc Lucena, Collier Hardware, 105 Broadway, observed that parking spaces were used on Saturday by business owners and employees, as well as those taking the bus to travel elsewhere, and some individuals parked from Friday night until Saturday afternoon. Katrina Davis, DCBA Executive Director, 336 Broadway #12, stated that in her opinion it was an employer, employee and student problem, and although they tried to educate people they could not force them to comply. An employee at 117-A West 2nd Street was against Saturday enforcement in order to accommodate browsers and shoppers. Cynthia Moore, El Rey Theater, 230 West 2nd Street, explained that Saturday enforcement would hurt her business since customers watched movies exceeding the two-hour time limit. Bill Fishkin, 336 Broadway #3, spoke against Saturday enforcement. Debbie LaPlant, Beach It, 236 Broadway, noted that some business owners could not afford to buy parking spaces for their employees and suggested more stringent enforcement on weekdays.

Councilmember Kirk requested that staff provide any prior information that was available relating to diagonal parking in the downtown area.

Susan Kinnaugh, florist at 247 Main Street, reported that parking spaces were not available until after the Saturday Farmers Market closed, and if parking was enforced it should extend beyond the downtown core area. Mary Andrews, The Hair 'Em, 240 Wall Street, reviewed her letter dated 9/13/99 opposing Saturday enforcement which would compound the parking demand because of the Saturday Farmers Market, and she recommended that parking permits be available for purchase on a quarterly basis and that there be ongoing education of downtown business owners and employees. This evening the Council was provided with copies of a letter from Kevin Walker, RPM Driving & Traffic School, 101 Salem Street #7, opposed to Saturday parking enforcement.

The City Manager indicated to the Mayor and Councilmember Jarvis that staff would provide information on the cost to lease spaces on a quarterly basis and also the availability of such leased spaces farther from the downtown core area.

Councilmember Jarvis moved to request that the Parking Place Commission consider placing a requirement for parking permits on business licenses, taking into consideration the size of the business and the number of employees; that staff provide a report on increasing parking enforcement during weekdays; that staff provide information at the November budget meeting on using foot patrol personnel downtown for meter and other types of enforcement; that staff provide information from the City of San Luis Obispo regarding its downtown parking; that Council consider semi-annual billing for parking leases; and that staff provide any prior information that was available when diagonal parking was previously considered in the downtown area. Councilmember Kirk seconded the motion but questioned if the requirement to provide parking with issuance of a business license was feasible. Following further Council discussion, the motion and second were withdrawn.

Councilmember Keene moved to encourage DCBA to implement an education program and come back to the City if more funding is needed, allow lease payments on a quarterly basis, have the Parking Place Commission review and report back to Council on the feasibility of diagonal parking downtown, and that staff provide to the Parking Place Commission and Council any prior information that was available when diagonal parking was previously considered in the downtown area. The motion was seconded and carried with Councilmember Guzzetti voting no and Councilmember Johnston being absent.

Councilmember Kirk requested that the Parking Place Commission review and report back to Council on the feasibility of assessing escalating fines for repeat parking violations issued in the downtown area, and that staff provide the Commission with any information it might need in this regard.

Councilmember Jarvis moved that the Parking Place Commission look at ways for businesses to encourage employees to park away from the downtown area. The motion was seconded and carried with Councilmembers Keene and Bertagna voting no and Councilmember Johnston being absent.

The City Manager indicated to Councilmember Guzzetti that he would have the Police Chief provide Council with a report on the Police Department's policy for patrolling neighborhoods and enforcing various types of vehicle parking regulations.

The Council recessed for 10 minutes and reconvened at 8:20 p.m.

4.2. PARKING PLACE COMMISSION RECOMMENDATION TO INCREASE FINES FOR PARKING VIOLATIONS

Finance Director Martin reviewed her memorandum dated 9/2/99 in which she forwarded a recommendation from the Parking Place Commission to increase parking meter violation fines from \$7 to \$8; and to increase all other parking violation fines by \$5, except for the following violations: Handicap, Parallel/18" Wrong Way, Parking in Bus Zone, Parking/Stopping in Class 1 Bikeway. The Commission also recommended an increase in Preferential Parking Violations from \$19 to \$25. If the City Council concurred with this recommendation, she and the Parking Place Commission recommended adoption of a resolution to amend the City's Fee Schedule accordingly. In response to questions, she and the City Manager explained that State law allowed the County to collect \$5.00 of every parking citation for jail purposes.

Cynthia Augur, a member of the Parking Place Commission, reported that consideration of an increase was undertaken at the request of University Police Chief Minard so that the fines would be the same for citations issued by both the City and University, and that staff and the Commission recommended the proposed increase to cover costs of enforcement, collection of fines, mailing delinquent notices and other costs. The City Manager clarified, however, that all the City's overall direct costs were currently covered.

University Police Chief Mike Minard reported that in the past the courts set uniform fines, but now this was left to the discretion of local jurisdictions. He felt both agencies should continue to have the same fines. At the University half of the money collected through fines, after the County's \$5 share of each citation, was used for alternative transportation for its students. He indicated to Councilmember Jarvis that student parking permits allowed students to search for, but did not guarantee them, a parking space on campus. Councilmember Jarvis felt this was not clear to students and the University should not oversell the number of available parking spaces.

Greg Bard, 230-C Walnut #127, suggested the University lower their fines to keep them equal to the City's fines. Bob Ray, 1405 West 3rd Street, spoke against any increase in fines.

Councilmember Guzzetti moved approval of only increasing the overtime parking violation fine only from \$7 to \$8. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, Councilmembers Herbert, Keene and Bertagna voting no, and Councilmember Johnston being absent.

4.3 ITEMS ADDED AFTER POSTING OF THE AGENDA.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD HEARING REGARDING CITY'S IMPLEMENTATION OF SOURCE REDUCTION & RECYCLING ELEMENT.

By letter dated 9/8/99, the California Integrated Waste Management Board (CIWMB) informed the City of a public hearing on 9/21/99 in Sacramento regarding its prior notice to the City that it failed to implement its Source Reduction & Recycling Element (SRRE). Councilmember Jarvis had requested that this matter be considered at this evening's meeting in order that the Council provide direction to staff for the hearing.

The Council was also provided with a copy of the City Manager's letter dated 8/12/99 to the CIWMB setting forth the City's position on its AB 939 compliance and requesting postponement of the Board's action on this issue. The City received no response to its request until the 9/8/99 reminder of the hearing was received last Friday.

Councilmember Jarvis moved that the Council find 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 was seconded and carried with Councilmember Johnston being absent.

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The City Manager reported that the Council had been provided with a memorandum dated 9/14/99 from Management Analyst Herman which recommended that City staff be directed to request the CIWMB, at its 9/21/99 public meeting, to continue its biennial review of the City's AB 939 annual reports and the issuance of a Compliance Order so that City staff could complete the process to revise its base year. He noted that the County would not be issued a Compliance Order because it had demonstrated a "good faith effort" by changing its base year to 1995.

In response to questions, Management Analyst Herman reported that the CIWMB staff believed there were problems with the disposal tonnages reported in the City's SRRE for the 1990 base year since scales were not installed at the landfill in 1990, and the base year disposal figures were based on the best estimate available at that time. As a result, the CIWMB staff believed diversion percentages reported in the City's 1995, 1996 and 1997 annual reports may be overstated and was suggesting that the City revise its base year to a subsequent year when scales were installed at the landfill. City staff was concerned that even using 1995 figures, if not prepared carefully, could understate the City's diversion figures and diminish its efforts for reaching a 50% diversion goal by 2000. The City also wanted some means of measuring diversion efforts by major retailer stores.

In response to further questions, City Attorney Frank reported that the City was being placed in a position of deciding between what the CIWMB was dictating and what might be best for the community in measuring how it was meeting its diversion goals, and suggested that the CIWMB be asked to delay a decision until its December meeting.

The City Manager reported that he was not satisfied with allowing the CIWMB to issue a Compliance Order, even though no fine was levied, and that the CIWMB members should not make a decision until the City can state its case.

Mark Stemen, 330 West 14th Street, thought the situation might be more of a political issue between the CIWMB and Council, rather than the staffs of the respective agencies.

Joe Matz, Butte County Solid Waste and Oroville Solid Waste, reported that the City of Oroville was able to get a 30-day extension when they convinced the CIWMB that they could show higher diversion figures if major retail stores, which did some of their own diversion, could be included in the totals.

The City Manager indicated to Councilmember Guzzetti that the City may not have sufficient staff time available to gather all the data for measuring past diversion levels, and might ask for supplemental funding to hire a consultant. He indicated to Councilmember Keene that the City would secure information from the City of Oroville regarding its base year revision efforts.

Following discussion, Councilmember Jarvis moved that City staff be authorized to make the points outlined by staff at this evening's meeting to the CIWMB, and to also present it with the four points of information set forth on page 2 of the Management Analyst's memorandum dated 9/14/99 relating to (1) implementation of its SRRE, (2) revising its base year, (3) diversion percentages using 1990 and 1995 as base years, and (4) being recognized for its "good faith efforts" by the CIWMB. The motion was seconded and carried with Councilmember Johnston being absent.

The Council requested that this matter be placed on the Council 10/5/99 agenda in order that staff could provide a report on the CIWMB 9/21/99 meeting, and the status of the base year revision process.

5. BUSINESS FROM THE FLOOR. No items.

6. REPORTS AND COMMUNICATIONS. No items.

7. ADJOURNMENT

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The meeting was adjourned at 9:40 p.m. to Tuesday, 9/21/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: October 5, 1999

City Clerk

Mayor



September 21, 1999

ADJOURNED REGULAR COUNCIL MEETING — SEPTEMBER 21, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, and Personnel Director Erlandson.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
 - 2.2. CONFERENCE WITH LEGAL COUNSEL — PENDING ARBITRATION: The City Attorney reviewed the following: *Melody Davidson v. City of Chico, et al.*, Pending Arbitration. (Gov. Code Sec. 54956.9(a).)
 - 2.3. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson for all employee organizations except the Management Employees, for which City Manager Lando was the City's negotiator. The names of the employee organizations that represent employees were Chico Police Officers Association (Units A and B), International Association of Firefighters, and Service Employees International Union (Units A and B). The unrepresented employees were Confidential Employees and Management Employees. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 7:15 p.m.

3. ADJOURNMENT. The Council adjourned to a Redevelopment Agency meeting in the Council Chamber at 7:30 p.m.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — SEPTEMBER 21, 1999

Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Pastor Ron Pate, Neighborhood Church, delivered the invocation.

Moment of Silence. A moment of silence was observed in memory of Thomas Keckler, who passed away last week, and who worked for the City as an Equipment Maintenance Superintendent from 7/1/54 to 8/31/77. A moment of silence was also observed in memory of Councilmember Keene's mother in law, who passed away last week.
- 1.3. Roll Call. Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

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- 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Housing Officer McLaughlin, Housing Specialist Burkland, and Management Analyst Herman.
- 1.5. Closed Session Announcement. None.
- 1.6. Proclamation. The Mayor read a proclamation proclaiming 10/2/99 as Senior Adult Day and presented it to Barry Belmonte.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items.
4. REGULAR AGENDA.
- 4.1. 1998-99 CHICO BUSINESS OUTREACH REPORT.

By memorandum dated 8/23/99, Housing Specialist Burkland transmitted information on the results of the 1998-99 Chico Business Outreach Survey. Included with this item was a copy of the Executive Summary and Analysis of Data Collected and a copy of the slides that would be presented at tonight's meeting.

Jennifer Macarthy of the Tri-County Economic Development Corporation and Jim Goodwin of the Chamber of Commerce provided a brief overview of the results of the Outreach Program.

In response to John Gillander, the City Manager reported that staff was investigating whether business license information could be made available on computer disk (now only available in printed form), and Mr. Gillander was so advised at the last Internal Affairs Committee meeting when he brought up the subject.

- 4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD SEPTEMBER 1, 1999. Councilmember Keene reviewed a memorandum dated 9/2/99 in which the Finance Committee provided a report on its meeting held on 9/1/99, and at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti, Herbert, and Keene, Chair. (Councilmember Guzzetti arrived after the Consent Agenda was approved.)

Consent Agenda

1. (Agency action required to approve Minute Order & Supplemental Appropriation)
APPROVAL OF REQUEST FROM COMMUNITY HOUSING AND CREDIT COUNSELING CENTER (CHCCC) FOR FUNDING FOR ITS 1999-00 PROGRAM YEAR. The Committee recommended (2-0, Guzzetti absent) approval of the allocation of \$26,780 from the Redevelopment Agency's Low & Moderate Income Housing Fund to the Community Housing and Credit Counseling Center (CHCCC) to provide counseling to participants in the City's housing programs.

Rebecca Hite of CHCCC, 1560 Humboldt Road #2, answered questions from the Council on services provided by the organization. Councilmember Jarvis suggested that future funding requests be included in the regular funding cycle for community organizations.

CHICO REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 5-99 -- AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH COMMUNITY HOUSING AND CREDIT COUNSELING CENTER (CHCCC) FOR USE OF LOW & MODERATE INCOME HOUSING FUNDS. Councilmember Herbert moved approval of the minute order, with future funding requests to be placed into the annual community organization funding cycle. The motion was seconded and carried with Councilmember Johnston being absent.

SUPPLEMENTAL APPROPRIATION ALLOCATING FUNDS IN THE AMOUNT OF \$26,780 FROM THE

CHICO MERGED LOW AND MODERATE INCOME HOUSING FUND TO THE COMMUNITY HOUSING AND CREDIT COUNSELING CENTER (CHCCC). Councilmember Herbert moved approval of the supplemental appropriation. The motion was seconded and carried with Councilmember Johnston being absent.

Regular Agenda

2. (Council action required)

CONSIDERATION OF FUNDING FOR CITY ASSISTANCE FOR THE BOYS & GIRLS CLUB ACQUISITION & REHABILITATION OF GYMNASIUM / TEEN CENTER FACILITY. The Committee (3-0) forwarded determination of the funding source for the Boys & Girls Club gymnasium / teen center facility to the full Council for consideration at its 9/21/99 meeting; reaffirmed its support for the use of Community Park funds for this purpose if possible; and directed staff to provide the City Attorney opinion regarding the legality of such use, as well as an analysis of alternate funding sources and fund balances in the event the Council determined not to use Community Park funds.

By memorandum dated 9/14/99, the City Manager forwarded a copy of the City Attorney's opinion, and outlined his recommendations regarding funding for this project. In her opinion dated 9/8/99, Assistant City Attorney Barker concluded that while there was no clear answer to whether it was permissible to use park fees to fund a privately-owned recreational facility, it was better to restrict use of such fees to publicly-owned facilities. If privately-owned facilities were funded with the fees, the facility should be one generally open to the public and the financing agreement should provide that if the private entity ceased the recreational use, it would either transfer the facility to the City or repay the amount of the park funds contributed, plus interest. Further, the use of redevelopment funds for the proposed facility should be permissible based on the general inclusion of private recreational facilities in the definition of "redevelopment", provided the necessary findings set forth in her memorandum could be made. In his memorandum dated 9/14/99, the City Manager recommended use of Community Park Facility Fee funds as a source of matching funds for the Boys & Girls Club facility, subject to the conditions mentioned by the Assistant City Attorney. If the Council did not use Community Park Facility Fee funds, he recommended holding a public hearing to amend the 1999-00 Community Development Block Grant Program (CDBG) to reprogram funds from the Citrus/Vecino Storm Drain Project to this project. The only other source of funding would be the General Fund.

John Merz, 1331 Broadway, spoke against use of Park Facility Fee funds for this purpose. Maureen Pierce, Boys & Girls Club, 270 East 7th Street, stated that she would leave the funding source to the Council's discretion, and indicated that the conditions recommended by the City Manager were satisfactory if Park Facility Fee funds were used.

Councilmember Guzzetti moved to schedule a public hearing to amend the 1999-00 CDBG program to reprogram funds from the Citrus/Vecino Storm Drain project to the Boys & Girls Club facility. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, Councilmembers Herbert, Keene and Bertagna voting no, and Councilmember Johnston being absent.

Councilmember Jarvis moved to use General Fund monies for the Boys & Girls Club facility. The motion was seconded but failed to carry with Councilmembers Guzzetti, Jarvis and Kirk voting aye, Councilmembers Herbert, Keene and Bertagna voting no, and Councilmember Johnston being absent.

Councilmember Guzzetti moved to use General Fund monies for the Boys & Girls Club facility, to be repaid with next year's CDBG funds by using the proper procedures for repayment. The motion was seconded but failed to carry with Councilmembers Guzzetti and Jarvis voting aye, Councilmembers Herbert, Keene, Kirk and Bertagna voting no, and Councilmember Johnston being absent.

Councilmember Keene moved to use Community Park Facility Fee funds for the Boys & Girls Club facility, subject to the conditions recommended by the City Manager. The motion was seconded and carried with Councilmembers Herbert, Keene, Kirk and Bertagna voting aye, Councilmembers Guzzetti and Jarvis voting

no, and Councilmember Johnston being absent.

The Council recess for 10 minutes and reconvened at 8:35 p.m.

3. (Agency action required to reverse Committee action)

CONSIDERATION OF REQUEST FOR ASSISTANCE THROUGH THE HOUSING REHABILITATION LOAN PROGRAM AND THE MORTGAGE SUBSIDY PROGRAM (MSP) — SHERI DOUGLAS, 848 INYO.

Councilmember Guzzetti's motion to approve the Mortgage Subsidy Program and Rehabilitation Loan request brought forward by the Resources for Rural Community Development (RRCD) on behalf of Sheri Douglas failed (2-1, Councilmembers Herbert and Keene voting no). Chair Keene informed the applicants that they were welcome to address the full Council regarding this request.

The Council was provided with copies of a memorandum dated 9/7/99 from Fred Quigley, Executive Director of RRCD, which was submitted subsequent to the Committee meeting and which further clarified the particulars of this loan request. Fred Quigley, 1900 Churn Creek Road #305, Redding, was in attendance and reviewed his memorandum. Vanessa Aaron-Seymour, 135 No. Los Robles Avenue, Pasadena, explained the purpose of the RRCD program.

Following discussion, Councilmember Jarvis moved approval of the MSP and rehabilitation loans with the understanding that up to 7% but not less than 5% of the down payment would be provided by the applicant, and that the Housing Officer would work out the specifics on the funding and provide a summary thereof to the Council. The motion was seconded and carried with Councilmember Johnston being absent.

The Council also agreed that a letter would be written to the Social Security Administration urging it to allow disabled recipients to use Social Security funding earned by recipients but held by the Administration, which can be accumulated and used for a handicapped accessible van, to also be used for housing purposes.

4. (No Agency action required)

CONSIDERATION OF REQUEST FROM MORTGAGE SUBSIDY PROGRAM (MSP) BORROWER FOR FORGIVENESS OF INTEREST OWED — SCOTT & CHERI PARKS, 5 ST. HELEN'S LANE.

The Committee authorized (3-0) the current interest rate of 6% to be applied to the Parks' MSP loan, thus reducing the amount of the shortfall upon sale of their home to \$4,127, and that they be allowed to repay this amount to the Agency over a five-year period at \$80 per month.

5. (Council action required)

CONSIDERATION OF AMENDMENTS TO THE CITY OF CHICO SEWER FEE SCHEDULE. The Committee recommended (2-1, Guzzetti voting no) that the sewer connection application fees not be increased as proposed by staff.

Councilmember Herbert moved to accept the Committee's recommendation on item #5. The motion was seconded and carried with Councilmembers Herbert, Keene, Kirk and Bertagna voting aye, Councilmembers Guzzetti and Jarvis voting no, and Councilmember Johnston being absent.

6. (No Council action required)

REVIEW OF THE CITY'S FIRE DEPARTMENT BUDGET. The Committee continued this item to its October meeting due to the Fire Chief being called out of town to assist with forest fires.

7. (Agency action required)

REVIEW OF MORTGAGE SUBSIDY PROGRAM (MSP) POLICY ISSUES. The Committee recommended (3-0) that the Administrative Procedure & Policy for the Mortgage Subsidy Program be amended to give staff the authority to recalculate MSP loans using the current interest rate and allow borrowers to pay off the accrued interest on the loan over a five year period if the borrower was receiving no proceeds from the sale of the home and the purchase price was not sufficient to fully repay the City/Agency, and if the borrower's situation fell into one of the following hardship categories:

- 1) the borrowers were divorcing and must sell the property as part of the settlement
- 2) the borrowers' primary wage earner was transferred to another city to keep a job

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- 3) the borrower must leave the area due to a family emergency and could not return

Councilmember Kirk moved approval of the Committee's recommendation on item #7. The motion was seconded and carried with Councilmember Johnston being absent.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 9:05 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING — SEPTEMBER 21, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 9:05 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Housing Officer McLaughlin, Housing Specialist Burkland and Management Analyst Herman.

2. CONSENT AGENDA.

- 2.1. (Removed from the Consent Agenda at the request of Councilmember Keene.)

ORDINANCE NO. 2185 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING TITLE 19 ENTITLED "LAND USE REGULATION," OF THE CHICO MUNICIPAL CODE AND REENACTING TITLE 19, TO BE ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" — FINAL READING AND ADOPTION

ORDINANCE NO. 2186 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING AND PREZONING PROPERTY LOCATED IN THE INCORPORATED TERRITORY OF THE CITY OF CHICO AND UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA REZONE/PREZONE NO. 99-5 — FINAL READING AND ADOPTION

RESOLUTION NO. 27 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19R, ENTITLED "LAND USE," OF THE CHICO MUNICIPAL CODE BY ADDING CHAPTER 19R.66, TO BE ENTITLED "FOOTHILL DESIGN CRITERIA"

RESOLUTION NO. 28 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE COMPREHENSIVE UPDATE TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS OF THE CHICO MUNICIPAL CODE

The City Council held a public hearing on the Comprehensive Update to Title 19 (Land Use and Development Regulations) and an amendment to add Foothill Design Criteria to Title 19R (Land Use) on 7/20/99, and directed staff to make certain revisions. The Council considered these revisions at a second public hearing on 9/7/99, at which time the ordinances received introductory reading. The Council is being provided again with copies of the memorandum dated 8/31/99 from Senior Planner Figge summarizing the revisions, and was previously provided with folders containing copies of the draft Title 19 and 19R (ordinances and resolution). The Planning Commission and Planning Director recommend adoption of the ordinances and resolutions.

(By memorandum dated 9/15/99, Senior Planner Figge transmitted the resolution for the adoption of the mitigated negative declaration and monitoring program associated with the revisions to Title 19 of the Chico Municipal Code, which was prepared subsequent to distribution of tonight's agenda packets. Advance copies were previously provided to the Council and staff.)

- 2.2. (Removed at the request of William Ward for consideration at a subsequent meeting.)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING ALTERNATIVE PERFORMANCE REQUIREMENT FOR MITIGATION B.2 OF THE NOB HILL SUBDIVISION AT THE SOUTHWEST CORNER OF EAST 8TH STREET AND BRUCE ROAD

SUPPLEMENTAL APPROPRIATION BUDGETING \$22,000 TO THE GENERAL FUND, AND ALLOCATING \$5,000 TO THE CHICO CREEK NATURE CENTER RAPTOR PROGRAM AND \$17,000 TO THE UPPER PARK RESOURCE STUDY

The Council previously considered this matter at its meeting of 8/17/99 and directed staff to prepare the resolution implementing its action and bring it back for adoption. By memorandum dated 9/10/99, Planning Director Seidler forwards this resolution with findings to approve an alternative performance requirement for Mitigation B.2 of the Nob Hill (Benedict Ranch) Subdivision requiring the developer to deposit the sum of \$22,000 with the City for the purpose of funding activities that would promote raptor habitat preservation, enhancement, or study, or public education concerning raptors. \$5,000 of this amount is to be allocated to the Chico Creek Nature Center and \$17,000 to the Upper Park resource study. The developer is also required to provide security for replacing any City trees, and pay any project monitoring costs. Staff recommends adoption of the resolution and supplemental appropriation.

(By letter dated 9/16/99, William Ward, on behalf of Andrew Meghdadi, developer of the Nob Hill Subdivision, requested that this matter to continued to the Council's 10/5/99 meeting so that he could appear and be heard regarding alternative performance of mitigating conditions.)

- 2.3. RESOLUTION NO. 29 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING, WITH CONDITIONS, USE PERMIT NO. 98-16 (AGUILERA) TO ALLOW A RETAIL PET STORE AT 851 MAIN STREET

By memorandum dated 9/10/99, Senior Planner Palmeri forwards this resolution containing findings to approve, with conditions, Use Permit 98-16 (Aguilera) to allow a retail pet store at 851 Main Street which had been appealed to City Council. At its meeting of 8/3/99, the Council, by motion of intent, unanimously approved the use permit with conditions, and directed staff to prepare the necessary findings to support the approval of the use permit. Planning Staff recommends adoption of the resolution.

- 2.4. (Removed from the Consent Agenda at the request of Councilmember Guzzetti.)
RESOLUTION NO. 30 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT EMPLOYEES TO AMEND THE SALARY RANGE FOR THE WASTEWATER TREATMENT SUPERVISOR

By memorandum dated 9/9/99, the City Manager reports that the City is in the process of completing a major expansion and rehabilitation of the Water Pollution Control Plant. As a result, the complexity of Plant operations has greatly increased, as has the number of staff supervised by the Wastewater Treatment Supervisor. The City Manager recommends an increase to the pay and salary range of the Wastewater Treatment Supervisor.

- 2.5. RESOLUTION NO. 31 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE DISTRICT NO. 90 (AMBER GROVE/GREENFIELD/PETERSON SUBDIVISIONS)

By memorandum dated 9/9/99, the Director of Public Works reports that these subdivisions were built by Greg

Webb in three phases: Amber Grove, Greenfield, and Peterson. Amber Grove and Greenfield were originally built within the unincorporated area of Butte County and parcel owners paid into CSA #150 for the maintenance and operation of storm drainage facilities. When this property was annexed to the City of Chico, the CSA was dissolved. Peterson Subdivision is being built within the City of Chico. All three phases have storm drainage detention facilities specific to each phase. Since no funding mechanism exists for the maintenance and operation of the storm drainage facilities, it is necessary to form this district through a ballot process. In accordance with the provisions of Proposition 218 and Chapter 3.81 of the Chico Municipal Code, Council is being asked to adopt the above resolution which will direct the City Clerk to schedule two public hearings on the proposed district. Prior to the hearings, a ballot will be mailed to all property owners to allow them to vote on whether they wish to be assessed for the ongoing maintenance and operation of the district and the establishment of a reserve fund for replacement of facilities. The Director of Public Works recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 32 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 3 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit A)"

RESOLUTION NO. 33 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND SERVICE EMPLOYEES INTERNATIONAL UNION REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT (Unit B)"

RESOLUTION NO. 34 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT EMPLOYEES OF THE CITY

RESOLUTION NO. 35 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 60 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL EMPLOYEES OF THE CITY

MINUTE ORDER NO. 25-99 -- APPROVAL OF INCREASE IN CITY PAYMENT OF HEALTH/DENTAL PLAN PREMIUM FOR CITY COUNCILMEMBERS UPON IMPLEMENTATION OF INCREASE IN CITY PAYMENT OF SUCH PREMIUM FOR CITY EMPLOYEES

By memorandum dated 9/13/99, the Personnel Director reports that agreement has been reached between the City and Service Employees International Union (Units A and B), Management Employees and Confidential Employees regarding an increase in City contribution for employee health insurance benefits. The City Manager and Personnel Director recommend approval of the resolutions which adopt amendments to the Memoranda of Understanding between the City and Service Employees International Union Units A and B, to the Management Employees and Confidential Employees Pay and Benefits Resolutions, and also recommend adoption of the Minute Order authorizing City contribution toward Councilmember health insurance coverage. The total cost is approximately \$94,245 General and Park Fund, and \$80,248 Other Funds. The City Manager and Personnel Director recommend adoption of these resolutions and the minute order.

- 2.7. MINUTE ORDER 26-99 -- AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO AGREEMENT WITH CHICO MUSEUM ASSOCIATION FOR OCCUPANCY AND USE OF CHICO LIBRARY BUILDING.

In order to provide parking for volunteers and staff, the Chico Museum Association leases two parking spaces in Municipal Parking Lot No. 2 adjacent to the Museum. In addition, the Museum for many years has had one parking space located in the on-site driveway on the north side of the property, adjacent to the Parking Lot. However, as a result of the City's need to make the Museum accessible under the Americans with Disabilities Act

(ADA) requirements, a new entrance and elevator are being installed on the north end of the building. In order to provide the necessary access route from the sidewalk and handicapped parking spaces in the Parking Lot to the new entrance, the on-site driveway had to be removed and replaced with an accessible walkway, thereby eliminating the vehicle parking space. As a result, the Museum Association has requested that an additional reserved parking space in the adjacent Parking Lot be provided to the Museum at no cost. At its meeting of 7/21/99, the Parking Place Commission reviewed this request and recommended City Council approval of the request. This Minute Order would authorize the City Manager to execute an amendment to the lease with the Association to designate a parking space in Municipal Parking Lot No. 2 as a leased space for the Museum, at no cost. The City Manager recommends approval of the Minute Order.

2.8. ACCEPTANCE OF RESIGNATION OF GREG TROPEA FROM ARTS COMMISSION

By letter dated 9/7/99, Greg Tropea submits his resignation from the Arts Commission, effective 9/8/99. This resignation will create a vacancy, the term of which expires 1/1/01, and the Council may consider making an appointment at its 10/5/99 meeting.

Councilmember Jarvis moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.1, 2.2 and 2.4. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3. NOTICED PUBLIC HEARINGS.

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 97, STRATFORD ESTATES — PHASE II

By memorandum dated 8/20/99, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 97. As a condition of development of this subdivision, generally located on the southeast corner of Henshaw and Alamo Avenues, the developer, Rocco Ritchie, had consented to the formation of this district for the operation, maintenance, and future replacement of the storm drainage leach trenches, stamped concrete entry, landscaping and irrigation adjacent to and 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 for by property owners within this district. Future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the Resolution.

No one spoke from the audience and the Mayor closed the hearing.

