1.1. **CLOSED SESSION** - 6:00 p.m. – Page 5

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

1.3. Call to Order – Mayor Holcombe called the January 2, 2007 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Dave Osborne, Chico Seventh-day Adventist Church

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Presentation – A brief presentation was provided by Jon Clark, Executive Director of BCAG regarding the development of the Habitat Conservation Plan (HCP) and Natural Communities Conservation Plan (NCCP)

2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda for further discussion. A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the remaining Consent Agenda item:

2.1. **RESOLUTION NO. 01-07 – A 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 (NO. CHERRY STREET / APN 043-131-004)** – This item was removed from the Consent Agenda for further discussion.

2.2. **ADOPTION OF THE SANITARY SEWER MASTER PLAN UPDATE**

  Adopted - the Sanitary Sewer Master Plan Update as recommended by the Internal Affairs Committee at its meeting of 12/13/06. The City's Sanitary Sewer Master Plan Update (SSMPU) identifies those areas of the City's sanitary sewer system requiring upgrades to meet the build-out projections of the 1994 General Plan. Adoption of the SSMPU facilitates the implementation of two current and any future sewer projects by not requiring a separate environmental review for each one. A Mitigated Negative Declaration, was circulated for public comment, with no comments being received by the City. The Internal Affairs Committee recommended (3-0) adoption of the Sanitary Sewer Master Plan Update.

  The motion to approve the Consent Agenda with Item 2.1. removed for further discussion, carried, as read, by the following vote:

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

**ITEMS REMOVED FROM CONSENT**
2.1. **RESOLUTION NO. 01-07 – A 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 (NO. CHERRY STREET / APN 043-131-004)** – This item was removed from the Consent Agenda for further discussion at the request of Mayor Holcombe.

Adopted - a resolution of intention to abandon and vacate a portion of a public utility easement located at 1403 North Cherry Street. The abandonment of this portion of the easement will facilitate the construction of a second dwelling unit on the property. The Building and Development Services Director recommended adoption of the resolution which schedules a public hearing for 2/06/07.

Mayor Holcombe asked that the record reflect: (1) the second dwelling unit has not been permitted yet; and (2) that abandonment of the easement is not approval for a second unit or easement.

A motion was made by Mayor Holcombe and seconded by Vice Mayor Schwab to adopt Resolution No. 01-07.

The motion carried by the following vote:

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

NOES: None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT (FAHEY - APN 018-120-001)**

A hearing was held on the abandonment and vacation of a ten-foot portion of a public utility easement to facilitate the construction of a house on the property located on Lot 115 on Shallow Springs Terrace in Canyon Oaks. At its meeting held 12/05/06, Council adopted Resolution No. 111-06, stating its intent to abandon a portion of the public utility easement, and set the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

The Building and Development Services Director recommended adoption of the following resolution.

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

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

RESOLUTION NO. 02-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (SHALLOW SPRINGS TERRACE - FAHEY - APN 018-120-001)

The motion carried by the following vote:

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

NOES: None

3.2. **HEARING ON GENERAL PLAN AMENDMENT AND REZONE 04-11 (COSTCO)**

Hearing on a General Plan Amendment and Rezone for the easterly 6.48 acre portion of APN 005-490-016 located adjacent to the west of property located at 2100 Whitman Avenue, which will change the General Plan Land Use designation from Manufacturing and Warehousing to Community Commercial and will change the zoning district from ML Light Manufacturing/Industrial to CC Community Commercial. (Report - Bob Summerville, Senior Planner)

Mayor Holcombe opened the hearing to the public. Ginny Crawford asked the Council to consider incorporating an artistic treatment into the project. David Babcock, the architect for Costco addressed
Council’s questions regarding energy efficiencies, artistic design, and the recycling of materials used in the original building. The hearing was closed to the public.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to continue this item for 60 days and directed staff to: (1) work with the applicant on traffic mitigations; and (2) to prepare a traffic model of proposed mitigations as well as the proposed improvements planned for that area.

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ARTS COMMISSION RECOMMENDATION TO ALLOCATE FUNDS FOR MARKETING CHICO ARToberFEST 2007 AND 2008**

At its 11/10/05 meeting, the City Council considered a request from the Arts Commission to allocate $150,000 over a three-year period for professional consulting services to market and coordinate the annual Artoberfest event. The Council allocated $50,000 for Artoberfest 2006 and directed the Commission to submit a report on the event at which time the Council would consider funding the two additional years. The Arts Commission recommended that the City Council allocate $100,000 ($50,000 per year) to market Artoberfest 2007 and 2008, allocated from the General Fund Operating Reserve. Addressing the Council in support of this request were Debra Lucero and Kathy Barrett.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to: (1) approve the two-year funding request of $50,000 per year, allocated from the General Fund Operating Reserve; and (2) direct staff to process an administrative supplemental appropriation following this meeting.

The motion carried by the following vote:

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

4.2. **2006 BIENNIAL RECRUITMENT AND APPOINTMENT OF MEMBERS TO THE CITY’S BOARD AND COMMISSIONS**

The City Clerk forwarded the information received during the Biennial Recruitment process used to solicit applications from the residents of the City of Chico to serve as members of its appointive Board and Commissions.

The City Council held the interviews and made the following appointments to the various Board and Commissions, by majority vote:

**Planning Commission**
Mary Brownell
Jon Luvaas
John Merz
Susan Minasian

**Arts Commission**
Sandy Atkins
Paul Friedlander
Samantha Gale

**Bidwell Park and Playground Commission**
Lisa Emmerich
Stephen Lucas
Richard Ober
Jim Walker

**Airport Commission**
Bob Koch
Floyd Sanderson
Gayle Womack

**Human Resources Commission**
Rae Morrison
Ali Sarsour

**Architectural Review Board**
Nicholas Ambrosia

**Planning Commission**
Mike Borzage

**Arts Commission**
Sandy Atkins
Paul Friedlander
Samantha Gale
4.3. **CONSIDERATION OF COUNCILMEMBER BERTAGNA’S REQUEST TO AGENDIZE THE ISSUE OF THE PROPOSED GRAVEL MINE ON RIVER ROAD**

Councilmember Bertagna had requested that the City Council discuss the impact that the proposed gravel mine on River Road will have on Chico. Pursuant to City Council rules of procedure, the Council, by majority vote, voted to consider this matter at this meeting. Addressing the Council in opposition to the proposed gravel mine on River Road were Ron Jones, Maria Phillips, Karen Read, Jim Bremner, John Merz, and Karen Laslo.

The City Council concurred (7-0) to send a letter to the Board of Supervisors under the Mayor’s signature, forwarding the concerns expressed by Council, and requesting clarification on the number of truck trips per day, the number of hours over what period of time; bike safety, and traffic safety. Staff was also directed to prepare an analysis of the anticipated impacts for Council consideration.

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following report and communication item was provided for the Council’s information.

6.1. Letter dated 12/22/06 from Jim Goodwin, President/CEO, Chico Chamber of Commerce, requested that the City commit $20,000 toward Chico AirFest 2007. The City Manager recommended this item be referred to the Finance Committee.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to refer this item to the Finance Committee for review.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

7. **ADJOURNMENT**

Adjourned at 10:07 p.m. to January 16, 2007 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.

Date Approved: January 16, 2007

______________________________
Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the January 2, 2007—Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room 2, 421 Main Street at 6:00 p.m.

1.1. **Roll Call**

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

Absent: None

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Administrative Services Director Pierce, and Building and Development Services Director McKinley

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

   (Gov. Code §54956.8)

   **Negotiator:** Greg Jones, City Manager

   **Under Negotiation:** Price and terms of payment for proposed acquisition

   **Negotiating Parties:** See Appendix “A” to the Agenda for list of property owners or designated negotiator(s)

2.2. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9: One case.

2.3. **CONFERENCE WITH LABOR NEGOTIATOR**

   (Gov. Code Sec. 54957.6.)

   **Negotiator:** Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

3. **ADJOURNMENT**

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order – Mayor Holcombe called the January 16, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Associate Pastor Julie Horne, Trinity United Methodist Church

1.6. Roll Call
   
   Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
   Absent: None

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Item 2.6. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Wahl to approve the remaining Consent Agenda items:

2.1. RESOLUTION NO. 03-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1088 SAN RAMON DRIVE / A.P. NO. 015-210-059 (petition from property owner Scott Prichard)

   **Adopted** - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments are in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.

2.2. RESOLUTION NO 04-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1249 WARNER STREET / A.P. NO. 043-150-014 (petition from property owners Robert J. and Gwennie S. Balcomb)

   **Adopted** - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments are in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.

2.3. RESOLUTION NO. 05-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 1252 VALLOMBROSA AVENUE / A.P. NO. 045-292-021 (petition from property owners Flint A. and Linda S. Forrister)

   **Adopted** - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments are in lieu of full payment of the sewer system connection fee which would ordinarily be due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.
2.4. RESOLUTION NO. 06-07 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF AN ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (OLIVE TO ORIENT STREET - HAMEL / APN’s 004-179-005, 003, 002, and 001)

Adopted - a resolution of intention to abandon and vacate a portion of an alley located between Olive and Orient Streets and East 5th and East 6th Streets to facilitate the remodel of a home at 520 Olive Street. The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing for 2/06/07.

2.5. RESOLUTION NO. 07-07 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (FOREST AVENUE AND JAN COURT / APN’S 002-210-007 and 002-210-008)

Adopted - a resolution of intention to abandon and vacate public utility easements located on Forest Avenue and Jan Court to facilitate the construction of a proposed office complex. The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing for 2/20/07.

2.6. RESOLUTION NO. 08-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING TWIN CREEKS VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-02 (RILEY) – This item was removed from Consent and heard immediately following the approval.

2.7. ACKNOWLEDGMENT OF RECEIPT OF ANNUAL FINANCIAL REPORTS AND REFERRAL OF THE REPORTS TO THE FINANCE COMMITTEE FOR REVIEW

Acknowledged - for fiscal year ended 6/30/06, the Report to Management, the City of Chico Comprehensive Annual Financial Report, the City of Chico Single Audit Report, the Chico Redevelopment Agency Component Unit Financial Report, and the Chico Public Financing Authority Component Unit Financial Report. The Finance Director recommended the Council acknowledge receipt of the reports and refer the reports to the Finance Committee for review.

2.8. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 12/05/06, 12/19/06 and 1/02/07.

The motion to approve the Consent Agenda with item 2.6 removed for further discussion, carried, as read, by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.6. RESOLUTION NO. 08-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING TWIN CREEKS VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-02 (RILEY) – This item was removed from Consent for further discussion at the request of Councilmember Bertagna and a citizen.

Adopted - a resolution to deny an appeal of the project regarding the Planning Commission’s incorporation of three conditions of approval that would restrict the roof height and location of new homes and conditionally approving the project. The Planning Director recommended adoption of the resolution.
Tim Ferris, Frank Riley, and Kevin Riley asked the Council to delay taking action on the final resolution in order to allow time for the applicant to meet with staff regarding the applicant’s ability to revert back to the original map.

The motion made by Councilmember Bertagna and seconded by Councilmember Wahl to continue this item to allow additional discussion failed by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolution which denies the appeal and upholds the Planning Commission decision to incorporate three conditions of approval that restricted roof height and location of new homes and which conditionally approved the project.

RESOLUTION NO. 08-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING TWIN CREEKS VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-02 (RILEY)

The motion carried by the following vote:

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

The City Council recessed for a 15-minute break at 7:25 p.m. The meeting was reconvened and all members of Council were present.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING OF AN APPEAL OF PLANNING COMMISSION APPROVAL OF USE PERMIT 05-76 (NEXTEL), WHICH AUTHORIZES A WIRELESS TELECOMMUNICATIONS FACILITY ON THE ELKS LODGE PROPERTY LOCATED AT 1705 MANZANITA AVENUE

At its 11/02/06 meeting, the City of Chico Planning Commission voted (4-3) to approve Use Permit 05-76 (Nextel), which authorized a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue. The use permit, as conditioned, approved the installation of a stealth monopine (a monopole telecommunications tower modified to resemble a pine tree) with a useful structural height of 84 feet; total project height would be 93 feet due to the stealth treatment. (These heights represent a 32-foot reduction from what was requested by the applicant.)

On 11/13/06, a group of neighbors and concerned citizens filed an appeal of the Planning Commission’s decision. Pursuant to Chapter 2.80 of the Chico Municipal Code, the City Council considered the appeal on 12/05/06, and voted to call up record and schedule the matter for a public hearing. The Planning Services Director recommended that the City Council refer the project back to the Planning Commission for reconsideration. The City Council was provided with copies of an e-mail dated 12/06/06 from Pastor Donald Jordan and a letter dated 1/12/07 from Jason Kindopp. (Report - Greg Redeker, Associate Planner)

Councilmember Bertagna was disqualified due a business conflict and Councilmember Nickell disqualified himself due to his membership with the Elks.

Announcement of Ex-Parte Communications – None

Addressing the Council in favor of the appeal were Linnea Hanson, Harold Carlson, Gary Lautt, Alan Gair, Leanne Lautt, Craig Scarpelli, and Jeff Seyfried. Speaking in opposition to the appeal were Frank Schabarum and Rose Lagler.
A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to refer the project back to the Planning Commission for reconsideration given that the Council’s approval of the facility at the nearby Hooker Oak site constitutes new information which was unknown to the Planning Commission when originally making its decision.

The motion carried by the following vote:

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF THE DOWNTOWN ACCESS PLANNING CHARRETTE RESULTS**

After considering development of a second Downtown parking structure in 2005, Council directed staff to conduct a charrette to more comprehensively address Downtown parking and transportation. The five-day Downtown Access Planning Charrette was held in March 2006. The charrette process yielded an integrated set of strategies for optimizing management of the existing Downtown parking supply, for developing additional parking capacity as needed, and for improving support of other modes of travel. The planning process also clarified the need to develop a long-term vision for Downtown. Steve Gonsalves, representing Downtown Parking and Access Coalition, provided a 15 minute presentation regarding this item. *(Report - Claudia Stuart, Senior Planner)*

The City Council was provided with correspondence from Alan Gair, Rick Tofanelli, Barbara Akimoto, Nancy Lindahl, Zucchini & Vine, Charles Clark, Shirley Sait-Huneven. Staff also provided Council with a revision to page 11 of the charrette report (page 21 of the agenda report). The revision provided the correct map to accompany the text.

Councilmember Wahl disqualified himself on this item due to owning property in the downtown area and Vice Mayor Schwab disqualified herself as well due to being a business owner in a downtown business.

