

REGULAR CHICO CITY COUNCIL MEETING — October 6, 2009
Chico Municipal Center, Council Chamber, 421 Main Street

- 1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.
- 1.2. Call to Order - 6:30 p.m. in the Council Chamber, 421 Main Street
- 1.3. Presentation of Colors and Pledge of Allegiance — Cub Scouts, Pack 302, Webelos “Shark Patrol”
- 1.4. Invocation — Pastor Reg Schultz-Akerson, Faith Lutheran Church
- 1.5. Roll Call
- 1.6. Proclamation — Proclaiming the month of October as Domestic Violence Awareness Month
2. **CONSENT AGENDA** – All matters listed under the Consent Agenda are to be considered routine and enacted by one motion.

2.1. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC UTILITY EASEMENT - PARK WOOD ESTATES**

Adopt - a resolution of intention to abandon and vacate a public utility easement located at Park Wood Estates between lots 4 and 5 to comply with boundary line modification requirements. ***The Building & Development Services Director recommends adoption of the resolution which will schedule a public hearing for 11/03/09.***

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 (PARK WOOD ESTATES LOTS 4 & 5 / ASSESSOR'S PARCEL NOS. 045-280-061 AND 062)

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON PUBLIC SERVICES EASEMENT - PARK FOREST SUBDIVISION**

Adopt - a resolution of intention to abandon and vacate a portion of the public services easement along the northern boundary of lots 1-6 in Park Forest Subdivision to allow the developer more flexibility on house placement and yard sizes. ***The Building & Development Services Director recommends adoption of the resolution which will schedule a public hearing for 11/03/09.***

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC SERVICES EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (PARK FOREST SUBDIVISION LOTS 1-6 / ASSESSOR'S PARCEL NOS. 002-680-001 THROUGH 006)

2.3. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING**

Approve - minutes of the City Council meeting held on 9/15/09 and 9/22/09.



ITEMS REMOVED FROM CONSENT - if any

3. **NOTICED PUBLIC HEARINGS**

- 3.1. **HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. A02 - 16TH STREET SUBDIVISION (HABITAT FOR HUMANITY)**

A condition of approval of the 16th Street Subdivision requires the establishment of a funding mechanism to cover the annual costs of maintaining native grasses that are of special benefit to the subdivision located on 16th Street. **(Report - Fritz McKinley, Building & Development Services Director)**

Recommendation – Adoption of the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. A02 - 16TH STREET SUBDIVISION (HABITAT FOR HUMANITY)

3.2. HEARING ORDERING FORMATION OF MAINTENANCE DISTRICT NO. 589 - LEE ESTATES SUBDIVISION

A condition of approval of the Lee Estates Subdivision requires the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities and a future landscaped median on Chico Canyon Road that are of special benefit to the subdivision. **(Report - Fritz McKinley, Building & Development Services Director)**

Recommendation – Adoption of the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 589 - LEE ESTATES SUBDIVISION

3.3. HEARING ON DISSOLUTION OF CITY OF CHICO MAINTENANCE DISTRICT NO. 63

In October 1997, Council adopted a resolution ordering the formation of CMD No. 63 to cover the future replacement and ongoing maintenance of improvements specific to the Fleur de Parc Subdivision located off Vallombrosa Avenue. In 1999 the property owners petitioned the City to take over the maintenance of the improvements, and they have done so for the past ten years, making the need for the district no longer necessary. At its meeting of 9/15/09, Council approved a resolution of intention to dissolve the district and set the public hearing for this meeting. **(Report - Fritz McKinley, Building & Development Services Director)**

Recommendation – Adoption of the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING DISSOLUTION OF A MAINTENANCE DISTRICT ESTABLISHED UNDER CHAPTER 3.81 OF THE CHICO MUNICIPAL CODE - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 63 - FLEUR DE PARC

3.4. HEARING ON HISTORICAL PROPERTY PRESERVATION AGREEMENT - 810 ESPLANADE (CITY OF CHICO/DIETRICH) AND CONSIDERATION OF REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) NO. 21-4

Hearing on an application for a historic property preservation agreement pursuant to the Mills Act for the property located at 810 Esplanade, commonly known as the Waters House. The Council is also being asked to consider revisions to AP&P No. 21-4 which will remove the need for a hearing on these agreements. **(Report - Bob Summerville, Senior Planner)**

Recommendation – Adoption of the following resolution and approval of the following revised AP&P;

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO EXECUTE A HISTORICAL PROPERTY PRESERVATION AGREEMENT, 810 ESPLANADE (CITY OF CHICO/DIETRICH)

AP&P NO. 21-4 - MILLS ACT IMPLEMENTATION FOR HISTORIC PROPERTY PRESERVATION AND HISTORICAL PROPERTY CONTRACTS

3.5. **HEARING ON APPEAL OF THE ZONING ADMINISTRATOR'S CONDITIONAL APPROVAL OF USE PERMIT 09-09 (GARNER RANCH PUMPKIN PATCH) LOCATED AT 211 SYCAMORE DRIVE**

An appeal of the Zoning Administrator's conditional approval of an annual corn maze for the month of October. A timely appeal was filed by Genevieve Herseth and Sandra Bailey. The appeal issues relate to the nature of the use, traffic, noise, and security. The property is identified as Assessor's Parcel Numbers 007-010-037 and 007-010-061. **(Report - Angela Spain, Assistant Planner)**

Announcement of Ex-Parte Communications - if any

Recommendation – Adoption of the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF USE PERMIT 09-09 (GARNER RANCH PUMPKIN PATCH)

4. **REGULAR AGENDA**

The City Council will be acting in its capacity as both the City Council and the Chico Redevelopment Agency for consideration of Item 4.1.

4.1. **FISCAL YEAR 2008-09 4TH QUARTER FINANCIAL UPDATE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02**

The City Manager and Finance Director will provide a brief presentation on the 4th quarter financial results for Fiscal Year 2008-09, including the status of the City's Deficit Reduction Strategy. In addition, the Finance Director will present the proposed funding plan necessary to make the State-imposed payment to the Supplemental Educational Revenue Augmentation Fund (SERAF) for Fiscal Year 2009-10. **(Report - Jennifer Hennessy, Finance Director)**

Recommendation – Approval of the following Supplemental Appropriation/Budget Modification:

SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION NO. RDA 09-10 02 - STATE MANDATED SUPPLEMENTAL EDUCATION REVENUE AUGMENTATION FUND (SERAF)

4.2. **CONSIDERATION OF CONCERNED CITIZENS OF CHICO SURVEY**

At its meeting of 9/01/09, the Council concurred 6-0-1, to have the Mayor and City Manager work together to agendize this item for discussion at a future City Council meeting. The Council is being provided with the original letter dated 8/10/09 from Karen Zinniel.

4.3. **CONSIDERATION OF REPORT ADDRESSING NUISANCE IMPACTS ASSOCIATED WITH THE CULTIVATION OF MEDICAL MARIJUANA**

Report from the City Attorney regarding possible regulations to address nuisance impacts caused by the outdoor cultivation of medical marijuana. After consideration of the report, the Council may provide direction to the City Attorney regarding the drafting of an ordinance. **(Report - Lori Barker, City Attorney)**

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

5. **BUSINESS FROM THE FLOOR**

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

6. **ADJOURNMENT** – Adjourn to October 20, 2009 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.