RESOLUTION NO. 36 99-00 -- 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. 97 — STRATFORD ESTATES - PHASE II). After reading the title, Councilmember Kirk moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3.2. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 98 - FOOTHILL PARK EAST PRESERVE

By memorandum dated 9/8/99, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 98. As a condition of development of this subdivision, generally located north of Eaton Road and east of Cohasset, the developer, Dan Drake, had consented to the formation of this district for open space for Foothill Park East Subdivision, and mitigation of environmental concerns. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. Future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the Resolution.

No one spoke from the audience and the Mayor closed the hearing.

RESOLUTION NO. 37 99-00 -- 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. 98 -- Foothill Park East Preserve). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3.3. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY (COPS) FUNDING

It was noted that State Assembly Bill No. 3229 established the Citizens Option for Public Safety (COPS) program and appropriated funds in the State's 1996-97 general fund budget for law enforcement and public safety purposes to be distributed to counties throughout the state based on population. Although the program was designed to be on-going, a State budget appropriation was required each fiscal year to continue funding. By memorandum dated 09/14/99, the Chief of Police advised that the State has allocated funds for the 1999-00 fiscal year and that tonight's hearing was required by State law prior to receiving COPS funding. It was recommended that the City's portion of this funding be used to fund two police officer positions. At the conclusion of tonight's hearing, the Council may approve the proposed use for the COPS funding and confirm the funding request as budgeted.

Police Chief Efford also reported that his memorandum indicated that approximately \$70,259 of excess funds were available, which he recommended be used for an evidence recording bar code system (\$25,000), a Cognos software package (\$12,000), an unmarked, non-emergency equipped training/pool vehicle (\$13,000), workstations for detective bureau (\$9,000), and walk-in evidence freezer (\$11,259).

Councilmember Guzzetti recommended that expenditure of future excess funds, if any, be reviewed in advance by the Finance Committee. He also recommended that the vehicle be identified as a public vehicle. With regard to the workstations, he thought the City might consider including this type of expenditure in future development impact fees. The Police Chief indicated that the walk-in freezer would replace 3 individual freezers.

No one spoke from the audience and the Mayor closed the hearing. Councilmember Jarvis moved that the Council approve the proposed use for the COPS funding and confirm the funding request as budgeted for 1999-00, that it also approve the Chief's recommendation for use of the excess funds, except for the \$9,000 for the two workstations, that the vehicle be identified as a police vehicle, and that the Chief provide a new proposal within 45 days for expenditure of the \$9,000 and submit it to the Finance Committee for review. The motion was seconded and carried with Councilmember Johnston being absent.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.1. Ordinance Repealing & Reenacting Title 19, Ordinance Approving Rezone/Prezone No. 99-5, Resolution Amending Title 19R, and Resolution Adopting a Mitigated Negative Declaration. Councilmember Keene noted that the Senior Planner's memorandum dated 8/31/99 indicated that permits for mobile food vendors would be approved by the Planning Commission, with extensions granted by the Planning Director. He moved that the ordinance be corrected to indicate that mobile food vendor permits would be approved by the Planning Director. The motion was seconded and carried with Councilmember Johnston being absent. (City Clerk's note: It was subsequently determined that the memorandum was in error and that the ordinance had been previously corrected.)

After reading the titles, Councilmember Keene then moved adoption of Ordinance No. 2185, Ordinance No. 2186, Resolution No. 27 99-00 and Resolution No. 28 99-00. The motion was seconded and carried by the

following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

- 2.4. Resolution re Salary Range for Wastewater Treatment Supervisor. In response to Councilmember Guzzetti, the City Manager reported that the current Wastewater Treatment Supervisor would remain in the position.

After reading the title, Councilmember Guzzetti moved adoption of Resolution No. 30 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

4.2. CONSIDERATION OF THE CITY/COUNTY SOLID WASTE JOINT POWERS AGREEMENT (JPA) COMMITTEE'S RECOMMENDATIONS REGARDING REQUESTS FROM BUTTE DISPOSAL & RECYCLING AND NORTH VALLEY DISPOSAL FOR A SOLID WASTE COLLECTION RATE INCREASE.

Councilmember Jarvis and Management Analyst Herman reported that in April 1999, the City Council considered recommendations from the City of Chico/County of Butte Solid Waste Joint Powers Agreement (JPA) Committee regarding requests from Butte Disposal & Recycling and North Valley Disposal for an increase in the solid waste collection and recycling rates. Council delayed its decision regarding the rate increase request until the Council could consider deregulating the solid waste rates and collection permit system. The Council discussed the deregulation issue at its 7/20/99 meeting, at which the Council approved maintaining the current system of regulated rates and permits.

They further reported that at its meeting on 8/30/99, it was the consensus of the JPA Committee to request that the City Council consider approving the Committee's previous rate increase recommendations. By memorandum dated 9/08/99, Management Analyst Herman resubmitted the JPA Committee's recommendation that the Council approve amending the City's Solid Waste Collection And Recycling Fee Schedule to:

1. Increase the combined maximum solid waste and recycling collection rates charged to residential customers to the following:
 - a. Increase the current \$8.30/month maximum rate for the 32-gallon container size to \$9.00/month, which represents an 8% increase.
 - b. Increase the current \$13.00/month maximum rate for the 64-gallon container size to \$14.50/month, which represents an 11.5% increase.
 - c. Increase the current \$16.00/month maximum rate for the 96-gallon container size to \$18.50/month, which is represents a 15.6% increase.

(The Council previously approved combining the maximum \$2.00 recycling fee with the regular solid waste collection rate so that there was one basic rate for both recycling and garbage service on customers' bills. The rates for multiple cans and collection frequencies for the 32-gallon container service would be adjusted proportionately in accordance with the existing fee schedule formulas.)

2. Increase the current \$2.25/bag rate for residents using the bag solid waste collection system to \$2.50/bag.

Bill Mannel, North Valley Disposal, 2569 Scott Avenue, requested approval of the recommendation since the solid waste collectors had not had a general increase since 1993.

Councilmember Keene moved to amend the resolution to provide for an across-the-board increase of 11% for all rates, except that the rate for bags would be increased to \$2.50/bag as proposed, and the fees would be effective 11/1/99. The motion was seconded and carried with Mayor Bertagna voting no and Councilmember Johnston being absent.

The Mayor noted he would not vote for any increases until a methodology for determining solid waste rate increases was presented to Council. The Management Analyst and City Manager indicated to Councilmember Jarvis that staff would attempt to have a methodology to Council by December. Councilmember Jarvis clarified that only the methodology and not a rate increase would be considered at that time.

RESOLUTION NO. 38 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE

CITY'S FEE SCHEDULE (AMENDMENT NO. 240 - SOLID WASTE COLLECTION AND RECYCLING FEES).

After reading the title, Councilmember Keene moved adoption of the resolution as amended. The motion was seconded and carried by the following vote: AYES: Councilmember Guzzetti, Herbert, Jarvis, Keene, and Kirk. NOES: Councilmember Bertagna. ABSENT: Councilmember Johnston.

4.3. CONSIDERATION OF THE FEASIBILITY OF FORMING A JOINT POWERS AUTHORITY BETWEEN THE CITY OF CHICO AND THE COUNTY OF BUTTE FOR SOLID WASTE AND RECYCLING MANAGEMENT WITHIN THE CHICO URBAN AREA

Councilmember Jarvis and Management Analyst Herman reviewed a memorandum dated 9/8/99 submitting a request from the City/County Solid Waste Joint Powers Agreement (JPA) Committee that the City Council consider the feasibility of forming a Joint Powers Authority between the City of Chico and the County of Butte for solid waste and recycling management issues within the Chico Urban Area. As proposed, the Joint Powers Authority would be a separate legal entity consisting of members of both the City Council and the Board of Supervisors. The proposed Authority would replace the current City/County Solid Waste Joint Powers Agreement, in which the City of Chico was the lead agency. The Committee was requesting that the Council provide direction on whether it was interested in pursuing the formation of an Authority.

Councilmember Herbert stated his concern with the Council relinquishing its ability to control decisions affecting the City. City Manager Lando noted the current agreement was initially implemented to have uniform regulations and services to City residents and urban unincorporated area residents adjacent to the City, and to allow for the efficient delivery of services by the haulers.

Councilmember Keene moved that the existing arrangement under the Joint Powers Agreement be retained. The motion was seconded and carried with Councilmember Jarvis voting no and Councilmember Johnston being absent.

Councilmember Jarvis was in favor of considering a Joint Powers Authority to comply with AB 939 requirements if the City could be protected. Councilmember Keene noted the other option would be to appoint an advisory committee, whereby the Council and Board would have final authority within their own jurisdictions.

Bill Mannel, Butte County Disposal, recommended that the Council further explore a Joint Powers Authority as it would assist in consistency of programs and reporting requirements in both jurisdictions. Joe Matz, Butte County Disposal, 3915 Southgate Lane, agreed with Mr. Mannel particularly as it related to AB 939 requirements.

4.4. FUTURE MEETINGS.

- a. Humboldt Road Burn Dump. The City Manager reported that he would not be asking the Council to schedule a meeting to discuss this matter until a later date because a consultative work group was now considering it.
- b. Closed Session. The City Manager requested Council to schedule a work session to discuss various toxics/contamination sites that were, or could be, subject to litigation. The Council needed updated background information and a status report regarding some of the sites. Following discussion, the Council agreed to meet on 10/29/99 from 1:00 p.m. to 3:00 p.m.

4.5. ITEMS ADDED AFTER POSTING OF THE AGENDA.

- a. CONFIRMATION OF APPOINTMENT OF AN INFORMATION SYSTEMS DIRECTOR. City Manager Lando reported in his memorandum dated 9/21/99 that he was advised this morning that Gail Dryden, recently appointed as Information Services Director, had decided to resign and return to her job in the private sector. He recommended that the Council make the necessary findings to consider another appointment this evening. He was recommending that the Council confirm the appointment of Lynn McEnespy as the Information Systems Director for the City effective immediately.

Councilmember Herbert moved that the Council determine that there was a need to take immediate action and

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that the need for action came to the attention of the City subsequent to the agenda being posted. The motion was seconded and carried with Councilmember Johnston being absent.

Councilmember Keene moved to confirm the appointment of Lynn McEnespy as the City's Information Systems Director effectively immediately. The motion was seconded and carried with Councilmember Johnston being absent.

- b. LIST OF MAJOR ISSUES. Councilmember Jarvis requested that the City Manager update the list of major issues that was discussed by Council at a previous meeting and provide copies to the Council for consideration at a future meeting if necessary.

5. BUSINESS FROM THE FLOOR. None.

6. REPORTS AND COMMUNICATIONS. No items.

7. ADJOURNMENT

The meeting was adjourned at 10:20 p.m. to Thursday, 9/23/99 at 7:00 p.m. in Conference Room No. 1 for a joint meeting with the Special Events Task Force.

Date Approved: October 19, 1999

City Clerk

Mayor



September 23, 1999

ADJOURNED REGULAR COUNCIL MEETING - SEPTEMBER 23, 1999

Chico Municipal Center, Conference Room No. 1, 421 Main Street — 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Roll Call. Councilmembers present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, and Kirk. Absent - Councilmember Johnston.
 - 1.3. Introduction of Staff Members. City Manager Lando, City Attorney Frank, Chief of Police Efford, Fire Chief Brown, Police Captain Klassen, Police Lieutenant Voris, Police Lieutenant Weber, Police Sergeant Carrillo, Police Sergeant Barrow, Administrative Analyst Wood, and Administrative Analyst Young.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items.
4. REGULAR AGENDA
 - 4.1. JOINT MEETING WITH THE SPECIAL EVENTS TASK FORCE TO CONSIDER ITS RECOMMENDATIONS CONCERNING UNSPONSORED SPECIAL EVENTS (SUCH AS HALLOWEEN)

The City Council appointed a Special Events Task Force to make recommendations concerning unsponsored special events (such as Halloween) which take place within the City of Chico and impact, or have the potential to impact, the City and its residents. By memorandum dated 8/24/99, Lisa Michels, Chair of the Special Events Task Force, transmitted its findings and recommendations.

By memorandum dated 9/15/99, the Chief of Police noted that the Task Force had suggested four possible street closures for Halloween night, which were listed in the Task Force's recommended alternatives A through D in Item #4. He suggested that if the Council decided to initiate any street closures, that it consider the two alternatives set forth in his memorandum.

Members of the Task Force present were Lisa Michels, Chair, Richard Elsom, C. C. Carter, Suzanne Gibbs, Matt Hammons, Jim Goodwin, Gil Smith, and Larry Wahl.

Lisa Michels reviewed the memorandum from the Task Force setting forth its recommendations, and responded to questions from Councilmembers. She noted that the Task Force had submitted a memorandum dated 9/17/99 which corrected Recommendation No. 1 under Alternatives to include two groups which had been omitted and which should have the opportunity for representation on the Special Events Coordinating Committee: South Campus Neighborhood Association, and North Valley Property Owners Association.

Councilmember Jarvis expressed concern that the Task Force had not made a recommendation to discourage out-of-town youth from attending the Halloween event in Chico, and Ms. Michels responded that the Task Force felt such a tactic might backfire and actually encourage more out-of-town attendance.

Councilmember Kirk asked if any reaction from businesses had been received regarding the Task Force recommendation to develop an ordinance prohibiting the use of glass containers during special events, and Ms. Michels responded that affected businesses had not yet been contacted concerning this recommendation.

Chief of Police Efford and Captain Klassen spoke in support of the Task Force recommendation for street closures during Halloween, feeling that it would eliminate some of the conflicts between pedestrians and vehicles, discourage "cruising", give the crowd more room to spread out, resulting in fewer altercations between individuals bumping into each other, and free police officers from directing vehicular traffic to concentrate on crowd control. The Police Department proposed the following street closures: (1) close West Fifth Street between

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the west side of Salem Street and the east side of Ivy Street, which would also require the closing of Normal Street, Chestnut Street, and Hazel Street between West 4th Street and West 6th Street; and (2) close First through Seventh Streets from the west side of Main Street to the east side of Broadway.

Captain Klassen and Sergeant Barrow responded to some Councilmembers' concerns that street closures might encourage larger crowds to congregate. They indicated that in the past, directing vehicular traffic had been a tremendous drain on staff resources which could be better spent observing and controlling the pedestrians, and they anticipated having more space might improve the mood of the participants.

The Council recessed for 15 minutes and reconvened at 8:30 p.m.

Lyle Kargel, 891 Glenn Street, who had served as a volunteer on Halloween for several years, recommended that use of glass bottles be prohibited during the event, suggested that volunteers wear white hard hats with "Safety" written on them, and supported the proposed street closures. Paul Moore, Vice President of Student Affairs at California State University, Chico (CSUC), reviewed measures the University had taken to discourage partying during Halloween, such as discouraging out-of-town guests and urging students to behave with constraint. Jonathan Smith, representing the Interfraternity Council, indicated that all fraternity houses would be closed down during the event. Nathan Beakley, 429 West Fifth Street, supported the closure of Fifth Street. Jim Goodwin, representing the Chamber of Commerce, supported the street closures as recommended by the Police Department, noted that the Task Force did not recommend enactment of an ordinance prohibiting the sale of beverages in glass containers, but rather, prohibiting the use of glass containers during the event, and felt that the Task Force's most important recommendation was the creation of a Coordinating Committee to work together before and after special events. Dan Davis, 1212 Bidwell Avenue, supported the Task Force recommendations and urged that a message be sent to the community that there would be swift penalties for misbehavior during the event. Matt Hammons, Task Force member, spoke in support of the recommendations. Sharon Chambers, a member of Volunteers in Police Service (VIPS), supported the street closures and the prohibition of use of glass containers during the event. Alexandra Kriz, Pleasant Valley High School student, felt that an alternative event, such as a concert, would divert people from the downtown area. Mary Andrews, 33 Amber Way, felt that the problem of minors and underage youth during these events should be addressed, and that the City should fully enforce its local law regarding consumption of alcohol in public places.

Mike Ramsey, Butte County District Attorney, responding to Council questions, indicated that although a night court for swift conviction of lawbreakers was a possibility, it would probably not be efficient since it would take officers off the street to conduct the proceedings. Another possibility for swift penalties for minors consuming alcohol would be to require offenders who had already been convicted and were awaiting sentencing to clean up the downtown area the morning after the event, rather than the imposition of fines.

Bob Ray, 1405 West Third Street, spoke in favor of the Task Force recommendations, including the street closures and encouragement of alternative events to keep people off the streets. Richard Elsom, President of the CSUC Associated Students and Task Force member, supported the recommendation for a Special Events Coordinating Committee that would be an ongoing body of experts, suggested that the Fifth Street closure be extended further west to include Ivy Street, and indicated that the CSUC Associated Students would welcome assistance in planning alternative events, perhaps at the Fairgrounds, in future years.

Councilmember Herbert moved that the Police Department be authorized to implement street closures as needed during Halloween, beginning with the plan presented this evening by the Police Department to (1) close West Fifth Street between the west side of Salem Street and the east side of Ivy Street, which would also require the closing of Normal Street, Chestnut Street, and Hazel Street between West Fourth Street and West Sixth Street, and (2) close First through Seventh Streets from the west side of Main Street to the east side of Broadway. The motion was seconded and unanimously carried, with Councilmember Johnston being absent.

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Councilmember Herbert moved that the City Council send a strong message that there will be strict enforcement of laws and zero tolerance for violations during Halloween in Chico, and directed staff to work with the University to develop fliers and literature to this effect for distribution throughout the community, the media, hotels and motels, and other college campuses in the State. The motion was seconded and unanimously carried with Councilmember Johnston being absent.

Councilmember Kirk moved that the City provide (1) a sufficient number of porta-potties downtown and in the south campus neighborhood during Halloween, and (2) a sufficient number of dumpsters and receptacles to encourage recycling and remove potential projectiles during Halloween. The motion was seconded and unanimously carried, with Councilmember Johnston being absent.

Councilmember Jarvis moved that the Council form a Special Events Coordinating Committee to (1) encourage the community to move toward reduction of the use of glass containers during Halloween; (2) encourage the media to conduct only appropriate, positive, live broadcasts during Halloween; (3) investigate the issue of minors (violating curfew and consuming alcohol) during Halloween; (4) further investigate the Task Force's recommendation for formation of a commission on young adult issues; (5) encourage other community groups to assist the City with the financial burden of Halloween; (6) evaluate the 1999 Halloween event; and that formation/appointment of this Committee be scheduled on a Council agenda for early November. The motion was seconded and unanimously carried, with Councilmember Johnston being absent.

The Council discussed with staff the possibility of enacting an urgency ordinance to prohibit the use of glass containers during the Halloween event. Councilmember Guzzetti spoke in opposition to the proposal, feeling that it would be too sudden and not allow enough time for input from the community. Councilmember Kirk was also opposed to enacting such an ordinance, feeling it would be difficult to enforce.

Councilmember Keene moved that the City Attorney be directed to prepare an emergency ordinance, to become effective immediately, for consideration at Council's meeting of 10/5/99, which would prohibit the possession of glass containers in public rights-of-way within the City of Chico, or portions of the City, between 10/29/99 and 11/2/99. The motion was seconded and carried, with Councilmembers Guzzetti and Kirk voting no, and Councilmember Johnston being absent.

Councilmember Keene suggested that the City Attorney and Chief of Police come back with recommendations regarding whether the prohibition of glass containers during Halloween should apply to the entire City, or certain portions of the City, when the ordinance was considered by Council on 10/5/99.

The City Council commended the Task Force members for the extensive time and effort they had invested in developing the recommendations for special events.

Lisa Michels, Chair of the Task Force, commended City staff member Chet Wood for his assistance to the Task Force.

By memorandum dated 9/22/99, the Task Force was requesting the Council to consider making appointments to fill two vacancies which had occurred on the Task Force. Mayor Bertagna responded that he and Councilmember Kirk would make a recommendation for these appointments to be considered by Council at its meeting of 10/5/99.

By memorandum dated 9/21/99, the Task Force was requesting clarification as to whether it was to make recommendations on criteria and conditions for Special Events Permits, or if it was to develop a recommendation on whether the City should issue Special Events Permits. The City Manager confirmed that the direction of the Council was for the Task Force consider the pros and cons of issuing Special Events Permits and to make a recommendation as to whether the City should issue such permits.

In connection with Special Events Permits, Councilmember Jarvis requested, and the Council concurred, that staff be directed to provide a legal opinion to the Task Force regarding the City's liability if permits were issued, and whether or not political fund raisers were exempt from such permits.

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

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5. BUSINESS FROM THE FLOOR. None.
6. REPORTS AND COMMUNICATIONS — No items.
7. ADJOURNMENT

The meeting was adjourned at 10:10 p.m. to Tuesday, 10/5/99 at 7:00 p.m. in Conference Room No. 2 for a closed session, followed by a regular meeting at 7:30 p.m. in the Council Chamber.

Date Approved: November 2, 1999

City Clerk

Mayor



October 5, 1999

ADJOURNED REGULAR COUNCIL MEETING — OCTOBER 5, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street, 7:15 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:20 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.

City staff - City Manager Lando, City Attorney Frank and City Clerk Evans.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
- 2.1. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator for the Management Employees was City Manager Lando. The Management Employees were unrepresented. (Gov. Code Sec. 54957.6.)

The Council adjourned to open session at 7:25 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:25 p.m. to a City Council meeting in the Council Chamber.

REGULAR CITY COUNCIL MEETING — OCTOBER 5, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation. Reverend Dale Clark, Covenant Reformed Church, delivered the invocation.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - Councilmember Johnston.
- 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Housing Specialist Burkland, Management Analyst Herman and Police Captain Klassen.
- 1.5. Closed Session Announcement. None.
- 1.6. Proclamations
 - A. Proclaiming October 1999 as "National Arts and Humanities Month" was presented to Arts Commissioner Todd Hall.
 - B. Proclaiming October as "Fire Safety and Health Prevention Month" was presented to Fire Chief Steve Brown.
 - C. Proclaiming October 6, 1999 as "Physician Assistant Day" was presented to Mike Burney.
2. CONSENT AGENDA.

- 2.1. RESOLUTION NO. 39 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 12R OF THE CHICO MUNICIPAL CODE, ENTITLED "RULES AND REGULATIONS OF BIDWELL PARK AND OTHER PARKS AND PLAYGROUNDS", BY AMENDING CHAPTER 12R.17, ENTITLED "HUMBOLDT NEIGHBORHOOD PARK"

By memorandum dated 9/1/99, the Park Director reports that the Bidwell Park and Playground Commission approved changing the skate track closing times at Humboldt Neighborhood Park to more closely coincide with daylight hours. Current hours extend beyond the times the track was intended to be open. This resolution amends Chapter 12R.17 of the Chico Municipal Code, entitled "Humboldt Neighborhood Park," which sets forth the rules and regulations for the park. The Bidwell Park and Playground Commission and the Park Director recommend adoption of the resolution.

- 2.2. RESOLUTION NO. 40 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OFFICE OF EMERGENCY SERVICES FOR THE PURPOSE OF OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE AND TO EXECUTE AGREEMENT REQUIRED TO RECEIVE SUCH FINANCIAL ASSISTANCE

By memorandum dated 9/17/99, Management Analyst Halldorson reviews the need for the City to apply to the Office of Emergency Services for financial assistance due to fire related expenses incurred in fighting the Butte Complex fire. This resolution will authorize the City Manager to execute an application to obtain financial assistance for reimbursement of fire related expenses attributed to the "Severe Fire of 1999," FEMA Disaster 3140-EM. Management Analyst Halldorson recommends adoption of this resolution.

- 2.3. RESOLUTION NO. 41 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 2 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT" AND ESTABLISHING NEW FUND FOR MAINTENANCE OF RETIREE HEALTH INSURANCE CONTRIBUTIONS

By memorandum dated 9/20/99, the Personnel Director recommends approval of the resolution which adopts Amendment #2 to the Memorandum of Understanding (MOU) between the City and the International Association of Firefighters (IAFF). This MOU amendment clarifies administrative procedures relating to sick leave/retiree health transfer, floating holiday and the union time bank. Implementation of the sick leave / retiree health transfer program has been delayed since 1997 while this agreement was developed. This resolution also authorizes establishment of a new fund to hold monies set aside for future use for retiree health insurance for IAFF employees. The on-going cost for the sick leave / retiree health transfer program is expected to be in the \$18,000 to \$20,000 per year range, and was budgeted in the 1999-00 Annual Budget. The Personnel Director recommends approval of the resolution.

- 2.4. MINUTE ORDER NO. 27-99 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH HABITAT FOR HUMANITY FOR \$33,020 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

At its meeting of 5/18/99, as part of the adoption of the City's Annual Plan for the Community Development Block Grant (CDBG) Program, the City Council approved an allocation of \$33,020 of ~~CDBG~~ HOME funds to Habitat for Humanity. Habitat will use the funds to acquire the property at 2150 Elm Street and pay for predevelopment expenses related to the the use of the site for two houses. This Minute Order authorizes the City Manager to enter into a grant agreement with Habitat for the use of the ~~CDBG~~ HOME funds. The Housing Officer recommends approval of the minute order.

- 2.5. MINUTE ORDER NO. 28-99 -- AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE

AGREEMENTS WITH INDIVIDUALS ASSIGNED AS OFFICERS TO THE SACRAMENTO COUNTY SHERIFF DEPARTMENT'S MOUNTED UNIT FOR THE USE OF HORSES FOR SPECIAL EVENTS

Since 1994, the City has used the Mounted Unit of the Sacramento Sheriff Department for crowd control and enforcement efforts in the downtown area during Halloween. During the use of the Mounted Unit in 1998, a horse was injured and had to be destroyed. In order to continue use of the Mounted Unit horses for special events, the City will now be required to enter into lease agreements with the individual officers who own the horses. Under the terms of these leases, the City will pay the officer/owner for use of the horse and assume liability for loss or damage to equipment, or injury or death to the horse. This minute order will authorize the City Manager to execute lease agreements with the officers/owners for use of the horses for law enforcement purposes subject to the terms set forth in the minute order. The Chief of Police recommends approval of the Minute Order.

2.6. APPROVAL OF MINUTES FOR MEETINGS HELD ON SEPTEMBER 7 AND 14, 1999

The Council has been provided with copies of minutes for its meetings held on 9/7/99 and 9/14/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. CONSIDERATION OF URGENCY ORDINANCE BANNING THE POSSESSION OF GLASS CONTAINERS DURING HALLOWEEN

City Attorney Frank reported that as requested by the City Council at its 9/23/99 joint meeting with the Special Events Task Force, he had prepared for consideration and adoption an urgency ordinance, to take effect immediately, banning the possession of glass containers on City-owned property throughout all or part of the City during the 1999 Halloween season (October 29 through November 2, 1999). If the Council selected the ordinance that included part of the City, the area would be generally bounded by Big Chico Creek, Flume Street, 7th Street and Cedar Street. He provided a map of the area that also reflected where street closures would occur.

Police Chief Efford answered Council questions on advance posting of the area and notice to the public, the hours that it would be in effect, the area that it covered, and how the ordinance would be enforced under various circumstances. Councilmember Keene recommended that after this year's Halloween, the Task Force evaluate how the ordinance worked and submit a recommendation for next year. City Attorney Frank noted that the ordinance would be in effect for 6 months, could be extended after that time, and could be applied to St. Patrick's Day.

Jeff Sayegh, Fifth & Ivy Market, 645 West 5th Street, agreed that three days before Halloween was appropriate, however, after Halloween did not appear to be necessary. Also the time should be 6:00 p.m. and later since there weren't problems during the daytime. Steven Post-Jeys, 1363 East 10th Street, thought the ordinance was too restrictive and questioned what discretion police officers would have in enforcing it. Charlie Preusser, 1405 West 3rd Street, believed that the ordinance encouraged selective enforcement. Greg Bard, 1505 West 3rd Street, recommended that businesses be encouraged to reduce the amount of beverages they sold in glass containers. Sharon Chambers, Volunteers in Police Service (VIPS), 600 Flume Street #216, spoke in favor of the ordinance. John Gillander indicated his opposition to the ordinance that would ban glass containers City-wide. Bob Ray, 1405 West 3rd Street, recommended that out-of-town police personnel receive clear instructions on enforcing the ordinance. Leila Paredes, 228 Ivy Street, questioned the impact of the ordinance on visitors to Chico who might not be aware of its existence.

Following discussion, Councilmember Herbert moved that the Council conceptually approve the ordinance which would prohibit the possession of glass containers on City-owned property in that portion of the City generally bounded by Big Chico Creek, Flume Street, 7th Street and Cedar Street, that the prohibition be in effect from 4:00 p.m. on Friday 10/29/99 to 6:00 a.m. on Monday 11/1/99. The motion was seconded by Councilmember Jarvis. Various members of the Council suggested that individuals not be searched, that glass containers be allowed when being taken from a point of purchase to somewhere within or outside the area or when they were at a public event, and that out-of-town police personnel be advised of the intent of the ordinance. The Council also agreed that the Task Force should provide a recommendation for next year as previously suggested by Councilmember Keene.

Councilmember Kirk indicated her intent to vote against the *three day* ordinance, questioned the need for the ordinance, and ~~recommended that she would vote for the ordinance~~ if the hours ~~be~~ were reduced to 4:00 p.m. ~~before~~ on Halloween to 6:00 a.m. ~~on Halloween~~ the next day. Mayor Bertagna noted that any changes could be made next year. Councilmember Keene pointed out that the ordinance was needed in advance of Halloween and before any potential problems arose, and that the Task Force would evaluate it and provide a recommendation for next year. Councilmember Guzzetti stated he would support 6:00 p.m. Sunday to 6:00 a.m. Monday, barriers for street closures only on Halloween, and posting everywhere.

The motion made by Councilmember Herbert was then carried with Councilmembers Herbert, Jarvis, Keene, and Bertagna voting aye, Councilmembers Guzzetti and Kirk voting no, and Councilmember Johnston being absent. It was noted that the ordinance would be amended and placed on the 10/19/99 agenda for final consideration and adoption.

The Council recessed for 10 minutes and reconvened at 9:10 p.m.