Addressing the Council regarding this item were David Halimi, Tom Lando, Michael Worley, Carlton Lowen, Tom Hall, Susan Shaw, Katrina Davis-Woodcox, Bill Ranalla, T.J. Glenn, Anna Simcox, Charlie Osborn, Alan Chamberlain, Alan Gair, Earl Jessee, Becky Watner, Ali Sarsour, Jeff Farrar, Cheryl King, Dan Neumeister, and Robert Montgomery.

The City Council recessed for a 15-minute break at 9:20 p.m. The meeting was reconvened and all members of Council were present.

A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to: (1) direct staff to incorporate the charrette report’s feasible strategies into a Downtown Access Plan for Council’s detailed consideration, adoption, and near-term implementation, providing Council with a time line for implementation; and (2) approve the development of a comprehensive, long-term vision for the Chico Downtown as part of the General Plan update. Changes to Downtown traffic management, including expectations for traffic flow and levels of service, will be considered as part of this process.

The motion carried by the following vote:

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

4.2. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA** – None
5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

   Adjourned at 11:00 p.m. to February 6, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

   ____________________________  
   Date Approved: February 6, 2007

   Deborah R. Presson
ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — January 16, 2007
Continued to 2/06/07

1. CALL TO ORDER – The City Council concurred (7-0) to continue the Adjourned Regular Chico Redevelopment Agency meeting to February 6, 2007.

1.1. Roll Call

2. CONSENT AGENDA

3. NOTICED PUBLIC HEARINGS

4. REGULAR AGENDA – The following item was continued to 2/6/07

4.1. CONSIDERATION OF VICE-MAYOR SCHWAB’S REQUEST FOR RECONSIDERATION OF AGENCY ACTION TAKEN ON NOVEMBER 21, 2006, PERTAINING TO A TECHNICAL CORRECTION TO THE TITLE OF RESOLUTION NO. RDA 05-06 WHICH AUTHORIZES THE ACQUISITION OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET – The Redevelopment Agency was provided with a copy of a letter received from Michael Holland.

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA – None

5. ADJOURNMENT
1. **CALL TO ORDER** – Mayor Holcombe called the January 16, 2007 – Adjourned Regular Chico City Council Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Members Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Administrative Services Director Pierce

2. **CLOSED SESSION MATTERS**

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Chico Citizens for Community Justice, et al. v. City of Chico, et al.*, Butte County Superior Court Case No. 138891, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)
Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

3. **ADJOURNMENT**

Adjourned to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 10

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

1.3. Call to Order – Mayor Holcombe called the February 6, 2007 - Adjourned Regular Chico City Council meeting in the Chico Municipal Center, Council Chamber, 421 Main Street, Chico, California at 6:00 p.m. - see page 10.

1.4. Flag Salute

1.5. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist

1.6. A moment of silence was dedicated to the memory of Paul Persons, who passed away January 17, 2007.

1.7. Roll Call
   
   Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
   Absent: None

1.8. Closed Session Announcement - None


2. **CONSENT AGENDA** – Items 2.8 and 2.9 were removed from the Consent Agenda and heard immediately following the approval of Consent. A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to approve the remaining Consent Agenda items:

2.1. **RESOLUTION NO. 09-07** – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 481 POSADA WAY / A.P. NO. 007-310-002 (petition from property owners McCarthy Family, L.P., a California limited partnership)
   
   Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments were in lieu of full payment of the sewer system connection fee which is ordinarily due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.

2.2. **RESOLUTION NO. 10-07** – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 491 POSADA WAY / A.P. NO. 007-310-001 (petition from property owners McCarthy Family, L.P., a California limited partnership)
   
   Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments were in lieu of full payment of the sewer system connection fee which is ordinarily due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.

2.3. **RESOLUTION NO. 11-07** – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 476 EAST LASSEN AVENUE / A.P. NO. 007-060-076 (petition from property owners McCarthy Family, L.P., a California limited partnership)
Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments were in lieu of full payment of the sewer system connection fee which is ordinarily due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.


Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report. These assessments were in lieu of full payment of the sewer system connection fee which is ordinarily due and payable at the time of connecting the premises to the City’s sewer system. The Building & Development Services Director recommended adoption of the resolution.

2.5. RESOLUTION NO. 13-07 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF AN ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (OLIVE TO ORIENT STREET - HAMEL/ APN’s 004-179-001, 002, 003, 005, 006, 007, 008, 011, and 012)

Adopted - a resolution of intention amending Resolution No. 06-07 adopted on 1/16/07, to add the properties on the southeast side of the alley to the abandonment and vacation process for the alley located between Olive and Orient Streets and East 5th and East 6th Streets. The Building & Development Services Director recommended adoption of the resolution which schedules a public hearing for March 6, 2007.

2.6. RESOLUTION NO. 14-07 – A RESOLUTION PROVIDING FOR PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT POSITIONS (2001 MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

Adopted - a resolution re-adopting the new pay and benefits resolution that incorporates the negotiated changes resulting from the re-opener process with the Management employees. The Human Resources Director recommended adoption of the resolution.

2.7. RESOLUTION NO. 15-07 – A RESOLUTION PROVIDING FOR PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL EMPLOYEES (2005 CONFIDENTIAL EMPLOYEES PAY AND BENEFITS RESOLUTION)

Adopted - a resolution re-adopting the new pay and benefits resolution that incorporates the negotiated changes resulting from the 2006 re-opener process with the Confidential employees. The Human Resources Director recommended adoption of the resolution.

2.8. MINUTE ORDER NO. 01-07 – AUTHORIZATION FOR CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH REMY, THOMAS, MOOSE AND MANLEY, LLP IN THE MATTER OF CHICO CITIZENS FOR COMMUNITY JUSTICE, ET AL. V. CITY OF CHICO, ET AL - This item was removed from Consent for further discussion.

2.9. APPROVAL OF A VEHICLE FOR HIRE OWNER’S PERMIT- PREMIER TAXI - This item was removed from Consent for further discussion.

2.10. ACCEPTANCE OF THE ANNUAL REPORT OF THE CHICO REDEVELOPMENT AGENCY FOR FISCAL YEAR 2005-06

Accepted - the Annual Report of the Chico Redevelopment Agency for Fiscal Year 2005-06, which was prepared pursuant to Community Redevelopment Law and provided to Council on 12/27/06. The Housing & Neighborhood Services Director recommended acceptance of the report.
2.11. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved – minutes of the City Council meeting held on 1/16/07.

ITEMS REMOVED FROM CONSENT

2.8. MINUTE ORDER NO. 1-07 – AUTHORIZATION FOR CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH REMY, THOMAS, MOOSE AND MANLEY, LLP IN THE MATTER OF CHICO CITIZENS FOR COMMUNITY JUSTICE, ET AL. V. CITY OF CHICO, ET AL

Approved - minute order authorizing the City Attorney to enter into an agreement with Remy, Thomas, Moose and Manley, LLP for the defense of the City of Chico and the Chico City Council in the matter of Chico Citizens for Community Justice, et al. v. City of Chico, et al. The City Attorney recommended approval of the minute order. This item was removed for additional clarification at the request of Councilmember Wahl. Councilmember Bertagna was disqualified on this item due to a business conflict and left the dias.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to approve the following minute order:

MINUTE ORDER NO. 01-07 – AN AUTHORIZATION FOR CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH REMY, THOMAS, MOOSE AND MANLEY, LLP IN THE MATTER OF CHICO CITIZENS FOR COMMUNITY JUSTICE, ET AL. V. CITY OF CHICO, ET AL

The motion carried by the following vote:

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

2.9. APPROVAL OF A VEHICLE FOR HIRE OWNER’S PERMIT- PREMIER TAXI

Approved - the issuance of a Vehicle for Hire Owner’s Permit to Premier Taxi (Arturo Sixtos). Management Analyst Herman recommended approval of the issuance of the permit. Councilmember Bertagna was disqualified on this item and left the dias. This item was removed at the request of citizens John Beaver and Gianni Caponera who opposed the issuance of the permit. Arturo Sixtos addressed the Council in support of approving the issuance of the permit.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the issuance of a Vehicle for Hire Owner’s Permit to Premier Taxi (Arturo Sixtos).

The motion carried by the following vote:

AYES: Flynn, Nickell, Schwab, Wahl, Holcombe
NOES: Gruendl
DISQ: Bertagna

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING ABANDONMENT OF A PUBLIC UTILITY EASEMENT (NO. CHERRY STREET / A.P. NO. 043-131-004)

A hearing was held on the proposed abandonment and vacation of a public utility easement located at 1403 North Cherry Street to facilitate construction of a second dwelling unit on the second story over a garage on the property. At its meeting held 1/02/07, Council adopted Resolution No. 01-07 declaring its intent to abandon and vacate the portion of the easement, and set a public hearing for this meeting.

(Report - Fritz McKinley, Building & Development Services Director)

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.
A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolution:

RESOLUTION NO. 16-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PUBLIC UTILITY EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (NO. CHERRY STREET - APN 043-131-004)

The motion carried by the following vote:

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

3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 564 (PARCEL MAP 04-11 (BROWN))

A hearing was held regarding the formation of Maintenance Assessment District No. 564. A condition of approval of a commercial parcel map for Don and Dorothy Brown required the establishment of a means for funding the future replacement and annual costs involved in operating and maintaining the landscaping and irrigation within the future raised centerline median in Eaton Road, the landscaping and irrigation of a storm water detention facility, and an oak tree preserve. (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 17-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 564 (PARCEL MAP 04-11 (BROWN))

The motion carried by the following vote:

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

3.3. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 573 (KEYSTONE MANOR SUBDIVISION)

A condition of approval of the Keystone Manor Subdivision required the establishment of a means for funding the annual costs of operating and maintaining storm water collection facilities that are of special benefit to the subdivision located on the north side of Henshaw Avenue. (Report - Fritz McKinley, Building & Development Services Director)

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

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

3.4. **HEARING ON NUISANCE ABATEMENT ORDER FOR PROPERTY LOCATED AT 15 DEAN WAY (ASSESSOR’S PARCEL NO. 045-500-040-000)**

In accordance with the provisions of Chapter 1.14 of the Chico Municipal Code, the Housing & Neighborhood Services Director served a formal request to the owners of the property located at 15 Dean Way, to abate the nuisance existing on the property on or before 1/29/07. The nuisance was not abated by the requested date. Pursuant to Chapter 1.14 of the Municipal Code, the Council was requested to hold a public hearing to consider the evidence, and to order the nuisance abated. *(Report - Sherry Morgado, Housing & Neighborhood Services Director)*

The Council was provided with copies of an email received from Curtis and Joanna Askey and a letter from David W. Bunganich, DC.

Mayor Holcombe opened the hearing to the public. City Clerk Presson swore in the speakers under penalty of perjury. Addressing the Council regarding this issue were Joan Goodwin, Melvin Schroeder and Sandy Anderson. The hearing was closed to further public comment.

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

**RESOLUTION NO. 19-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A NUISANCE ABATEMENT ORDER FOR PROPERTY LOCATED AT 15 DEAN WAY, CHICO, CALIFORNIA (ASSESSOR’S PARCEL NO. 045-500-040-000)**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

It was noted by staff that the property owners were being given 60 days to abate the nuisance.

Council recessed at 7:45 p.m. for a 15 minute break. The meeting was reconvened and all members were present.

3.5. **APPEAL OF PLANNING COMMISSION APPROVAL OF A 171-LOT VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT (S/PDP 05-15; WILDWOOD ESTATES)**

A hearing was held on an appeal of the Planning Commission decision to approve the Wildwood Estates vesting tentative subdivision map and planned development permit (PDP) located on the east side of Cactus Avenue; A.P. Nos. 016-160-001, 016-160-002, 016-160-003. The approved subdivision consists of 171 single-family lots and 4 duplex lots, for a total of 175 residential units. The PDP authorized various modifications to City subdivision and design standards, including reduced lot sizes for some lots, allowing duplexes on lots other than corner lots, and allowing modified street widths. The PDP also approved architectural elevations for the residences. *(Report - Patrick Murphy, Senior Planner)*

The Council was provided with an email from Vic Alvistur dated 2/5/07.
Announcement of Ex-Parte Communications

Councilmember Nickell  Spoke with Tony Symmes, Liz and Steve Mosher and one additional unidentified neighbor

Councilmember Gruendl  Spoke with Tony Symmes and also had an email exchange with Liz Mosher

Councilmember Flynn  Spoke with Tony Symmes, Liz and Steve Mosher, John Merz, who was acting as a "volunteer environmental consultant," Jerry and Paula Olio and one other unidentified neighbor

Councilmember Bertagna  Spoke with Tony Symmes

Councilmember Wahl  Spoke with Tony Symmes

Vice Mayor Schwab  Spoke with Tony Symmes and a neighborhood group organized by the Mosher

Mayor Holcombe  Spoke with Tony Symmes and the Cactus Avenue group consisting of Liz and Steve Mosher, Jerry and Paula Olio, and one other unidentified neighbor

Mayor Holcombe opened the hearing to the public. Addressing the Council were Tony Symmes, Robert Campbell, Paul Teegarden, Mark Hook, John Merz, Liz Mosher, and Jerry Olio. The hearing was closed to the public.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to adopt the following resolution denying the appeal, thereby upholding the approval of the Project by the Planning Commission:

RESOLUTION NO. 20-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING THE WILDWOOD ESTATES VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-15 OFF CACTUS AVENUE (WILDWOOD INVESTORS, INC.) - as amended to include the following changes:

1)  Street connectivity requirement will remain as a green belt at this time, to be determined by a future Council and it is to be noted that the interim connectivity is created by the bike and pedestrian pathway;
2)  10% of homes will be designated as low income housing for first time home buyers;
3)  Lots 93 and 88 converted to single loaded streets; and
4)  Wetlands to be retained for preservation.

The motion carried by the following vote:

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

Council recessed at 8:50 p.m. for a 10 minute break.
The meeting was reconvened and all members were present.
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF A PROPOSED BIDWELL PARK SPHERE OF INFLUENCE POLICY**

The Bidwell Park and Playground Commission (BPPC) developed a policy relating to future development within the sphere of influence of Bidwell Park, with the primary focus being the Upper and Middle Park Area. *(Report - Dennis Beardsley, General Services Director)*

Addressing the Council in support of this proposed policy were Bill Brouhard and Julian Zener.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to: (1) conceptually approve the proposed policy as a starting point; (2) direct staff to develop a map reflecting the areas being addressed within the policy, including the Big Chico Creek Watershed Basin and the but no less than 1,000 foot Bidwell Park Sphere of Influence; and (3) bring the policy back to the Council when all items are completed.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Schwab, Wahl, Holcombe

**NOES:** Nickell

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The Council unanimously voted to extend the meeting to 10:30 p.m.