4.6. APPOINTMENTS TO FILL VACANCIES ON SPECIAL EVENTS TASK FORCE

(This item was taken out of order on the agenda.)

Councilmember Kirk reported that Council was in receipt of a memorandum dated 9/22/99 from Lisa Michels, Chair of the Special Events Task Force, in which she reported that there were two vacancies on the Task Force due to the resignations of C. C. Carter and Jack Lemon. It was anticipated that the Task Force would hold two more meetings on the subject of special events permits. The Task Force was requesting that the Council either make appointments to fill one or both vacancies, or take no action and leave both seats vacant. At the City Council's joint meeting with the Task Force on 9/23/99, Mayor Bertagna indicated that he and Councilmember Kirk would meet and submit recommendations for appointments to fill these vacancies on the Task Force at tonight's meeting.

Councilmember Kirk further reported that she and Mayor Bertagna recommended the appointment of Rick Rees to the vacancy created by the resignation of C.C. Carter, and wait to fill the vacancy created by Jack Lemon's resignation. Further, Lisa Michels had been asked to poll the remaining members of the Task Force as to their interest in continuing to advise the Council on their findings regarding party permits, and would also be polled as to their interest in remaining on a Special Events Steering Committee. If necessary, further appointments would be made.

In response to questions, Lisa Michels reported that the Task Force would hold two more meetings on the subject to special permits, that members would be polled concerning their continued interest in serving, and that attendance had varied from meeting to meeting. Councilmember Jarvis requested that Ms. Michels or the Public Information Technician provide a report on attendance of members at Task Force meetings.

Bob Ray, 1405 West 3rd Street, reported that he had attended all Task Force meetings and was interested in being appointed to fill the seat vacated by Jack Lemon. Greg Bard, 1505 West 3rd Street, and Charlie Preusser, 1405 West 3rd Street, recommended an appointment from the South Campus Neighborhood Association.

Following discussion, Councilmember Jarvis moved approval of the appointment of Rick Rees and Bob Ray to the Special Events Task Force. The motion was seconded and carried with Councilmember Herbert voting no and Councilmember Johnston being absent.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 9/14/99

Councilmember Jarvis reviewed a memorandum dated 9/16/99 from the Internal Affairs Committee which provided a report on its meeting held on 9/14/99, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna (substituting for Johnston), Kirk, and Jarvis, Chair.

Consent Agenda

1. (Council action required to adopt resolution)
RECOMMENDATION FOR APPROVAL OF AMENDMENT TO CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE REGARDING HANDICAPPED RAMPS AND STREET LIGHTS. The Committee recommended (3-0) that the resolution implementing the proposed code amendments be forwarded to the City Council for adoption.

RESOLUTION NO. 42 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING STANDARD PLANS S-27, S-27 A, AND SL-1 ADOPTED BY CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS". After Councilmember Jarvis read the title of the resolution, Councilmember Kirk moved its adoption. The motion was seconded and carried by the following vote: AYES: Councilmember Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: Councilmember Johnston.

2. (No Council action required)
APPROVAL OF ESTABLISHMENT OF ONE HANDICAPPED PARKING SPACE AT 2405 NOTRE DAME BOULEVARD (FIRE STATION NO. 4). The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 653, which authorizes the establishment of one handicapped parking space at 2405 Notre Dame Boulevard (Fire Station No. 4).
3. (No Council action required)
APPROVAL OF INSTALLATION OF YIELD SIGN ON THE MIDWAY AT ITS INTERSECTION WITH EAST PARK AVENUE. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 658, which authorizes establishment of a yield sign on the Midway at East Park Avenue.

Councilmember Keene moved approval of the Committee's Consent Agenda. The motion was seconded and carried with Councilmember Johnston being absent.

Regular Agenda

4. ITEMS REMOVED FROM THE CONSENT AGENDA. — None
5. (Council action required)
CONSIDERATION OF PROPOSAL BY DAN HAYS AND GENE DAMSCHEN TO MAKE A GIFT OF LAND TO THE CITY FOR THE EXTENSION OF IVY STREET. The Committee (3-0) recommended approval of the Dan Hays / Gene Damschen proposal to make a gift of land to the City for the extension of Ivy Street; that the proposed project be scheduled for a public hearing before the City Council, with notice of the hearing to be provided to all residents on 22nd Street and all businesses on Meyers Street; and that the staff report prepared for the hearing make it clear that no conditions could be imposed on the project by the City if it was to be a gift, but that recommendations could be made.

Neither Mr. Hays or Mr. Damschen were in attendance this evening. Councilmember Keene recommended, and the Council agreed, that staff confirm with them that they still intended to proceed, that staff then schedule a hearing at a subsequent Council meeting, but that the Council not approve the proposal at this point in time.

6. (No Council action required)
REPORT ON MEASURES TO REDUCE SPEED ON YOSEMITE DRIVE. The Committee (3-0) directed staff to conduct a neighborhood meeting regarding measures to reduce speeding on Yosemite Drive, such as traffic circles, striping, speed bumps, restrictors, posted speed limit, etc., and bring back recommendations for further Committee consideration.
7. (No Council action required)
REPORT ON RESULTS OF TRAFFIC STUDY FOR THE INSTALLATION OF STOP SIGNS ON FOURTH STREET AT ITS INTERSECTION WITH FLUME STREET. The Committee (2-1, Jarvis voting no) concurred with the staff recommendation that stop signs not be installed on Fourth Street at its intersection with Flume Street since they were not warranted.
8. (Council action required)
CONSIDERATION OF CHICO MUNICIPAL CODE PROVISION WHICH LIMITS THE RIGHT TO APPEAL TO A "PERSON AGGRIEVED" BY THE DECISION. The Committee (3-0) recommended that the City continue its current practice of allowing any person to file an appeal of a decision of a Board, Commission, or employee; that the City's Appeal Form be revised to require appellants to establish that they were aggrieved by the decision being appealed; and that staff address in the staff reports prepared for initial consideration of appeals whether the appellant was aggrieved by the decision.

Councilmember Jarvis noted that appellants should say specifically how they were aggrieved, that the appeals form would be revised to secure this information, that staff would then address this in their report, and then Council would make the final judgment on whether someone was aggrieved and whether to schedule a public hearing.

Councilmember Keene moved approval of the Committee's recommendation on item #8. The motion was seconded and carried with Councilmember Johnston being absent.

9. (Council action required to introduce ordinance)
CONSIDERATION OF PROPOSED AMENDMENTS TO CHICO MUNICIPAL CODE PROVISIONS REGARDING THE CALCULATION OF CREDITS AGAINST PARK FACILITY FEES (SECTION 3.85.525). The Committee recommended (3-0) approval of the proposed amendments to Section 3.85.525 of the Chico Municipal Code regarding the calculation of credits against park facility fees to provide:
 - A. That park fee credits include the costs of park improvements, in addition to the land and adjacent infrastructure costs provided by the current code provisions; and
 - B. That park fee credits be allocated on the basis of the actual number of residential units constructed, rather than on the basis of the maximum number of units which could be constructed pursuant to zoning standards.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE BY REPEALING AND ADDING SECTION 3.85.525, ENTITLED "CREDITS AGAINST PARK FACILITY FEES" — INTRODUCTORY READING. After reading the title, Councilmember Keene moved for introductory reading of the ordinance. The motion was seconded and carried with Councilmember Johnston being absent.

Councilmember Keene then moved approval of the remainder of the report and recommendations made by the Internal Affairs Committee. The motion was seconded and carried with Councilmember Johnston being absent.

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4.4. REPORT ON THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 9/21/99 MEETING REGARDING THE CITY'S COMPLIANCE WITH THE AB 939 DIVERSION REQUIREMENTS.

Management Analyst Herman report that at its 9/14/99 meeting, the City Council requested that staff provide a report to Council on the California Integrated Waste Management Board's (CIWMB) 9/21/99 meeting regarding the City's compliance with the AB 939 diversion requirements. By memorandum dated 9/23/99, she (1) reported on the CIWMB's decision to issue a Compliance Order requiring that the City correct its 1990 base-year disposal numbers so that a more accurate diversion percentage could be developed, (2) explained the base year and diversion calculation process, (3) provided an outline of the tasks necessary to revise the base year and an estimated timeline to complete each task, and (4) provided staff's recommendation on the need for assistance with completing the base year revision.

Councilmember Jarvis moved approval of revising the City's base year and the remaining recommendations set forth in the Management Analyst's memorandum. The motion was seconded and carried with Councilmember Johnston being absent.

4.5. APPOINTMENT TO FILL VACANCY ON ARTS COMMISSION

It was noted that at its 9/21/99 meeting, the Council declared a vacancy on the Arts Commission due to the resignation of Greg Tropea. By memorandum dated 9/22/99, the City Clerk forwarded copies of applications currently on file in her office from individuals interested in being considered for appointment.

This evening the Council was advised that one of the applicants, Victoria Hunt, had called to withdraw her application from consideration.

Councilmember Kirk nominated Aaron Bor to the Arts Commission for a term expiring on 1/1/01. Councilmember Jarvis moved that nominations be closed, and the motion to close nominations carried with Councilmember Johnston being absent. The nomination of Aaron Bor failed to receive a majority vote with Councilmembers Guzzetti, Jarvis and Kirk voting in favor of the appointment, Councilmembers Herbert, Keene and Bertagna voting in opposition, and Councilmember Johnston being absent. Councilmember Kirk then moved that the City Clerk be directed to advertise for additional applicants. The motion was seconded and carried with Councilmember Johnston being absent.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA

a. Lindo Channel. The City Manager requested that the Council schedule a joint meeting with the Park Commission to consider Lindo Channel encroachments. He added that if the Council also wanted to consider fire protection, the meeting should be scheduled some time after the Park Commission's 10/25/99 meeting. The Council agreed to meet on 11/23/99 at 6:00 p.m. The Mayor indicated that he would work with staff in setting up the seating arrangement for the joint meeting.

b. Health Plan Review Committee. The City Manager reported that some Councilmembers previously expressed an interest in attending meetings of this committee. If up to three members wanted to attend meetings, the Personnel Director would provide them with agendas for future meetings. He noted that the Committee met on an "as needed" basis, but meetings had typically been held on a Wednesday from 2:00 to 3:30 p.m. Councilmember Keene volunteered to attend meetings.

5. BUSINESS FROM THE FLOOR

a. Fluoride in Drinking Water. Carl Colbie, 1348 Kentfield Road, requested that the Council agendaize and take a position against fluoride being added to the City's drinking water, and also consider placing a measure on the ballot. Councilmember Kirk reported that a resolution dealing with this issue would be considered at the League of California Cities' annual conference next week in San Jose. Councilmember Keene recommended that the matter be placed on a future agenda, depending upon action taken at the LCC annual conference.

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- b. Appearance of Downtown Area. City Manager Lando reported that Councilmember Kirk had asked him about cleaning up portions of the downtown area. He had asked the Public Works Director and Assistant Public Works Director to submit a plan therefor and he would place it in Council mailboxes. If additional personnel or equipment was needed, it could be considered at the November quarterly budget meeting.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 9/13/99 from the Finance Director reporting that the list of claims paid during the month of August 1999 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 9/20/99 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

The meeting was adjourned at 9:55 p.m. to Tuesday, 10/19/99 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: November 16, 1999

City Clerk

Mayor



October 19, 1999

ADJOURNED REGULAR CITY COUNCIL MEETING — OCTOBER 19, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street, 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap and City Clerk Evans.

2. CLOSED SESSION. The Council adjourned to a closed session to consider the items listed below. Councilmember Kirk took minutes for item 2.2, which was considered first, when only members of the Council were present. City staff members were present at 7:10 p.m. when item 2.1 was considered.
- 2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
- 2.2. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and the City Attorney's performance (Gov. Code Section 54957).

The Council reconvened to open session at 7:30 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:30 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — OCTOBER 19, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:35 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Moment of Silence. A moment of silence was observed in memory of Councilmember Bill Johnston who passed away on 10/15/99. He had served on the Council since May 1997 and was appointed Vice Mayor in December 1998.

A moment of silence was also observed in memory of Jerry Kenkel who served on the Airport Commission from July 1979 to March 1989, and in memory of Patty Fortino who was employed by the City as an Accounting Technician and an Accountant between January 1990 and April 1995.
- 1.3. Invocation. Pastor Curtis Barbarick, Church of Christ, delivered the invocation.
- 1.4. Proclamation. The Mayor read a proclamation proclaiming November 1 through 5 as Nurse Practitioner Week and presented it to Mary Ellen Ehman-Faust.
- 1.5. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none (Councilmember Johnston passed away on 10/15/99).
- 1.6. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap,

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City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Police Chief Efford, Airport Manager Grierson, Assistant Public Works Director Hislop, Fire Marshal Myers, and Development Engineer Varga.

1.7. Closed Session Announcement. None.

2. CONSENT AGENDA.

2.1. APPROVAL OF RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT COMMITTEE REGARDING REVISIONS TO THE FACADE IMPROVEMENT PROGRAM

By memorandum dated 10/6/99, Management Analyst Herman submitted a recommendation from the Economic Development Committee that the Chico Redevelopment Agency approve revising the Facade Improvement Program Administrative Procedure and Policy (AP&P) to provide for the Executive Director to approve loans up to \$30,000 without prior Economic Development Committee approval. Requests for loans in excess of \$30,000 would be reviewed and approved by the Economic Development Committee. The Economic Development Committee recommended approval of the Facade Improvement Program AP&P revisions.

Councilmember Keene requested that this item be removed from the Consent Agenda and discussed at this time. In response to Councilmember Keene, the City Manager indicated that he would leave it to the Council's discretion on whether to change the amount, let the Committee continue to approve all loans, or refer the matter back to the Committee.

Councilmember Keene moved that the matter be referred back to the Committee, and following further discussion, withdrew his motion. Councilmember Jarvis then moved approval of the Committee's recommendation. The motion was seconded and carried with Councilmembers Guzzetti, Herbert, Jarvis, Kirk and Bertagna voting aye, and Councilmember Keene voting no.

3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA. No items.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. See item 2.1 above.

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

6. ADJOURNMENT. The meeting was adjourned at 7:50 p.m. to a City Council meeting.

ADJOURNED REGULAR CITY COUNCIL MEETING — OCTOBER 19, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 7:50 p.m.

1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none (Councilmember Johnston passed away on 10/15/99).

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Planning Director Seidler, Police Chief Efford, Airport Manager Grierson, Assistant Public Works Director Hislop, Development Engineer Varga and Fire Marshal Myers.

2. CONSENT AGENDA.

- 2.1. ORDINANCE NO. 2187 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CHICO MUNICIPAL CODE BY REPEALING AND ADDING SECTION 3.85.525 ENTITLED "CREDITS AGAINST PARK FACILITY FEES" - FINAL READING AND ADOPTION.

RESOLUTION NO. 43 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY'S FEE SCHEDULE (AMENDMENT NO. 238 - PARK FACILITY FEES).

At its 10/5/99 meeting, the Council accepted the Internal Affairs Committee's recommendation to approve the proposed amendments regarding the calculation of credits against park facility fees to provide (a) that the park fee credits include the costs of park improvements, in addition to the land and adjacent infrastructure costs provided by the current Code provisions; and (b) that park fee credits be allocated on the basis of the actual number of residential units constructed, rather than on the basis of the maximum number of units which could be constructed pursuant to zoning standards. Copies of the Community Development Assistant's memorandum dated 9/8/99 addressed to the Internal Affairs Committee is being provided to the Council, with copies of the ordinance and resolution attached thereto. The Internal Affairs Committee recommends adoption of the proposed amendments.

- 2.2. RESOLUTION NO. 44 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 25 99-00: MANZANITA AVENUE ANNEXATION DISTRICT NO. 14

By memorandum dated 10/5/99, the Community Development Assistant forwards a report on this amendment to City Council Resolution No. 25 99-00, adopted 9/7/99, annexing four parcels at 1084, 1088 and 1156 Manzanita Avenue and 22 Highland Circle. The amending resolution, upon adoption, will acknowledge that those parcels in the annexation area currently served by sanitary sewer will be detached from County Service Area No. 114 - Chico Nitrates, reflecting conditions applied by LAFCo in approving the annexation. The Community Development Assistant recommends adoption of the resolution.

- 2.3. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR REPAIR OF GABIONS ALONG LITTLE CHICO CREEK, EAST OF FOREST AVENUE

The City Council previously allocated funding to repair gabion bank protection and the bike path along Little Chico Creek east of Forest Avenue due to bank erosion during the winter of 1998. During the repair work it was discovered that four additional gabions were damaged and in need of repair and staff recommended that an additional \$6,000 be allocated from the Community Park Facility Fee Fund to complete the project. At its meeting held 10/06/99, the Finance Committee recommended approval of the additional funds but indicated the funding source should be General Fund. The full Finance Committee report will be provided to the City Council at a subsequent meeting. This supplemental appropriation will allocate funds in the amount of \$6,000 to be drawn from the General Fund (001). The City Council has been provided with a copy of the General Fund Summary which reflects the estimated 06/30/00 fund balance. The Finance Committee recommends approval of the supplemental appropriation.

- 2.4. APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR FINANCIAL ASSISTANCE TO PROVIDE TRANSPORTATION IN CONNECTION WITH THE EMERGENCY WINTER SHELTER PROGRAM

At its meeting held 10/06/99, the Finance Committee recommended approval of a request from the Chico Community Shelter Partnership to make an in-kind contribution to the emergency winter shelter program by providing a bus to transport guests to and from the churches each day, and determined that the request should be forwarded to the City Council prior to completion of the Finance Committee report so that the program could begin 11/1/99. The full Finance Committee report will be provided to the City Council at a subsequent meeting. This supplemental appropriation will allocate funds in the amount of \$21,840 to be drawn from the Transit Operations Fund (859). The City Council has been provided with a copy of the Transit Operations Fund Summary which reflects the estimated 06/30/00 fund balance. The Finance Committee recommends approval of the supplemental appropriation.

2.5. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE ADDITIONAL FUNDING FOR RANCHERIA NEIGHBORHOOD IMPROVEMENTS

At its meeting held 10/06/99, the Finance Committee was advised that after opening bids for the project to install curb, gutter, sidewalk, storm drains, sanitary sewers and roadway rehabilitation on Rancheria Drive from North Cedar Street to Mechoopda Street, it was determined the funds budgeted in 1998-99 were insufficient to complete the project as bid, that \$75,000 of the total project costs were associated with sanitary sewer construction, that staff was recommending sewer funds be allocated to make up the deficit, and that staff was recommending the request be forwarded to the City Council prior to completion of the Finance Committee report so the project could be started this construction season. The full Finance Committee report will be provided to the City Council at a subsequent meeting. The Finance Committee is recommending approval of the allocation of additional funding in the amount of \$75,000 to be drawn from the Sewer Fees Main Fund (322). The City Council has been provided with a copy of the Sewer Fees Main Fund Summary which reflects the estimated 06/30/00 fund balance. The Finance Committee recommends approval of the supplemental appropriation.

2.6. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE FUNDING TO COMPLETE SIDEWALK IMPROVEMENTS ALONG EAST FIRST AVENUE BETWEEN MANGROVE AVENUE AND STATE HIGHWAY ROUTE 99

This supplemental appropriation would provide funding to complete sidewalk improvements along East First Avenue between Mangrove Avenue and State Highway Route (SHR) 99. In order to be in a position to complete the improvements before winter, the City Manager has determined that there is a need to obtain City Council approval prior to the next scheduled Finance Committee meeting. This supplemental appropriation would allocate funding in the amount of \$50,000 to be drawn from the In-Lieu Offsite Improvement Fund (306). The City Council has been provided with a copy of the In-Lieu Offsite Improvement Fund Summary which reflects the estimated 06/30/00 fund balance. The Director of Public Works recommends approval of this supplemental appropriation.

2.7. APPROVAL OF MINUTES FOR MEETING HELD ON 9/21/99

The Council has been provided with copies of minutes for its meeting held on 9/21/99.

Councilmember Keene moved adoption of the ordinance and each resolution, and approval of all other items on the Consent Agenda. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS.

3.3. HEARING ON APPEAL BY DAN DRAKE OF THE PLANNING COMMISSION DENIAL OF STONECREEK VESTING TENTATIVE SUBDIVISION MAP AND OF GENERAL PLAN AMENDMENT AND REZONE 98-1

(Councilmember Keene moved that this item be taken out of order at listed on the agenda and be heard at this time. The motion was seconded and carried with Councilmember Jarvis voting no.)

The Council was in receipt of a memorandum dated 10/7/99 in which Planning Division Staff reported that at its 9/13/99 meeting, the Planning Commission, by Planning Commission Resolution 99-18, denied the Stonecreek Vesting Tentative Subdivision Map for 89 single family lots, and recommended Council denial of a General Plan amendment and rezone from Office and R-P Residential-Professional/Business to Low Density Residential. The project was located on 18 acres located 200 ± feet north of Lassen Avenue, east of Ceres Avenue, west of Eaton Road and south of the Chico Municipal Airport "Approach Protection Zone", Assessor's Parcel Nos. 048-430-012, 014, and 015, designated on the General Plan Diagram as Offices and in an R-P Residential-Professional/Business zoning district. The appeal was directed at general plan policies and the lack of an environmental document. The resolution to deny was approved on a vote of 3-2-2 (2 abstentions).

The Council was also provided with copies of a letter dated 10/4/99 from the Chamber of Commerce and a letter dated 10/8/99 from the Aircraft Owners & Pilot Association supporting the Planning Commission's denial of this

project.

It was noted that the City Council had the option of (1) denying the appeal of the vesting tentative subdivision map, the general plan amendment, and the rezone; or (2) if the Council found enough merit in the project to warrant further review, granting the appeal and remanding the subdivision map, general plan amendment and rezone back to the Planning Commission and directing staff to complete the necessary environmental review for the project.

This evening the Council was provided with (a) letter dated 10/15/99 from Rural Consulting Associates, on behalf of the appellant, Dan Drake, requesting that the appeal hearing be tabled to a future date, and waiving the right of the appellant to have the appeal heard within 30 days after the filing date, (b) letter dated 10/14/99 from the California Department of Transportation Aeronautics Program opposing the appeal and setting forth findings that would be required if this project was approved, (c) letter dated 10/14/99 from the California Pilots Association recommending denial of the appeal, and (d) letter dated 10/15/99 from the North Valley Pilots Association recommending denial of the appeal.

Councilmember Keene moved that the matter be tabled indefinitely and that the timeline for hearing the appeal be waived. The motion was seconded and unanimously carried.

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 84, EAST AVENUE/RALEY'S SHOPPING CENTER

Community Development Director Baptiste reviewed his memorandum dated 9/24/99 in which he reported that this resolution would order the formation of Chico Maintenance Assessment District No. 84. As a condition of development of this property, located on the south side of East Avenue across from the Albertson's Center, the developers, Chico-East & Esplanade LLC (Raley's), had consented to the formation of this district for the operation and maintenance of landscaping and irrigation of the future median within East Avenue. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by the property owners. Future annual assessments would be paid at the time property taxes were collected. He recommended adoption of the Resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 45 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 (MAINTENANCE ASSESSMENT DISTRICT NO. 84 - EAST AVENUE/RALEYS SHOPPING CENTER. After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON APPEAL BY RONALD D. HALL OF THE PLANNING COMMISSION APPROVAL OF SHASTAN AT LINDO CHANNEL TENTATIVE SUBDIVISION MAP

Planning Director Seidler reported that by memorandum dated 10/7/99, Planning Division Staff reported that at its 9/13/99 meeting, the Planning Commission approved the Shastan Homes at Lindo Channel Tentative Subdivision for 11 single family lots with a 30-foot creekside greenway setback and a 15-foot pedestrian path easement on property located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. This appeal specifically concerned the adequacy of the setback from Lindo Channel and various issues regarding deficiencies in the project's approval process. He noted that subsequent to the Commission's action, the applicant has prepared a revised map for Council review that had a 100-foot creekside setback and reconfigured lots. Further, the matter was listed on the Commission's 10/21/99 agenda should the Council decide to remand it back to the Planning Commission.

The Planning Director added that the City Council had the option of (1) denying the appeal; (2) granting the appeal and, based on the applicant's proposed revisions to the project, remanding the subdivision back to the Planning Commission, or (3) granting the appeal and approving the applicant's revised tentative map without

going back to the Commission.

City Manager Lando stated that the 1976 General Plan called for creekside greenways along some creeks and it was built into the schedule of park fees, that the Council had a policy of trying to apply the greenway concept wherever possible, and that the greenway on this map would extend 100 feet from the top of the bank, with 25 feet being an environmental mitigation and 75 feet being purchased by the City using park fees.

Ron Hall, 2376 Cussick Avenue, noted that the applicant was able to modify the map after he (the appellant) filed his appeal and before he could be heard, that he did not believe the top of bank survey on the map was correct because Lindo Channel had changed its course over the years, that he also did not believe the access roads were wide enough for emergency vehicles or garbage trucks to turn around, that there was not access to the greenway for emergency fire vehicles, and that he questioned what would become of a sliver of land owned by someone else which ran northeasterly from Lindo Channel and was located between Holly Avenue and the subdivision.

Bob Fitzgerald, 2190 Holly Avenue, noted that the General Plan showed a park in this area, which he preferred over more development and increased traffic which resulted in speeding and vehicles running into his house. Pat Macarthy, 2405 Holly Avenue, stated his support for Mr. Hall's comments since nearby residents had not had an opportunity to see the revised map. Helen Ost, 1255 East Lindo Avenue, supported the requirement for a 100 foot setback. Caryn Jones, 56 Deborah Terrace, explained that the General Plan called for a trail on the top of the bank, that a black walnut tree located within the greenway should be saved, that the location appeared suitable for infill development, that the houses should be oriented to face the creek, and although the bike path did not connect to anything now it should still be installed for future needs.

Jim Stevens, NorthStar Engineering, representing the applicant, reported that a survey was done to locate the top of the bank, that an emergency vehicle access would be addressed through a hammerhead turnaround which would meet City standards, that the developer had not been successful in looking into acquiring the sliver of land which was owned by Mission Ranch, that the access from Lot 10 which was located on the other side of Holly Avenue would be modified so that vehicles would not back onto Holly, that they were asking that the roundabout be removed because it was used by neighbors and not emergency vehicles, that they were within 150 feet of fire access, that they had a driveway to service some of the lots to reduce the number of vehicles entering onto Holly, and that they were asking that they not be required to install the bike path but would construct it if required. In response to Council questions, Mr. Stevens indicated that he hoped the Council could make a decision on the map this evening, that garbage trucks would not come on the driveway that served the subdivision but would service it from Holly Avenue, that they would like to be relieved of the requirement to install public improvements in front of the sliver of land owned by Mission Ranch, and that the black walnut tree was located within the 100 foot setback.

Mary Andrews, 33 Amber Way, noted that trucks could not turn around because only a 10 to 12 foot width was provided, that the use of the sliver of land owned by Mission Ranch needed to be decided before the map was approved, and that access to the channel was needed. She expressed doubt as to the accuracy of the top of bank as shown on the tentative map, and indicated that a more correct depiction of the top of bank would push the creekside greenway into the area proposed for development.

Community Development Director Baptiste indicated to Councilmember Keene that the park shown on the General Plan was not specific to this site but only to be located somewhere in this general area. Mort Myers, Fire Marshal, reported that some discretion was allowed for fire access, however, they had to meet Code requirements. No one else spoke from the audience and the Mayor declared the hearing closed.

Councilmember Guzzetti moved that the appeal be granted and that the map be referred back to the Planning Commission in order to include consideration of all the elements heard during this appeal. Councilmember Keene recommended that garbage service to Lots 7, 8 and 9 be resolved and Councilmember Jarvis suggested that representatives of the solid waste collectors be invited to the Planning Commission meeting. Mayor Bertagna questioned if the bicycle path was necessary and if it could be left open, unless some future connection was anticipated. The City Manager suggested that the City could get credit against the greenway acquisition if the bike path was not installed, and a note could be included on the final map. Councilmember Keene recommended that staff make sure the hammerhead for emergency turnaround met Code requirements. Mayor Bertagna

recommended that the developer continue to pursue acquisition of the sliver of land owned by Mission Ranch. The motion was then seconded by Councilmember Kirk and unanimously carried.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA. None.

4.2. FINAL CONSIDERATION AND ADOPTION OF URGENCY ORDINANCE BANNING THE POSSESSION OF GLASS CONTAINERS ON CITY-OWNED PROPERTY IN A PORTION OF THE CITY DURING HALLOWEEN.

At its 10/5/99 meeting, the City Council conceptually approved an ordinance which would prohibit the possession of glass containers on City-owned property in that portion of the City generally bounded by Big Chico Creek, Flume Street, 7th Street and Cedar Street during Halloween. The prohibition would be in effect from 4:00 p.m. on Friday, October 29, to 6:00 a.m. on Monday, November 1. As an emergency ordinance adopted under the City Charter, the ordinance would need to be read in its entirety and adopted by at least 4 affirmative votes of the Council.

ORDINANCE NO. 2188 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A PORTION OF THE CITY TO BE A "GLASS-FREE ZONE" IN WHICH POSSESSION OF GLASS CONTAINERS ON CITY-OWNED PROPERTY IS PROHIBITED DURING THE PERIOD OF OCTOBER 29, 1999, THROUGH NOVEMBER 1, 1999, AND DECLARING THE URGENCY THEREOF — FINAL READING AND ADOPTION.

Councilmember Jarvis read the ordinance in its entirety and then moved its adoption. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

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

5. BUSINESS FROM THE FLOOR.

a. Lindo Channel Encroachment. Valerie Converse, 722 Brookwood Way, reported that she and another property owner had installed riprap in 1983 to protect their property from erosion by waters in Lindo Channel. Since that time, the channel had continued to erode into their property and could damage the riprap that they installed. She asked that the Council address a bank stabilization capital project at its 11/16/99 budget meeting and consider funding it.

The City Manager indicated that she could attend the 11/16/99 quarterly budget meeting as well as the 11/23/99 joint meeting of the Council and Park Commission when they would be discussing various matters relating to Lindo Channel.

b. Benedict Ranch Subdivision. Jim Stevens of NorthStar Engineering requested that the Council give consideration to the request set forth in their letter in item 6.1. under Reports & Communications. No action was taken by the Council on the request.