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4.2. **INFORMATION UPDATE ON CITY ECONOMIC DEVELOPMENT STRATEGY**

The Economic Development/Redevelopment Manager Martha Wescoat-Andes provided an update on the pre-planning work that has been done, to date, on creating a City strategy for economic development.

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council’s information. No action was taken unless otherwise noted.

6.1. E-mail dated 1/22/07 from Irv Schiffman requesting discussion of the City’s policy on holiday parking and the confusion created by the parking meter signage. The City Manager recommended this item be referred to the Internal Affairs Committee. Council referred (7-0) this item to the Internal Affairs Committee for discussion.

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

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Council voted (7-0) to extend the meeting to 11:00 p.m.
1. CALL TO ORDER – Mayor Holcombe called the February 6, 2007 - Regular Chico Redevelopment Agency Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

2. CONSENT AGENDA - None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1. CONSIDERATION OF VICE-MAYOR SCHWAB’S REQUEST FOR RECONSIDERATION OF AGENCY ACTION TAKEN ON NOVEMBER 21, 2006, PERTAINING TO A TECHNICAL CORRECTION TO THE TITLE OF RESOLUTION NO. RDA 05-06 WHICH AUTHORIZES THE ACQUISITION OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET

As agendized for the 12/19/06 Council meeting, Vice-Mayor Schwab requested reconsideration of an action taken by the Agency on 11/21/06 pertaining to a resolution which, if adopted, would correct the title of Resolution No. RDA 05-06 previously adopted on 8/15/06. This resolution pertained to the purchase of a vacant parcel located between Little Chico Creek and Wisconsin Street east of Boucher Street, for the development of single family housing affordable to lower income households. Pursuant to City Council rules of procedure, the Council, at its 12/19/06 meeting, by majority vote, scheduled this matter for consideration at the 1/16/07 Council meeting, at which time, Council rescheduled this matter to this meeting.  

(Report - Sherry Morgado, Housing & Neighborhood Services Director)

Addressing the Council in opposition to the purchase were Jane Dolan, Glenn Tucker, Susan Tucker, Tim Howley, Susan Howley, Silda Covington, Wanda Story, Bill Story, Susan Sullivan, Jane Willowby, Mark Hooper, and Michael Edwards. Speaking in support of the purchase was Dave Ferrier.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to not adopt the resolution that would correct the title of Resolution 05-06.

The motion failed due to the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt Resolution No. 01-07, which reaffirms the Agency’s action taken on 8/15/06 and corrects the title of Resolution 05-06. Staff is also directed to negotiate a purchase price not to exceed the new appraisal amount of $450,000.

The motion carried by the following vote:

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

RDA RESOLUTION NO. 01-07 – RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING THE ACQUISITION OF A VACANT PARCEL LOCATED BETWEEN LITTLE CHICO CREEK AND WISCONSIN STREET EAST OF BOUCHER STREET - PORTION OF ASSESSOR’S PARCEL NO. 005-391-004, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SALES AGREEMENT WITH THE PROPERTY OWNERS, AND TO ACCEPT AND CONSENT TO CONVEYANCE OF THE VACANT PARCEL
4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA**  – None

5. **ADJOURNMENT**

Adjourned at 11:35 p.m. to February 20, 2007 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.

Date Approved: April 3, 2007

_________________________________
Deborah R. Presson, City Clerk
CALL TO ORDER

1.1 Roll Call

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

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson and Director of Human Resources Fulks

CLOSED SESSION MATTERS

2.1 PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Manager's performance. (Gov. Code Section 54957.)

2.2 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: California Department of Toxic Substances Control v. City of Chico, et al., U.S. District Court Case No. CIV. S-02-442 LKK DAD pursuant to subdivision (a) of Government Code section 54956.9.

2.3 CONFERENCE WITH LABOR NEGOTIATOR
   (Gov. Code Sec. 54957.6.)
   Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8

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

1.3. Call to Order – Mayor Holcombe called the February 20, 2007 – Adjourned Regular Chico City Council Meeting at 6:35 p.m. in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.4. Flag Salute

1.5. Invocation — Jules Vautrot, Baha’i Faith

1.6. Roll Call

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

   Absent: None

1.7. Closed Session Announcement – None

1.8. Presentation – Appreciation plaque presented to Chet Wood, retiring Project Manager with 21 years of City service.

1.9. Presentation of “Appreciation Plaques” to out going members of various City Boards and Commissions

2. **CONSENT AGENDA** – Item 2.4. was removed from the Consent Agenda and tabled to the 3/20/07 meeting. A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the remaining Consent Agenda items:


   Adopted - a resolution authorizing sewer assessments to be collected on the tax roll as set forth in the Building & Development Services Director report attached. These assessments were in lieu of full payment of the sewer system connection fee which is ordinarily due and payable at the time of connecting the premises to the City’s sewer system. *The Building & Development Services Director recommended adoption of the resolution.*

2.2. **RESOLUTION NO. 22-07** – A 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

   Adopted - a resolution designating and appointing alternatives to serve as members of the Council in the event of an emergency pursuant to the California Emergency Services Act, Chico Municipal Code Section 2.68.050, and the City of Chico Emergency Plan. *The City Clerk recommended adoption of the resolution.*

2.3. **RESOLUTIONS RECOMMENDED BY THE HUMAN RESOURCES DIRECTOR FOR COUNCIL ADOPTION**

   Adopted - the following resolutions which: (1) authorized the payment and reporting of employer paid member contributions (EPMC) to PERS as special compensation for the Confidential and Management Employee Groups; (2) approved the Pay and Benefits Resolutions for the Confidential and Management units; and (3) rescinded Resolutions No. 14-07 and 15-07 previously adopted in error on 2/06/07 and are superseded by item (1) above. *The Human Resources Director recommended adoption of the resolutions.*
A. RESOLUTION NO. 23-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR CONFIDENTIAL EMPLOYEE GROUP

B. RESOLUTION NO. 24-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR MANAGEMENT EMPLOYEE GROUP


2.4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 2R.04.180 ENTITLED, "CONFlict OF INTEREST CODE" OF CHAPTER 2R.04 ENTITLED, "ADMINISTRATION" OF TITLE 2R OF THE CHICO MUNICIPAL CODE – This item was removed from the Consent Agenda and continued to a future meeting.

2.5. RESOLUTION NO. 28-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution to destroy certain Community Services Department administrative records more than five years of age. The Housing & Neighborhood Services Director recommended adoption of the resolution.

2.6. MINUTE ORDER NO. 02-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PUBLIC IMPROVEMENTS AGREEMENT WITH THE CHICO URBAN AREA JOINT POWERS FINANCING AUTHORITY TO PROVIDE FOR THE CONSTRUCTION AND INSTALLATION OF PUBLIC SEWER FACILITIES IN THE CHICO URBAN AREA

Approved - a minute order authorizing the City Manager to execute a public improvements agreement with the Chico Urban Area Joint Powers Financing Authority to provide for the construction and installation of public sewer facilities in the Chico Urban Area, and authorizing any amendments to the agreement if required by the State to obtain a State Revolving Fund loan. The Administrative Services Director recommended approval of the minute order.

2.7. APPROVAL OF THE FINANCE COMMITTEE RECOMMENDATION TO ALLOCATE FUNDING FOR CHICO AIRFEST 2007 - SUPPLEMENTAL APPROPRIATION NO. 06-08 11

Approved - a supplemental appropriation in the amount of $20,000 from the General Fund to support the Chico AirFest 2007. At its meeting of 1/24/07, the Finance Committee recommended the funding with the condition that the Chico Chamber of Commerce secure matching funds from the community. The Finance Committee recommended (3-0) approval of the supplemental appropriation.
The motion to approve the Consent Agenda, with Item 2.4. tabled to a future meeting, carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING ABANDONMENT OF PUBLIC UTILITY EASEMENTS ON FOREST AVENUE AND JAN COURT (APN’S 002-210-007 & 002-210-008)

Hearing on the abandonment and vacation of four three-foot wide side lot line public utility easements to facilitate the construction of an office complex on the lots. At its meeting held 1/16/07, Council adopted Resolution No. 07-07, stating its intent to abandon the public utility easements, and set the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

Mayor Holcombe opened the hearing to the public and no one spoke. The hearing was closed.

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

RESOLUTION NO. 29-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (FOREST AVENUE AND JAN COURT / APN'S 002-210-007 & 002-210-008)

The motion carried by the following vote:

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

3.2. HEARINGS ON GENERAL PLAN AMENDMENTS AND REZONES FOR GENERAL PLAN AMENDMENT/REZONE 06-01 (ROCKIN M INC.), GENERAL PLAN AMENDMENT 06-07 AND REZONE 06-03 (ELLIS ART AND ENGINEERING/CITY OF CHICO), AND GENERAL PLAN AMENDMENT/REZONE 04-11 (COSTCO)

Hearings on the following General Plan amendments and rezones were combined due to the limitation on the number of amendments that may be approved annually for any one element of the General Plan. One resolution approved the three General Plan amendments prepared for adoption by the Council following the public hearings on all three items, and prior to the final reading and adoption of the rezone ordinances. Separate staff reports were provided for each application.

A. HEARING ON A PROPOSED GENERAL PLAN AMENDMENT AND REZONE WHICH WOULD CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR FOUR PROPERTIES TOTALING APPROXIMATELY 2.8 ACRES LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF THE EAST AVENUE/CACTUS AVENUE INTERSECTION (ROCKIN M INC.)

At the Planning Commission meeting of 11/02/06, the Commission voted (5-2) to recommend approval of: (1) a General Plan amendment to change the General Plan land use designation for four properties totaling approximately 2.8 acres at the southwest and southeast corners of the East Avenue/Cactus Avenue intersection identified as AP Nos. 015-500-008, 015-500-015, 015-500-019, and 016-160-014, from Low Density Residential (2.01-6.0 units per acre) to Medium Density Residential (5.5-14.0 units per acre); and (2) a rezone to change the zoning of the four parcels from R-1 Low Density Residential to R2 Medium Density Residential. The Planning Commission also approved a subdivision and planned development permit involving the subject properties, contingent upon the General Plan amendment/rezone application being approved by the City Council. A mitigated negative declaration was proposed pursuant to the California Environmental Quality Act. (Report - Patrick Murphy, Senior Planner)

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.
B. HEARING ON A PROPOSED GENERAL PLAN AMENDMENT AND REZONE WHICH WOULD CHANGE THE GENERAL PLAN LAND USE DESIGNATION OF A 0.75-ACRE PARCEL LOCATED AT 3035 ESPLANADE (ELLIS ART AND ENGINEERING/CITY OF CHICO)

At the Planning Commission meeting of 1/18/07, the Commission voted (6 in favor, 1 absent) to recommend approval of: (1) a General Plan amendment to change the General Plan land use designation of a 0.75-acre parcel located at 3035 Esplanade from Offices to Community Commercial; (2) a rezone to change the zoning classification of the parcel from OR Office Residential to CC Community Commercial to facilitate the construction of a small retail center on the site; and (3) a General Plan amendment initiated by the City of Chico for the neighboring parcel to the south located at 3023-3031 Esplanade, identified as AP No. 006-270-014, to change the land use designation for that 1.4-acre parcel from Offices to Community Commercial to reflect the existing commercial uses on the site. A negative declaration was proposed pursuant to the California Environmental Quality Act. (Report - Patrick Murphy, Senior Planner)

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

C. CONTINUED CONSIDERATION OF A GENERAL PLAN AMENDMENT AND REZONE TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION OF A 6.48-ACRE PARCEL LOCATED AT 2100 WHITMAN AVENUE FROM MANUFACTURING AND WAREHOUSING TO COMMUNITY COMMERCIAL AND CHANGE THE ZONING CLASSIFICATION OF THE PARCEL FROM ML LIGHT MANUFACTURING/INDUSTRIAL TO CC COMMUNITY COMMERCIAL (COSTCO)

The Planning Commission adopted a resolution at its 10/05/06 meeting recommending City Council approval of the General Plan Amendment and Rezone. At its 1/02/07 meeting, the City Council opened a duly noticed public hearing for the project, and after receiving public testimony, closed the public hearing. The Council voted to continue the item for 60 days in order to: (1) work with the applicant on traffic mitigation measures; and (2) to prepare a traffic model of proposed mitigation measures as well as the proposed improvements planned for that area. (Report - Bob Summerville, Senior Planner)

Addressing the Council on behalf of Costco was David Rogers.

Item A  A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 30-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR MANZANITA POINTE, AS TO GENERAL PLAN AMENDMENT/REZONE 06-01 (ROCKIN’ M, INC.)

The motion carried by the following vote:

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

Item B  A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 31-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT 06-07 AND REZONE 06-03 (ELLIS ART AND ENGINEERING/CITY OF CHICO)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
Item C  A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution and direct staff to include a condition in AR 04-37, requiring the inclusion of a public art component.

RESOLUTION NO. 32-07 – A RESOLUTION OF THE CITY OF CHICO CITY COUNCIL CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION AND MONITORING PLAN FOR THE COSTCO EXPANSION PROJECT (State Clearinghouse Number 2005092058)

The motion carried by the following vote:

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

A-C  A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt:

RESOLUTION NO. 33-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN AS FOLLOWS: (1) CHANGING THE GENERAL PLAN LAND USE DESIGNATION FOR FOUR PROPERTIES TOTALING APPROXIMATELY 2.8 ACRES, LOCATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF THE EAST AVENUE/CACTUS AVENUE INTERSECTION; AP NOS. 015-500-008, -015, AND -019 AND 016-160-014 (ROCKIN' M, INC.); (2) CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR TWO PROPERTIES LOCATED AT 3035 ESPLANADE AND 3023-3031 ESPLANADE; AP NOS. 006-270-015 AND 006-270-014, FROM OFFICES TO COMMUNITY COMMERCIAL (ELLIS ART & ENGINEERING/CITY OF CHICO); AND (3) CHANGING THE GENERAL PLAN LAND USE DESIGNATION FOR A PORTION OF A PARCEL LOCATED AT 2100 WHITMAN AVENUE FROM MANUFACTURING AND WAREHOUSING TO COMMUNITY COMMERCIAL(COSTCO)

The motion carried by the following vote:

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

Item A  A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to introduce the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF THE EAST AVENUE/CACTUS AVENUE INTERSECTION; AP NOS. 015-500-008, 015-500-015, 015-500-019, AND 016-160-014, FROM R-1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL (RZ 06-01; ROCKIN M INC.) - Introductory Reading

The motion carried by the following vote:

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

Item B  A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to introduce the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 3035 ESPLANADE; AP NO. 006-270-015, FROM OR OFFICE RESIDENTIAL TO CC COMMUNITY COMMERCIAL (RZ 06-03; ELLIS ART AND ENGINEERING) - Introductory Reading

The motion carried by the following vote:
AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None

Item C   A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to introduce the following ordinance, by reading of title only:

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 2100 WHITMAN AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 005-490-016, FROM ML LIGHT MANUFACTURING/INDUSTRIAL TO CC COMMUNITY COMMERCIAL (RZ 04-11; COSTCO) - Introductory Reading - with it noted that Whitman Avenue is now Dr. Martin Luther King Parkway.**

The motion carried by the following vote:

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

The Council recessed for a ten minute break at 8:05 p.m. The meeting was reconvened and all members of the Council were present.

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REQUEST FOR PROPOSALS FOR THE GENERAL PLAN UPDATE**

The City Council was asked to consider a Request for Proposals for a comprehensive update to the 1994 General Plan and Master Environmental Assessment including preparation of an EIR. Additional studies, including preparation of an infrastructure/finance plan and updated development impact fee analysis, could also be included.

The Planning Services Director recommended that the City Council review and comment on the draft Request for Proposals (RFP) for the General Plan Update and authorize release of the RFP.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to: (1) move forward with the RFP process, with bids to include the optional elements as detailed in the staff report; and (2) include Council representation on the selection committee comprised of Councilmembers Bertagna, Flynn, and Gruendl.

The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR** – None

6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council’s information. No action was taken unless otherwise noted.

6.1. Letter dated 2/12/07 from Weston Groves, Chair, Tobacco Action Group and Shelly Brantley, American Lung Association of California asking the City Council to consider a ban on free tobacco distribution at Chico bars by supporting a local ordinance to prohibit the practice. **Council concurred to forward this item to Internal Affairs Committee for discussion and consideration.**

7. **ADJOURNMENT**
Adjourned at 9:17 p.m. to March 6, 2007 at 5:30 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: April 3, 2007

Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Butte</td>
<td>Northeast corner of the intersection of Hicks Lane and Eaton Road</td>
<td>007-240-078</td>
</tr>
</tbody>
</table>

1. CALL TO ORDER – Mayor Holcombe called the February 20, 2007 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Members Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Human Resources Director Fulks

2. CLOSED SESSION MATTERS

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

Negotiator: Greg Jones, City Manager

Under Negotiation: Price and terms of payment for proposed acquisition

Negotiating Parties:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor's Parcel No.</th>
</tr>
</thead>
<tbody>
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<td>007-240-078</td>
</tr>
</tbody>
</table>

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

Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

2.3. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council continued the City Manager’s performance evaluation to the 3/06/07 meeting.

3. ADJOURNMENT

Adjourned at 6:30 p.m to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 5:30 p.m. - see page 10

1.2. **REGULAR CITY COUNCIL MEETING** - Mayor Holcombe called the March 6, 2007 - Regular Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Call to Order

1.4. Flag Salute

1.5. Invocation — Pastor Peg Schultz-Akerson, Faith Lutheran Church

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation – Proclaiming March 7, 2007 as “Arbor Day” and acknowledgment of the “Tree City USA” award from John Melvin, State Department of Forestry and accepted by Denice Britton, City of Chico’s Urban Forester.

2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Consent Agenda, as read:

2.1. **ORDINANCE NO. 2347 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY AT 2100 WHITMAN AVENUE, IDENTIFIED AS ASSESSOR’S PARCEL NO. 005-490-016, FROM ML LIGHT MANUFACTURING/INDUSTRIAL TO CC COMMUNITY COMMERCIAL REZONE 04-11 (COSTCO) - Final Reading and Adoption**

   Adopted - an ordinance to rezone the easterly 6.48 acre portion of APN 005-490-016 located adjacent to the west of property located at 2100 Whitman Avenue that changes the zoning district from ML Light Manufacturing/Industrial to CC Community Commercial. At its 2/20/07 meeting, the City Council took the following actions: (1) introduced an ordinance for Rezone 04-11 to rezone a 6.48-acre portion of the site from ML Light Manufacturing/Industrial to CC Community Commercial by reading of the title only; (2) adopted a resolution certifying the Environmental Impact Report for the Costco Expansion Project; (3) adopted a resolution approving General Plan Amendment 04-11 to amend the General Plan designation for a 6.48-acre portion of the site from Manufacturing and Warehousing to Community Commercial; and (4) scheduled final adoption of the rezone for the 3/06/07 City Council meeting. The Planning Services Director recommended adoption the ordinance by reading of the title only.

2.2. **ORDINANCE NO. 2348 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF THE EAST AVENUE/CACTUS AVENUE INTERSECTION; AP NOS. 015-500-008, 015-500-015, 015-500-019, AND 016-160-014, FROM R-1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL (RZ 06-01; ROCKIN’ M, INC.) - Final Adoption**

   Adopted – an ordinance rezoning certain properties located at the southwest and southeast corners of the East Avenue/Cactus Avenue intersection from R-1 Low Density Residential to R2 Medium Density Residential.
At its 2/20/07 meeting, the Council conducted a public hearing and voted to (1) adopt a mitigated negative declaration and mitigation monitoring program (2) approve GPA 06-01 to change the General Plan land use designation for four properties totaling approximately 2.8 acres at the southwest and southeast corners of the East Avenue/Cactus Avenue intersection, identified as Assessors Parcel Nos. 015-500-008, 015-500-015, 015-500-019, and 016-160-014, from Low Density Residential (2.01-6.0 units per acre) to Medium Density Residential (5.5-14.0 units per acre); and (3) introduce a rezone ordinance to change the zoning of the four parcels from R1 Low Density Residential to R2 Medium Density Residential. The Planning Services Director recommended adoption the ordinance by reading of the title only.

2.3. ADOPTION OF A RESOLUTION AMENDING THE CONFLICT OF INTEREST REPORTING CATEGORIES

Adopted - a resolution that amended a portion of the City of Chico’s Conflict of Interest Code which listed the required disclosure categories of designated City officials pursuant to the requirements of the Political Reform Act. The City Clerk recommended adoption of the resolution.


2.4. ACCEPTANCE OF ANNUAL FINANCIAL REPORTS

At its meeting held 1/16/07, the City Council acknowledged receipt of the Annual Financial Reports for the fiscal year ended 6/30/06, and referred the reports to the Finance Committee meeting of 1/24/07 for review. The Finance Committee recommended (3-0) acceptance of the Annual Financial Reports.

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

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY (OLIVE AND ORIENT STREETS - HAMEL - APN’S 004-179-001, 002, 003, 005, 006, 007, 008, 011 AND 012)

Public hearing was held on the abandonment and vacation of a portion of an alleyway located between Olive and Orient Streets and East 5th and East 6th Streets to facilitate the remodel of the Hamel’s home at 520 Olive Street, and to reduce the width of the alley to 15 feet, making it consistent with other alleyways in the area. At its meeting held 2/06/07, Council adopted Resolution No. 13-07, stating its intent to abandon a portion of the alley, and setting the public hearing for this meeting. (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 35-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (OLIVE AND ORIENT STREETS - HAMEL - APN’S 004-179-001, 002, 003, 005, 006, 007, 008, 011 AND 012)
The motion carried by the following vote:

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

3.2. HEARINGS ON GENERAL PLAN AMENDMENTS AND REZONES FOR GENERAL PLAN AMENDMENT/REZONE 06-02 (CITY OF CHICO), GENERAL PLAN AMENDMENT 06-03 AND REZONE 06-03A (THE OAKDALES), AND GENERAL PLAN AMENDMENT 06-02A (HAYS) AND HEARING ON USE PERMIT UP 06-27 AND SITE DESIGN AND ARCHITECTURAL REVIEW AR 06-31 (THE OAKDALES)

Combined hearings were held regarding the following General Plan amendments and rezones due to the limitation on the number of amendments that may be approved annually for any one element of the General Plan. One resolution approving the three General Plan amendments was prepared for adoption by the Council following the discussion on all three items, and prior to the final reading and adoption of the rezone ordinances. Separate staff reports were provided for each application.

A. HEARING ON A PROPOSED GENERAL PLAN AMENDMENT WHICH WOULD CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR FIVE RESIDENTIAL PROPERTIES LOCATED AT 653/655, 663/665, 675/677, 683/685, AND 695/697 EASTWOOD AVENUE (GPA/REZONE 06-02; CITY OF CHICO)

At the Planning Commission meeting of 2/15/07, the Commission voted unanimously to recommend approval of: (1) a General Plan amendment to change the General Plan land use designation for five residential lots located at 653/655, 663/665, 675/677, 683/685, and 695/697 Eastwood Avenue (APNs 004-448-001 through -005) from Low Density Residential (2.01-6.0 units per acre) to Medium Density Residential (5.5-14.0 units per acre); and (2) a rezone to change the zoning of the five lots from R1 Low Density Residential to R2 Medium Density Residential to reflect the existing uses and densities (duplexes) that have existed on the block since the 1930's. No new construction was proposed. The project was determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines. (Report - Patrick Murphy, Senior Planner)

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the General Plan Amendment and rezone were John Omaha, and Larry Verlinde. The hearing was closed to further public comment.

B. HEARING ON A PROPOSED GENERAL PLAN AMENDMENT WHICH WOULD CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR TWO PROPERTIES LOCATED AT 119 AND 123 WEST 14TH STREET (GPA 06-03 AND REZONE 06-03A; THE OAKDALES)

At the Planning Commission meeting of 2/01/07, the Commission voted unanimously to recommend: (1) adoption of a negative declaration pursuant to the California Environmental Quality Act; (2) approval of a request to change the General Plan land use designation for two parcels located at the southeasterly corner of Oakdale Street at 119 and 123 West 14th Street, APNs 005-176-001 and -002, from Low Density Residential to Community Commercial/High Density Residential; (3) approval of a rezone of the properties from R1 Low Density Residential to R2 Medium Density Residential to reflect the existing uses and densities (duplexes) that have existed on the block since the 1930's. No new construction was proposed. The project was determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines. (Report - Mike Sawley, Associate Planner)

Mayor Holcombe opened the hearing to the public. Jim Stevens addressed the Council on behalf of the applicant. Jason Bougie addressed the Council regarding the proposed requirement of bus passes. The hearing was closed.

C. HEARING ON A PROPOSED GENERAL PLAN AMENDMENT WHICH WOULD CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR TWO PROPERTIES LOCATED AT THE NORTHEAST CORNER OF EAST AVENUE AND FLORAL AVENUE (GPA 06-02A; HAYS)
At the Planning Commission meeting of 2/15/07, the Commission voted (4 in favor, 3 in opposition) to recommend: (1) adoption of a negative declaration pursuant to the California Environmental Quality Act; (2) approval of a request to change the General Plan land use designation for two properties located at the northeast corner of East Avenue and Floral Avenue, APNs 016-040-072 and -073, from Low Density Residential to Offices and (3) a request to rezone one of the properties APN 016-040-073 from R1 Low Density Residential to OR Office Residential. Since the Planning Commission meeting, it was determined that the rezone portion of the application is no longer necessary. A past mapping error failed to reflect a rezoning of the subject site in 2000 from R1 Low Density Residential to OR Office Residential. As such, the rezone proposal was eliminated from the project proposal. In addition, an application for a use permit to allow residential units on the site in the OR zoning district was rescinded by the applicant prior to the Planning Commission meeting. 

(Report - Jake Morley, Assistant Planner)

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

(1) A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to adopt a resolution adopting the Mitigated Negative Declaration, conditionally approving the use permit, site design and architecture as referenced in Use Permit 06-27, AR 06-31;


The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES: None

*Subsequent to the adoption of the above mentioned resolution, Council voted (6-1, Wahl voting against) to include an additional requirement that the commercial and residential spaces track the uses of modes of travel for the first year and provide the City with that information.

(2) A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to adopt a resolution adopting the Negative Declaration for General Plan Amendment- HAYS.

RESOLUTION NO. 37-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT 06-06 (HAYS)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES: None
(3) A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to adopt the following resolution amending the General Plan as referenced for Items A - C:

RESOLUTION NO. 38-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN AS FOLLOWS: 1) CHANGING THE GENERAL PLAN LAND USE DESIGNATION FOR FIVE PROPERTIES LOCATED ON THE SOUTH SIDE OF EASTWOOD AVENUE, BETWEEN PINE AND CYPRESS STREETS, AP NOS. 004-448-001, 004-448-002, 004-448-003, 004-448-004, AND 004-448-005, FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (GPA 06-02, CITY OF CHICO); 2) CHANGING THE GENERAL PLAN LAND USE DESIGNATION FOR TWO PROPERTIES LOCATED AT 119 AND 123 WEST 14 STREET, AP NOS. 005-175-001 AND 005-176-002 FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL/HIGH DENSITY RESIDENTIAL (GPA 06-03, THE OAKDALES); AND 3) CHANGING THE GENERAL PLAN LAND USE DESIGNATION FOR TWO PROPERTIES LOCATED ON THE EAST SIDE OF FLORAL AVENUE APPROXIMATELY 200 FEET NORTH OF THE FLORAL AND EAST AVENUE INTERSECTION, AP NOS. 016-040-073 AND 016-040-072, FROM LOW DENSITY RESIDENTIAL TO OFFICES (GPA 06-06, HAYS)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES: None

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to introduce the following ordinance, by reading of title only:

Item A
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED AT 653/655, 663/665, 675/677, 683/685, AND 695/697 EASTWOOD AVENUE; AP NOS. 004-448-001, -002, -003, -004, AND -005, FROM R1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL (RZ 06-02; CITY OF CHICO) - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES: None

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to introduce the following ordinance, by reading of title only:

Item B
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 119 WEST 14TH STREET AND 123 WEST 14TH STREET; AP NOS. 005-176-001 AND 005-176-002, FROM R1 LOW DENSITY RESIDENTIAL TO CC-TC COMMUNITY COMMERCIAL WITH A TRANSIT CORRIDOR OVERLAY DISTRICT (RZ 06-03A; THE OAKDALES) - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES: None

*A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to amend Council’s earlier motion to adopt Resolution 36-07, a resolution regarding the Oakdales, to include the following requirement that the commercial and residential spaces track the uses of modes of travel for the first year and provide the City with that information.
The motion carried by the following vote:

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

4.  REGULAR AGENDA

4.1.  CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS FOR CHANGES TO THE COMMUNITY ORGANIZATION FUNDING PROCESS

At its meeting of 11/08/06, the Internal Affairs Committee approved, with minor revisions, the staff-recommended changes to the community organization funding program to improve the processes and move toward outcome-based performance.  

(Report - Dave Burkland, Assistant City Manager)

Addressing the Council in opposition to the change in the TOT community organization funding formula were Paul Friedlander, Debra Lucero, Dave Lawton, and Kathy Barrett.

A motion was made by Councilmember Wahl and seconded by Councilmember Nickell to refer the discussion of the TOT community organization funding formula to the Finance Committee.