6. REPORTS AND COMMUNICATIONS.

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Letter dated 10/4/99 from NorthStar Engineering, on behalf of Andrew Meghdadi, requesting reconsideration of the alternative mitigation performance standard for the Nob Hill development which was established by the City Council at its meeting of 8/17/99.

6.2. Memorandum dated 10/5/99 from the Finance Director reporting that the list of claims paid during the month of September 1999 has been produced and is available for review in the offices of the Finance Director, the City Clerk and the City Council.

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- 6.3. Memorandum dated 10/5/99 from the Risk Manager providing a report of denial of claims against the City for the quarter ended 9/30/99.
- 6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 9/16/99 for Pacific Research & Development, Inc., 2402 Cohasset Road.
- 6.5. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 9/29/99 for Phoenix Chinese Restaurant, 1008 West Sacramento Avenue, #2.
- 7. ADJOURNMENT.

The meeting was adjourned at 9:25 p.m. to Friday, 10/29/99 at 1:00 p.m. in Conference Room No. 2, for a closed session regarding various litigation matters.

Date Approved: November 16, 1999

City Clerk

Mayor



ADJOURNED REGULAR CITY COUNCIL MEETING - OCTOBER 29, 1999
Chico Municipal Center, Conference Room No. 2, 421 Main Street, 1:00 p.m.

This being the time and place for an adjourned regular City Council meeting, and no quorum appearing, the City Clerk adjourned the meeting to Tuesday, November 2, 1999, at 6:30 p.m. in Conference Room 2 for a closed session, followed by a regular meeting of the City Council at 7:30 p.m. in the Council Chamber.

November 2, 1999

ADJOURNED REGULAR CITY COUNCIL MEETING — NOVEMBER 2, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 6:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:30 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, and Risk Manager Koch, were present at 7:40 p.m.

2. CLOSED SESSION. The Council adjourned to a closed session to consider item 2.1, and then City staff members were present at 7:40 p.m. when the remaining items were considered.
- 2.1. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and the City Attorney's performance (Gov. Code Section 54957).
- 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a).)
- 2.3. CONFERENCE WITH LEGAL COUNSEL AND RISK MANAGER -- EXISTING LITIGATION: The City Attorney and Risk Manager reviewed settlement of the workers' compensation claim of Julia Larson. (Gov. Code Sec. 54956.9(a).)
- 2.4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: The City Attorney reviewed significant exposure to litigation involving one case (Gov. Code Sec. 54956.9(b)). This item was added by posted addendum

The Council reconvened to open session at 7:35 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:35 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING — NOVEMBER 2, 1999

Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:30 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Moment of Silence. A moment of silence was observed in memory of Bernie Richter, former State Assemblyman, who passed away on 10/25/99. A moment of silence was also observed for Dan Pace, City Maintenance Worker for five years, who passed away on 10/29/99.
- 1.3. Invocation. Greg Hartnett delivered the invocation in the absence of Pastor Jerry Skidgel, First Church of the Nazarene.
- 1.4. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none.

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- 1.5. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford and Police Captain Klassen.
- 1.6. Closed Session Announcement. None.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items
4. REGULAR AGENDA.
- 4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD OCTOBER 6, 1999

Councilmember Keene reviewed a memorandum dated 10/13/99 from the Finance Committee that provided a report on its meeting held on 10/6/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti, Herbert and Keene, Chair.

Consent Agenda

1. (Removed from the Consent Agenda — See Item #3 under Regular Agenda)
Approval of Supplemental Appropriation for Repair of Gabions Along Little Chico Creek East of Forest Avenue.
2. (Council action required to approve Supplemental Appropriation)
Approval of Expenditure of Excess Citizens Option for Public Safety (COPS) Grant Funds for the 1999/00 Fiscal Year. The Committee recommended (3-0) approval of the proposal by the Chief of Police for the use of the remaining \$13,479 in COPS grant funds for various capital expenditures for the 1999/00 fiscal year, as outlined in his memorandum dated 9/28/99. The Council is being provided with copies of the below Supplemental Appropriation allocating these funds.

APPROVAL OF SUPPLEMENTAL APPROPRIATION ALLOCATING THE REMAINING FUNDS IN THE COPS GRANT FUNDS FOR VARIOUS CAPITAL EXPENDITURES. Councilmember Kirk moved approval of the supplemental appropriation. The motion was seconded and unanimously carried.

Regular Agenda

3. Items Removed from the Consent Agenda.

(No action required — approved by Council at its meeting of 10/19/99)
Approval of Supplemental Appropriation for Repair of Gabions Along Little Chico Creek East of Forest Avenue. The Committee recommended (3-0) approval of the supplemental appropriation for repair of gabions along Little Chico Creek east of Forest Avenue with the revision that the funds be allocated from the General Fund rather than the Community Park Facility Fee Fund, and that this be submitted to the City Council for consideration at its 10/19/99 meeting. This supplemental appropriation was approved by Council on 10/19/99.
4. (Council action required to approve Minute Order)
Further Consideration of Proposals from the California State University (CSU), Chico Research Foundation for City Assistance in Financing (A) Soccer Stadium and (B) Property Acquisition.
 - a) Soccer Stadium. The Committee recommended (3-0) that the California State University (CSU), Chico Research Foundation request for a loan of \$550,000 to \$750,000 to construct a soccer stadium be tabled in order for the University to seek other funding sources, and that it be brought back for further Committee consideration in the event the University was unable to secure all of the necessary funding.

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- b) Property Acquisition. The Committee recommended (2-1, Guzzetti voting no) conditional approval of a revolving loan with a line of credit in the amount of \$1.5 million to be drawn from the City's long term investment fund, at the Local Agency Investment Fund interest rate plus 1%, to the CSU, Chico Research Foundation for opportunity property acquisitions in the College Park area, subject to review and approval of the loan agreements by the Finance Committee, and subject to City Council approval of the University's updated Master Plan.

The City Manager indicated to Councilmember Guzzetti that the agreement would include a provision that the property acquisitions would be on an opportunity basis only when City funds were utilized.

MINUTE ORDER NO. 29-99 -- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH CSU CHICO RESEARCH FOUNDATION TO ESTABLISH LINE OF CREDIT FOR ACQUISITION OF PROPERTIES IN THE COLLEGE PARK AREA. Councilmember Herbert moved approval of the minute order. The motion was seconded and unanimously carried.

5. (No action required — approved by Council at its meeting of 10/19/99)
Request from Chico Community Shelter Partnership for Financial Assistance to Provide Transportation in Connection with the Emergency Winter Shelter Program. The Committee recommended (3-0) that \$21,840 from the Transit Operations Fund be allocated to provide a bus for transporting guests to and from the churches during the emergency winter shelter program, and that a supplemental appropriation be submitted to the City Council for consideration at its meeting of 10/19/99. This supplemental appropriation was approved by Council on 10/19/99.

6. (Council action required)
Consideration of Building Department Fees as Requested by Webb Homes. The Committee recommended (3-0) that the City conduct an analysis of the fees and operational costs of the Community Development Department, and that the results of the analysis be brought back to the Committee for consideration.

The City Manager indicated to Councilmembers Kirk and Keene that he would estimate the cost of the analysis at approximately \$10,000 and he would bring the matter back to the Council if staff thought that a consultant was needed.

Councilmember Jarvis then moved approval of the Committee's recommendation on item #6. The motion was seconded and unanimously carried.

7. (No Agency action required)
Request from Mortgage Subsidy Program (MSP) Borrower for City to Stop Foreclosure Process -- 817 Kern Street --Turri. The Committee (3-0) directed staff to continue with the foreclosure proceedings on the home at 817 Kern Street.

8. (Council action required to approve Budget Modification)
Consideration of a Budget Modification as Recommended by the Economic Development Committee to Provide Funding Assistance to the Butte County Department of Development Services for a Business/Research Park Land Use Concept. The Committee recommended (3-0) approval of the Budget Modification transferring the amount of \$3,000 from Community Development Block Grant contingency funds to provide funding assistance to the Butte County Department of Development services for a Business / Research Park Land Use project, subject to the conditions recommended by the Economic Development Committee. The Council is being provided with copies of the below Budget Modification.

Councilmember Keene indicated to Councilmember Kirk that the Committee recommended that the funding be in place even though the County didn't intend to use the funds at this time.

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BUDGET MODIFICATION TRANSFERRING FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS TO PROVIDE FUNDING ASSISTANCE TO THE BUTTE COUNTY DEPARTMENT OF DEVELOPMENT SERVICES FOR A BUSINESS/RESEARCH PARK LAND USE PROJECT. Councilmember Jarvis moved approval of the budget modification. The motion was seconded and unanimously carried.

9. (No Council action required)
Consideration of Appeal Fee Reduction or Waiver. The Committee directed (3-0) that this matter be continued to its next meeting in order for Michael Benson, who had requested consideration of an appeal fee waiver, to be present.

Councilmember Jarvis indicated that she was interested in having the Committee consider this item even if Mr. Benson did not come to the meeting. Councilmember Keene stated the Committee would discuss the matter at tomorrow's meeting.

10. Items Added After Posting of the Agenda.

(No action required — approved by Council at its meeting of 10/19/99)
Approval of Supplemental Appropriation for Installation of Public Improvements on Rancheria Drive. The Committee determined (3-0) that there was a need to take immediate action on this matter and that the need for the action came to the attention of the City subsequent to the agenda being posted. The Committee recommended (3-0) approval of a supplemental appropriation allocating \$75,000 from the Sewer Fees Main Fund for the installation of urban improvements on Rancheria Drive, to be submitted to the City Council for consideration at its 10/19/99 meeting. This supplemental appropriation was approved by Council on 10/19/99.

11. (No Council action required)
Review of the City's Fire Department Budget. This item was continued to the Committee's next meeting.

Councilmember Jarvis moved approval of the report and remaining recommendations of the Finance Committee. The motion was seconded and unanimously carried.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 7:55 p.m. to a City Council meeting.

REGULAR CITY COUNCIL MEETING — NOVEMBER 2, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 7:55 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene and Kirk. Absent - none.
- City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford and Police Captain Klassen.
2. CONSENT AGENDA.
- 2.1. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 16.16.040(B) TITLED

“ORDER TO STOP WORK”; SECTION 2.80.060 TITLED “RIGHT OF APPEAL - APPEALS FROM A DECISION, DETERMINATION OR ORDER MADE OR ISSUED BY A CITY OFFICER OR EMPLOYEE”; SECTION 15.08.010 TITLED “WATER WELLS - PERMIT REQUIRED”; SECTION 5.38.040 TITLED “APPLICATION FOR PERMIT”; AND SECTION 1.15.080 TITLED “ISSUANCE OF PERMITS, LICENSES, OR FRANCHISES” OF THE CHICO MUNICIPAL CODE — INTRODUCTORY READING

This housecleaning ordinance, in section one, corrects a typographical error and replaces a reference to a deleted chapter with the correct reference; in section two, expands the list of unappealable decisions; in sections three and four, deletes the reference to fees established by the City Council because these fees are now established and collected by the County of Butte; and, in section five, requires that delinquent administrative fines be paid before licenses and franchises are issued, as is currently the case for permits. The City Attorney recommends adoption of the ordinance.

2.2. RESOLUTION NO. 46 99-00 -- 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

By report dated 10/13/99, the Community Development Assistant reports that the City’s approval of the Marigold Estates Phase 2 Subdivision required the annexation of this project to County Service Area No. 23 (Pleasant Valley Storm Drainage) for the maintenance of storm drainage facilities. This 31-lot single-family residential subdivision is located on the west side of Marigold Avenue, 1300 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 Community Development Assistant recommends adoption of the resolution.

2.3. (Removed from the Consent Agenda at the request of Councilmember Guzzetti.)
RESOLUTION NO. 47 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING ALTERNATIVE PERFORMANCE REQUIREMENT FOR MITIGATION B.2 OF THE NOB HILL SUBDIVISION AT THE SOUTHWEST CORNER OF EAST 8TH STREET AND BRUCE ROAD

SUPPLEMENTAL APPROPRIATION BUDGETING \$22,000 TO THE GENERAL FUND, AND ALLOCATING \$5,000 TO THE CHICO CREEK NATURE CENTER RAPTOR PROGRAM AND \$17,000 TO THE UPPER PARK RESOURCE STUDY

The Council previously considered this matter at its meeting of 8/17/99 and directed staff to prepare the resolution implementing its action and bring it back for adoption. By memorandum dated 9/10/99, Planning Director Seidler forwards this resolution with findings to approve an alternative performance requirement for Mitigation B.2 of the Nob Hill (Benedict Ranch) Subdivision requiring the developer to deposit the sum of \$22,000 with the City for the purpose of funding activities that would promote raptor habitat preservation, enhancement, or study, or public education concerning raptors. \$5,000 of this amount is to be allocated to the Chico Creek Nature Center and \$17,000 to the Upper Park resource study. The developer is also required to provide security for replacing any City trees, and pay any project monitoring costs. Staff recommends adoption of the resolution and supplemental appropriation.

2.4. APPOINTMENT OF DR. ALBERT BECK AS THE CITY OF CHICO REPRESENTATIVE ON THE BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

By letter dated 10/14/99, the Manager of the Butte County Mosquito and Vector Control District indicates that Dr. Albert Beck’s term on the District expires at the end of this year, and that Dr. Beck has signified his willingness to serve another term if reappointed. The City Manager recommends that Dr. Albert Beck be reappointed to serve a four year term on the Butte County Mosquito and Vector Control District, commencing 01/01/00.

2.5. APPROVAL OF MINUTES FOR MEETING HELD ON SEPTEMBER 23, 1999

The Council has been provided with copies of minutes for its meeting held on 9/23/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except item 2.3. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS.

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 77 — ASHBY PARK SUBDIVISION

By memorandum dated 10/25/99, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 77. As a condition of development of this subdivision, located east of Forest Avenue between Hartford Drive and Springfield Drive, the owners, Clifford and Elaine Ashby, had consented to the formation of this district for the operation and maintenance of the landscaping and irrigation facilities 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 for by property owners within this district. Future annual assessments would be paid at the time other property taxes were collected. The Community Development Director recommended adoption of the Resolution.

No one spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 48 99-00 -- 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. 77 — ASHBY PARK SUBDIVISION). After reading the title, Councilmember Herbert moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

2.3. Resolution #47 99-00 and Supplemental Appropriation re Nob Hill Subdivision. In response to Councilmember Guzzetti, City Attorney Frank reported that the Council had to determine if there was some other performance it could accept because the ability to meet the original condition was no longer possible, and also if there was any impact on the results of the environmental review, because the conditions changed.

Following discussion, Councilmember Guzzetti read the title of Resolution #47 99-00 and then moved its adoption, and also moved approval of the supplemental appropriation. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

Mayor Bertagna announced that he had a conflict of interest on the next item and left the dais. The consensus of the Council was to have Councilmember Guzzetti serve as Mayor pro tem.

4.2. INITIAL CONSIDERATION OF AN APPEAL BY CITIZENS FOR COMMUNITY JUSTICE OF THE PLANNING COMMISSION APPROVAL OF USE PERMIT NO. 99-28 (AT&T, TELECOMMUNICATION ANTENNAS) ON PROPERTY LOCATED AT 215 ORANGE STREET

November 2, 1999

Planning Director Seidler reviewed a memorandum dated 10/20/99 in which Planning Division Staff reported that at its 9/13/99 meeting, the Planning Commission approved Use Permit No. 99-28 (AT&T) authorizing the installation of 12 panel-type telecommunication antennas mounted below the catwalks of an existing water tower and an equipment shelter building placed at the base of the water tower. This appeal specifically concerned health impacts created by radiation from the antennas to surrounding residents and the lack of accurate information provided by the applicant relative to the project's equipment and power levels. Federal law preempts local authority with regard to radio frequency emissions. Staff recommended that the Council not schedule this appeal for hearing, since the evaluation of emissions was a federal responsibility.

Doug Perske, 2732 Silver Oak Drive, hoped that the City would adopt an ordinance similar to the one Butte County was considering, that information they received from a physicist would indicate emissions were higher than the applicant claimed but still within federal limits, that if the applicant changed the type of tower it was installing the matter should go back to the Planning Commission, and if the Council approved the project then it should make monitoring a requirement.

Arlan Nickel, AT&T Wireless, stated they had documentation in an independent study that would show emissions were substantially below federal regulations.

Chris Perske, 2732 Silver Oak Drive, provided Council with copies of a letter dated 10/30/99 from Bill Curry, Electromagnetics Science & Technology, regarding emissions, and she asked for a public hearing before the Council. Joanne Colbert, 2770 Ceres Avenue, asked that the permit be postponed so residents could secure more information on the project. Maggie VanDame, 2695 Silver Oak Drive, asked that monitoring be made a requirement if the permit was approved. Harold Carlson, 2837 Mariposa Avenue, recommended that the permit not be approved until the County's ordinance was finalized and adopted by the County and City.

In answer to Council questions, Mr. Nickel indicated that they could notify the City whenever there were any equipment changes, and they would agree to a 2-year monitoring program if the Council wanted it.

In response to other Council questions, the Planning Director reported that the Planning Commission did not require monitoring unless emissions reached 80% of the federal limits.

Following discussion, Councilmember Kirk moved that the matter be scheduled for public hearing on 12/7/99 at 7:30 p.m. The motion was seconded and unanimously carried on roll call vote, with Mayor Bertagna being absent from this portion of the meeting.

The City Manager indicated to Councilmember Keene that the City would need a third party to evaluate any data relating to emissions. Councilmembers Jarvis and Keene wanted the applicant to demonstrate why monitoring was or was not necessary.

The Council agreed with the City Manager's suggestion that the applicant and the neighbors provide any information to the City two weeks prior to the hearing so that the Council could decide what to do.

The Council recessed for 10 minutes and reconvened at 9:00 p.m. The Mayor returned at this time and presided over the remainder of the meeting.

4.3. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 10/12/99:

Councilmember Jarvis reviewed a memorandum dated 10/15/99 from the Internal Affairs Committee which provided

a report on its meeting held on 10/12/99, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna (substituting for Johnston), Kirk, and Jarvis, Chair.

Consent Agenda

1. (No Council action required)
Approval of the Installation of a Yield Sign on Arcadian Avenue at West Lincoln Avenue. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 660, authorizing the installation of a yield sign on Arcadian Avenue at its intersection with West Lincoln Avenue.

Regular Agenda

2. Items Removed from the Consent Agenda. None.
3. (Council action required to adopt resolution)
Consideration of Traffic Concerns in the West 11th Avenue, Holly Avenue and Mission Ranch Boulevard Areas.
Action:
The Committee (3-0):
 - a) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation No. 666, authorizing the installation of stop signs and a crosswalk on Mission Ranch Boulevard at its intersection with Mission Serra Terrace/Terra Blanca Drive; and
 - b) directed staff to schedule for consideration at the Committee's next meeting the removal of the stop signs on Mission Ranch Boulevard at its intersection with Montecito Avenue.
Recommendations:
The Committee recommended (3-0):
 - a) that 35 mph speed limits be established on Mission Ranch Boulevard and Holly Avenue between West East Avenue and Lindo Avenue, and remain at 35 mph as currently posted on that portion of West 11th Avenue between the Esplanade and Holly Avenue that is located within the City limits;
 - b) that the requests for pavement undulations on Mission Ranch Boulevard be denied; and
 - c) that the request for installation of "Not a Truck Route" signs on West 11th Avenue be denied.

(See further discussion of item #3 at the end of the Committee's report.)

RESOLUTION NO. 49 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING TRAFFIC REGULATION AMENDMENT NO. 661. After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

4. (No Council action required)
Consideration of the Installation of Pedestrian Improvements at the Intersection of West First and Salem Streets. The Committee recommended (3-0) that no action be taken on this matter.
5. (No Council action required)
Consideration of Concerns with Pedestrian Safety on Warner Street. The Committee recommended (3-0) that no action be taken on this matter.
6. (No Council action required)
Consideration of Concerns Regarding the Stop Intersection at Eaton Road and Lexington Drive. The Committee (3-0) directed staff to schedule removal of the stop signs at the intersection of Eaton Road and Lexington Avenue for consideration at its next meeting.

7. (Council action required)

Consideration of Mitigation Measure Monitoring Policies. The Committee recommended (3-0):

- a) that staff continue collecting information from other communities that have mitigation monitoring programs in place;
- b) that staff provide a progress report concerning ongoing efforts to improve Chico's mitigation monitoring program;
- c) that the City Attorney be directed to draft an ordinance providing authority for the assessment of penalties/fines for mitigation violations which would also address the appeal process;
- d) that the City Attorney be directed to provide an opinion clarifying the use of alternative performance requirements according to State law;
- e) that the issue of cost recovery for mitigation monitoring be referred to the Finance Committee for review and recommendation;
- f) that the City Council consider at its November 16th budget meeting, the addition of a principal planner position to the Community Development Department that would allow an existing position to be dedicated in part (other duties to be included) to tracking and enforcing mitigations and conditions of approval;
- g) that staff consider incorporating into the mitigation monitoring program mandatory pre-construction review meetings with developers and a mechanism for requiring the developer to be responsible for reporting when mitigations were completed;
- h) that staff report on methods of providing financial security for the performance of mitigations;
- i) that staff be directed to develop a matrix which in addition to the classification of violations as proposed by the Planning Director, would also include classification of mitigations; and
- j) that these matters be brought back to the Committee for further consideration in January.

With regard to item f, the City Manager indicated to Councilmember Herbert that this would not be an additional staff person, but more of the individual's time would be spent on mitigation monitoring. With regard to item e, he advised Councilmember Keene that the City needed to allocate more staff time to a mitigation monitoring program. Further, a position was needed to coordinate current planning activities in the department regardless of the monitoring program.

Jim Mann, Building Industry Association, 70 Declaration Drive #101, observed that there were mitigation measures and conditions of approval on projects involving several City departments as well as State agencies, and he recommended more time be provided to consider all of the Committee's recommendations. However, he had no objection to a Principal Planner position.

Al Silva, Valley Contractors Exchange, supported a mitigation monitoring program but was opposed to the imposition of any fees.

Councilmember Herbert thought a predetermined penalty would be needed in items c and d. The City Manager reported that staff was considering the staff time that was spent on the two recent subdivision violations addressed by the Council, and these costs could be added to the penalty.

Nora Todenhagen, 2298 East 8th Street, recommended that if violations were observed during the monitoring process, then the imposition of penalties should be considered through the public process rather than being left to staff to decide. The City Manager noted that the matrix for the mitigation monitoring program specified where public hearings were needed, and it depended on the nature of the violation.

Phil Smith, Husa Lane, observed that one of the difficulties of infill development was that it was surrounded by existing neighborhoods. He supported a mitigation monitoring program.

Councilmember Keene agreed with item j, thought that items c and d were needed, and stated that he wanted to discuss item f more on 11/16/99. Councilmember Jarvis noted that items a, b, c and d could be considered by the Committee in January, item e would go to the Finance Committee, item f was scheduled for 11/16/99, and items g, h, and I were further development of staff's recommendations.

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In response to the Mayor, the City Manager explained that due to current workload and the complexity of projects, more time needed to be devoted to mitigation monitoring. The Planning Director indicated to Councilmember Guzzetti that he estimated one-quarter to one-half of a staff position's time would be needed.

Councilmember Jarvis questioned if the full Council, rather than the Committee, wanted to consider all of the Committee's recommendations. Councilmember Keene suggested item e be pulled for now and considered later, and Councilmember Jarvis stated it would be up to the Finance Committee Chair when he wanted the item agendaized.

Following discussion, Councilmember Kirk moved approval of the Committee's recommendations as explained this evening, with most of the items coming back in January. The motion was seconded and unanimously carried.

8. (No Council action required)
Consideration of Use of Funds Deposited Upon Issuance of a Building Permit and In Lieu of Installation of Public Improvements. This item was continued to the Committee's next meeting.
9. (No Council action required)
Report Identifying Truck Route/Bicycle Route Overlaps. The Committee took no action on this item.
10. Traffic Concerns in West 11th Avenue, Holly Avenue & Mission Ranch Blvd. Areas. (At the request of a member of the audience, the Council agreed to reopen discussion on this item.)

Bob Fitzgerald, 2190 Holly Avenue, reported that there were no traffic signs and no speed enforcement in the area, both in the incorporated and unincorporated areas, that a number of accidents had occurred at the intersection of West 12th & Holly, and speeding was particularly prevalent after 5:00 p.m. The City Manager reported that the Police Chief was in attendance, had made note of the situation, and that he would also contact Butte County.

Councilmember Herbert then moved approval of the report and remaining recommendations of the Internal Affairs Committee. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF DECLARING COUNCIL VACANCY AND PROCEDURES TO FILL SUCH VACANCY

The Council was advised that it should adopt a motion to declare a vacancy on the Council pursuant to Charter Section 406, as a result of the death of Councilmember Johnston on 10/15/99. The Council should also determine the method by which it wished to fill the vacancy. An appointment must be made within 30 days of declaring the office vacant, or an election must be called if the appointment was not made within the 30-day period. The term of any appointee would expire on 12/5/00.

Councilmember Keene moved that the Council declare a vacancy on the Council. The motion was seconded and unanimously carried.

The Council then discussed its options for filling the vacancy, including calling for applications, interviewing applicants, appointing a committee of the Council to interview applicants, or considering some individuals recommended by former Councilmember Johnston.

Following discussion, Councilmember Guzzetti moved approval of the appointment of Sheryl Lange to fill the Council vacancy. The motion was seconded and unanimously carried.

The City Manager noted that she would be sworn into office before the next meeting on 11/16/99.

4.5. APPOINTMENT TO ARTS COMMISSION

It was noted that at its meeting of 10/5/99, the Council declared a vacancy on the Arts Commission due to the

resignation of Greg Tropea, and directed the City Clerk to recruit for additional applicants. Advertisements were published in the Chico Enterprise Record and the Chico News & Review. By memorandum dated 10/20/99, the City Clerk provided copies of applications received, as well as those applications previously on file. At this evening's meeting the Council could make the appointment for a term expiring on 01/01/01 or schedule interviews with the applicants for a future meeting.

Councilmember Herbert nominated Debra Lucero Austin and Councilmember Kirk nominated Kathy Barrett. Councilmember Keene moved that nominations be closed, and the motion was seconded and unanimously carried.

Councilmembers Herbert, Keene and Bertagna voted in favor of Debra Austin, and Councilmembers Guzzetti, Jarvis and Kirk voted in favor of Kathy Barrett. The Mayor called for another vote, and the Council unanimously approved the appointment of Debra Austin to the Arts Commission for a term expiring on 01/01/01.

4.6. CONSIDERATION OF PROCEDURES FOR APPOINTMENT OF THE SPECIAL EVENTS COORDINATING COMMITTEE; AND EVALUATION OF THE 1999 HALLOWEEN EVENT

By memorandum dated 10/22/99, the City Manager recommended (1) that the City Council appoint the Special Events Coordinating Committee; and (2) that the Special Events Task Force be requested to evaluate the 1999 Halloween event. Procedures for appointment of the Committee were set forth for Council's consideration.

Police Chief Efford gave a brief report regarding the Halloween weekend, and indicated that the street closures and the Council's adoption of the ordinance banning glass containers were of great assistance to law enforcement efforts.

The City Manager's suggestions for appointment of the committee included (a) contacting the groups named in his memorandum plus any others the Council might wish to add for appointment, (b) request the Council's Ad Hoc Procedures Committee (Bertagna, Jarvis & Kirk) to recommend appointments, and (c) request the Special Events Task Force to recommend appointments.

Mayor Bertagna noted that the Task Force and Committee members would be the same if the Task Force members wished to continue serving. Councilmember Jarvis recommended that the Ad Hoc Procedures Committee meet with Lisa Michels, who chaired the Task Force, and come back with a recommendation. Mayor Bertagna added that the Procedures Committee wanted Lisa Michels to chair the Coordinating Committee. Councilmember Jarvis observed that the Task Force only had one more meeting, and that was on the issue of permits.

Councilmember Keene recommended that the Task Force be asked to consider permits and then evaluate Halloween, and to then decide if a Coordinating Committee was needed and the parameters of its assignment.

Charlie Preusser, 1405 West 3rd Street, asked that the Task Force's recommendation to appoint a Coordinating Committee be implemented.

Councilmember Jarvis wanted a recommendation regarding Halloween by Council's second meeting in December so it could then work on the Committee. The Council concurred.

4.7. FUTURE MEETINGS

The City Council was requested to reschedule the closed session meeting (originally scheduled for 10/29/99) which was canceled. Following discussion, the Council agreed to meet on 11/30/99 from 8:00 to 10:00 a.m.

4.8. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.

5. BUSINESS FROM THE FLOOR.

Halloween Weekend Events. Steven Post-Jeys, P.O. Box 3871, asked if there would be an opportunity for members of the community to comment on Halloween weekend events. Councilmember Jarvis requested that staff

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place him on the mailing list for Task Force meetings.

Jim Trudeau, 1214 Yosemite Drive, reported on his positive impressions of how various agencies and individuals worked well together on the Halloween weekend. The Mayor asked that Mr. Trudeau also be placed on the mailing list for Task Force meetings.

6. REPORTS AND COMMUNICATIONS.

The following reports and communication items were provided for the Council's information. No action could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1 Letter dated 10/13/99 from Union Pacific Railroad Company indicating that the track speed will be increased from 25 MPH to 45 MPH which will affect road crossings within the Chico Urban Area; and letter of response from Mayor Bertagna to the Union Pacific Railroad Company dated 10/20/99 opposing and requesting reconsideration of these increased track speeds based upon public safety concerns.

This evening the Council was provided with a letter dated 10/27/99 from Mayor Bertagna to the Surface Transportation Board opposing the increased track speeds based upon public safety concerns.

- 6.2. Memorandum dated 10/19/99 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. Memorandum dated 10/19/99 from the Chief of Police transmitting the Citizens' Option for Public Safety Grant Summary Report for the month of September, 1999.
- 6.4. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 10/20/99 for Gasamat Oil Corp. of Colorado (no name of business given), 2519 the Esplanade.

7. ADJOURNMENT.

The meeting was adjourned at 10:20 p.m. to 11/16/99 at 9:00 a.m. in Conference Room No. 1 for a budget work session.

Date Approved: December 7, 1999

City Clerk

Mayor



November 16, 1999

ADJOURNED REGULAR CITY COUNCIL MEETING — NOVEMBER 16, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 9:00 a.m..

1. CALL TO ORDER. The Mayor called the meeting to order at 9:00 a.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. Councilmember Guzzetti arrived at 9:05 a.m.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Personnel Director Erlandson, and Assistant City Attorney Barker.

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2. CLOSED SESSION. The Council adjourned to a closed session to consider the following:
 - 2.1. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: Significant exposure to litigation: One case. (Gov. Code Sec. 54956.9(b).)
 - 2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the International Association of Firefighters. (Gov. Code Sec. 54957.6.)

The Council reconvened to open session at 9:20 a.m.

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3. ADJOURNMENT. The Council adjourned at 9:20 a.m. to a Redevelopment Agency meeting in Conference Room #1.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — NOVEMBER 16, 1999

Chico Municipal Center, Conference Room No. 1, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 9:25 a.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Moment of Silence. A moment of silence was observed in memory of former Councilmember Gordon Gibb who passed away on 10/31/99, and who served on the Airport Commission from 1967 to 1970 and on the City Council from February 1970 to May 1971. A moment of silence was also observed in memory of former Councilmember Joseph Brattan who passed away on 11/4/99, and who served on the City's Personnel Board from 1961 to 1964 and on the City Council from 1964 to 1965.
- 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent - none.
- 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Information Systems Director McEnespy, Airport Manager Grierson, Budget Officer Pierce, Management Analyst Halldorson, Housing Officer McLaughlin, and Assistant Public Works Director Martinez.
- 1.5. Closed Session Announcement. None.

2. CONSENT AGENDA.

2.1. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

APPROVAL OF INCORPORATING REVENUE PREVIOUSLY BUDGETED FOR THE HUMBOLDT ROAD DISPOSAL SITE AND REMEDIATION IN THE AGENCY'S 1999-00 BUDGET

At the 6/1/99 budget review meeting, the Agency instructed staff to retain the funds previously budgeted for the Humboldt Road Disposal Site and Remediation (00878). That action was approved by the Agency's adoption of the Final Budget Resolution (RDA No. 5-99) on July 6, 1999. Since actual allocation of expenditures cannot be determined until a plan is in place, staff believes it is appropriate to also incorporate the \$884,000 in revenue which previously was budgeted and is recommending that the revenue be included in the 1999-00 budget. The revenue has been reflected in the GCUARPA Five Year Trends. If the Agency approves this action, a confirming administrative supplemental appropriation will be processed following today's meeting. (No written report.)

3. NOTICED PUBLIC HEARINGS. No items

4. REGULAR AGENDA.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

2.1. Incorporating Revenue Previously Budgeted for the Humboldt Road Disposal Site & Remediation in the 1999-00 Budget. In response to Councilmember Kirk, the City Manager reported that he was recommending that the developers' contributions be added back in, although staff did not know what the actual contributions would eventually be or what the final costs for cleanup of the dump site would be. In response to Councilmember Guzzetti, he added there was no implication by accepting funds from developers nor any commitment regarding future use of their portion of the land that was part of the dump site.

Following discussion, Councilmember Guzzetti moved approval of incorporating revenue previously budgeted for the Humboldt Road Disposal Site & Remediation in the Agency's 1999-00 Budget, with the stipulation that no expenditure would be made until the final remediation plan was in place, that there was no guarantee regarding future residential use of the land, and that approval of including these funds in the budget did not limit the final contribution by developers. The motion was seconded and unanimously carried.

4.2. GENERAL BUDGET REVIEW.

The City Manager and Assistant City Manager reviewed the financial status of both Redevelopment project areas and the Low & Moderate Income Housing Fund. Risk Manager Koch reviewed the financial status of the Arts Funds. The Chico Redevelopment Agency was provided with the following documents:

- A. Chico Merged Redevelopment Project Area Fund Five Year Trends
- B. Greater Chico Urban Area Redevelopment Project Area Fund Five Year Trends
- C. Low & Moderate Income Housing Fund Summary
- D. Arts Funds

In response to Councilmember Keene, the City Manager indicated that staff would provide background information relating to financing of the new Municipal Building and when decisions were made to use various funding sources.

In response to Councilmember Jarvis, the Assistant City Manager reported that the Implementation Plan would be scheduled for a public hearing on the 12/21/99 agenda and that the Redevelopment Committee would review it prior to that time. Councilmember Jarvis requested that the 2004 expiration date for incurring debt in the Southeast Chico component of the Chico Merged Redevelopment Project Area be reflected on future versions of the Chico Merged Five Year Trends for the Agency's information.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
6. ADJOURNMENT. The meeting was adjourned at 10:15 a.m. to a City Council meeting.

ADJOURNED REGULAR CITY COUNCIL MEETING — NOVEMBER 16, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 10:15 a.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Personnel Director Erlandson, Finance Director Martin, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Park Director Beardsley, Police Chief Efford, Fire Chief Brown, Information Systems Director McEnespy, Airport Manager Grierson, Budget Officer Pierce, Management Analyst Halldorson, Assistant Public Works Director Martinez and Assistant City Attorney Barker.

2. CONSENT AGENDA.
- 2.1. ORDINANCE NO. 2189 -- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 16.16.040(B) TITLED "ORDER TO STOP WORK"; SECTION 2.80.060 TITLED "RIGHT OF APPEAL - APPEALS FROM A DECISION, DETERMINATION OR ORDER MADE OR ISSUED BY A CITY OFFICER OR EMPLOYEE"; SECTION 15.08.010 TITLED "WATER WELLS - PERMIT REQUIRED"; SECTION 5.38.040 TITLED "APPLICATION FOR PERMIT"; AND SECTION 1.15.080 TITLED "ISSUANCE OF PERMITS, LICENSES, OR FRANCHISES" OF THE CHICO MUNICIPAL CODE — FINAL READING AND ADOPTION

This housecleaning ordinance, in section one, corrects a typographical error and replaces a reference to a deleted chapter with the correct reference; in section two, expands the list of unappealable decisions; in sections three and four, deletes the reference to fees established by the City Council because these fees are now established and collected by the County of Butte; and, in section five, requires that delinquent administrative fines be paid before licenses and franchises are issued, as is currently the case for permits. The City Attorney recommends adoption of the ordinance.

- 2.2. RESOLUTION NO. 50 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING AMENDMENT NO. 1 TO THE "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND CHICO POLICE OFFICERS' ASSOCIATION UNIT B REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT"

By memorandum dated 11/3/99, the Personnel Director reports that agreement has been reached between the City and Chico Police Officers' Association (CPOA) Unit B (non-sworn personnel) regarding an increase in the City contribution for employee health insurance benefits. The City Manager and Personnel Director recommend approval of the resolution which adopts Amendment No. 1 to the Memorandum of Understanding between the City and CPOA Unit B. The total cost is approximately \$28,585 General Fund.

- 2.3. RESOLUTION NO. 51 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO 29 98-99 AND RESOLUTION NO 90 98-99 TO PROVIDE FOR CERTAIN MODIFICATIONS TO THE PAY, BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT EMPLOYEES TO REVISE LANGUAGE REGARDING GENERAL INCREASES DURING THE TERM OF THE AGREEMENT

By memorandum dated 10/26/99, the Personnel Director recommends adoption of an amendment to the Management Employees Pay and Benefit Resolution which has the effect of increasing the cap for the previously approved revenue-indexed general salary increase from 3% to 4%, making the general salary increase provisions for Management Team employees more consistent with those for other miscellaneous employees. This

modification was agreed to by Council as part of the employee bargaining process. The City Manager and Personnel Director recommend adoption of this resolution.

- 2.4. RESOLUTION NO. 52 99-00 -- 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. 12

By memorandum dated 10/26/99, the Community Development Assistant forwards a report on initiation of the annexation of 450, 464, 470, and 480 East 20th Street. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of these properties developed with four single family residences and a vacant lot suitable for development with an additional residence. The Community Development Assistant recommends adoption of the resolution.

- 2.5. MINUTE ORDER NO. 30-99 -- AUTHORIZATION FOR THE AIRPORT MANAGER TO EXECUTE FEDERAL AVIATION ADMINISTRATION LEASE NO. DTFA08-99-L-19264 FOR THE TVOR/LRCO FACILITY AT CHICO MUNICIPAL AIRPORT

In 1979 the City entered into a 20-year lease, which terminated 9/30/99, with the Federal Aviation Administration (FAA) for the FAA to install and maintain a Terminal Visual Omni Range/Limited Range Communications Outlet (TVOR/LRCO) navigation aid facility on City property at the Chico Municipal Airport (CMA). The FAA desires to enter into a new lease to terminate 9/30/2020. Since the FAA operates and maintains the facilities, no monetary consideration is provided to the City. The lease has been determined by the City's Planning Division to be categorically exempt from environmental review. The Airport Manager and the Airport Commission, by Commission Minute Order No. 8-99 approved 10/26/99, recommend approval of this minute order.

- 2.6. APPROVAL OF BUDGET MODIFICATION — MODIFICATION OF NON-PAY PLAN JOB TITLES — PAY RATES (APPENDIX B-1)

By memorandum dated 10/22/99, the Personnel Director recommends modification to the wage rates set for certain non-pay plan job titles. The increases will be covered by existing department operating budgets, and no additional funding is required. The Personnel Director recommends approval of the budget modification.

- 2.7. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND THE UPPER BIDWELL PARK RESOURCE INVENTORY

At the 06/01/99 budget review meeting, the City Council postponed consideration of the Bidwell Park and Playground Commission recommendation to allocate funds in the amount of \$30,000 for the Upper Bidwell Park Resource Inventory (NW 10146). At its meeting held 11/02/99, the City Council approved Supplemental Appropriation No. 98-99 02 which provided partial funding for this project in the amount of \$17,000 from the alternate performance standards required for the Nob Hill Subdivision. This budget adjustment would provide the remaining \$13,000 required for the project with funds to be drawn from the General Fund (001). If the Council approves this action, a confirming administrative supplemental appropriation will be processed following today's meeting. (No written report.)

- 2.8. (Removed from the Consent Agenda at the request of Councilmember Guzzetti.)
CONFIRMATION OF APPOINTMENT OF ALICIA ROCK TO THE POSITION OF ASSISTANT CITY ATTORNEY I

By memorandum dated 11/4/99, the City Attorney requests Council confirmation of the appointment of Alicia M. Rock to the position of Assistant City Attorney I, effective Monday, 11/22/99.

- 2.9. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

APPROVAL OF MINUTES FOR MEETINGS HELD ON OCTOBER 5, AND OCTOBER 19, 1999

The Council has been provided with copies of minutes for its meetings held on 10/5/99 and 10/19/99.

Councilmember Keene moved adoption of the ordinance and each resolution and approval of all other items on the Consent Agenda, except items 2.8 and 2.9. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

The Council recessed for 10 minutes and reconvened at 10:30 a.m.

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA.

2.8. Confirmation of Appointment of Assistant City Attorney. Councilmember Guzzetti recommended that this item be delayed until the Council had concluded its closed session meeting regarding the City Manager's and City Attorney's performance evaluations. He then moved that the item be continued to the Council's 12/21/99 meeting. The motion was seconded by Councilmember Kirk.

Following discussion, the Council agreed to meet in closed session from 8:00 to 9:30 p.m. on 11/23/99 regarding the performance evaluations, which would be after the meeting with the Park Commission which was scheduled from 6:00 to 8:00 p.m. regarding Lindo Channel issues.

The motion made by Councilmember Guzzetti was then carried with Councilmembers Guzzetti, Herbert, Jarvis, Kirk, Lange, and Bertagna voting aye, and Councilmember Keene voting no.

2.9. Approval of Minutes. Councilmember Kirk reported that subsequent to the 10/5/99 meeting, Council was informed that Minute Order No. 27-99 (item 2.4 relating to Habitat for Humanity), would be corrected to reflect that the correct funding source was Home Investment Partnership Program (HOME) funds rather than Community Development Block Grant (CDBG funds). She requested that the 10/5/99 minutes be corrected accordingly.

Councilmember Kirk further reported that during discussion of item 4.2 relating to the urgency ordinance to ban possession of glass containers during Halloween, in the next the last paragraph, the minutes should be corrected to indicate that she intended to vote against the three-day ordinance, questioned the need for the ordinance, and she would vote for the ordinance if the hours were reduced to 4:00 p.m. on Halloween to 6:00 a.m. the next day.

Following discussion, Councilmember Jarvis moved approval of the 10/5/99 and 10/19/99 minutes with the corrections in the 10/5/99 minutes as noted above. The motion was seconded and unanimously carried.

4.2. BUDGET REVIEW.

B. General Budget Review. The City Manager reviewed the (1) General and Park Funds Projected Trends and the (2) Summary of Estimated Fund Balances for all Funds. He responded to questions from Councilmember Herbert regarding factors that could change projected revenues and expenditures from year to year and sometimes between quarterly budget meetings.

3. NOTICED PUBLIC HEARINGS — THESE HEARINGS WERE TIMED FOR 11:00 A.M.

3.1. HEARING REGARDING THE CITY OF CHICO 2000-01 THROUGH 2004-05 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

(The hearing on this item was combined with item 3.2. below.)

By memorandum dated 11/3/99, the Director of Public Works presented the City of Chico 2000-01 through 2004-05 Five-Year Capital Improvement Program (CIP) which updated the 1998 CIP. The CIP was reviewed at meetings held in April and October by an ad hoc committee and also by the RDA Committee. Comments from those meetings were considered in formulating the final report. The CIP contained projects considered necessary and for which funds were available within five years, beginning with fiscal year 2000-01. The format of this year's CIP had been changed to more closely resemble that of the City of Chico Annual Budget and provided an overview of projects, expenditures, and revenues in a more clearly defined manner. The detail pages for the projects contained various information including the project and project description, category, funding source, any prior expenditures, the year in which funding was anticipated to be available, and when appropriate, a map depicting the location of the project. Capital projects funded in the current budget were not included in the CIP unless future funding was required within the five-year period. Following discussion, the City Council could adopt a motion to approve the CIP, which would then be incorporated into the 1999-00 Final Budget by a confirming administrative budget modification. The Director of Public Works recommended the adoption of the City of Chico 2000-01 through 2004-05 Five-Year Capital Improvement Program.

The Council was provided with copies of a letter dated 11/4/99 from the Cussick Area Neighborhood Council providing a list of projects it felt were needed in Northwest Chico.

The City Manager reported that the CIP assumed the receipt of grant funds for certain projects but the Nexus Study on the Development Impact Fees did not, and Council should keep this difference in mind during the hearing.

3.2. CONSIDERATION OF THE CITY OF CHICO 1999 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATIONS (NEXUS STUDY) AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

(The hearing on this item was combined with item 3.1. above.)

By memorandum dated 11/03/99 the Director of Public Works presented the 1999 Update of Development Impact Fees Analysis and Recommendations (Nexus Study), dated 11/03/99, for Council's consideration. To comply with the Government Code, the Nexus Study updated the required nexus findings for development impact fees that provide funds for streets, water pollution control plant facilities, sewer trunkline facilities, bike facilities, parks, street maintenance equipment, and administrative, police and fire buildings and equipment. As an attachment to the memorandum, the City Council was provided with a Summary of 1999 Update of Development Impact Fees Analysis and Recommendations which explained the changes contained within the Nexus Study update, and the resulting fee changes.

The Council was also provided with copies of: (1) a letter dated 10/19/99 from Bob Best summarizing his concerns with the Nexus Study; and (2) a letter dated 11/5/99 from the Sierra Club - Yahi Group outlining its concerns with the recommended fee structure.

It was noted that if the Council wished to approve the recommendations it should: (1) adopt a motion approving the 1999 Update of Development Impact Fees Analysis and Recommendations (Nexus Study); and (2) approve the associated fee increases by adopting the resolution amending the City's fee schedule. Any fees modified by the resolution would become effective on the 61st day following adoption.

City Manager Lando reviewed some of the assumptions and funding sources that went into the nexus study and recommended fees.

The City Manager and Director of Public Works responded to Council questions regarding various projects contained in the CIP and the Nexus Study.

Councilmember Guzzetti indicated that Caltrans needed to replace the pavement markers dividing the two lanes of traffic on SHR 99 between East 1st and East 8th and 9th Streets, and the Director of Public Works stated he would

notify Caltrans.

Councilmember Guzzetti moved that the public comment portion of these combined hearings be continued until 2:00 p.m. today. Councilmember Keene suggested either a separate meeting, referral to a committee, or delaying the remainder of the budget discussion on today's agenda. Councilmember Guzzetti amended his motion to add that items 4.2.D, 4.2.E, 4.2.F, 4.3, and 4.6 not be considered at today's meeting. The motion was seconded but failed to carry with Councilmembers Herbert, Keene and Bertagna voting aye and Guzzetti, Jarvis, Kirk and Lange voting no.

Councilmember Guzzetti then moved that the public comment portion of the hearings be continued until 2:00 p.m. today and that the Council consider the remainder of the agenda in number sequence. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmembers Herbert and Keene voting no.

Councilmember Herbert moved that the CIP, Nexus Study and fees be referred to the Finance Committee for review and a recommendation to Council. The motion was seconded but failed to carry with Councilmembers Herbert, Keene and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis, Kirk and Lange voting no.

The Council recessed at 12:00 Noon and reconvened at 1:15 p.m.

- 2. CLOSED SESSION. The Council adjourned to Conference Room #2 to continue its closed session and to consider the following remaining item:
- 2.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJG JFM. (Gov. Code Sec. 54956.9(a)).

The Council reconvened to open session at 1:55 p.m.

The Council adjourned back to Conference Room #1 and reconvened at 2:00 p.m.

- 3.1. (CONTINUED) HEARING ON CAPITAL IMPROVEMENT PROGRAM
- 3.2. (CONTINUED) HEARING ON NEXUS STUDY AND DEVELOPMENT IMPACT FEES

The hearings on these items were continued from earlier in today's meeting.

Greg Webb, 121 Yellowstone Drive, didn't believe new homeowners should pay all the fees reflected in the reports and that existing homeowners and annexed areas should share in the costs. He also questioned the difference in the value of some of the parks such as DeGarmo Park, Humboldt Community Park, and the Upper Bidwell Park purchase. He noted that some bike paths were in the County, such as from the Airport to Keefer Road and Bruce to SHR 32. He questioned if new development was getting credit for any interest earned on funds already collected. He also asked why Animal Shelter and Police Facility costs had increased from prior estimates.

Al Silva, Valley Contractors Exchange, reviewed his letter dated 11/12/99 that he provided today in which he stated that he appreciated the City Manager considering the feasibility of having private enterprise construct new Police facilities and having the City lease them, he questioned why the West 8th Avenue project was included in

the CIP when it was proposed to be funded with SB45 monies, and he recommended that the Finance Committee be augmented with members of the community to come up with a financing plan that was equitable for all involved.

Mike Smith, Sierra Club, questioned the existing assumption that the State would fund all SHR 32 and 99 improvements thereby precluding collection of developer fees, and he also thought some funds were not coming from the proper sources per the Nexus Study.

Jim Goodwin, Chamber of Commerce, reported that its Board of Directors would be meeting with community groups to determine how street and road improvements should be funded.

Bob Linscheid, Chico Economic Planning Corporation, observed that the many public facility needs might need a regional solution. He recommended that the Otterson Drive project be retained in the CIP in order to promote businesses and bring jobs to the community.

Karen Laslo, 460 East Sacramento Avenue, recommended that developer fees be increased to provide funds for needed public facilities.

John Gillander suggested finding ways to place the various fees before the voters and to not adopt them today.

Bob Best, 1740 Estates Way, questioned why there were discrepancies between the CIP and Nexus Study as it related to the DeGarmo Park and Humboldt Community Park, and recommended footnotes to explain these discrepancies. He also stated that estimates were needed for the cost of developing the various parks.

Greg Steel, 603 Parkwood Drive, recommended referral of the fees to the Redevelopment and Finance Committees, consideration of possible split funding for road reconstruction projects, and consideration of 12 other points mentioned in his 11/15/99 letter that he provided the Council today.

No one else spoke from the audience and the Mayor declared the hearings closed.

Councilmember Keene moved that the CIP, Nexus Study and fees be referred to the Redevelopment Committee and Finance Committee, and that staff provide a response to all questions raised at today's hearings. The motion was seconded by Councilmember Herbert.

The City Manager answered questions from Councilmember Guzzetti regarding funding proposed for the East & Cohasset Avenue intersection as well as the East & Esplanade intersection.

The City Manager indicated to Councilmember Jarvis that staff would consider her question of whether the two committees, although meeting separately, constituted a majority of members when bringing discussion from one meeting to the next and subsequently making a recommendation to the Council.

The City Manager indicated to Councilmember Kirk that staff may not have time to provide written responses to all questions prior to the Finance Committee meeting, and might have to provide them at the meeting.

The motion previously made by Councilmember Keene was then carried with Councilmembers Herbert, Keene, Lange and Bertagna voting aye, and Councilmembers Guzzetti, Jarvis and Kirk voting no.

4. REGULAR AGENDA.

4.2. BUDGET REVIEW.

A. Approval of 2000-01 Budget Calendar

November 16, 1999

By memorandum dated 11/05/99, the Budget Officer submitted the proposed 2000-01 Budget Calendar for approval by the City Council. The proposed dates affecting the City Council and Finance Committee were as follows:

01/18/00 9:00 a.m. — Council (work session)
04/06/00 3:00 p.m. — Finance Committee (Community Organization funding requests)
04/20/00 4:00 p.m. — Finance Committee (final recommendations on Community Organization funding requests)
04/25/00 9:00 a.m. — Council (work session)
05/23/00 7:00 p.m. — Council (meet with Boards and Commissions)
06/06/00 9:00 a.m. — Council (all day)
06/07/00 9:00 a.m. — Council (only if necessary to conclude Budget review)
11/21/00 9:00 a.m. — Council (work session)

The calendar was approved by consensus of the Council.

B. General Budget Review.

The City Manager provided an overview of the 1999-00 Annual Budget, including revised projected fund balances following the close of the 1998-99 books. The City Council was provided with the following budget documents:

1. General and Park Funds Projected Trends
2. Summary of Estimated Fund Balances for all Funds
3. Capital Project Status Report
4. Position Vacancy Analysis

This analysis reflected positions as they appear in the 1999-00 Annual Budget. Several years ago, there were additional allocated positions in various departments that were unfilled. The allocations for these unfilled positions were deleted in subsequent years.

It was noted that in the event the City Council took action on any of the items set forth below, or acted upon earlier in today's meeting, a confirming administrative supplemental appropriation/budget modification would be processed following today's meeting.

C. Consideration of Proposed Budget Adjustments.

By memorandum dated 11/08/99, the City Manager outlined his recommendations for additional City personnel and non-personnel budget adjustments. The positions included those postponed by the City Council at the 6/1/99 budget review meeting and several new positions to enable the City to keep up with community growth and City organization growth. The Council could consider requests made by Departments and any other budget adjustments it might wish to address. However, the positions recommended by the City Manager were as follows:

1. Community Development Department - Principal Planner and fill vacant Supervising Inspector position.

The Council was provided with copies of a memorandum dated 11/12/99 from the Planning Director giving additional information regarding the requested Principal Planner position in the Community Development Department.

2. Police Department - Communications Supervisor and speciality pay for one Police Officer to act as a drug dog handler for the Butte Interagency Narcotics Task Force.

The Council was provided with copies of a letter dated 11/13/99 from Sierra Stationers to Police Chief Efford regarding police bicycle patrol in the downtown area.

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3. Park Department - Hourly Senior Typist Clerk; increased Lifeguard hours; and a seasonal part-time tree crew.
4. Information Systems Department - Reclassification of current Information Systems Specialist; and one Information Systems Technician.
5. Finance - Increase salary level of Accountant position.
6. Department of Public Works - Funding the Downtown Chico Business Association request for a maintenance program (see item G below) would free up half the time of a current Maintenance Worker.

In response to Council questions regarding item 2, Police Chief Efford reported that for safety reasons, two officers needed to be on bicycle patrol at the same time. The gang unit was included in the COPS grant and it was possible to hold off on this item until July 1.

Following discussion, Councilmember Guzzetti moved approval of the City Manager's recommendations set forth in items 1 through 6, adding a second bicycle patrol officer downtown, and authorizing the City Manager to sign the Federal COPS grant agreement for a gang unit with acceptance of the funds subject to further discussion by the Council at the January budget review meeting. The motion was seconded and unanimously carried with Councilmember Keene abstaining on item 4 since his brother worked in that department.

Councilmember Jarvis moved approval of the City Manager's non-personnel adjustments, also set forth in his memorandum dated 11/8/99 relating to the Public Works, Police, and Information Systems Departments, and an increase in the General Fund Minor Unallocated funds. The motion was seconded and unanimously carried.

D. Consideration of Filling of Vacant Transportation Coordinator Position.

It was noted that at its meeting held 09/21/99, the City Council confirmed the appointment of Lynn McEnespy as Information Systems Director and accepted the City Manager's recommendation that discussion regarding filling the vacant Transportation Coordinator position be held at a forthcoming meeting. The City Manager explained that a Transportation Consolidation Study was underway to determine whether there should be one provider of transportation services within Butte County. The City Manager recommended that the vacant position be filled on a temporary basis at the Management Analyst level, plus 10%, until such time as a decision was made on the consolidation. If the decision was not to consolidate services, the City would then recruit for a new Transportation Coordinator.

Councilmember Jarvis moved approval of the City Manager's recommendation. The motion was seconded and unanimously carried.

E. Consideration of Bidwell Park and Playground Commission Recommendation Regarding Disc Golf in Bidwell Park.

Park Director Beardsley reported that at its meeting held 10/25/99, the Bidwell Park and Playground Commission recommended approval of the Park Director's recommendation, a copy of which was provided to the City Council, to provide funding in an amount not to exceed \$20,000 for development of a plan and completion of environmental review in connection with a disc golf course in Bidwell Park. This budget adjustment would allocate funds in the amount of \$20,000 to be drawn from the Community Park Fund (330). The Park Director and Bidwell Park and Playground Commission recommended approval of the budget adjustment. The City Manager recommend that the project be added to the Nexus Study and proposed for funding in the 2000-01 budget.

In response to Council questions, the Park Director reported that the plan would include consideration of access from SHR 32 and a trailhead to this portion of the upper park.

Following discussion, Councilmember *Jarvis* moved approval of the budget adjustment as recommended by the Park Commission and Park Director, and that the Commission and Director provide a status report within 120 days. The motion was seconded and unanimously carried.

F. Consideration of Bidwell Park and Playground Commission Recommendation Regarding the Plan for Wildwood Park Improvements - Phase II.

Park Director Beardsley reported that at its 6/1/99 budget review meeting, the City Council requested the Park Director and the Bidwell Park and Playground Commission to prepare a plan, including project costs, for Wildwood Park Improvements - Phase II. By memorandum dated 10/27/99, he submitted the requested report which indicated that the project had been included in the proposed Capital Improvement Program for funding in the 2000-01 fiscal year. As outlined in the memorandum, the City Council could allocate funds today in the amount of \$18,500 in order to proceed with the preliminary design this fiscal year with funds to be drawn from the Community Park Fund (330). The City Manager recommended the allocation of funds for the preliminary design.

In response to Councilmember Keene, the City Manager and Park Director indicated they could ask University representatives about the feasibility of a soccer stadium in this area, however, one was not contemplated in the Park Master Plan.

Councilmember Kirk then moved approval of the City Manager's recommendation to allocate funds for the preliminary design. The motion was seconded and unanimously carried.

G. Consideration of Request from the Downtown Chico Business Association Regarding a Downtown Maintenance Program.

City Manager Lando reported that at the 10/05/99 City Council meeting there was a discussion on the appearance of the downtown area, including litter and dirty sidewalks. By letter dated 10/27/99, a copy of which had been provided to the City Council, the Downtown Chico Business Association (DCBA) submitted a proposal regarding the implementation and management of a downtown maintenance program at an annual cost of \$56,625 and initial start up costs of \$9,580. The proposal was based on DCBA's hiring two full-time maintenance employees. Approval of the request would free up one-half of the time currently devoted to the downtown area by a City maintenance worker who then could be used to assist in street maintenance activities. If the City Council chose to approve the DCBA funding request, the cost for the second half of the 1999-00 fiscal year, plus the initial start up costs, would total \$37,900 to be drawn from the General Fund (001). The City Manager recommended that the City fund the initial start-up costs, and a portion of the total funds requested.

Today the Council was provided with copies of a letter dated 10/27/99 from Katrina Davis, Executive Director of the DCBA, regarding the implementation and management of a downtown maintenance program.

Councilmember Jarvis suggested waiting in order to hear any comments from SEIU which represented the employees that might be affected.

Councilmember Guzzetti recommended securing bids and checking on the cost of a one-time cleaning, determining if the one-time startup costs were reasonable, determining if the personnel hired would be qualified to operate the equipment needed for the program, determining who would recruit, train and supervise the required personnel, securing comments from SEIU, determining if downtown property owners should pay for the service, and providing the Council with a proposed job description.

The City Manager recommended referring the matter to the Finance Committee to consider all the alternatives. Councilmember Keene stated he would like a response on how the downtown was different from any other neighborhood in the City. Councilmember Jarvis asked that the Finance Committee also look into forming

a maintenance district for the area. Councilmember Guzzetti asked that the Assistant Public Works Director, Operations & Maintenance, provide cost estimates to the Committee.

Following discussion, the Council unanimously agreed to refer this matter to the Finance Committee.

H. Consideration of Request for City to Complete the Bike Path Between East 20th Street and Little Chico Creek

By memorandum dated 11/08/99, the Community Development Assistant reported that the City had been requested to complete the bike path between East 20th Street and Little Chico Creek to provide a safe route between the residential areas south of East 20th Street and Chico Creek Elementary School and Hank Marsh Junior High School. Currently, bicyclists used the bike lanes on Forest Avenue and East 20th Street. The City recently completed construction of the bike path along the south bank of Little Chico Creek from Bruce Road westerly, connecting to the existing path behind Chico Creek Elementary School, and a bridge was constructed to provide access to the north creek bank. With development of Hank Marsh Junior High School, Chico Unified School District built a bike path from the bridge to Humboldt Road.