The motion carried by the following vote:

AYES:  Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Gruendl
NOES:  None

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the recommendation that the definition of community organizations be amended to include the phrase “or elimination of expense to the City.”

The motion carried by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve additional recommendations from the Internal Affairs Committee regarding: (1) the inclusion of an evaluation and budgeting model requirement that would require organizations to define the outcomes (impacts and benefits) that their programs are designed to achieve during the funding cycle; (2) application for two-year funding in order to conform with the City’s Biennial Budget cycle; (3) compliance audits would also be performed biennially and only for those organizations receiving $5,000 or more (per fiscal year) unless the organization is receiving funding for the first time; (4) removal of the funding caps in General Fund Category; (5) increased staff authority for items determined by staff to be consistent with the general elements of the program, service levels, or outcomes previously approved by the Council; (6) production of funding request binders; (7) streamlining of application forms/packet materials; and (8) production of audit binders.

The motion carried by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the Committee’s recommendation to direct the City Attorney to prepare an opinion regarding the implementation of a policy that would be developed to prohibit organizations receiving City funding from using funding from any source for political activity.

The motion carried by the following vote:

AYES:  Flynn, Gruendl, Nickell, Schwab, Holcombe
NOES:  Bertagna, Wahl
4.2. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION TO REPEAL AND RE-ADOPT CHAPTER 5.28 OF THE CHICO MUNICIPAL CODE, ENTITLED “VEHICLES FOR HIRE”

Following public comment at the 11/07/06 City Council meeting, staff recommendations regarding the appeal process for the revocation of Vehicle for Hire permits and other streamlining measures were referred back to the Internal Affairs Committee. At its meeting held 1/10/07, the Internal Affairs Committee recommended: (1) adoption of the ordinance listed below; (2) direction to staff to conduct a review of cab fares in other jurisdictions and forward a report to Committee; and (3) direction to staff to research pedicab regulations and forward a report to the Committee. (Report - Cindy Pierce, Administrative Services Director)

Councilmember Bertagna disqualified himself on this item due to a business conflict and left the dias. Addressing the Council on this item was Greg Degouveia regarding pedicab restrictions. It was noted that this ordinance does not address regulations pertaining to pedicabs.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to introduce the following ordinance, by reading of title only, and directed staff to move forward with the Internal Affairs Committee recommendations two and three regarding further staff work on this item.


The motion carried by the following vote:

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

4.3. CONSIDERATION OF ORDINANCE CONCERNING THE PARKING OF BOATS, TRAILERS, AND RECREATIONAL VEHICLES ON CITY STREETS

The City Council considered the adoption of an ordinance governing the parking of boats, trailers, and recreational vehicles on city streets (introductory reading). Council previously referred this item to the Internal Affairs Committee, which directed staff to conduct a survey of how this issue was handled in other cities. After staff brought its findings to the Internal Affairs Committee, the Committee voted 3-0 to recommend that Council direct staff to prepare an ordinance concerning the parking of boats, trailers, and recreational vehicles on city streets. At its 8/15/06 meeting, Council accepted the recommendation from the Internal Affairs Committee and directed staff to prepare the ordinance. (Report - Sherry Morgado, Housing & Neighborhood Services Director)

The Housing & Neighborhood Services Director, Chief of Police, City Attorney, and General Services Director recommended introduction of the ordinance. The Council was provided with e-mails received from Barry Seidman and Lori Teague. Addressing the Council on this item were Jerry Kotysan and Brooks Taylor.

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to introduce the following ordinance by reading of title only:


The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
4.4. CONSIDERATION OF MAYOR HOLCOMBE’S REQUEST TO AGENDIZE THE ISSUE OF THE EARTH FLAGS OF CHICO

Mayor Holcombe requested that the City Council discuss the feasibility of the Earth Flag Project. Pursuant to City Council rules of procedure, the Council voted (7-0) to consider this matter at this meeting.

Addressing the Council in support of this item were Ed Regen, Lorena Beckham, Andy Keller, Melinda Riley, Emma Riley, Valerie Reddeman, and Paul O’Rourke - Babb.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to: (1) refer the flag policy to Internal Affairs for consideration and discussion; and (2) suspend the current policy for this request only, subject to the funding of all costs and a good faith effort to pay for the wear and tear of the brackets with a written verification of agreement between the Earth Flag group and the City of Flags Committee.

The motion carried by the following vote:

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

4.5. CONSIDERATION OF COUNCILMEMBER NICKELL'S REQUEST TO AGENDIZE THE REFERRAL OF VARIOUS POLICIES AND PENALTIES TO THE INTERNAL AFFAIRS COMMITTEE FOR DISCUSSION

Councilmember Nickell requested that the City Council consider referring: (1) discussion of possible prohibition of skateboard and bicycle riding in the City Plaza, with fines or community service established for violations; (2) discussion of dog owner responsibilities when accessing City parks; and possible fines and/or community service established for violations of rules; and (3) consideration of new noise restrictions for vehicles operated on City streets, parking structures, or private property in the described area, along with penalties and/or community service established for violations of rules. Pursuant to City Council rules of procedure, the Council, by majority vote (7-0), referred this request to the Internal Affairs Committee for consideration and discussion.

4.6. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.

6.1. Letter dated 2/21/07, from Wayne Cook regarding long term parking needs for the Diamond Hotel. The City Manager recommended referral of this request to the Economic Development Committee for consideration.

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: April 17, 2007

Deborah R. Presson, City Clerk
1. CALL TO ORDER – Mayor Holcombe called the March 6, 2007 – Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

2. CONSENT AGENDA

2.1. ADOPTION OF A RESOLUTION REGARDING THE REFUNDING OF THE CHICO PUBLIC FINANCING AUTHORITY 1996 TAX ALLOCATION BONDS INCLUDING AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS FOR PROFESSIONAL SERVICES

Adopted - a resolution authorizing Agency staff to proceed with structuring the refunding of the Chico Public Financing Authority 1996 Tax Allocation Revenue Bonds, approving the engagement of the firm of Jones Hall, A Professional Law Corporation, to act as bond counsel, and the firm of Harrell & Company Advisors, LLC to act as financial advisor, in connection with refunding, and authorizing the Executive Director to execute agreements with each firm for such professional services. The Administrative Services Director recommended adoption of the following resolution:

RESOLUTION NO. 02-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING STAFF TO PROCEED WITH STRUCTURING THE REFUNDING OF THE CHICO PUBLIC FINANCING AUTHORITY 1996 TAX ALLOCATION REVENUE BONDS AND ENGAGING PROFESSIONAL SERVICES IN CONNECTION WITH THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE CHICO AMENDED AND MERGED REDEVELOPMENT PROJECT AREA

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA - None

4.1. ITEMS ADDED AFTER POSTING OF THE AGENDA - None

5. ADJOURNMENT

Adjourned at 9:33 p.m. to March 20, 2007 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.

Date Approved: April 17, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the March 6, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 5:30 p.m.

1.1. Roll Call

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

Absent: None

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Director of Human Resources Fulks

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Council reviewed the City Manager's performance. (Gov. Code Section 54957.)

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code Sec. 54957.6.)

Negotiator: Greg Jones, City Manager and Dan Fulks, Director of Human Resources

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

3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. CLOSED SESSION - 6:00 p.m. - see page 7

1.2. REGULAR CITY COUNCIL MEETING

1.3. Call to Order - Mayor Holcombe called the March 20, 2007 - Adjourned Regular Chico City Council Meeting in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist

1.6. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
Absent: Schwab

1.7. Closed Session Announcement - None

1.8. Staff Introductions — Mark Wolfe and Holly Keeler, Principal Planners

1.9. Presentation – Appreciation plaque presented to Kathleen Lozano, retiring Administrative Assistant with 15 years of City service.

1.10. Presentation by members of the following task forces: Mission, Vision and Values; Customer Service; Outcome-Based Budgeting; Process Enhancement; and Organizational Training.

2. CONSENT AGENDA – Items 2.2, 2.4., 2.10 were removed from the Consent Agenda for further discussion. A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the remaining items:

2.1. ORDINANCE NO. 2349 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 3035 ESPLANADE; AP NO. 006-270-015, FROM OR OFFICE RESIDENTIAL TO CC COMMUNITY COMMERCIAL (RZ 06-03; ELLIS ART AND ENGINEERING) - Final Reading and Adoption, by reading of title only.

Adopted - an ordinance to change the zoning classification of a parcel from OR Office Residential to CC Community Commercial. At its 2/20/07 meeting the Council adopted a negative declaration and introduced the ordinance to change the zoning. The Planning Services Director recommended adoption of the ordinance by reading of the title only.

2.2. ORDINANCE NO. 2350 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED AT 653/655, 663/665, 675/677, 683/685, AND 695/697 EASTWOOD AVENUE; AP NOS. 004-448-001, -002, -003, -004, AND -005, FROM R1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL (RZ 06-02; CITY OF CHICO) - Final Reading and Adoption – This item was removed from Consent for further discussion.

2.3. ORDINANCE NO. 2351 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTY LOCATED AT 119 WEST 14TH STREET AND 123 WEST 14TH STREET; AP NOS. 005-176-001 AND 005-176-002, FROM R1 LOW DENSITY RESIDENTIAL TO CC-TC COMMUNITY COMMERCIAL WITH A TRANSIT CORRIDOR OVERLAY DISTRICT (RZ 06-03A; THE OAKDALES) - Final Reading and Adoption, by reading of title only

Adopted - an ordinance to change the zoning classification of parcels located at 119 and 123 West 14th Street from R1 Low Density Residential to CC-TC Community Commercial with a Transit Corridor overlay district. At its 3/06/07 meeting the Council adopted a mitigated negative declaration and introduced the ordinance. The Planning Services Director recommended adoption of the ordinance by reading of the title only.
2.4. **ORDINANCE NO. 2352 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO REPEALING CHAPTER 5.28, ENTITLED “VEHICLES FOR HIRE,” OF THE CHICO MUNICIPAL CODE, AND ADDING CHAPTER 5.28, ENTITLED “VEHICLES FOR HIRE” OF THE CHICO MUNICIPAL CODE** - Final Reading and Adoption – *This item was removed from Consent for further discussion.*


   *Adopted* - an ordinance to extend existing regulations on the parking of vehicles on city streets to include the parking of boats, trailers, and recreational vehicles on city streets. The Housing & Neighborhood Services Director, Chief of Police, Building & Development Services Director and General Services Director recommended adoption of the ordinance by reading of the title only.


   *Introduced* - an ordinance governing the removal of graffiti. At its meeting of 11/01/05, the Council voted 7-0 that the ordinance be rewritten to focus on eradication efforts only. The Housing & Neighborhood Services Director recommended introduction of the ordinance by reading of the title only.

2.7. **ADOPTION OF A RESOLUTION AMENDING STANDARD PLANS ENTITLED “IMPROVEMENT STANDARDS”**


2.8. **ADOPTION OF A RESOLUTION FOR THE WILDWOOD ESTATES VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT**

   *Adopted* - a resolution conditionally approving the Wildwood Estates Vesting Tentative Subdivision Map and Planned Development Permit off Cactus Avenue. At its 2/06/07 meeting, the Council voted to adopt a mitigated negative declaration and approve the project with modified conditions of approval. The Planning Services Director recommended adoption of the resolution.

   **RESOLUTION NO. 40-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING THE WILDWOOD ESTATES VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 05-15 OFF CACTUS AVENUE (WILDWOOD INVESTORS, INC.)**

2.9. **APPROVAL OF MINUTE ORDER NO. 03-07 – AGREEMENT WITH BUTTE-GLENN COMMUNITY COLLEGE DISTRICT**

   *Approved* - a minute order authorizing the City Manager to execute an agreement with Butte-Glenn Community College District to operate and manage the City's Community Access Channel through 6/30/17. The Administrative Services Director recommended approval of the minute order.

   **MINUTE ORDER 03-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE-GLENN COMMUNITY COLLEGE DISTRICT FOR THE OPERATION AND MANAGEMENT OF THE CITY’S COMMUNITY ACCESS CHANNEL**
2.10. APPROVAL OF A MINUTE ORDER - ACQUISITION OF PROPERTY RIGHTS FOR THE COHASSET ROAD WIDENING PROJECT – This item was removed from Consent for further discussion.

2.11. APPROVAL OF MINUTE ORDER NO. 05-07 AMENDING AGREEMENT WITH CHICO ART CENTER TO ALLOW SUBLEASE TO OPERATE COFFEE SHOP

Approved - a minute order amending the agreement with the Chico Art Center to authorize the Center to sublet the spur and railcar at the train station to a third party for the purposes of operating a coffee shop in the restored railcar. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER 05-07 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CHICO ART CENTER TO ALLOW SUBLEASE FOR THE PURPOSE OF OPERATING A COFFEE SHOP IN THE RAILCAR ON THE LEASED PROPERTY

The motion to approve the Consent Agenda, with Items 2.2, 2.4., and 2.10 removed from Consent Agenda for further discussion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Schwab

ITEMS REMOVED FROM CONSENT

2.2. ORDINANCE NO. 2350 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED AT 653/655, 663/665, 675/677, 683/685, AND 695/697 EASTWOOD AVENUE; AP NOS. 004-448-001, -002, -003, -004, AND -005, FROM R1 LOW DENSITY RESIDENTIAL TO R2 MEDIUM DENSITY RESIDENTIAL (RZ 06-02; CITY OF CHICO) - Final Reading and Adoption

Adopted - an ordinance that changed the zoning of five lots from R1 Low Density Residential to R2 Medium Density Residential to reflect the existing uses and densities (duplexes) that have existed on each of the lots on the block since the 1930's. At its 3/06/07 meeting the Council introduced the ordinance. The Planning Services Director recommended adoption of the ordinance by reading of the title only.

This item was removed from the Consent Agenda at the request of Evelyn Smith who spoke in opposition to the rezone.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to approve the final reading and adoption of Ordinance No. 2350, by reading of title only.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Schwab


Adopted - an ordinance repealing and re-adopting Chapter 5.28 of the Chico Municipal Code to revise the appeal process for the revocation of Vehicle for Hire permits and other streamlining measures to the Vehicle for Hire process. The Internal Affairs Committee recommended adoption of the ordinance.

This item was removed from the Consent Agenda due to Councilmember Bertagna’s disqualification due to a business conflict.
A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to approve the final reading and adoption of Ordinance No. 2351, by reading of title only.