Right of way to construct the bike path from East 20th Street to Little Chico Creek was acquired at the time of approvals for the Enloe properties. In conjunction with development of the United Health Care offices (2080 East 20th Street), the portion of the bike path between East 20th Street and Springfield Drive had been constructed. The section from Springfield Drive to the creek remained to be built. Even though the City had the right of way for the path, State law prohibited the City from requiring the adjacent subdivision to construct the path. Staff was recommending a budget adjustment to allocate funds for this project in the amount of \$55,000 to be drawn from the Bikeway Improvement Fund (305). If approved, the 6/30/00 estimated fund balance for Fund 305 would be (\$35,766).

Today the Council was advised that it was subsequently discovered that the 6/30/00 fund balance on which the recommendation was based did not include potential 1998-99 rebudgets. With the inclusion of the potential rebudgets, the 6/30/00 fund balance was (\$297,150). Therefore, staff was recommending that the project be funded with Chico Merged Redevelopment Project Area Funds (351). If the Council, acting in its capacity as the Chico Redevelopment Agency, concurred with the recommendation, a resolution making the required California Health & Safety Code findings would be placed on the 12/3/99 Redevelopment Committee agenda.

The Council agreed with the City Manager's recommendation that this item be referred to the Redevelopment Committee for review.

Today the Council was provided with copies of a letter dated 11/12/99 from Ken Donnell, Skyway Park Neighborhood Association, requesting that the bike path be dedicated as "Buck's Bikeway" in honor of Buck Pryde, a former resident of the area who passed away in 1996.

4.3. CONSIDERATION OF REQUEST FOR LINDO CHANNEL BANK STABILIZATION

By memorandum dated 11/3/99, the Director of Public Works reported that Ray and Jill Dwyer of 11 Nicole Lane and Jerry and Valerie Converse of 722 Brookwood Drive had requested action by the City to repair existing bank protection on Lindo Channel adjacent to their properties. City staff discussed some of the issues related to water flow, channel maintenance and liability. The City in this case was a property owner and not responsible for the flow of Lindo Channel or flood control. Therefore, the requests were presented for discussion and consideration by Council with no staff recommendation.

Assistant City Manager Dunlap reported that this was an ongoing problem, and if bank stabilization work was done in one area, it moved the problem to another area. The City Attorney indicated to Councilmember Keene that there was the question of whether a property owner, after doing work to protect his/her own property, had the responsibility of keeping the water from damaging the next property. In response to Councilmember Jarvis, the Assistant City Manager reported that bank stabilization would be addressed at the 11/23/99 Council meeting regarding Lindo Channel. In response to Councilmembers Bertagna and Keene, the City Attorney noted that County Service Area #24 was formed to provide drainage services to a larger area, but might be of some help in

this instance. Councilmember Kirk wanted to identify all other public agencies that had some responsibility in Lindo Channel and she also questioned if this type of project in Lindo Channel would set a precedent for other creeks and channels.

Valerie Converse, 722 Brookwood Way, provided photos of the area in question. She noted that the water hit her property from the diversion dam and that gravel had built up on the other side of the Channel over the years making the problem worse each year. She hoped that the City and any other responsible agencies would do the required work to prevent further erosion of her property. She pointed out that the Channel was not natural and had been tampered with over the years by building the diversion dam and doing other work.

Councilmember Kirk moved to ask all other potentially responsible agencies to participate and to make a contribution and to also set aside City funds for the work. The motion was seconded by Councilmember Jarvis.

In response to questions, the Park Director reported that Assemblymember Aanestad toured Lindo Channel but did not consider any specific sites.

Councilmember Kirk indicated to Councilmember Jarvis that it would be acceptable to amend her motion to meet with the other agencies before allocating any funds, otherwise the other agencies might not consider the City's request. She also agreed that Assemblymember Aanestad be included in any meetings. Then funding would be considered by the Council if necessary.

The Public Works Director reported that he would meet with all the agencies prior to the Council's 12/21/99 meeting when this item would again be on the agenda.

The motion made by Councilmember Kirk, and the subsequent amendment, were then unanimously carried.

4.4. CONSIDERATION OF ELECTING A VICE MAYOR AND REVISING APPOINTMENTS TO COUNCIL COMMITTEES & COUNCIL REPRESENTATIVES TO VARIOUS AGENCIES

With the appointment of a seventh Councilmember at its 11/2/99 meeting, the Council was advised that it should choose one of its members to serve as Vice Mayor.

Councilmember Kirk moved to nominate Councilmember Guzzetti as Vice Mayor, Councilmember Keene moved to nominate Councilmember Herbert as Vice Mayor, and nominations were then closed on a motion made by Councilmember Jarvis and unanimously carried. Councilmembers Guzzetti, Jarvis and Kirk voted in favor of Councilmember Guzzetti, and Councilmembers Herbert, Keene, Lange and Bertagna voted in favor of Councilmember Herbert, who was chosen as Vice Mayor by majority vote.

The Council was provided with a list of Council committees and representatives to other agencies with the Mayor's recommended appointments noted thereon. Following discussion, the following changes were made:

Finance Committee - Lange to replace Guzzetti.

Internal Affairs Committee - Bertagna to fill vacant position.

Intergovernmental Committee - Lange to fill vacant position.

Economic Development Committee - Kirk becomes Chair, Lange to fill vacant position.

Council/CARD/Park Ad Hoc Committee - Kirk remains, Jarvis to become alternate.

Community Survey Subcommittee - Deleted by motion made by Councilmember Keene, seconded and unanimously carried.

Butte County Assn. of Governments - Keene remains, Jarvis becomes alternate.

Butte County Air Quality Mgmt. Dist. - Keene nominated to fill vacant position, Jarvis nominated to serve as alternate (requires appointment by City Selection Committee).

Citizens Nitrate Advisory Committee - Bertagna to fill vacant position.

Butte Basin Water Users Assn. - Herbert to replace Guzzetti & Keene.

4.5. CONSIDERATION OF BALLOT MEASURES FOR UPCOMING ELECTIONS

The Mayor asked if the Council wished to discuss taking a position on any of the ballot measures that were being

proposed for the March or November elections in 2000.

Following discussion, Councilmember Guzzetti moved that the Council not consider any State measures that were on any ballot through the November 2000 election unless a measure affected City revenues. The motion was seconded and unanimously carried.

4.6. DISCUSSION REGARDING THE ANNEXATION OF ISLANDS OF UNINCORPORATED TERRITORY

By memorandum dated 11/8/99, Community Development Assistant Sellers explained the provisions of a new State law that would go into effect on 1/1/00 that allowed cities to annex islands of unincorporated territory that met certain criteria, as outlined in his memorandum, without a hearing. The City Manager reviewed the provisions of the legislation with the Council.

Following discussion, Councilmember Jarvis moved that the matter be referred to the Internal Affairs Committee and considered at its January or February meeting. The motion was seconded and unanimously carried.

4.7. ITEMS ADDED AFTER POSTING OF THE AGENDA.

Request for the City Council to Reconsider the Funding Source for the Boys & Girls Club Facility. As noted on the posted addendum, Councilmember Kirk requested that the City Council reconsider its prior decision to allocate funding for the Boys & Girls Club facility from the Community Park Fund.

Councilmember Jarvis moved approval of the request and placing the matter on the 12/7/99 agenda for consideration. The motion was seconded and unanimously carried.

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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

6.1. Letter dated 10/26/99 from Judy White, Executive Director of the Chico Creek Nature Center, requesting time on the 12/7/99 Council agenda for a quarterly review of the Nature Center's business with the Council; and letter of response dated 11/8/99 from the Mayor recommending that the information instead be provided in a written report to Council.

6.2. Letter dated 8/19/99 from Carl Colbie, D.D.S., requesting the City Council to schedule for consideration on an agenda, an ordinance indicating that the City Council is against placing fluoride into the water supply, and forwarding copies of a similar ordinance adopted by the City of Santa Cruz and other information regarding fluoride. Refer to the Internal Affairs Committee pursuant to the request of Councilmember Guzzetti.

The Council agreed with referral to the Committee, with Councilmember Jarvis' indication that no time frame to consider the matter be established at this time.

6.3. Memorandum dated 10/27/99 from the Director of Public Works providing a report on the Parking Place Commission meeting held on 10/20/99

6.4. Memorandum dated 10/27/99 from the Personnel Director transmitting the annual Equal Employment Opportunity Report which was approved by the Human Resources Commission at its 10/14/99 meeting. The report covers the 7/1/98 through 6/30/99 period, and includes information regarding City workforce composition and recruitment efforts.

6.5. Memorandum dated 11/5/99 from the Airport Manager providing a report on his activities as requested by the City Council when the Airport Manager position was established.

November 16, 1999

6.6. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 10/25/99 for Cold Pop, LLC, 345 West Fifth Street.

7. ADJOURNMENT

The meeting was adjourned at 6:10 p.m. to Tuesday, 11/23/99 at 6:00 p.m. in the Council Chamber, for a meeting with the Bidwell Park and Playground Commission regarding Lindo Channel, and as agreed to earlier in today's meeting, followed at 8:00 p.m. with a closed session to evaluate the performance of the City Manager and City Attorney.

Date Approved: December 21, 1999

City Clerk

Mayor



November 23, 1999

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING - NOVEMBER 23, 1999

Chico Municipal Center, Council Chamber, 421 Main Street, 6:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:00 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, and Lange. Absent - none.

Bidwell Park & Playground Commission - Tom Barrett, Glenn Dunning, Bruce Holderbein, Kimberly King, Barbara Kopici, Russell Mills and Steven O'Bryan.
 - 1.3. Introduction of Staff Members. City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Community Development Director Baptiste, Public Works Director Ross, Park Director Beardsley, Fire Chief Brown and Urban Forester Boza.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items.
4. REGULAR AGENDA.
 - 4.1. CONSIDERATION OF VARIOUS MATTERS RELATING TO LINDO CHANNEL

Park Director Beardsley reviewed his memorandum dated 11/7/99 in which he outlined recent City Council actions and directives and in which he also provided additional background information relative to Lindo Channel and the issues scheduled for consideration at tonight's meeting (items A through C below).

Councilmember Jarvis reported that item e, page 4, of the memorandum should reflect that cleanup of existing debris was not a Council motion but only her suggestion.

A. Consideration of Proposed Policies and Procedures Regarding Lindo Channel Encroachments

By memorandum dated 11/7/99, the Park Director forwarded the recommendations of the Bidwell Park and Playground Commission regarding encroachments on property owned by the City of Chico in Lindo Channel. The Commission had prepared a series of recommendations which provided a process for addressing alleged and actual encroachments.

Commissioner Barrett read the list of encroachment classifications, categorized according to various criteria, and the timelines within which they were being recommended for removal. The only exceptions were gardens and other intentional plantings (Category V.a), and certain unintentional plantings (Category V.b).
Abbreviated list:

- Ia - Encroachments impeding water flow.
- Ib - Encroachments hindering public access.
- II - Spraying pesticides or depositing toxic or hazardous material.
- III - Permanent structures.
- IV - Non-permanent structures without a foundation.
- Va - Gardens and intentional plantings.
- Vb - Unintentional plantings escaping from private property.
- VI - Dumping green waste.
- VII - Clearing and modification of City parkland.

Categories I-II - Remove immediately following notification.

Category III - Remove within 180 days of notification.

Categories IV-VII - Remove within 60 days of notification.

Various Councilmembers suggested: Including community gardens in Category V, removing encroachments at the time of sale of a property, determining the number of encroachments in each of the categories, and establishing the notice and appeal process for removing encroachments.

Helen Ost, 1255 East Lindo Avenue, expressed her appreciation for the work accomplished by the Commission in dealing with encroachments. Caryn Jones, 5 Deborah Terrace, thought that Commissioner Dunning and Councilmember Keene should abstain from discussion on these issues. Both indicated they would abstain on discussion of item B later on the agenda.

Donald Jones, 1675 Manzanita Avenue #53, reviewed his letter to the Council dated 11/20/99, copies of which were provided this evening, in which he (a) made various suggestions relating to encroachments, (b) objected to Michael & Caryn Jones allegedly negotiating with the City and Hignell in item B later on the agenda, unless other property owners were afforded the same opportunity, and (c) indicated that he represented Everett Beich, owner of Pleasant Valley Mobile Estates, where he resided.

Tom Wall, no address, suggested that the Five-Mile Dam was an encroachment that impeded the flow in the creek, and was an encroachment that should be removed.

John Merz, 1331 Broadway, recommended that the role of third parties be clarified in reporting or complaining about encroachments, that clarification be provided on who performed restoration and who decided if restoration was needed, allowing anyone to appeal a decision and clarifying what decisions could be appealed, how the negotiation process could be carried out, and establishing an annual permit or some other process for periodic review of encroachments.

Park Director Beardsley clarified that the last paragraph on page 4 should read: "This exception is an interim policy only for existing encroachments of Category V.a. Upon eventual approval of comprehensive management policies for Lindo Channel, this policy exception shall be reviewed and may be modified by the Bidwell Park & Playground Commission. If the policy is modified, previously permitted gardens shall be required to conform to the new policy."

Councilmember Keene moved approval of the categories and related removal periods, except that categories III and IV (for existing encroachments only) be handled on a case-by-case basis by the Park Commission. The motion was seconded by Councilmember Herbert.

Following further discussion, Councilmember Keene amended his motion to provide that a property owner with a Category III or IV encroachment would have the right to request consideration of extenuating circumstances within 180 days; that financial impact be added to the list of extenuating circumstances on page 4 of the policy; and that the City would proceed to arrange for removal of the encroachment if no contact was made within 180 days. The amendment was seconded by Councilmember Herbert. The motion and second were then unanimously carried.

The Park Director indicated that staff would rewrite the policy to incorporate these changes and other language clarifications requested for approval on a future Consent Agenda.

B. Consideration of Proposal Regarding Encroachment at 1388 Longfellow

By memorandum dated 11/7/99, the Park Director forwarded the recommendations of the Bidwell Park and Playground Commission regarding an encroachment on Lindo Channel at 1388 Longfellow. The Commission was recommending a long term lease whereby the owner (Fred and Eileen Hignell Family Trust) would use City-owned property in Lindo Channel for access and parking in return for public use of the owner's property for access and public trail purposes.

The Council was provided with letters dated 9/28/99, 11/3/99 and 11/5/99 from Caryn and Michael Jones regarding this matter.

Councilmember Keene and Commissioner Dunning removed themselves from discussion of this item due to conflicts or potential conflicts of interest.

Ed Miles, 1142 Wendy Way, stated his concerns regarding erosion once a trail was established and used by pedestrians and bicyclists, the impact on wildlife where the trail would go into an area of the Verbena neighborhood park that was to remain natural, and safety of trail users in one area that had a substantial dropoff or cliff. Caryn Jones pointed out that the entire proposal was subject to environmental review.

In response to Helen Ost regarding equal value of the City and Hignell properties, the City Attorney stated that the Council would establish the value on the results of the proposal rather than on appraised values. Donald Jones asked if the lease proposal didn't work, whether public and private properties could be exchanged. John Merz noted that according to a prior City Attorney memorandum, it was his understanding that adjacent property owners could not get rights to City property, but the City could allow uses for which the park was established, and the Hignell proposal needed to meet this test.

In response to Council questions, Dan Shedd, 1500 Humboldt Road, representing Hignell, clarified that any public parking would be on the west side of the gate, and that the rolling gate was installed in January easterly of the entrance to the property due to vandalism at the automotive shop located on the property. Fred Hignell indicated that he had no objection to designating one parking space for public parking.

Ken Chase, Lifescapes Landscape & Maintenance, reported that the public already parked on the property, including students catching the Butte College bus. John Merz added that In Motion Fitness, on the south side of East 1st Avenue, displaced the parking on its property that had been used by the Beauty College that was located at the northeast corner of 1st & Longfellow.

Councilmember Herbert moved to accept the recommendations of the Park Commission and designating one space for public parking. The motion was seconded by Councilmember Jarvis. He then amended his motion to have the Park Commission consider handicapped access to parking and to the proposed trail as part of the environmental review process. The amendment was seconded by Councilmember Jarvis. The motion and second were then unanimously carried with Councilmember Keene being absent from discussion or voting on this item.

Park Director Beardsley indicated to Councilmember Jarvis that the Commission was scheduled to discuss the area across the street from the Hignell property, at the northwest corner of West Lindo & Longfellow, that was now being used for vehicle parking.

C. Consideration of Recommendations Regarding Fire Protection in Lindo Channel.

By memorandum dated 11/7/99, the Park Director forwarded the recommendations of the Bidwell Park and Playground Commission regarding fire protection in Lindo Channel. The Fire Chief had prepared, and the Commission commented on, short and long term fire prevention activities in Lindo Channel for Council consideration.

Park Director Beardsley reported that estimated short-term costs included (a) \$3,000 first year cost to remove existing piles of flammable material by burning, (b) \$4,000 for signage, locks and other materials to rehabilitate existing access points, and (c) \$4,000 for a 125 gallon bucket for the Butte County Sheriff's Department helicopter for fire suppression. He added that for the long term, if the Council agreed with the Commission's recommendation to prepare a master management plan for Lindo Channel, staff would prepare a budget for Council's consideration in the 2000-01 fiscal year.

At 8:15 p.m., Councilmember Jarvis moved that the this portion of the meeting continue to approximately 8:30 p.m., which was past the intended 8:00 p.m. ending time and the time when a Council closed session was scheduled. The motion was seconded and unanimously carried.

Fire Chief Brown reviewed and answered Council questions concerning his recommendations set forth in his 10/19/99 memorandum attached to the Park Director's report. He clarified that funding was not being requested at this time for the Humvee based fire engine mentioned in his memorandum since it was included in the City's vehicle replacement schedule. He answered questions from Suzanne Gibbs, 602 Sycamore Street, regarding the vehicle.

Earl Nance, 8 Shimmering Oak Court, requested that property owners along the Channel be allowed to do some weed abatement under the City's supervision in order to protect their properties. Donald Jones noted that discing used to be done along fences adjacent to the Channel and he recommended that it be done again.

Councilmember Jarvis moved conceptual approval of the Fire Chief's recommendations as modified by the Park Commission, including funding in the amount of \$11,000, allowing property owners to abate dry weeds adjacent to their property with a permit issued by the City, and that staff report to Council regarding the permit process prior to implementation. The motion was seconded by Councilmember Kirk and unanimously carried.

D. Streambank Standards.

Councilmember Jarvis recommended that streambank standards go back to the Park Commission for review and updating, and that its report then be provided to the City Council for referral to the Internal Affairs Committee. The Council agreed with the recommendation.

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

5. BUSINESS FROM THE FLOOR. None.

6. REPORTS AND COMMUNICATIONS. No items.

7. CLOSED SESSION. At 8:35 p.m. the Council adjourned to Conference Room No. 2 for a closed session meeting regarding the following:

PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and the City Attorney's performance (Gov. Code Section 54957).

The Council reconvened to open session at 10:10 p.m.

8. ADJOURNMENT.

The meeting was adjourned at 10:10 p.m. to Tuesday, 11/30/99 at 8:00 a.m. in Conference Room No. 2 for a closed session meeting.

Date Approved: December 21, 1999

City Clerk

Mayor



November 30, 1999

ADJOURNED REGULAR COUNCIL MEETING — NOVEMBER 30, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 8:00 a.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 8:02 a.m.
- 1.2. Roll Call. Present: Mayor Bertagna and Councilmembers Herbert, Jarvis, Keene, Kirk and Lange. (Councilmember Guzzetti arrived at 8:07 a.m.)

City staff present: City Manager Lando, City Attorney Frank, Risk Manager Koch, Director of Public Works Ross, Assistant City Attorney Barker, and Administrative Analyst Young.

2. CLOSED SESSION

- 2.1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: (Gov. Code Sec. 54956.9(a).)

- A. *Mark Gordon v. City of Chico*, WCAB #SAC 280784
- B. *Mark Gordon v. City of Chico*, WCAB #SAC 20785
- C. *Mark Gordon v. City of Chico*, WCAB #SAC 280782
- D. *Mark Gordon v. City of Chico*, WCAB #RDG 77430

- 2.2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION: The City Attorney reviewed the following: *Mark Gordon v. City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV. S-97-2064 EJM JFM. (Gov. Code Sec. 54956.9(a).)

- 2.3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following: *State of California on behalf of Department of Toxic Substances Control v. Albert Campbell, City of Chico, et al.*, U.S. District Court, Eastern District of California, Case No. CIV-S-604 FCD-JFM (Airport contamination litigation) (Gov. Code Sec. 54956.9(a).)

- 2.4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: The City Attorney reviewed significant exposure to litigation: one case. (Gov. Code Sec. 54956.9(b).)

3. ADJOURNMENT

The meeting was adjourned at 10:05 a.m. to 12 /7/99 at 7:00 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: January 4, 2000

City Clerk

Mayor



December 7, 1999

ADJOURNED REGULAR COUNCIL MEETING — DECEMBER 7, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 7:00 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:00 p.m.
 - 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent - none.

2. CLOSED SESSION. The Council adjourned to a closed session to consider item 2.1. There was not time to consider items 2.2 and 2.3.
 - 2.1. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and City Attorney's performance (Gov. Code Section 54957).
 - 2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the International Association of Firefighters (Gov. Code Sec. 54957.6). (This item was not discussed.)
 - 2.3. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the Chico Police Officers Association Unit A (Gov. Code Sec. 54957.6). (This item was not discussed.)

The Council reconvened to open session at 7:35 p.m.

3. ADJOURNMENT. The meeting was adjourned at 7:35 p.m. to a Redevelopment Agency meeting in the Council Chamber.

REGULAR REDEVELOPMENT AGENCY MEETING — DECEMBER 7, 1999

Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.
 - 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
 - 1.2. Invocation. Father Peter Hansen, St. Augustine of Canterbury Episcopal Church, delivered the invocation.
 - 1.3. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent - none.
 - 1.4. Introduction of City Staff Members. City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Housing Officer McLaughlin, Senior Planner Hayes and Public Information Technician Wood.
 - 1.5. Closed Session Announcement. None.
2. CONSENT AGENDA. No items.
3. NOTICED PUBLIC HEARINGS. No items.

4. REGULAR AGENDA.

4.1. CONSIDERATION OF REQUEST FOR CITY TO COMPLETE THE BIKE PATH BETWEEN EAST 20TH STREET AND LITTLE CHICO CREEK

The City Manager reported that by memorandum dated 11/19/99, the Community Development Director reported to the Redevelopment Committee that the City had been requested to complete the bike path between East 20th Street and Little Chico Creek to provide a safe route between the residential areas south of East 20th Street and Chico Creek Elementary School and Hank Marsh Junior High School. Currently, bicyclists used the bike lanes on Forest Avenue and East 20th Street. The City recently completed construction of the bike path along the south bank of Little Chico Creek from Bruce Road westerly, connecting to the existing path behind Chico Creek Elementary School, and a bridge was constructed to provide access to the north creek bank. With development of Hank Marsh Junior High School, Chico Unified School District built a bike path from the bridge to Humboldt Road.

The City Manager further reported that right of way to construct the bike path from East 20th Street to Little Chico Creek was acquired at the time of approvals for the Enloe properties. In conjunction with development of the United Health Care offices (2080 East 20th Street), the portion of the bike path between East 20th Street and Springfield Drive had been constructed. The section from Springfield Drive to the creek remained to be built. Even though the City had the right of way for the path, State law prohibited the City from requiring the adjacent subdivision to construct the path.

The City Manager explained that at its meeting held 12/03/99, the Redevelopment Committee considered whether to allocate Chico Merged Redevelopment Project Area Funds for the project. However, by memorandum dated 12/3/99, he was recommending that the City Council allocate funds in the amount of \$55,000 from Transportation Development Act funds to provide funding for completion of the bike path between East 20th Street and Little Chico Creek.

Caryn Jones, 5 Deborah Terrace, recommended approval of funding for the project.

Following discussion, Councilmember Herbert moved approval of a motion of intent to approve a supplemental appropriation for funding the project as recommended by the City Manager. The motion was seconded and unanimously carried.

Councilmember Kirk moved that a proclamation be prepared recognizing Buck Pryde, a long-time resident of the area who passed away in October, 1996, as requested in a letter dated 11/12/99 from Ken Donnell, Skyway Park Neighborhood Association, to be read at the dedication of the path. The motion was seconded and unanimously carried.

4.2. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETING HELD NOVEMBER 3, 1999

Councilmember Keene reviewed a memorandum dated 11/18/99 from the Finance Committee that provided a report on its meeting held on 11/3/99, at which time the matters listed below were considered. All Committee members were present: Councilmembers Guzzetti (absent during the consent agenda), Herbert and Keene, Chair.

Consent Agenda

1. (No Council action required)

APPROVAL OF ALLOCATION OF REHABILITATION FUNDS FOR CITY-OWNED PROPERTY AT 1087 SARAH AVE. The Committee (2-0, Guzzetti absent) authorized staff to expend \$15,000 of Community Development Block Grant funds for rehabilitation of the City-owned property at 1087 Sarah Avenue in order to bring the property to standard condition prior to sale.

Regular Agenda

2. (No Council action required)
CONSIDERATION OF APPEAL FEE REDUCTION OR WAIVER. The Committee (3-0) continued this matter to its next meeting and directed staff to check with other communities regarding provisions for waiver of appeal fees and bring back recommendations on criteria or guidelines which might be established in order for appeal fee waiver requests to be handled administratively.

3. (Agency action required to approve minute order and supplemental appropriation)
REQUEST FROM THE ASSOCIATION FOR RETARDED CITIZENS (ARC) OF BUTTE COUNTY FOR ADDITIONAL FINANCIAL ASSISTANCE FOR RENTAL HOUSING PROJECT. The Committee (3-0) recommended that the Agency provide additional financial assistance to ARC for its special needs/low-income housing project at the Longfellow Apartments, 1350 Manzanita Avenue, by (1) allocating an additional grant in the amount of \$75,000 from the Low & Moderate Income Housing Bond fund; (2) authorizing a loan of up to \$250,000 at 5% interest for a term of 30 years, to be structured so that any funds in excess of ARC's needs would be returned to the Agency; and (3) authorizing an increase in pre-development costs out of the loan funds of up to \$20,000 for the project; with the understanding that this recommendation was based upon staff providing a report as to what extent the Agency's loan could be secured.

The Council was provided with copies of a memorandum dated 11/22/99 from the Housing Officer regarding to what extent the Agency's loan could be secured, as well as copies of the Minute Order and Supplemental Appropriation listed below in the event the Council accepted the Committee recommendation for approval. The Housing Officer responded to Council questions regarding the information set forth in his memorandum.

Council was informed that although the Finance Committee report included a recommendation to allocate an additional grant in the amount of \$75,000 from the 1991 CPFA Low and Moderate Income Housing Bond Fund (374), the balance of uncommitted funds was \$73,000. Therefore, the Minute Order and Supplemental Appropriation recommended an allocation of \$73,000 from the 1991 CPFA L&MIH Bond Fund (374), and an allocation of \$250,000 from the Low and Moderate Income Housing Fund (371).

Michael McGinnis, Executive Director of ARC, offered to answer any Council questions.

REDEVELOPMENT AGENCY MINUTE ORDER NO. RDA 6-99 -- ALLOCATION OF AN ADDITIONAL \$73,000 OF GRANT FUNDS FROM THE AGENCY'S HOUSING BOND FUND AND AN ALLOCATION OF \$250,000 FROM THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUND (LMIHF) TO THE ARC OF BUTTE COUNTY AND AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT FOR THE ADDITIONAL HOUSING BOND FUNDS AND A LOAN AGREEMENT FOR LMIHF FUNDS. Councilmember Herbert moved approval of the minute order. The motion was seconded and unanimously carried.

APPROVAL OF SUPPLEMENTAL APPROPRIATION TO PROVIDE FUNDING ASSISTANCE TO THE ARC OF BUTTE COUNTY FOR ACQUISITION AND REHABILITATION OF THE LONGFELLOW APARTMENTS LOCATED AT 1350 MANZANITA AVENUE. Councilmember Herbert moved approval of the supplemental appropriation. The motion was seconded and unanimously carried.

4. (No Council action required)
REVIEW OF THE CITY'S FIRE DEPARTMENT BUDGET. The Committee took no action on this matter.

Councilmember Jarvis questioned the amount of staff time, copies of documents, and the purpose of the departmental budget reviews by the Committee, and requested the Committee Chair provide a report thereon to Council. Councilmember Keene indicated that he would provide a report.

5. (No Council action required.)

December 7, 1999

BUSINESS FROM THE FLOOR — COMMUNITY DEVELOPMENT DEPARTMENT FEES. Staff indicated it would respond to concerns raised by Jay Goldberg regarding being billed by the City for additional development fees three years after his project had been completed.

Councilmember Jarvis moved to accept the report and remaining recommendations of the Committee. The motion was seconded and unanimously carried.

6. ITEMS ADDED AFTER POSTING OF THE AGENDA. None.
7. ADJOURNMENT. The meeting was adjourned at 8:00 p.m. to a City Council meeting.

REGULAR COUNCIL MEETING — DECEMBER 7, 1999

Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:00 p.m.
- 1.1. Roll Call. Present - Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent - none.

City staff - City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, City Clerk Evans, Risk Manager Koch, Community Development Director Baptiste, Planning Director Seidler, Public Works Director Ross, Police Chief Efford, Housing Officer McLaughlin, Senior Planner Hayes and Public Information Technician Wood.

2. CONSENT AGENDA.
- 2.1. RESOLUTION NO. 53 99-00 -- 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 - 2670 CERES AVENUE / A.P. NO. 048-670-048

By memorandum dated 9/30/99, the Director of Public Works reports that in accordance with a petition from the property owners, Gary Houser & Terry Houser, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 9/30/99 attached to the 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 recommends adoption of the resolution.

- 2.2. RESOLUTION NO. 54 99-00 -- 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 - 731 W. 12TH AVENUE / A.P. NO. 043-051-004

By memorandum dated 11/5/99, the Director of Public Works reports that in accordance with a petition from the property owners, Daniel R. Arbuckle and Marilyn V. Arbuckle, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 11/5/99 attached to the 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 recommends adoption of the resolution.

- 2.3. RESOLUTION NO. 55 99-00 -- 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 - 1251 WARNER STREET / A.P. NO 043-150-013

By memorandum dated 11/5/99, the Director of Public Works reports that in accordance with a petition from the property owner, Christian Demarais, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 11/5/99 attached to the 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 recommends adoption of the resolution.

- 2.4. RESOLUTION NO. 56 99-00 -- 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 - 480 E. 20TH STREET / A.P. NO 005-441-005

By memorandum dated 10/5/99, the Director of Public Works reports that in accordance with a petition from the property owner, Mark Smith, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 10/5/99 attached to the 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 recommends adoption of the resolution.

- 2.5. RESOLUTION NO. 57 99-00 -- 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 - 1098 E. 9TH STREET / A.P. NO. 004-320-020

By memorandum dated 9/30/99, the Director of Public Works reports that in accordance with a petition from the property owners, Vincent Haynie & Kesha Haynie, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated 9/30/99 attached to the 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 recommends adoption of the resolution.

- 2.6. RESOLUTION NO. 58 99-00 -- 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 - ELM STREET ANNEXATION DISTRICT NO. 8

By memorandum dated 11/10/99, the Community Development Assistant forwards a report on initiation of the annexation of two parcels at the intersection of Elm Street and East 22nd Street. In accordance with adopted LAFCo policy, the City must adopt a resolution to initiate the annexation of property to the City. The resolution, upon adoption, will initiate the annexation of the properties to be developed with two single family residences. The Community Development Assistant recommends Council adoption of the resolution.

- 2.7. RESOLUTION NO. 59 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (GREENFIELD SUBDIVISION)

By memorandum dated 11/23/99, the Director of Public Works reports that the owner of the Greenfield Subdivision, Webb Homes and 13 other property owners, have petitioned the City to abandon the sewer easement located in the Greenfield Subdivision, between Sandy Cove Drive and Silver Lake Drive, since the easement has

been replaced by an access road along the County SUDAD (Shasta Union Drainage Assessment District) right-of-

way that serves the same purpose. The Director of Public Works recommends adoption of the resolution which will schedule a public hearing on 1/4/00.

- 2.8. RESOLUTION NO. 60 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (250 COHASSET ROAD)

By memorandum dated 11/5/99, the Director of Public Works reports that the owner of 250 Cohasset Road, H.R. Van Triest, B.V., a Netherlands corporation, has petitioned the City to abandon the 15-foot-wide public utility easement on that property since the easement is no longer necessary for present or prospective public utility purposes. The Director of Public Works recommends adoption of the resolution which will schedule the public hearing for 1/4/00.

- 2.9. (Removed from the Consent Agenda at the request of Councilmember Kirk.)
RESOLUTION NO. 61 99-00 -- RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF A STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (A PORTION OF EAST 9TH AVENUE AT LINDO AVENUE)

By memorandum dated 11/23/99, the Director of Public Works reports that the owners of 684 East 9th Avenue, Stephen A. White, Marvin E. Turner, Lynne L. Turner, and Virginia B. Barnett Trust, have petitioned the City to abandon a portion of East 9th Avenue at Lindo Avenue for expansion of the adjacent use. Since there are existing City storm drain facilities and other public utilities within this portion of East 9th Avenue, a public utility easement will be retained over the entirety of the proposed abandonment. Staff does not support this abandonment due to its proximity to Lindo Channel; but nevertheless recommends the Council consider the property owner's request for abandonment by adopting the resolution to set a public hearing on the proposed abandonment for 1/4/00.

- 2.10. (Removed from the Consent Agenda by City staff -- no action to be taken.)
RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF ABUTTERS' RIGHTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (FOREST AVENUE, AP NO. 002-370-049)

- 2.11. MINUTE ORDER NO. 31-99 -- 1) AUTHORIZATION FOR CITY MANAGER TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH UNITED ARTISTS THEATRE CIRCUIT FOR SENATOR THEATRE TOWER RESTORATION; AND 2) APPROVAL OF ESTABLISHMENT OF SENATOR TOWER RESTORATION FUND WITHIN THE CITY'S FUND ACCOUNTING SYSTEM

The United Artists Theatre Circuit (UATC) has previously agreed to allow the City to restore, reconstruct and maintain the Senator Theatre building Tower, subject to the execution of a memorandum of understanding (MOU) which sets forth the terms and conditions relating to the project. The MOU will formally grant to the City an easement for a right of entry to the building for such purposes, and will require that the reconstruction be completed by September, 2000. In the alternative, the Minute Order also authorizes City assumption of ownership of the Tower once it is restored, if this is acceptable to UATC. While the MOU will provide that the cost of reconstruction and maintenance will be solely that of the City, the UATC will commit to allowing three benefit film showings at the El Rey Theatre, along with donated staff and film costs, in order to assist in raising funds for the Tower project. In addition, in order to account for the revenues and expenditures for this project, this Minute Order will authorize the establishment a new fund within the City's fund accounting system for this project. The City Manager recommends approval of this Minute Order.

- 2.12. APPROVAL OF MINUTES FOR MEETING HELD ON NOVEMBER 2, 1999

The Council has been provided with copies of minutes for its meeting held on 11/2/99.

- 2.13. CONFIRMATION OF THE APPOINTMENT OF ALICIA ROCK TO THE POSITION OF ASSISTANT CITY

ATTORNEY I (POSTED ADDENDUM).

By memorandum dated 12/1/99, the City Attorney requests Council confirmation of the appointment of Alicia M. Rock to the position of Assistant City Attorney I effective Wednesday, 12/8/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except items 2.9 and 2.10. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSTAIN: Councilmember Lange (item 2.1) and Councilmember Guzzetti (item 2.13). ABSENT: None.

3. NOTICED PUBLIC HEARINGS.

3.3. (This item was taken out of order as listed on the agenda.)

HEARING ON REZONE NO. 99-6 (WELLS FARGO BANK) - PROPOSED REZONE OF A 0.71 ACRE PAD SITE AT THE NORTHEAST CORNER OF EAST AND MARIPOSA AVENUES FROM PD/CN PLANNED DEVELOPMENT NEIGHBORHOOD COMMERCIAL TO CC COMMUNITY COMMERCIAL

This evening the Council was provided with a letter dated 12/2/99 from Jeffrey Rader of Wells Fargo Bank requesting that this hearing be rescheduled from this evening to a meeting during the last two weeks of January.

No one in the audience objected to continuing the hearing. Councilmember Kirk moved to continue to this hearing until the Council's 2/1/00 meeting at 7:30 p.m. The motion was seconded and unanimously carried.

The Council acknowledged receipt of a memorandum dated 10/27/99 from Associate Planner Sigona in which she reported that this application represented a proposed rezone of a 0.71 acre shopping center pad site, located at the northeast corner of East and Mariposa Avenues, from PD/CN Planned Development Neighborhood Commercial to CC Community Commercial, to provide for greater marketing flexibility and to facilitate development of the site with a fast food use with a drive-through service lane. The Planning Commission recommended City Council denial of the rezone. The application was being forwarded to Council without environmental review under a California Environmental Quality Act (CEQA) provision that the Act does not require environmental review for projects which are recommended for disapproval.

3.1. HEARING ON FORMATION OF MAINTENANCE DISTRICT NO. 95 - CARRIAGE PARK SUBDIVISION, PHASE II.

By memorandum dated 11/1/99, the Community Development Director reported that this resolution would order the formation of Chico Maintenance Assessment District No. 95. As a condition of development of this subdivision, located on the east side of Bruce Road at the end of E. 20th Street, the developer, Zink-Timmons and Ashington Corporation, had consented to the formation of this district for the operation and maintenance of landscaping and irrigation within the public right of way. This maintenance assessment district would provide that the City perform (or contract for) the operation and maintenance services which would be paid for by property owners within this district. He recommended adoption of the Resolution.

No one spoke from the audience, no written protests were received, and the Mayor declared the hearing closed.

RESOLUTION NO. 62 99-00 -- 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. 95 — CARRIAGE PARK SUBDIVISION, PHASE II). After reading the title, Councilmember Jarvis moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

3.2. HEARING ON APPEAL BY THE CITIZENS FOR COMMUNITY JUSTICE OF THE APPROVAL OF USE PERMIT

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99-28 (AT&T WIRELESS SERVICES) TO ALLOW A TELECOMMUNICATIONS FACILITY ON PROPERTY LOCATED AT 215 ORANGE STREET

Mayor Bertagna removed himself from discussion or voting on this item, and Vice Mayor Herbert presided over this portion of the meeting.

Planning Director Seidler reviewed a memorandum dated 11/12/99 in which Planning Division staff reported that at its 9/13/99 meeting, the Planning Commission approved a use permit, with conditions, to allow a telecommunications facility on an existing water tower located at 215 Orange Street, Assessor's Parcel No. 004-038-003, in an ML Light Manufacturing/Industrial zoning district and designated on the General Plan Diagram as Manufacturing and Warehousing. This decision had been appealed by the Citizens for Community Justice. He added that AT&T was offering a monitoring and reporting program, which he would recommend be accepted by the Council. Further, the Board of Supervisors adopted its emergency ordinance today relating to telecommunications facilities, and the City Attorney's Office would be preparing one for the Council's consideration in approximately two months. Staff recommended that the City Council adopt the resolution provided this evening, or change the resolution to make the necessary findings to approve the use permit with conditions.

This evening the Council received a letter dated 12/2/99 from Arlan Nickel of AT&T providing supplemental information regarding telecommunications facilities, and offering the following language as a condition of approval: "AT&T Wireless Services shall annually provide a report to the City of Chico which complies with the MPE reporting requirements of the FCC. The report shall generally identify the power density of the Orange Street wireless facility and the type of antennas and radio equipment as required by the FCC. The report shall also include a brief summary of its conclusions and findings in terms which are understandable to the lay public."

Michael Watson, 2815 Mariposa Avenue, recommended that the Council delay consideration of this matter until it had an opportunity to review the County's ordinance and adopt a similar ordinance for the City. Doug Perske agreed, and noted that the proximity to residential areas needed to be considered rather than the zone within which the facilities were to be located. Joanne Colbert, 2770 Ceres Avenue, recommended delaying any decisions until a City ordinance was adopted. Charlie Preusser, 1405 West 3rd Street, thought residents would not object to the panels being located on the water tower, but rather if there were any significant health hazards. Bob Ray, 1405 West 3rd Street, suggested residents be notified of any health hazards from microwaves. Jim Goodwin, Chamber of Commerce, recommended that Council address matters within its jurisdiction such as aesthetics and monitoring of emissions. Chris Perske, 2732 Silver Oak Drive, indicated her concerns with the aesthetics of the cellular tower in their neighborhood, how Federal officials regulate the location of towers, and asked the Council not to approve the use permit until an emergency ordinance was adopted.

Reed Wilson, AT&T Wireless, reported that the Orange Street location was ideal to meet the needs of its users. Chris Perske noted that the County's ordinance required companies to prove that only one site was feasible. Maggie Van Dame, 2695 Silver Oak Drive, noted that microwaves were emitted from other types of facilities in the community. Mr. Wilson explained that AT&T's 12/2/99 letter offering a monitoring and reporting program was in line with the County's ordinance, with the exception of the 1,000 foot distance from a residential area. Jerry Bushburg, AT&T Wireless, answered questions from the Council relating to microwave emissions and their effect at certain distances.

Councilmember Jarvis moved to continue this hearing to the Council's 2/1/00 meeting at 7:30 p.m. and directed staff to draft an emergency ordinance regulating cellular towers/facilities for consideration by the Council at its 1/4/00 meeting. The motion was seconded and carried with Councilmembers Guzzetti, Jarvis, Kirk and Lange voting aye, Councilmembers Herbert and Keene voting no, and Mayor Bertagna abstaining.

Mayor Bertagna presided over the remainder of the meeting.

The Council recessed for 10 minutes and reconvened at 9:30 p.m.

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3.4. HEARING ON AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM REGARDING FUNDING FOR THE BOYS AND GIRLS CLUB GYMNASIUM PROJECT

The City Manager reviewed his memorandum dated 11/23/99 in which he recommended the allocation of \$200,000 of Community Development Block Grant (CDBG) funds to assist the Boys and Girls Club in the acquisition and construction of a new gymnasium. Attached to his memorandum was a memorandum from the Housing Officer which provided background information on the use of CDBG funds for this project, a summary of the process, the effect on other CDBG projects and a list of additional CDBG program requirements. In the event Council decided to allocate CDBG funds to the Boys & Girls Club project, the City Manager was recommending that the funding come from the Chico-Vecino Storm Drainage project, and staff would process the appropriate budget modification. As indicated in the Housing Officer's memorandum, this public hearing was required to allow citizen review of any substantial amendments to the CDBG Program.

Charlie Preusser, South Campus Neighborhood Association, asked that the Council not delay any projects that would benefit either the north or south campus areas. No one else spoke from the audience and the Mayor closed the hearing.

In response to Councilmember Jarvis, the City Manager reported that the Council previously agreed to divide CDBG funds equally between the north and south campus neighborhoods. Councilmember Jarvis recommended that prior to the June budget meeting, the Council establish a policy on the use of funds for the two neighborhoods.

Following discussion, Councilmember Herbert moved approval of allocating CDBG funds to the Boys & Girls Club gymnasium project, with funding to come from the Chico-Vecino Storm Drainage project. The motion was seconded and unanimously carried.

3.5. HEARING ON GENERAL PLAN AMENDMENT NO. 99-2 (AMENDING LAND USE DESIGNATIONS TO CONFORM WITH THE CHICO MUNICIPAL AIRPORT COMPREHENSIVE LAND USE PLAN)

Councilmember Lange removed herself from discussion or voting on this item since one of the parties was a patient of her husband.

Senior Planner Hayes reviewed his memorandum dated 11/16/99 in which he reported that General Plan Amendment No. 99-2 would amend General Plan land use designations in order to conform the City General Plan land use with the Chico Municipal Airport Comprehensive Land Use Plan (CLUP), as recently amended by the Butte County Airport Land Use Commission (ALUC). Pursuant to Government Code Section 65450, general plans or any applicable specific plans must be consistent with a local CLUP adopted by an ALUC in accordance with State Law. Council considered this amendment at its 5/4/99 meeting and directed staff to modify the amendment to add certain development standards for Sites A and B, located in the Overflight Protection Area, and to prepare specific findings overruling an ALUC determination of inconsistency for Sites C and D, located in the Outer Safety Zone.

The City Manager added that he was in attendance at the ALUC meeting when these changes were considered, and that ALUC was in agreement with them as well as a determination of inconsistency.

This evening the Council received a letter dated 12/3/99 from Robert Kirkman expressing his support for the staff recommendation. Also received was a memorandum dated 12/7/99 from Senior Planner Hayes forwarding a letter from the Butte County Airport Land Use Commission dated 10/22/98 which specified the amendments adopted by ALUC. He noted that the General Plan amendments were in response to those amendments to the CLUP, and that copies of the letter were received by Council at its 5/4/99 meeting.

Layne Nickles stated that he owned Parcel C and was in favor of the Council's action. No one else spoke from the audience and the Mayor declared the hearing closed.

RESOLUTION NO. 63 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN LAND USE DESIGNATIONS FOR PROPERTY LOCATED WITHIN THE CITY LIMITS AND THE UNINCORPORATED TERRITORY OF THE CHICO URBAN AREA, COUNTY OF BUTTE, STATE OF CALIFORNIA - GENERAL PLAN AMENDMENT NO. 99-2 (INITIATED BY THE CITY OF CHICO). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Lange. ABSENT: None.

RESOLUTION NO. 64 99-00 -- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO MAKING SPECIFIC FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 65302.3 AND PUBLIC UTILITIES CODE SECTION 21676 REGARDING INCONSISTENCIES BETWEEN THE CITY OF CHICO GENERAL PLAN AND THE CHICO MUNICIPAL AIRPORT ENVIRONS PLAN ADOPTED BY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION (INITIATED BY THE CITY OF CHICO). After reading the title, Councilmember Keene moved adoption of the resolution. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSTAIN: Councilmember Lange. ABSENT: None.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.9. Resolution of Intent to Abandon Portion of East 9th at Lindo Avenue. Councilmember Kirk wanted to make it clear that the resolution was only scheduling a public hearing and was not approving the requested abandonment. After reading the title, she then moved adoption of Resolution No. 61 99-00. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: None.

4.2. INITIAL CONSIDERATION OF AN APPEAL BY DAVID EBRIGHT OF THE ARCHITECTURAL REVIEW BOARD'S DECISION DENYING A REQUEST TO RELOCATE A TRASH ENCLOSURE ON PROPERTY LOCATED AT 465 E. 20TH STREET AT THE SOUTHEAST CORNER OF E. 20TH AND FAIR STREETS

By memorandum dated 11/9/99, Planning Division Staff reported that at its 10/6/99 meeting, the Architectural Review Board denied a request of the owner of the Chico Sportmen's Den strip shopping center to relocate the project's trash enclosure from its originally approved location. At this meeting, the Council had the option of (a) taking no action, in which case the appeal would be denied, or (b) by at least 4 affirmative votes schedule the matter for a public hearing at a subsequent meeting.

The Council was provided with several letters from residents of Ricky Court in support of relocating the trash enclosure.

Councilmember Keene moved to schedule the appeal for hearing, and the motion was seconded by Councilmember Kirk.

Dave Ebright, owner of the property, requested Council to schedule the matter for hearing. Richard Curd stated he owned property to the south, that the dumpster was now located adjacent to the fence along his property, and that the appeal should be denied so the dumpster would be moved to the location specified by the Architectural Review Board. Joyce Camaren reported that she owned apartments on the east side of the property, that the dumpster would affect her tenants if placed where specified by the Architectural Review Board, and that she was in favor of a hearing. Alyson Juers, 19 Ricky Court #2, and Barbara Carlos, 21 Ricky Court #3, both spoke in favor of a hearing because the dumpster would be either under their windows or very near their property.

The City Manager indicated to Councilmember Jarvis that staff would provide the Council with background information on the location of the dumpster and also try to find an alternate location since neither the Architectural Review Board's location on the east side nor the south side where Mr. Ebright currently had the dumpster, appeared to be suitable sites.

The motion made by Councilmember Keene was then unanimously carried.

4.3. CONSIDERATION OF REPORTS FROM (A) SPECIAL EVENTS TASK FORCE CONCERNING IMPLEMENTATION OF A SPECIAL EVENTS PERMIT, (B) SPECIAL EVENTS TASK FORCE CONCERNING EVENTS OCCURRING ON HALLOWEEN, 1999, AND (C) POLICE CHIEF CONCERNING REMOVAL OF COUCHES

- A. Special Events Permits. By memorandum dated 11/19/99, Lisa Michels, chair of the Special Events Task Force reported that the Task Force was recommending that the City not implement Special Events Permits. She added that although the South Campus area was in favor of permits, many others were opposed to permits in residential zones.

As set forth in his memorandum dated 12/2/99, the City Manager recommended that the matter be referred to the Internal Affairs Committee to consider any alternatives that might give the City more control over events and also determine if there was any liability on the City's part if permits were issued. Councilmember Jarvis agreed and thought the Committee might approach it from the standpoint of what goals could be achieved. Police Chief Efford stated he couldn't support or oppose the proposal until staff had an opportunity to draft something for review.

Councilmember Jarvis recommended that the Committee consider the matter in approximately 6 months, which would allow time for the noise ordinance to be in effect, for staff to draft something on the permit process, and for the City Attorney to draft an opinion on the liability issue.

Charlie Preusser, 1405 West 3rd Street, South Campus Neighborhood Association, stated that their group initiated this before the Council with the thought of giving the City some control over unsponsored events and reducing complaints from neighbors. Kenn Vance, 811 West 2nd Avenue #3, recommended further consideration and not ignoring special events. Bob Ray, 1405 West 3rd Street, noted there was a 4-3 vote of the Council to try something for 6 months, but a process was never developed. Andy Pierce, 1060 Columbus Avenue #5, indicated that any lease prohibiting special events could supersede a permit issued by the City. David Good, 811 West 2nd Avenue #4, encouraged further consideration of the permit process. Richard Elsom, P.O. Box 5624, South Campus Neighborhood Association, agreed with referring the matter to the Internal Affairs Committee and drafting something in advance for their consideration. Jeremy Baldrige, 920 West 4th Avenue #115, reported that Valdez, Alaska, had a permit process that worked well. Michael Clausen, 408 Ivy Street #1, indicated that his fraternity would work with the City and the Police Department in developing a permit process.

Councilmember Jarvis believed a permit process would place the responsibility on those sponsoring an event, give the City control over certain aspects of events, and would not supersede the provisions in a rental or lease agreement.

Councilmember Kirk moved to refer consideration of special events permits to the Internal Affairs Committee, and the motion was seconded by Councilmember Lange.

Mayor Bertagna stated he wouldn't support the concept of a permit except with input from and acceptance by the Police Chief and the community, and it need not necessarily involve a permit. Councilmember Keene felt a permit would legalize parties and would not give the City much more control than was now afforded under the Code. Councilmember Lange supported further consideration if more information could be provided to the Committee. Councilmember Herbert supported the motion but not to legalize parties. Councilmember Guzzetti observed that if an acceptable process could be developed it would be helpful to neighbors. Councilmember Jarvis reported that the Committee probably couldn't consider the matter until March or April and that she preferred April. Mayor Bertagna urged that staff have sufficient information for the Committee's consideration. Police Chief Efford stated that he wanted to meet with Mr. Elsom and others in advance to develop something in writing for the Committee's consideration. The City Manager added that the City Attorney should also be included in the discussions.

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The motion made by Councilmember Kirk was then carried with Councilmembers Guzzetti, Herbert, Jarvis, Kirk, Lange and Bertagna voting aye, and Councilmember Keene voting no.

- B. Halloween Event & Special Events Coordinating Committee. By memorandum dated 11/24/99, Lisa Michels, chair of the Special Events Task Force, reported that the Task Force held a public meeting, and then a second meeting to review the recently past Halloween and developed recommendations concerning future events. Ms. Michels added that among the recommendations was to again ask the Council to appoint a Special Events Coordinating Committee, to include representatives from various groups and organizations.

Following discussion, Councilmember Keene moved to appoint a Special Events Coordinating Committee as recommended by the Task Force, with Ms. Michels and Public Information Technician Wood to contact the various groups and organizations for representatives. The motion was seconded and unanimously carried. Councilmember Jarvis suggested that at-large members appointed by the Council also be permitted.

The Council agreed that Mayor Bertagna and Councilmembers Keene and Kirk would serve as Council representatives on the Coordinating Committee.

At 11:00 p.m., Councilmember Herbert moved that the Council continue this evening's meeting until 11:30 p.m. The motion was seconded and unanimously carried.

- C. "Couch Patrol" Program. By memorandum dated 11/29/99, the Chief of Police provided a report on the "Couch Patrol" Program that was conducted on October 13 and 14, primarily in the north and south campus areas, in order to remove dilapidated and unsightly furniture that could pose a potential fire and health hazard. He added there was some confusion at the beginning of the program with residents being told that they could be cited under the Municipal Code nuisance provisions if the furniture was not removed, but was then corrected to make it all voluntary and no citations were ever issued. The program involved several City departments and the local solid waste collector companies hauled the furniture items from the Municipal Services Center to the landfill at no cost to the City.

Charlie Preusser, South Campus Neighborhood Association, recommended that residents of areas affected be involved in future programs of this nature. Bob Ray, 1405 West 3rd Street, thought some residents believed that they had no option but to give up pieces of furniture rather than it being a voluntary program, that using uniformed officers may have been intimidating, and that the City should remove from the Code those provisions that make couches and other furniture a nuisance. Heidi Ogle, 343 West 8th Street, was not satisfied with the manner in which the program was undertaken. Richard Elsom, P.O. Box 5624, objected to the use of uniformed officers for a volunteer program, suggested that the program be undertaken at the end of each semester rather than before Halloween, and Council should decide if couches were a nuisance and if they should be removed from the Code.

Councilmember Jarvis recommended that the Police Chief report back to the Council on whether to use police officers in the future, work with the Associated Students and Management Analyst Herman regarding recycling, develop a written process for the program through the Police Department, and perhaps not use the nuisance ordinance provisions in the Code for the program.

Following discussion, Councilmember Kirk moved that the Internal Affairs Committee review the nuisance provisions in the Code relating to couches. The motion was seconded and unanimously carried.

Councilmember Keene moved that the "Couch Patrol" program brochure be modified using a non-nuisance approach. The motion was seconded and unanimously carried.

4.4. CONSIDERATION OF MEMORIAL TO FORMER COUNCILMEMBER BILL JOHNSTON

By memorandum dated 11/19/99, Councilmember Jarvis requested that the Council consider a memorial to former Councilmember Johnston and his support of public art, in the form of a memorial plaque to be placed on the outside of the Municipal Building, to coincide with the dedication of Elizabeth Devereaux's stained glass artwork on 12/16/99. She requested Council endorsement of the memorial, authorization to place the plaque at City Hall, and payment of associated costs.

This evening Councilmember Jarvis reported that subsequent to the preparation of her memorandum, individuals had contacted her with other alternatives that she would like to consider. In addition, she wanted to schedule it at a time that Yvonne Anderson and Georgie Bellin could be in attendance. She then moved to table the matter for approximately one month. The motion was seconded and unanimously carried.

4.5. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE INTERNAL AFFAIRS COMMITTEE ON ITS MEETING HELD ON 11/9/99

Councilmember Jarvis reviewed a memorandum dated 11/12/99 from the Internal Affairs Committee that provided a report on its meeting held on 11/9/99, at which time the matters listed below were considered. Committee members present were Councilmembers Bertagna, Kirk, and Jarvis, Chair.

Consent Agenda

1. (No Council action required)
APPROVAL OF THE ESTABLISHMENT OF STOP SIGNS AND NO PARKING ZONES WITHIN ASPEN GLEN PLANNED DEVELOPMENT UNIT NOS. 1 AND 2. The Committee adopted (3-0) the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 664 (establishment of stop signs and no parking zones within Aspen Glen Planned Development Unit Nos. 1 and 2).

Regular Agenda

2. (No Council action required)
APPROVAL OF MODIFICATION OF PARKING SPACE DESIGNATIONS ON HUMBOLDT AVENUE BETWEEN MAIN AND FLUME STREETS. The Committee (3-0): (1) adopted the Resolution of the Internal Affairs Committee of the City Council of the City of Chico Adopting Traffic Regulation Amendment No. 667 (revising time-limited parking regulations on Humboldt Avenue between Main and Flume Streets); (2) directed staff to contact the owner of the radiator shop in the area regarding these revisions; and (3) referred Councilmember Jarvis' request for the establishment of 3-minute drop-off and pick-up parking spaces adjacent to the skateboard park on Humboldt Avenue to the Parking Place Commission for consideration.
3. (No Council action required)
CONSIDERATION OF AMENDMENTS TO THE CITY'S NOISE ORDINANCE. The Committee (3-0) continued consideration of revisions to the noise ordinance to its January meeting in order to gather more information, and requested the Police Chief to provide an analysis of: (a) a 72-hour vs. a 12 hour period for a noise violation warning to be in effect; (b) technical corroboration of noise complaints (noise meters) by police officers vs. corroboration with the complainants or criteria listed in the ordinance; and (c) an evaluation of the Student Neighborhood Assistance Program (SNAP) and recommendations on how the program could be improved.
4. (No Council action required)
CONSIDERATION OF REMOVAL OF STOP SIGNS ON EATON ROAD AT LEXINGTON DRIVE. The Committee (3-0), continued this matter to its December meeting due to the requests from residents that they did not receive sufficient notice to be able to attend today's meeting, and directed staff to immediately notify them that this would be considered at the Committee's December 14th meeting, commencing at 8:00 a.m.
5. (No Council action required)

CONSIDERATION OF REMOVAL OF THE STOP SIGNS ON MISSION RANCH BOULEVARD AT MONTECITO AVENUE. The Committee (3-0) tabled consideration of removal of the stop signs on Mission Ranch Boulevard at Montecito Avenue for six months, or until it was determined whether Montecito Avenue was going to be closed north of Mission Ranch Boulevard.

6. (No Council action required)

CONSIDERATION OF REQUEST FOR MEASURES TO REDUCE SPEEDING ON BAR TRIANGLE STREET AND MANSFIELD COURT. The Committee (3-0) continued this matter to its January meeting and directed staff to (1) investigate the options discussed today in order to reduce speeding on Bar Triangle Street and Mansfield Court, including design elements such as bulbing and intersection islands, as well as conversion to one-way streets, and to conduct a neighborhood meeting regarding these options prior to bringing it back to the Committee; and (2) schedule as a separate agenda item a general discussion of alternate street widths and designs.

Councilmember Jarvis left the Committee meeting.

7. (Council action required)

CONSIDERATION OF USE OF FUNDS DEPOSITED UPON ISSUANCE OF A BUILDING PERMIT AND IN LIEU OF INSTALLATION OF PUBLIC IMPROVEMENTS. The Committee recommended (2-0, Jarvis absent) that staff: (1) develop a tracking system to ensure that the improvements for which in-lieu funds were collected were made; and (2) develop recommendations for use of in-lieu funds for roadway improvements along high-pedestrian and bicycle travel routes, for submission to the City Council for consideration at a budget session.

Councilmember Keene moved approval of the Committee's recommendation relating to item #7. The motion was seconded and unanimously carried.

Councilmember Keene then moved to accept the report and remaining recommendations of the Committee. The motion was seconded and carried with Councilmember Guzzetti abstaining on item #2.

4.6. FUTURE MEETINGS

The Council was requested to schedule a closed session to continue discussion of the toxic cases considered at its 11/30/99 closed session meeting. This evening the City Attorney provided a list of dates when Mac Goldsberry, special legal counsel, would be available to meet with the Council. Following discussion, the Council agreed to meet on 1/5/00 from 2:00 to 5:00 p.m.