The motion carried by the following vote:

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

2.10. APPROVAL OF MINUTE ORDER NO. 04-07 – ACQUISITION OF PROPERTY RIGHTS FOR THE COHASSET ROAD WIDENING PROJECT

Approved - a minute order authorizing acquisition of right of way and/or temporary construction easements according to the negotiated terms set out in the minute order for the following properties:

a. Keith D. and Elizabeth A. Lindquist, 13434 Browns Valley Drive, APN 016-220-072
b. Donald R. and Dorothy A. Brown, 13267 Millie Lane, APN 016-220-040 and 13465 Browns Valley Drive, APN 016-220-071
c. The Salvation Army, 13404 Browns Valley Drive, APN 016-220-073

MINUTE ORDER 04-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE COHASSET ROAD WIDENING PROJECT (VARIOUS)

This item was removed from the Consent Agenda due to Councilmember Wahl’s disqualification due to a business conflict.

A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to approve Minute Order No. 04-07.

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 574 - LABURNUM ESTATES SUBDIVISION

A condition of approval of the Laburnum Estates Subdivision required the establishment of a means for funding the annual costs of operating and maintaining storm water collection facilities that are of special benefit to the subdivision located at 1602 Laburnum Avenue between East 6th and East 7th Avenues. (Report - Fritz McKinley, Building and Development Services Director)

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

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

RESOLUTION NO. 41-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 574 - LABURNUM ESTATES SUBDIVISION
The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
NOES: None
ABSENT: Schwab

The Council recessed for a five minute break at 7:30 p.m.
The meeting was reconvened and all members were present except for
Vice Mayor Schwab who was absent from this meeting.

4. **REGULAR AGENDA**

4.1. **INITIAL IMPLEMENTATION OF PARKING SOLUTIONS FROM THE DOWNTOWN ACCESS PLAN**

For a number of years, Council has examined various ways to address parking issues in the
downtown area. A series of public workshops was held which expanded the question to downtown
access as well. This process resulted in the creation of the “Chico Downtown Access Planning
Charrette” report. The report contained a series of recommendations to implement a Downtown
Access Plan. A preliminary review of these recommendations was presented to Council during its
meeting of 1/16/07. At that time, staff was directed to evaluate the practicality and costs of the
recommendations, and to return with a priority list of these recommendations. Councilmember Wahl
was disqualified on this item due to ownership of property within the downtown area. *(Report - Tom
Varga, Capital Project Services Director)*

The Council was provided with copies of emails and letters from Jim Goodwin - President/CEO,
Chamber of Commerce, Michael Worley and Rick Tofanelli. Addressing the Council at this meeting
regarding this item were Dale Bennett, Mike Trolinder, Barbara Mundy, Rick Tofanelli, Katrina
Davis-Woodcox, Ted Schwartz and Michael Reilly.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to: (1)
direct staff to move forward with the recommendations contained in the staff report that can be
implemented within one year, with the exception of Recommendation #4 regarding evening and
Saturday meter enforcement which is to be referred to the Internal Affairs Committee for discussion;
(2) refer the fee structure for parking tickets to the Internal Affairs Committee for review; (3) direct
that parking surveys are completed during peak times as well as non-peak times; (4) direct staff to
work with the DCBA on a parking perception plan which would improve parking information and
assist with informing visitors what they can do to support Downtown, and to report back to Council
on this effort in 6 months; (5) direct staff to provide an update on the City's parking and
transportation demand management programs for City employees in Council mailboxes; (6) direct
staff to provide Council with a copy of the meter pricing zones; and (7) confirm that the City
Manager will provide an annual report on the implementation of this direction which will include
recommended priorities for moving forward with the other items contained in the report.

The motion carried by the following vote:

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

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

5. **BUSINESS FROM THE FLOOR** – None
6. **ADJOURNMENT**

Adjourned at 9:25 p.m. to March 27, 2007 at 6:30 p.m., in the City Council Chamber for a joint meeting with the Planning Commission.

Date Approved: May 1, 2007

Deborah R. Presson, City Clerk
ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City’s real property negotiator City Manager Jones regarding the proposed acquisition affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter C. Lewis, Sr. and Dorothy N. Lewis</td>
<td>1051 East Avenue</td>
<td>015-300-021</td>
</tr>
<tr>
<td>Mike C. and Sharon K. Storm, and heirs or devisees of J. J. and Mary L. Vanella, deceased.</td>
<td>2140 The Esplanade</td>
<td>003-340-005 and 003-340-006</td>
</tr>
</tbody>
</table>

1. CALL TO ORDER

1.1. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
Absent: Schwab

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Administrative Services Director Pierce

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Gov. Code §54956.8)

Negotiator: Greg Jones, City Manager

Under Negotiation: Price and terms of payment for proposed acquisition

Negotiating Parties:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
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<td>003-340-005 and 003-340-006</td>
</tr>
</tbody>
</table>

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Thomas V. Fogarty, et al. v. City of Chico, et al., Butte County Superior Court Case No. 136344/Third District Court of Appeal Case No. C052576 pursuant to subdivision (a) of Government Code section 54956.9.

3. ADJOURNMENT – Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Holcombe called the March 27, 2007 - Adjourned Regular Chico City joint Council/Planning Commission meeting to order in the Chico Municipal Center, Council Chambers at 421 Main Street at 6:30 p.m.

1.1. Flag Salute

1.2. Roll Call

**City Council**

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

**Planning Commission**

Present: Brownell, Merz, Minasian, Monfort, O’ Bryan, Kelley, Luvaas
Absent: None

2. **REGULAR AGENDA**

2.1. **JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP ON THE PROPOSED TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) CODE AND THE MERIAM PARK PROJECT (CA 05-02; GPA/RZ 05-01; DA 06-01)**

The Meriam Park project site is an approximately 271-acre infill site in southeast Chico located north of East 20th Street, south of State Highway 32, west of Bruce Road, and east of Bedford Drive. The Meriam Park project is envisioned to be a mix of residential, commercial, office, recreational, and public-serving uses along with the retention of the existing Little Chico Creek greenway and preserve areas.

The City Council and Planning Commission conducted a joint workshop on the proposed Traditional Neighborhood Development (TND) Code and the key components of the proposed Meriam Park development. Both staff and the applicant presented material. Input received from the Council and Commission will be considered for incorporation into the TND Code and the project.

The City has prepared an Environmental Impact Report (EIR) for the proposed project which was not included in the workshop but will be a key component of the more formal public hearing process. *(Report - Senior Planner Vieg, Senior Planner)*

No formal action was taken at this meeting.

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

3. **BUSINESS FROM THE FLOOR** – None

4. **ADJOURNMENT**

Adjourned at 8:20 p.m. to April 3, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: May 1, 2007

Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8

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

1.3. Call to Order – Mayor Holcombe called the April 3, 2007 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Dave Osborne, Chico Seventh-Day Adventist Church

1.6. Roll Call

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

Absent: None

1.7. Closed Session Announcement - None

1.8. Proclamation - Proclaimed April 9 -15, 2007 as “National Community Development Week,” March 26 - April 9, 2007 as “Housing America 2007” and the month of April as “Fair Housing Month”

Proclaimed April 15-21, 2007, as “National Library Week”

Proclaimed April as “Child Abuse Prevention Month”

2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda for additional discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items, as read:

2.1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.46, ENTITLED “GRAFFITI REMOVAL,” TO THE CHICO MUNICIPAL CODE** – This item was removed from the Consent Agenda for further discussion.

2.2. **ADOPTION OF A RESOLUTION AUTHORIZING THE PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO PERS AS SPECIAL COMPENSATION FOR THE CHICO PUBLIC SAFETY ASSOCIATION EMPLOYEE GROUP**

Adopted - a resolution that authorized the City to report the 8% member contributions it currently pays on behalf of the CPSA employee group, as special compensation to PERS. The HR/RM Director and the City Manager recommended adoption of this resolution.

RESOLUTION NO. 42-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR CHICO PUBLIC SAFETY ASSOCIATION (CPSA) EMPLOYEE GROUP

2.3. **ADOPTION OF A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO AND THE CHICO PUBLIC SAFETY ASSOCIATION**

Adopted - a resolution which modified a number of pay and benefit provisions in the memorandum of understanding applicable to the Chico Public Safety Association. The HR/RM Director and the City Manager recommended adoption of this resolution.
2.4. ADOPTION OF A RESOLUTION APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PUBLIC SAFETY MANAGEMENT EMPLOYEES

Adopted - a resolution which modified the pay and benefits resolution applicable to the Public Safety Management employees of the City. The HR/RM Director and the City Manager recommended adoption of this resolution.


2.5. ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY - LASSEN AVENUE ANNEXATION DISTRICT NO. 8

Adopted - a resolution to initiate the annexation of two parcels at 740 and 754 East Lassen Avenue. The annexation is initiated to facilitate subdivision and development of additional single family residences, and sanitary sewer connection. The Special Projects Planner recommended adoption of the resolution.

RESOLUTION NO. 45-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - LASSEN AVENUE ANNEXATION DISTRICT NO. 8 (AIR-VOL BLOCK PROFIT SHARING TRUST APN 007-200-011 and 012)

2.6. ADOPTION OF A RESOLUTION - SEWER IN LIEU - 636 BRYANT AVENUE

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


2.7. ADOPTION OF A RESOLUTION - SEWER IN LIEU - 2821 CACTUS AVENUE

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

RESOLUTION NO. 47-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2821 CACTUS AVENUE / A.P. NO. 016-120-036 (petition from property owner Ruth E. Burns)

2.8. ADOPTION OF A RESOLUTION - SEWER IN LIEU - 599 EAST AVENUE

Adopted - a resolution authorizing sewer assessments to be collected on the tax roll, in lieu of full and immediate payment of the sewer system connection fee. The Building & Development Services Director recommended adoption of the resolution.
RESOLUTION NO. 48-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 599 EAST AVENUE / A.P. NO. 007-080-067 (petition from property owner Oscar Orihuela)

2.9. APPROVAL OF MINUTE ORDER NO. 06-07 - LAWSUIT TO RECOVER FUNDS

Approved - a minute order which authorized the City Attorney to file a lawsuit to recover funds for a City issued payment inadvertently mailed to the wrong vendor. The City Attorney recommended approval of the minute order.

MINUTE ORDER NO. 06-07 – AUTHORIZATION FOR CITY ATTORNEY TO INITIATE LAWSUIT TO RECOVER FUNDS

2.10. APPROVAL OF FINANCE COMMITTEE RECOMMENDATION ESTABLISHING BASELINE REVENUE FOR COMMUNITY ORGANIZATION FUNDING - ARTS CATEGORY

Approved - the recommendation made by the Finance Committee at its meeting of 3/28/07 that established $141,330 as the baseline revenue to be used to fund the Arts Category in the Community Organization Funding Program effective FY 2007-08. The Finance Committee recommended (3-0) approval of $141,330 as a baseline amount for FY 2007-08.

2.11. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS

Approved – minutes of the City Council meetings held on 2/06/07 and 2/20/07.

The motion to approve the Consent Agenda, as read, with Item 2.1. removed for further discussion, carried by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE NO. 2354 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.46, ENTITLED “GRAFFITI REMOVAL,” TO THE CHICO MUNICIPAL CODE - Final Reading and Adoption

Adopted - an ordinance governing the removal of graffiti. The Housing & Neighborhood Services Director recommended adoption of the ordinance by reading of the title only.

At the request of Councilmember Nickell, this item was removed from the Consent Agenda for clarification regarding the current penalty for violations being an infraction versus a misdemeanor. Staff indicated that this ordinance addresses only the responsibility of the property owner in the removal of graffiti from their property.

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


The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
3. **NOTICED PUBLIC HEARINGS**

3.1. **CONSIDERATION OF DRAFT ANNUAL PLAN FOR THE CITY’S 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS**

The City will receive $1,601,859 of CDBG and HOME funds for the 2007-08 program year. At its meeting of 2/28/07, the Finance Committee recommended (3-0) a list of proposed housing and community development activities for inclusion in the draft annual plan. At this meeting, Council conducted the first of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the U.S. Department of Housing and Urban Development (HUD). Councilmember Wahl disqualified himself on this item due to serving on the Salvation Army Board. *(Report - Sherry Morgado, Housing & Neighborhood Services Director)*

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

A motion was made by Councilmember Bertagna and seconded by Councilmember Flynn to direct staff to: (1) publish the draft plan; (2) provide for a 30-day public comment period; and (3) schedule a second hearing for adoption of the final Annual Plan at its meeting of 05/01/07.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

**NOES:** None

**DISQ:** Wahl

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF A PROPOSED BIDWELL PARK SPHERE OF INFLUENCE POLICY**

The City Council considered the Bidwell Park and Playground Commission’s (BPPC) recommendations regarding a policy relating to future development within the sphere of influence of Bidwell Park at its 2/06/07 meeting and directed staff to provide a map of the sphere area for this meeting. *(Report - Dennis Beardsley, General Services Director)*

The BPPC recommended (7-0) that the City Council approve the Bidwell Park Sphere of Influence Policy. The Council was also provided with a copy of an email received from Bill Brouhard.

A motion was made by Councilmember Nickell to approve the modified policy as presented to include the following changes of: (1) “shall” to replace “will”; (2) insertion of the following paragraph “*All mitigation measures shall address issues such as fragmentation of natural communities and movement and dispersal corridors, chances in use intensity and/or habitat encroachment, duration of impacts, buffer zones, noise, height restrictions, architectural and landscaping guidelines, open space easements, and parkland dedications, and consider incremental and cumulative impacts. View sheds from park vantage points, particularly those encompassing ridge lines, and slopes, shall be protected to the maximum extent feasible;* and (3) insertion of “*shall not impact the view shed(s), ecological system(s), old growth(s), and natural habitat(s)*” in paragraph five of the proposed policy.

The motion died for a lack of a second.

A motion was made by Councilmember Bertagna to approve the policy as recommended by the Bidwell Park and Playground Commission. The motion died for a lack of a second.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the draft policy except for the following changes: (1) “shall” to replace “will”; and (2) insertion of “*view sheds from park vantage points, particularly those encompassing ridge lines, and slopes, shall be protected to the maximum extent feasible*” at the end of the paragraph in the Policy statement.
The motion failed due to the following vote:

**AYES:** Gruendl, Schwab, Nickell
**NOES:** Bertagna, Flynn, Wahl, Holcombe

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the policy as recommended by the Bidwell Park and Playground Commission.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Schwab, Wahl, Holcombe
**NOES:** Nickell, Gruendl

4.2. **WEED ABATEMENT PROGRAM FOR 2007**

The weed abatement program is conducted each year under the provisions of the California Government Code. *(Report - Scott Armstrong, Supervising Code Enforcement Officer)*

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to: (1) adopt the following resolution; (2) set a public hearing for 5/01/07; and (3) direct the City Clerk to mail notices of the public hearing to all owners of parcels listed on the attached Exhibit “A.”

**RESOLUTION NO. 49-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DECLARING A PUBLIC NUISANCE AND SETTING A TIME FOR HEARING ON OBJECTIONS TO ABATEMENT AND ASSESSMENT OF COSTS RELATING TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DEBRIS**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
**NOES:** None

The City Council also discussed the possibility of escalating fines for repeat offenders. The Supervising Code Enforcement Officer indicated that all costs for abatement are recovered from the property owner.

4.3. **INITIAL CONSIDERATION OF AN APPEAL OF THE ARCHITECTURAL REVIEW BOARD APPROVAL OF A FACADE REMODEL AT 240 MAIN STREET (AR 07-01, COA 07-01)**

Initial consideration of an appeal of the Architectural Review Board decision to approve a request to remodel the existing facade located at 240 Main Street (Oser's Building). The property is designated Downtown on the City of Chico General Plan Diagram and located in the CD-L Downtown Commercial Landmark Overlay zoning district. This project was determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15302 (Replacement or Reconstruction of Existing Structures). Vice Mayor Schwab was disqualified on this item due to her business being in close proximity of the project. *(Report - Jake Morley, Assistant Planner)*

Addressing the Council on this item were Mike Trolinder and Karen Laslo who spoke in support of hearing the appeal. Fran Shelton and John Anderson spoke in opposition.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to decline to consider this appeal, thereby upholding the Architectural Review Board's decision.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe
**NOES:** None
**DISQ:** Schwab
4.4. CONSIDERATION OF COUNCILMEMBER WAHL’S REQUEST TO CONSIDER JON LUVAAS’ SUITABILITY TO SERVE ON THE PLANNING COMMISSION

Councilmember Wahl requested that the City Council consider Jon Luvaas’ suitability to continue serving on the Planning Commission.

Addressing the Council on this issue were Alan Gair, Rick Coletti, Jason Bougie, Beverly Robertson, Karen Laslo, Rupert McDowell, and Bill Brouhard. The Council was also provided with copies of an email from Emily Fortier and Jerry Olio, as well as a copy of a letter from Rick Coletti, Chairman of the Board, Chico Chamber of Commerce.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to discuss this request at this meeting.

The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) direct Internal Affairs to review Mr. Luvaas’ activities and make a recommendation to Council on what course of action or disposition should be taken; (2) Council further directed Internal Affairs to review the many points contained in the Chamber of Commerce and the BIA letters and to make recommendations for implementation to Council; and (3) return recommendations to Council by May 15, 2007.

The request of a friendly amendment from Councilmember Bertagna to remove Mr. Luvaas’ name from the motion was accepted by Councilmember Wahl.

Councilmember Flynn, stated for the record, that she found it ironic that while members of Council were calling for or talking about Jon Luvaas as a Planning Commissioner, as the Chair of the Planning Commission, having the gall to set policy. She further stated that members of Council sitting here suggesting that it makes sense to send to Internal Affairs recommendations that some Council people seem very enamored of what came from the BIA and the Chamber that certainly suggests a direction for policy. Councilmember Flynn felt that there is a discussion to be had and that it could be a really healthy one. She was concerned as to what it is that the committee would be assessing and what would drive the discussion at Internal Affairs.

The motion failed due to the following vote:

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

4.5. CONSIDERATION OF VICE MAYOR SCHWAB’S REQUEST TO RECONSIDER GENERAL PLAN AMENDMENT AND REZONE 04/05 (TUSCAN VILLAGE)

Vice Mayor Schwab requested that the City Council reconsider a General Plan Amendment and Rezone for an 18.3-acre parcel on the south side of Eaton Road, between Morseman and Burnap Avenues (Tuscan Village GPA/RZ 04/05; APN 007-190-002).

Addressing the Council on this matter were Robin Perry, Nancy Curtis, Steve Schuster, Crystal Trimble, Charlotte Sturgis, Tom Sharp, Cris Persson, and Robert McDowell. The Council was also provided with copies of emails received from Mr. & Mrs. Bladorn and Robin Perry.
A motion was made by Vice Mayor Schwab and seconded by Mayor Holcombe to agendize, at a future meeting, the reconsideration of the Tuscan Village General Plan amendment and rezone.

The motion carried by the following vote:

AYES: Bertagna, Nickell, Schwab, Wahl, Holcombe
NOES: Gruendl
ABSTAINED: Flynn

4.6. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

Vince Quarcino addressed the City Council regarding his concerns over what he felt was selective enforcement in the red zone (curb) behind his business in the Safeway shopping center. Mr. Quarcino indicated that it was Officer Bartine who cited him for parking in the red zone while Mr. Quarcino was unloading his supplies.

Michael Jensen addressed the City Council regarding housing funding.

6. ADJOURNMENT

Adjourned at 9:15 p.m. to April 17, 2007 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.

Date Approved: May 1, 2007

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 3, 2007

CLOSED SESSION

Minutes

ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City’s real property negotiator regarding the proposed acquisition affecting the following:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific Realty Associates LP</td>
<td>3964 Chico River Road</td>
<td>039-530-018</td>
</tr>
</tbody>
</table>

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

1. CALL TO ORDER – Mayor Holcombe called the April 3, 2007 – Adjourned Regular Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

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

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, Building Development and Services Director McKinley, City Clerk Presson, Administrative Services Director Pierce

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Howard Cecil Johnson v. City of Chico, et al., Butte County Superior Court Case No. 136251, pursuant to subdivision (a) of Government Code section 54956.9.

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

Negotiator: Greg Jones, City Manager

Under Negotiation: Price and terms of payment for proposed acquisition

Negotiating Parties:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific Realty Associates LP</td>
<td>3964 Chico River Road</td>
<td>039-530-018</td>
</tr>
</tbody>
</table>

3. ADJOURNMENT

Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 17, 2007
Minutes

1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8

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

1.3. Call to Order – Mayor Holcombe called the April 17, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Invocation — Moment of Silence for the victims and their families of the Virginia Tech tragedy.

1.6. Roll Call

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

1.7. Closed Session Announcement - None


2. **CONSENT AGENDA** – Item 2.2. was removed from the Consent Agenda due to a disqualification. A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items.

2.1. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A SANITARY SEWER EASEMENT TO FACILITATE THE ENLOE EXPANSION**

Adopted - a resolution of intention to abandon and vacate a sanitary sewer easement located between West Fifth and West Sixth Avenues of the Enloe Medical Center expansion project. The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing for May 15, 2007.

RESOLUTION NO. 50-07 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (ENLOE MEDICAL CENTER / APN 003-023-023)

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON AND VACATE A PUBLIC RIGHT-OF-WAY (ORANGE STREET)** – This item was removed from the Consent Agenda due to Vice Mayor Schwab being disqualified.

2.3. **ADOPTION OF A RESOLUTION AUTHORIZING THREE GRANTS OF LICENSE TO ENLOE MEDICAL CENTER FOR ENCROACHMENT ON A PUBLIC RIGHT OF WAY**

Adopted - a resolution which authorized the City Manager to execute three Grants of License with Enloe Medical Center for encroachment on public right of way to facilitate Enloe’s expansion project. The Grants of License cover the installation of: (1) underground gas and electric lines; (2) underground fuel oil and oxygen lines; and 3) underground Information Technology (I.T.) conduit. The Building & Development Services Director recommended adoption of the resolution.

RESOLUTION NO. 52-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THREE GRANTS OF LICENSE TO ENLOE MEDICAL CENTER FOR ENCROACHMENT ON PUBLIC RIGHT OF WAY BETWEEN WEST 5TH AND WEST 6TH AVENUES AND MAGNOLIA AND THE ESPLANADE (ASSESSOR'S PARCEL NOS. 003-022-007 AND 003-024-005)
2.4. APPROVAL OF A MINUTE ORDER AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

Approved - a minute order which authorized the City Manager to execute a Public Utility Easement with PG&E for relocation of its transformer within Municipal Parking Lot No. 7 on Salem Street in connection with the construction of the Downtown Transit Center and the West 2nd Street Improvement Project. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 07-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR RELOCATION OF ITS TRANSFORMER WITHIN MUNICIPAL PARKING LOT NUMBER 7 ON SALEM STREET

2.5. APPROVAL OF A MINUTE ORDER - ACQUISITION OF PROPERTY RIGHTS FOR THE COHASSET ROAD WIDENING PROJECT

Approved - a minute order which authorized the City Manager to execute agreement and related documents in connection with the acquisition of right of way and temporary construction easements according to the negotiated terms set out in the minute order for Sharlene I. Minto, Successor Trustee of the Minto Family Trust Created on April 9, 1990, 3199 Plummers Drive, Chico, APN 016-220-067. The Administrative Services Director recommended approval of the minute order.

MINUTE ORDER NO. 08-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE COHASSET ROAD WIDENING PROJECT

2.6. APPROVAL OF A MINUTE ORDER - AUTHORIZATION FOR CITY ATTORNEY TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH GOLDSBERRY, FREEMAN & GUZMAN

Approved - a minute order authorizing the City Attorney to enter into a legal services agreement with Goldsberry, Freeman & Guzman, LLP for the defense of the City of Chico and the City of Chico Park Department in the arbitration case of Performance Excavators, Inc. V. City of Chico/City of Chico Park Department, et al., regarding remediation of the former Chico Shooting Range and former Police Pistol Range located in Upper Bidwell Park. The City Attorney recommended approval of this minute order.

MINUTE ORDER NO. 09-07 – AUTHORIZATION FOR CITY ATTORNEY TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH GOLDSBERRY, FREEMAN & GUZMAN IN THE MATTER OF PERFORMANCE EXCAVATORS, INC. V. CITY OF CHICO/CITY OF CHICO PARK DEPARTMENT, ET AL., STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS

2.7. APPROVAL OF THE FINANCE COMMITTEE RECOMMENDATION - AMENDMENTS TO CHAPTER 3.32 OF THE CHICO MUNICIPAL CODE, ENTITLED “BUSINESS LICENSE LAW”

Approved - the recommendation made by the Finance Committee at its meeting of 3/28/07, to amend the current Business License Law as set forth in Chapter 3.32 of the Chico Municipal Code. Specifically: (1) redefine the license year to coincide with the license anniversary date; and (2) remove the license tax requirement for businesses with gross receipts of $5,000 or less. The Finance Committee recommended (3-0) that the City Attorney be directed to draft an ordinance to amend Chapter 3.32 of the Chico Municipal Code as outlined above.

2.8. APPROVAL OF FINANCE COMMITTEE RECOMMENDATION REGARDING REMOVAL OF RESIDENCY REQUIREMENT FROM THE MORTGAGE SUBSIDY PROGRAM (MSP)

Approved - the recommendation made by the Finance Committee at its meeting of 2/28/07, to remove the requirement that applicants to the MSP must have lived in the Chico Urban Area continuously for the past twelve months. The Finance Committee recommended (3-0) that the City of Chico Administrative Procedure and Policy No. 27-10, Mortgage Subsidy Program, be revised to strike Section II.A.3.e, which requires that program applicants must have been a resident of the City's Sphere of Influence for at least the last twelve months prior to applying for assistance.
2.9. **APPROVAL OF MINUTES OF CITY COUNCIL MEETING**

Approved – minutes of the City Council meeting held on 3/06/07.

The motion to approve the Consent Agenda, with Item 2.2. removed, carried, as read, by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

**ITEMS REMOVED FROM CONSENT**

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON AND VACATE A PUBLIC RIGHT-OF-WAY (ORANGE STREET)**

Adopted - a resolution of intention to abandon and vacate a portion of public right-of-way located on Orange Street between West First and West Second Streets to facilitate the construction of CSUC Wildcat Activity Center. *The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing for May 15, 2007.*

This item was removed from the Consent Agenda in order for Vice Mayor Schwab to disqualify herself since her employer made the abandonment request.

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

**RESOLUTION NO. 51-07 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (ORANGE STREET / APN 004-033-003)**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Wahl, Holcombe

**NOES:** None

**DISQ:** Schwab

3. **NOTICED PUBLIC HEARINGS**

3.1. **WATER POLLUTION CONTROL PLANT - ADOPTION OF RESOLUTIONS REGARDING SUBMITTAL OF APPLICATION TO THE STATE REVOLVING FUND LOAN PROGRAM AND THE CITY’S INTENT TO COMPLY WITH TREASURY REGULATIONS AND A PUBLIC HEARING HELD ON THE AMENDMENT OF THE 2006-07 UPDATE OF DEVELOPMENT IMPACT FEE ANALYSIS AND RECOMMENDATIONS AND REVISIONS IN REGARD TO CAPACITY FEES**

A. Adopted - resolutions which authorized an increase in the loan amount requested in the State Revolving Fund (SRF) Loan Program to cover the additional construction expenses for the expansion project at the Water Pollution Control Plant from 9 million gallons per day (mgd) to 12 mgd. Increasing the loan amount will necessitate Water Pollution Control Plant Capacity Development Impact Fee increases on 7/01/07, as well as 7/01/08. *The Capital Project Services Director recommended adoption of these resolutions.*

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt the following resolutions:

**RESOLUTION NO. 53-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE STATE REVOLVING FUND LOAN PROGRAM FOR THE CITY OF CHICO WATER POLLUTION CONTROL PLANT EXPANSION PROJECT**
RESOLUTION NO. 54-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
ESTABLISHING THE CITY’S INTENT TO COMPLY WITH TREASURY REGULATIONS § 1.150-2
AND ANY OTHER REGULATIONS OF THE INTERNAL REVENUE SERVICE RELATING TO THE
QUALIFICATION FOR REIMBURSEMENT OF PROJECT COSTS IN CONJUNCTION WITH THE
APPLICATION TO THE STATE REVOLVING FUND LOAN PROGRAM FOR THE CITY OF CHICO
WATER POLLUTION CONTROL PLANT EXPANSION PROJECT

The motion carried by the following vote:

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

B. Hearing - on an amendment of the Nexus Study proposing an increase in development impact
fees. The Nexus Study amendment recommended an adjustment in the Sewer Fees, specifically
the Water Pollution Control Plant Capacity Fees based upon an increase in the cost of the water
pollution control plant expansion project to 12 mgd. (Report - Tom Varga, Capital Project
Services Director)

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve
the 2006-07 Update of Development Impact Fees Analysis and Recommendations (Nexus Study)
Amendment and adopt the following resolution:

RESOLUTION NO. 55-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
AMENDING THE CITY’S FEE SCHEDULE IN REGARD TO SEWER FEES

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

3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF
CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 578 - GODMAN RANCH SUBDIVISION

A condition of approval of the Godman Ranch Subdivision required the establishment of a means for
funding the annual costs of operating and maintaining storm water mitigation facilities that are of special
benefit to the subdivision located on Godman Avenue south of Eaton Road. (Report - Fritz McKinley,
Building & Development Services Director)

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

A motion was made by Councilmember Schwab and seconded by Councilmember Bertagna to adopt
the following resolution:

RESOLUTION NO. 56-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE
MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF
CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO
MAINTENANCE ASSESSMENT DISTRICT NO. 578 - GODMAN RANCH SUBDIVISION

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ENGINEER’S REPORT AND RESOLUTIONS REGARDING THE FORMATION OF THE CERES/HIGHLAND NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 002-07**

At its 5/16/06 meeting, the City Council adopted Resolution No. 54-06 which approved the Master Plan and adopted the Mitigated Negative Declaration for the development of the Ceres/Highland Neighborhood Park. Adequate funds are available in the Neighborhood Park Benefit Zones F&G-Fund 345 and in Redevelopment Fund 352 to fund the basic park development, but not to fund the additional park amenities requested by neighbors, or maintenance of the park. Staff proposed that the City allocate additional Fund 345 funds in the amount of $147,000 to partially fund the $267,520 needed for the enhanced amenities and that a landscape and lighting district be formed to fund the remaining development costs of the enhanced amenities, and the maintenance of the park. *(Report - Dennis Beardsley, General Services Director)*

The Council was provided with a copy of an email from Fred Brooks.