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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

- 6.1. Memorandum dated 11/16/99 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. California Department of Alcoholic Beverage Control, Application for Alcoholic Beverage License dated 11/4/99

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for Peeking Chinese Restaurant, 243 West Second Street.

7. ADJOURNMENT.

The meeting was adjourned at 11:35 p.m. to 12/21/99 at 6:30 p.m. for a closed session in Conference Room #2, followed by an adjourned regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: January 4, 2000

City Clerk

Mayor



December 21, 1999

ADJOURNED REGULAR COUNCIL MEETING — DECEMBER 21, 1999

Chico Municipal Center, Conference Room #2, 421 Main Street — 6:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 6:30 p.m.
- 1.1. Roll Call. Present: Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent: Councilmember Guzzetti.

City staff present: City Manager Lando, Assistant City Manager Dunlap, City Attorney Frank, Personnel Director Erlandson, and Administrative Analyst Young, were present at 6:55 p.m..

2. CLOSED SESSION. The Council adjourned to a closed session to consider item 2.1., and then City staff members were present at 6:55 p.m. when the remaining items were considered.
- 2.1. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's and City Attorney's performance (Gov. Code Section 54957).
- 2.2. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the International Association of Firefighters (Gov. Code Sec. 54957.6).
- 2.3. CONFERENCE WITH LABOR NEGOTIATOR: The City's negotiator was Personnel Director Erlandson. The name of the employee organization that represented employees was the Chico Police Officers Association Unit A (Gov. Code Sec. 54957.6).

3. ADJOURNMENT

The meeting was adjourned at 7:20 p.m. to a Redevelopment Agency meeting in the Council Chamber.

ADJOURNED REGULAR REDEVELOPMENT AGENCY MEETING — DECEMBER 21, 1999

Chico Municipal Center, Council Chamber, 421 Main Street — 7:30 p.m.

1. CALL TO ORDER. The Mayor called the meeting to order at 7:40 p.m.
- 1.1. Flag Salute. Those in attendance recited the pledge of allegiance.
- 1.2. Invocation — Reverend Fred Wymore, Christian Life Center Foursquare Church, delivered the invocation.
- 1.3. Roll Call. Present: Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange. Absent: None.
- 1.4. Introduction of City Staff Members: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, Risk Manager Koch, Finance Director Martin, Community Development Director Baptiste, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Budget Officer Pierce, Management Analyst Halldorson, Housing Officer McLaughlin, and Administrative Analyst Young.
- 1.5. Closed Session Announcement. None
2. CONSENT AGENDA. No items

3. NOTICED PUBLIC HEARINGS

3.1 PUBLIC HEARING ON THE FIVE YEAR IMPLEMENTATION PLANS FOR THE CHICO MERGED AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT AREAS, AND THE CHICO REDEVELOPMENT AGENCY AFFORDABLE HOUSING PLAN.

The Assistant City Manager reviewed the memorandum dated 12/10/99 from the Executive Director reporting that the provisions of the Community Redevelopment Law (California Health and Safety Code §33000 et seq.) required the Chico Redevelopment Agency to adopt implementation plans for the Chico Merged and Greater Chico Urban Area Redevelopment Project Areas, and an Affordable Housing Plan, every five years beginning 12/31/94, following a public hearing. The Community Redevelopment Law required that the plans contain specific goals and objectives of the Agency for the project areas; the specific programs, including potential projects, and estimated expenditures proposed to be made during the next five years; and an explanation of how the goals and objectives, programs, and expenditures would eliminate blight within the project areas and would implement the requirements of §33334.2, §33334.4, §33334.6, and §33413 of the Community Redevelopment Law related to low and moderate income housing. The Agency had been provided with a copy of each of the three Plans and the resolution listed below.

Notice of tonight's public hearing was published and posted in the manner required by the Community Redevelopment Law. The Executive Director and the Redevelopment Committee recommended approval of the Plans and adoption of the resolution.

Assistant City Manager Dunlap presented an overview of the two project area plans and the Affordable Housing Plan.

The public hearing was opened. There were no comments from the audience and the public hearing was closed.

RESOLUTION NO. RDA 7-99 — RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE FIVE YEAR IMPLEMENTATION PLANS FOR THE CHICO MERGED AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT AREAS, AND THE CHICO REDEVELOPMENT AGENCY AFFORDABLE HOUSING PLAN. Councilmember Kirk moved adoption of the Resolution. The motion was seconded and carried as follows: AYES: Councilmembers Guzzetti, Herbert, Keene, Jarvis, Kirk, Lange, and Bertagna. NOES: None. ABSENT: None.

4. REGULAR AGENDA

4.1. CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM FINANCE COMMITTEE ON ITS MEETINGS HELD DECEMBER 1 AND DECEMBER 6, 1999

Councilmember Keene reviewed a memorandum dated 12/13/99 from the Finance Committee that provided a report on its meetings held on 12/1/99 and 12/6/99, at which time the matters listed below were considered. All Committee members were present at that meeting: Councilmembers Herbert, Lange, and Keene, Chair.

Consent Agenda

1. (Agency action required to approve supplemental appropriation)
APPROVAL OF REQUEST FROM INDEPENDENT LIVING SERVICES OF NORTHERN CALIFORNIA FOR ADDITIONAL FUNDING FOR RENTAL HOUSING ACCESSIBILITY PROGRAM. The Committee unanimously recommended approval of the allocation of \$30,000 from the Private Activity Bond Reserve Fund to Independent Living Services of Northern California for continuation of its program to install accessibility improvements in rental housing units.

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APPROVAL OF SUPPLEMENTAL APPROPRIATION ALLOCATING \$30,000 TO BE DRAWN FROM THE PRIVATE ACTIVITY BOND RESERVE FUND FOR CONTINUATION OF THE ACCESSIBILITY IMPROVEMENT GRANT PROGRAM CURRENTLY ADMINISTERED BY INDEPENDENT LIVING SERVICES OF NORTHERN CALIFORNIA. Councilmember Herbert moved approval of the supplemental appropriation. The motion was seconded and unanimously carried.

2. (No Agency action required)
DENIAL OF REQUEST FROM MORTGAGE SUBSIDY PROGRAM BORROWER FOR FORGIVENESS OF INTEREST OWED - SCOTT, 13 NEW DAWN CIRCLE. Due to time constraints, the Committee was unable to consider this matter at its 12/1/99 meeting, and it was continued to the Committee's January meeting.

Regular Agenda

3. (No Council action was required during this portion of the agenda. This item would be considered tonight under Hearings, Item 3.1., on the City Council agenda)
(A) CONSIDERATION OF THE CITY OF CHICO FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (2000-01 THROUGH 2004-05) AND (B) CONSIDERATION OF THE CITY OF CHICO 1999 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATION (NEXUS STUDY) AND PUBLIC MEETING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES. The Committee unanimously recommended the following with regard to the Capital Improvement Program and the Nexus Study:
 - a) Delete the Sewer Fee Chapter from the Nexus Study and staff will re-analyze the sewer trunkline fee.
 - b) Correct the Municipal Building funding in the Nexus Study and Budget to reflect all funding sources, not just RDA.
 - c) Apply Transportation Facility fees based on Alternative 2 (reflects the condition of the streets in approximately 1986-88 and what improvements would have been constructed to accommodate full buildout, and then the fee apportioned to new and existing development accordingly).
 - d) Do not increase developer fees in the Nexus Study for the reconstruction of SHR 32 and 99, and continue to pursue State funding for these projects.
 - e) Delay Park Facility fee changes until staff completed its analysis
 - f) Add interest to positive fund balances and charge interest to negative fund balances.
 - g) List all contributing groups and funding sources for the Recreation Center.
 - h) List DeGarmo Park and possible funding sources, with further consideration at a later date.
 - i) Delete developer fee funding for the bicycle path from the Airport to Keefer Road and consider State funding for this project.
 - j) Change the cost figures for the Police facility, Animal Shelter facility and Fire Station #6.

With the exception of Item 4.1-3 above, which would be considered later this evening on the Council's agenda under Hearings, Councilmember Jarvis moved acceptance of the Finance Committee Report. The motion was seconded and unanimously carried.

5. ITEMS ADDED AFTER POSTING OF THE AGENDA. None
6. ADJOURNMENT. The meeting was adjourned at 8:00 p.m. to a City Council meeting.

ADJOURNED REGULAR COUNCIL MEETING — DECEMBER 21, 1999
Chico Municipal Center, Council Chamber, 421 Main Street

1. CALL TO ORDER. The Mayor called the meeting to order at 8:00 p.m.
 - 1.1. Roll Call. Present: Mayor Bertagna and Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Lange.
Absent: None.

City staff present: City Manager Lando, City Attorney Frank, Assistant City Manager Dunlap, Risk Manager

Koch, Finance Director Martin, Community Development Director Baptiste, Director of Public Works Ross, Park Director Beardsley, Chief of Police Efford, Budget Officer Pierce, Management Analyst Halldorson, Housing Officer McLaughlin, and Administrative Analyst Young.

2. CONSENT AGENDA

2.1. RESOLUTION NO. 65 99-00 — 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 - 126 W. 7TH AVENUE / A.P. NO. 003-574-010

By memorandum dated 12/7/99, the Director of Public Works reports that in accordance with a petition from the property owners, Jack M. Benton and Suzanne Benton, this resolution will authorize sewer assessments to be collected on the tax roll as set forth in the Director of Public Works' report dated December 7, 1999 attached to the 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 recommends adoption of the resolution.

2.2. RESOLUTION NO. 66 99-00 — RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING RESOLUTION NO. 29 98-99 TO ADD THE POSITION OF PRINCIPAL PLANNER TO THE MANAGEMENT TEAM AND ESTABLISH THE SALARY RANGE FOR THE POSITION, AND TO MODIFY THE SALARY RANGE FOR THE ACCOUNTANT POSITION

By memorandum dated 12/1/99, the Personnel Director recommends approval of a resolution which amends the Management Team Pay and Benefits Resolution to add a new positions of Principal Planner, and modifies the Accountant salary range. These changes were approved by Council at the 11/16/99 Budget meeting, and the additional costs for these changes will be included in the Supplemental Appropriation which implements changes made at that meeting. The City Manager and Personnel Director recommend adoption of the Resolution.

2.3. (This item was removed from this evening's agenda by staff, due to revisions to the agreement, and would be brought back to a subsequent meeting for approval.)

MINUTE ORDER - AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN CALIFORNIA EMERGENCY MEDICAL SERVICES, INC., AND ENLOE MEDICAL CENTER FOR PROVISION OF ADVANCED LIFE SUPPORT (ALS) NON-TRANSPORTING PARAMEDIC SERVICES BY THE FIRE DEPARTMENT

This minute order will authorize the City Manager to enter into an agreement with Northern California Emergency Medical Services, Inc., and Enloe Medical Center which would allow City personnel in the Fire Department who are licensed paramedics to provide limited paramedic support services. The authorization for those paramedic services, which would not conflict with private provider services, would be limited to 1) support of the Rescue, HAZMAT, DART and SAFE teams, and 2) employee training for EMT and Automatic Heart Defibrillator certifications, and would be further contingent on no additional costs being incurred by the City for provision of these services. The Fire Chief recommends approval of the minute order.

2.4. (Removed from the Consent Agenda at the request of Mayor Bertagna)

MINUTE ORDER NO. 36-99 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY, PACIFIC BELL, CALIFORNIA WATER SERVICE COMPANY, AND CHAMBERS COMMUNICATIONS CORP. FOR THE 10-FOOT-WIDE STRIP OF LAND ADJACENT TO WHITEWOOD WAY AND SUN RIVER DRIVE, ON CITY PARK PROPERTY

The Community Development Director reports on the need to dedicate a 10-foot-wide strip of land adjacent to Whitewood Way and Sun River Drive, on City-owned park property, as a utility easement in order to complete the development of the Highland Park Subdivision. The easement will contain utilities to serve both the subdivision and the future park facility. The Community Development Director recommends approval of the minute order.

- 2.5. MINUTE ORDER NO. 32-99 — AUTHORIZATION FOR CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT FOR PUBLIC VEHICULAR AND PEDESTRIAN ACCESS ON FOREST AVENUE, ASSESSOR'S PARCEL NO. 002-370-071

The owners of Assessor's Parcel No. 002-370-071, the Lial Revocable Trust and Sheldon Potter Family Partnership, have asked the City to grant them a public access easement across the abutters' rights along Forest Avenue to allow vehicular access, pedestrian access, and circulation for future development of the property. The Community Development Director recommends approval of the minute order.

- 2.6. (Mayor Bertagna indicated that during the closed session, the Council amended this Minute Order to revise the limit on the City Manager's computer allowance from \$1,000 to \$3,000.)

MINUTE ORDER NO. 33-99 — APPROVAL OF MERIT INCREASE AND EMPLOYMENT AGREEMENT AMENDMENT (CITY OF CHICO/THOMAS J. LANDO)

Based on the City Council's evaluation of the City Manager's performance, this Minute Order provides for a merit increase in the amount of 5%. In addition, it also provides for a cellular telephone allowance and an upgrade in computer equipment.

- 2.7. MINUTE ORDER NO. 34-99 — AUTHORIZATION FOR CITY MANAGER TO ACCEPT \$22,500 IN TRAFFIC SIGNAL FEES FROM BUTTE COUNTY FOR THE TRAFFIC SIGNAL CONSTRUCTED AT ESPLANADE AND SHASTA AVENUE AND REIMBURSE THOSE FEES TO THE DEVELOPER OF ASPEN GLEN SUBDIVISION

As a condition of development of Aspen Glen (Tony Symmes, developer), an approved subdivision in the City, a traffic signal will be constructed and installed at the Esplanade and Shasta Avenue. Before development of this City subdivision, Butte County had collected \$22,500 in fees for this traffic signal. At the City's request, these fees were forwarded to the City on 7/6/99. Since these fees were collected for the construction and installation of this traffic signal, they are eligible for reimbursement to the developer when signal construction is complete, and a reimbursement agreement with the City has been executed. This minute order will authorize the City Manager to accept the fees collected by Butte County and reimburse those fees to the developer of Aspen Glen Subdivision following installation of the traffic signal and execution of a reimbursement agreement. The Director of Public Works recommends approval of the minute order.

- 2.8. MINUTE ORDER NO. 35-99 — AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE GENERAL FUND REVOLVING LOAN AGREEMENT WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION

At its meetings on 5/13/99 and 7/8/99, the Economic Development Committee considered revisions to the General Fund Revolving Loan Program Guidelines proposed by the Tri-County Economic Development Committee. Staff recently discovered that the Committee's recommendations had inadvertently not been scheduled for City Council approval. The Economic Development Committee recommends that the City Council approve the amendments to the Guidelines as set forth in the minute order.

- 2.9. APPROVAL OF AMENDMENT TO ADMINISTRATIVE PROCEDURE AND POLICY NO. 10-31, ENTITLED "ESTABLISHMENT OF THE REDEVELOPMENT COMMITTEE," TO ESTABLISH TERM LIMITS FOR PUBLIC MEMBERS

By memorandum dated 12/9/99, the City Manager reports that this amendment to Administrative Procedure and Policy No. 10-31, entitled "Establishment of the Redevelopment Committee," would establish a four year term limit for the public members appointed by the City Council and the Butte County Board of Supervisors. The City Manager recommends approval of the amendment.

- 2.10. APPROVAL OF SUPPLEMENTAL APPROPRIATION TO FUND THE COMPLETION OF THE BIKE PATH

BETWEEN EAST 20th STREET AND LITTLE CHICO CREEK

At its meeting held 12/7/99, the City Council considered a request included on the addendum to change the funding source for completing the bicycle path between East 20th Street and Little Chico Creek from Chico Merged Redevelopment Project Area Funds (351), as included on the agenda, to Transit Operations Fund (859).

The Council adopted a motion of intent to allocate the funds, and this supplemental appropriation would formalize the Council's action by allocating funds in the amount of \$55,000 from the Transit Operations Fund (859). The City Council is being provided with a copy of the Transit Operations Fund summary which reflects the estimated 6/30/00 fund balance.

- 2.11. (Removed from the Consent Agenda at the request of Councilmember Kirk.)

APPROVAL OF MINUTES FOR MEETINGS HELD ON NOVEMBER 16, AND NOVEMBER 23, 1999

The Council had been provided with copies of minutes for its meetings held on 11/16/99 and 11/23/99.

Councilmember Keene moved adoption of each resolution and approval of all other items on the Consent Agenda, except item 2.3. (which would be re-submitted by staff at a subsequent meeting); item 2.4., and item 2.11. The motion was seconded and carried by the following vote: AYES: Councilmembers Guzzetti, Herbert, Jarvis, Keene, Kirk and Bertagna. NOES: None. ABSENT: None.

3. NOTICED PUBLIC HEARINGS

- 3.1. A. CONSIDERATION OF THE CITY OF CHICO FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (2000-01 THROUGH 2004-05)

- B. CONSIDERATION OF THE CITY OF CHICO 1999 UPDATE OF DEVELOPMENT IMPACT FEES ANALYSIS AND RECOMMENDATION (NEXUS STUDY) AND PUBLIC HEARING ON REVISIONS TO CERTAIN DEVELOPMENT IMPACT FEES

The Council was provided with a memorandum dated 12/13/99 from Management Analyst Halldorson reviewing the Finance Committee's recommended changes to the "Capital Improvement Program (CIP)" and "1999 Update of Development Impact Fees Analysis and Recommendations (Nexus Study)." The Council was also provided with revised copies of both documents reflecting the Committee's recommendations, and a copy of the resolution amending the City's fee schedules accordingly.

In addition, the Council was provided with copies of a memorandum dated 12/13/99 from the City Manager outlining the major assumptions reviewed by the Finance Committee regarding the developer fee analysis.

Should the Council wish to approve the recommendations it would (1) adopt the City of Chico 2000-01 through 2004-05 Five Year Capital Improvement Plan by motion; (2) approve the 1999 Update of Development Impact Fees Analysis and Recommendations (Nexus Study) by motion; and (3) approve the associated fee increases by adopting a resolution amending the City's fee schedule. Any fees modified by the resolution would become effective on the 61st day following adoption.

The following correspondence was provided to the Council at the meeting by addendum to this evening's agenda: (1) Memorandum dated 12/20/99 from Management Analyst Halldorson forwarding an analysis outlining the approximate changes in the project list that resulted in the total increase in development impact fees for a single family residence (\$723 as shown in the 11/03/99 Draft Nexus Update), compared to the current revised impact fees of \$511 for a single-family residence; (2) Facsimile memorandum dated 12/13/99 from Jon Clark, Butte County Association of Governments, forwarding revised estimates for future State Transportation Improvement Program (STIP) and Regional & State Transportation Program (RSTP) revenues; (3) Letter dated 12/17/99 from the Chico Economic Planning Corporation expressing concern that annual increases in development impact fees, specifically the ongoing increases in street and traffic facility improvement fees, place an inequitable burden on new businesses; (4) Letter dated 12/17/99 from the Valley Contractors Exchange Board of Directors opposing increases in development impact fees, particularly the increase in the Commercial Fee Schedule, and transmitting information regarding development fees in some neighboring cities; and (5) Letter dated 12/17/99 from the Chico Chamber of

Commerce requesting the Council not to adopt the proposed development impact fee increases, and requesting that the City work with the business community to prioritize infrastructure needs and develop broad-based funding for the needs of the community.

Mayor Bertagna announced that the Capital Improvement Program and the Nexus Study would be considered separately.

A. Consideration of the City of Chico Five Year Capital Improvement Program (CIP)

The City Manager reviewed the memorandum from Management Analyst Halldorson which explained the revisions which had been made to the draft CIP dated 11/03/99, and responded to questions from Councilmembers.

Regarding cost estimates for a future expanded police facility, Councilmember Guzzetti felt that the Police Department should be more involved in projections for future needs and that discussions should begin to develop a Master Plan for police services.

Councilmembers Kirk and Herbert felt that sidewalk improvements on the Esplanade from Lassen to Shasta Avenues, as requested by the Cussick Neighborhood Council, should be included in the CIP.

The public hearing on the CIP was opened.

Walter Cook, 42 Northwood Commons, was concerned that the cost figures for various facilities included in the CIP had been reduced by the Finance Committee, and also that the bike path to the airport had been eliminated.

There were no further comments and the public hearing was closed.

Councilmember Herbert moved adoption of the City of Chico Five-year Capital Improvement Program (2000-01 through 2004-05) with the inclusion of sidewalk improvements on the Esplanade from Shasta Avenue to Lassen Avenue, and that staff be directed to begin work on a Master Plan for police facilities. The motion was seconded and unanimously carried.

B. City of Chico Update of Development Impact Fees Analysis and Recommendation (Nexus Study) and Public Hearing on Revisions to Certain Development Impact Fees

The City Manager reviewed his memorandum dated 12/13/99, explaining the process followed by the Finance Committee in considering development fees, and the five major policy issues that the Committee addressed.

Councilmember Guzzetti was concerned that improvements to SHR 99 and SHR 32 were removed from the Nexus Study and funding by local development fees, and that the community would be relying on State funds for these improvements with no firm commitment from the State.

Councilmember Keene indicated that the State had begun work on preliminary studies for improvements to the 8th Street on-ramp to SHR 99, but that it could not actually commit the funding until these studies were completed.

Councilmember Jarvis left at 8:45 p.m. and was absent during the remainder of the meeting.

The public hearing on the Nexus Study and revisions to development impact fees was opened.

Carolyn Lundberg, 622 Paseo Companeros, felt the proposed development fees were too low and should be raised in order to have a surplus. The City Manager responded that by law, development impact fees could not exceed what was required to mitigate the impact created by development.

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Caryn Jones, 5 Deborah Terrace, felt the City's infrastructure and parks were falling behind and the quality of life was declining. She requested that the unfinished parklands be developed, specifically that foot bridges be installed in the upper park acquisition and Lindo Channel.

Walter Cook, 42 Northwood Commons, urged the Council not to approve the reduction in development impact fees as recommended by the Finance Committee.

The Council was in recess from 9:10 p.m. - 9:20 p.m.

Greg Webb, 121 Yellowstone, stressed that even with the reductions recommended by the Finance Committee, development impact fees were increasing dramatically, and he urged the Council to consider alternative methods of funding needed improvements.

Jim Goodwin, Chico Chamber of Commerce, spoke against approval of the development impact fees as proposed, especially the commercial fees, which the Chamber felt would be detrimental to business development in the community, and requested the Council to find new solutions besides annual increases in development fees for future improvements. He indicated the Chamber would be willing to organize and implement a dialogue among interested groups to address other funding options.

John Gillander spoke in support of the Finance Committee's recommendations, and was opposed to new homeowners being burdened with annual increases in development fees.

Mary Waldorf, 381 E. 3rd Avenue, felt the burden of funding improvements should be shared by the entire community, not just new homeowners, and was opposed to annual increases in development fees.

Helen Ost, 1255 East Lindo Avenue, said that CalTrans had indicated it would only fund improvements to SHR 99 between SHR 32 and East First Avenue, and that the rest would require local funding. The City Manager responded that the State Transportation Improvement Program (STIP) funds from the State would meet this requirement.

Alan Chamberlain, 1264 Howard Drive, felt alternative funding solutions should be explored.

Bob Linscheid, representing CEPCO, was particularly concerned with commercial fees, and felt that a solution to the annual analysis and increase in development fees would be greater cooperation and coordination with the County.

Al Silva, representing the Valley Contractors Exchange, was opposed to the 20% increase in commercial development fees, stressed that the fees needed to remain competitive, and suggested the Council continue consideration of any fee increases until the park and sewer fees, as well as other fee issues raised, had been resolved.

There were no further comments from the audience and the public hearing was closed.

Councilmember Guzzetti moved approval of the development impact fees for commercial/industrial land uses as recommended on Page 14 of the Nexus Study. The motion died for lack of a second.

Councilmember Guzzetti moved that staff be directed to develop a plan to collect local monies to show the State that the City wished to contribute to improvements to SHR 32 and SHR 99, with a development fee attached to that contribution. Councilmember Kirk seconded the motion.

Councilmember Keene stated he would not support the motion because these were State highways and he felt the taxes the State had collected should pay for state highway improvements.

Councilmember Lange asked whether CalTrans required that local development fees be contributed for

improvements to SHR 99 and SHR 32, or whether STIP funds could serve as the local contribution. The City Manager replied that STIP funds, which were allocated to local communities through the Butte County Association of Governments (BCAG) would meet the local contribution requirement; however, BCAG had not yet committed the funds.

Councilmembers Keene and Herbert felt that the City should be working with the County and other cities to identify priorities for State funding for all transportation improvements.

Councilmember Guzzetti amended his motion to broaden it to include all transportation improvements. The motion failed as follows: AYES: Councilmember Guzzetti and Kirk. NOES: Councilmembers Herbert, Keene, Lange and Bertagna. ABSENT: Councilmember Jarvis.

Councilmember Keene moved that the Nexus Study and revisions to development impact fees be tabled and referred to community groups and interested parties to address options for funding of needed improvements; that the Chamber of Commerce organize round table discussions regarding these issues, particularly with Butte County and the Butte County Association of Governments with the goal of establishing priorities and commitments for use of STIP funds, and that the Chamber report back to the Council in 30 days with a proposed timeline for this process.

Councilmember Kirk indicated that although she was not comfortable with the removal of improvements to SHR 32 and 99 from the Nexus Study and development fees, she was willing to support the revisions to development fees as recommended by the Finance Committee.

Councilmember Guzzetti left at 10:35 p.m. and was absent during the remainder of the meeting

The motion carried as follows: AYES: Councilmembers Herbert, Keene, Kirk, Lange, and Bertagna. NOES: None. ABSENT: Councilmembers Guzzetti and Jarvis.

Councilmember Kirk stressed that all interested parties should be represented in the discussions to be organized by the Chamber of Commerce, and that the process should be expedited.

4. REGULAR AGENDA

4.1. ITEMS REMOVED FROM THE CONSENT AGENDA

2.4. Minute Order No. 36-99 authorizing the City Manager to execute utility easement to PG&E, Pacific Bell, Cal Water and Chambers Cable for 10-foot-wide strip of land adjacent to Whitewood Way and Sun River Drive. Mayor Bertagna excused himself from participating in this item due to a conflict of interest. Councilmember Keene moved approval of the Minute Order. The motion was seconded and carried as follows: AYES: Councilmembers Herbert, Keene, Kirk and Lange. NOES: None. ABSENT: Councilmembers Guzzetti and Jarvis. ABSTAIN: Mayor Bertagna.

2.11. Approval of City Council minutes of 11/16/99 and 11/23/99. Councilmember Kirk corrected the minutes of 11/16/99 in Item No. 4.2-E, to insert that it was Councilmember Jarvis who made the motion. Councilmember Keene moved approval of the 11/23/99 minutes and the 11/16/99 minutes as corrected. The motion was seconded and carried as follows: AYES: Councilmembers Herbert, Keene, Kirk, Lange, and Bertagna. NOES: None. ABSENT: Councilmembers Guzzetti and Jarvis.

4.2. LINDO CHANNEL BANK STABILIZATION

At its meeting of 11/16/99, the City Council discussed requests from property owners along Lindo Channel for assistance with bank stabilization to protect their properties. Prior to acting on the requests, the Council directed

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staff to meet with State and local agencies which had responsibility for maintenance of Lindo Channel. The Council was provided with a memorandum dated 12/13/99 from the Director of Public Works reporting on the results of the meeting.

The City Manager reported that none of the local agencies were interested in or felt they had the responsibility for bank stabilization along Lindo Channel. As a long term solution, he was recommending that the Park Commission study bank stabilization standards. In the meantime, a solution was needed for the one-mile stretch of the Channel between Manzanita and Madrone Avenues.

Park Director Beardsley indicated that the Park Commission would be considering this matter at its next meeting and could submit a proposal for studying the one-mile stretch to Council at its 1/18/00 budget meeting. Roger Cole, who had expertise in this area, had submitted a proposal for studying streambank stabilization.

To expedite the matter, the City Manager recommended that the Council allocate \$12,000 to retain Roger Cole to begin the study.

Valerie Converse, 722 Brookwood Way, urged the Council to make a commitment to streambank stabilization.

Helen Ost, 1255 East Lindo Avenue, supported the allocation of funds for a study by Roger Cole.

Walter Cook, 42 Northwood Commons, felt the City should consider the legal ramifications and address environmental impacts before taking any responsibility for bank stabilization on Lindo Channel.

The City Manager indicated staff did not believe the City had any legal obligation for bank stabilization on Lindo Channel; however, the Council had indicated a desire to assist. Further, any proposal would go through the environmental review process.

Councilmember Kirk stressed that by undertaking the proposed study, the City was not assuming any legal obligation for bank stabilization on Lindo Channel.

Councilmember Kirk moved that \$12,000 be allocated to retain Roger Cole to begin a study of streambank stabilization along the one-mile stretch of Lindo Channel from Manzanita Avenue to Madrone Avenue, with the understanding that this action did not constitute an assumption of any legal obligation by the City for bank stabilization on Lindo Channel. The motion was seconded and carried as follows: AYES: Councilmembers Herbert, Keene, Kirk, Lange and Bertagna. NOES: None. ABSENT: Councilmembers Guzzetti and Jarvis.

4.3. Y2K STATUS REPORT

Councilmember Keene reviewed the material he had provided to the Council by memorandum dated 12/15/99 and his memorandum dated 12/20/99, which was distributed at tonight's meeting, providing a Y2K status report and indicating he was confident that the City was ready and had prepared for any emergencies that may arise.

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 could be taken on any of the items unless the Council agreed to include them on a subsequent posted agenda.

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- 6.1. Memorandum dated 11/19/99 from the Chief of Police providing the Citizens' Option for Public Safety Grant Summary Report for the period of 9/1/99 - 10/31/99.

7. ADJOURNMENT

The meeting was adjourned at 11:20 p.m. to Tuesday, 1/4/00 at 7:00 p.m. in Conference Room No. 2 if a closed session was scheduled, followed by a regular meeting in the Council Chamber at 7:30 p.m.

Date Approved: February 1, 2000

City Clerk

Mayor