Mayor Holcombe opened the hearing to the public. Addressing the Council in support of the formation of the district were Lisa Billingsley and Joan Spencer. The hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to:

1. Approve an allocation of $147,000 from Fund 345 to partially fund development of the enhanced park design features requested by neighbors. If the LLD is approved by neighbors at the public hearing to be held on June 19, 2007, a formal supplemental appropriation allocating these funds would be considered by Council at that meeting.

2. Adopt the following resolutions which: (1) initiate proceedings for the formation of the Ceres/Highland LLD; (2) preliminarily approve the Engineer’s Report; and (3) declare its intent to form the Ceres/Highland LLD, levy and collect assessments, conduct a ballot process and appoint a time and place for a public hearing.


   **RESOLUTION NO. 58-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO PRELIMINARILY APPROVING THE ENGINEER’S REPORT FOR CITY OF CHICO CERES-HIGHLAND NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 002-07 FOR PARK MAINTENANCE AND IMPROVEMENTS.**

   **RESOLUTION NO. 59-07 – A RESOLUTION OF THE CITY COUNCIL OF CHICO DECLARING ITS INTENTION TO FORM CERES-HIGHLAND NEIGHBORHOOD PARK LANDSCAPING AND LIGHTING DISTRICT NO. LLD 002-07; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN SUCH DISTRICT COMMENCING IN FISCAL YEAR 2007/2008; AND TO CONDUCT A PROPERTY OWNER BALLOT PROCEEDING ON THE MATTER OF THE PROPOSED ASSESSMENTS AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS**

3. Set the public hearing for Tuesday, June 19, 2007 at 6:30 p.m. or as soon thereafter as feasible in the Chico City Council Chambers located at 421 Main Street, Chico, California.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None
A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to confirm that the prior Council action included the $147,000 allocation from Fund 345 to partially fund development of the enhanced park design features.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

### 4.2. CONSIDERATION OF COUNCILMEMBER GRUENDL’S REQUEST THAT THE TREE PROTECTION ORDINANCE TO BE REFERRED TO THE INTERNAL AFFAIRS COMMITTEE FOR REVIEW

Councilmember Gruendl requested that the City Council refer the Tree Protection Ordinance to the Internal Affairs Committee for review and recommendations in order to improve the tree protection policy.

The Council was provided with copies of emails from Bill & Nancy Knudsen, Heather Schalff, Elizabeth Daniels, Carolyn Dorn, Neil & Sue McCabe, and Nancy Park.

Addressing the Council in support of reviewing the existing Tree Ordinance were Alan Gair, Karen Laslo, Susan Mason and Bill Knudsen.

Pursuant to City Council rules of procedure, the Council voted unanimously to forward the item to the Internal Affairs Committee for review.

### 4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

### 5. BUSINESS FROM THE FLOOR – None

### 6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.

**6.1.** E-mail received 3/14/07 from Dr. Curtis L. DeBerg, Professor of Business, California State University, Chico, forwarding information on a South Africa town interested in becoming a “Sister City.” Council voted 7-0 to forward this item to the Internal Affairs Committee for discussion.

**6.2.** Letter dated 4/09/07 from Rick Tofanelli, Nantucket Home Furnishings, requesting downtown parking enforcement on Saturdays. The Council voted 5-2, with Councilmember Wahl and Vice Mayor Schwab disqualified, to refer this item to the Internal Affairs Committee for discussion.

### 7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.
1. **CALL TO ORDER** - Chair Holcombe called the April 17, 2007 - Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

2. **CONSENT AGENDA**

3. **NOTICED PUBLIC HEARINGS**

4. **REGULAR AGENDA**

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

5. **REPORTS AND COMMUNICATIONS**

   The following reports and communication items were provided for the Council's information. No action was taken unless otherwise noted.

5.1. Letter dated 3/21/07 from Jane Dolan, Butte County Board of Supervisors, requesting that the City Council enact a policy requiring any development project funded by the Greater Chico Urban Area Redevelopment Agency follow the project development process as set forth by the California Subdivision Map Act and California Environmental Quality Act (CEQA).

   Addressing the Council on this item was Jane Dolan.

   A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to direct the Chair to send a letter to the Board of Supervisors outlining the City/Agency process, confirming that it complies with current legal requirements.

   The motion carried by the following vote:

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

6. **ADJOURNMENT**

   Adjourned at 7:38 p.m. to May 1, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: May 15, 2007

Deborah R. Presson, City Clerk
1. CALL TO ORDER – Mayor Holcombe called the April 17, 2007 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Present: City Attorney Frank

2. CLOSED SESSION MATTERS

2.1. PUBLIC EMPLOYEES PERFORMANCE EVALUATION: The City Council reviewed the City Attorney’s performance. (Gov. Code Section 54957.)

3. ADJOURNMENT

Adjourned to a City Council meeting in the Council Chamber.
1.1. **REGULAR CITY COUNCIL MEETING** - 6:30 p.m.

1.2. Call to Order – Mayor Holcombe called the May 15, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street

1.3. Flag Salute

1.4. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist

1.5. Roll Call

Present: Bertagna, Gruendl, Schwab, Wahl, Holcombe
Absent: Flynn, Nickell

1.6. Presentation — Jim Camy, Butte County Mosquito and Vector Control District and Fritz McKinley, Building & Development Services Director, provided an overview of the Fair Street Detention Pond and its effect on the surrounding area. Addressing the Council on this item were Mike Wacker, Dan Jeffers, Marilyn Gamette, Mark Johnsen, and John Bullerjahn.

2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt the following Consent Agenda items:

2.1. ORDINANCE NO. 2355 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 3.32 OF THE CHICO MUNICIPAL CODE, THE BUSINESS LICENSE LAW, TO EXEMPT BUSINESSES WITH GROSS RECEIPTS OF LESS THAN FIVE THOUSAND DOLLARS ($5,000) PER YEAR, MODIFY THE LICENSE YEAR, AND MAKE TECHNICAL CORRECTIONS TO THE LAW - Final Reading and Adoption

Adopted - an ordinance to: (1) redefine the license year to coincide with the license anniversary date; and (2) remove the license tax requirement for businesses with gross receipts of $5,000 or less. At its meeting of 5/01/07, the City Council introduced this ordinance. The Finance Director recommended adoption of the ordinance by reading of the title only.

2.2. APPROVAL OF A MINUTE ORDER AUTHORIZING CITY MANAGER TO EXECUTE A CONSENT TO ENCUMBRANCE OF LEASE AND AMENDMENT TO LEASE - CHICO MUNICIPAL AIRPORT

Approved - minute order authorizing the City Manager to execute a consent to encumbrance of lease and amendment to lease of real property. The Airport Commission recommended approval of the minute order.

MINUTE ORDER NO. 11-07 - AUTHORIZATION FOR CITY MANAGER TO EXECUTE A CONSENT TO ENCUMBRANCE OF LEASE AND AMENDMENT TO LEASE OF REAL PROPERTY CHICO MUNICIPAL AIRPORT (CITY OF CHICO/AERO UNION CORPORATION)

2.3. APPROVAL OF A MINUTE ORDER AUTHORIZING CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT CHICO MUNICIPAL AIRPORT WITH GRANT OF LANDING PRIVILEGES FIXED BASE OPERATOR

Approved - minute order authorizing the City Manager to execute a new lease with an initial term of 15 years and two additional five-year extensions with Northgate Aviation, Inc. The Airport Commission recommended approval.

MINUTE ORDER NO. 12-07 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT THE CHICO MUNICIPAL AIRPORT WITH GRANT OF LANDING PRIVILEGES FIXED BASE OPERATOR (CITY OF CHICO/NORTHGATE AVIATION, INC.)
2.4. **APPROVAL OF MINUTE ORDER AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT**

Approved - minute order authorizing the City Manager to execute agreements with officers for use of horses in Mounted Enforcement Unit. If approved, the Master Agreement would be revised as set forth in the minute order. *The Acting Chief of Police recommended approval of the minute order.*

**MINUTE ORDER NO. 13-07- AUTHORIZATION FOR CITY MANAGER TO EXECUTE AGREEMENTS WITH OFFICERS FOR USE OF HORSES IN MOUNTED ENFORCEMENT UNIT**

2.5. **APPROVAL OF FINANCE COMMITTEE RECOMMENDATIONS REGARDING SUPPLEMENTAL FUNDING FOR THE CHICO BRANCH OF THE BUTTE COUNTY LIBRARY**

**APPROVAL OF A MINUTE ORDER AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION - BUTTE COUNTY LIBRARY - CHICO BRANCH**

Approved - Finance Committee recommendations, from its 4/25/07 meeting, to: (1) increase the supplemental library funding for Fiscal Year 2007-08 to $169,511, thus recommending approval of an additional allocation from the General Fund of $7,431 over the budgeted amount of $162,080 (3-0 vote); and (2) in Fiscal Year 2008-09, the County be required to either have a long term financing plan in place or a measure on the ballot to help fund the libraries, or the City would include library funding with the other community service requests handled through the community organization funding program (2-1, Wahl opposed).

Approval of the following minute order authorizes execution of an agreement with Butte County by which the City provides supplemental funding to increase the hours of operation at the Chico branch of the Butte County Library from 35 hours per week to 60 hours per week.

It is noted that the execution of the agreement, with a term commencing 07/01/07 and ending 06/30/08, is contingent on confirmation that Butte County has adopted a budget which continues the base level of service for the Chico branch of the library.

**MINUTE ORDER NO.14-07 – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUTTE COUNTY FOR SUPPLEMENTAL FUNDING FOR ADDITIONAL HOURS OF OPERATION AT CHICO BRANCH OF BUTTE COUNTY LIBRARY (FISCAL YEAR 2007-08)**

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

Approved – minutes of the City Council meeting held on 4/17/07.

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

**AYES:** Bertagna, Gruendl, Schwab, Wahl, Holcombe  
**NOES:** None  
**ABSENT:** Flynn, Nickell

**ITEMS REMOVED FROM CONSENT** – None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ON THE ABANDONMENT AND VACATION OF A Portion OF ORANGE STREET**

California State University Chico requested the abandonment and vacation of a portion of Orange Street located between West First and West Second Streets to facilitate the construction of a student activity center. At its meeting of 4/17/07, the Council adopted Resolution No. 51-07, stating its intent to abandon the portion of Orange Street, and set the public hearing for this meeting. *(Report - Fritz McKinley, Building & Development Services Director)*
Vice Mayor Schwab disqualified herself on this item due to her employer making the request for the abandonment. The Council was provided with a copy of a letter from Katrina Davis-Woodcox, Executive Director of the Downtown Chico Business Association. Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the abandonment was Charlie Preusser. Addressing the Council in support was Dennis Graham, CSUC. The hearing was closed to further public input.

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

RESOLUTION NO. 67-07 – A RESOLUTION OF THE 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 (ORANGE STREET / APN 004-033-003)

The motion carried by the following vote:

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

3.2. HEARING ON THE ABANDONMENT OF A SANITARY SEWER EASEMENT TO FACILITATE THE ENLOE MEDICAL CENTER EXPANSION PROJECT

Hearing on the abandonment and vacation of a sanitary sewer easement located between West Fifth and West Sixth Avenues for the Enloe Medical Center expansion project.  (Report - Fritz McKinley, Building & Development Services Director)

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

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

RESOLUTION NO. 68-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ORDERING ABANDONMENT AND VACATION OF A SANITARY SEWER EASEMENT PURSUANT TO THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW (ENLOE MEDICAL CENTER / APN 003-023-023)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Nickell

3.3. HEARING ON THE FINAL ANNUAL PLAN FOR THE CITY’S 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

The City will receive $1,601,859 of CDBG and HOME funds for the 2007-08 program year. The report included a list of proposed housing and community development activities approved by the City Council during a hearing on 4/03/07, for publication in the draft Annual Plan. Subsequent to this approval, staff published the Annual Plan and opened a 30-day public comment period on the proposed activities. The 30-day public comment period closed on 5/03/07. No public comments were received during this period. At this meeting the City Council conducted the second of two public hearings to receive citizen input on the use of CDBG and HOME funds in compliance with the Citizen Participation requirements of the U.S. Department of Housing and Urban Development (HUD).  (Report - Sherry Morgado, Housing & Neighborhood Services Director)

Mayor Holcombe opened the public hearing. No one spoke and the hearing was closed.
A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the final Annual Plan for 2007-08, and directed staff to submit the Plan to the U.S. Department of Housing and Urban Development (HUD).

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn, Nickell

4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL) - This item was heard immediately after Item 4.2.

Initial consideration of an appeal of the Planning Commission's decision to deny a use permit for a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue; AP Nos. 015-520-051 and -062. The site is designated Public Facilities and Services on the City of Chico General Plan Diagram, and is located in a PQ Public/Quasi-Public zoning district. The use permit would have allowed the installation of a stealth monopine (a monopole telecommunications tower modified to resemble a pine tree). (Report - Greg Redeker, Associate Planner)

Councilmember Bertagna was disqualified on this item due to a business conflict. Addressing the Council in support of hearing the appeal was Frank Schabarum. Addressing the Council in opposition were Gary Lautt, Harold Carlson, and Leanne Lautt.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to call up the record of proceedings and schedule the matter for a public hearing at the Council's meeting of 7/03/07. The motion failed due to the requirement of four affirmative votes:

AYES: Gruendl, Wahl, Holcombe
NOES: Schwab
DISQ: Bertagna
ABSENT: Flynn, Nickell

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to reschedule the initial consideration of this item for the 6/19/07 meeting.

The motion carried by the following vote:

AYES: Gruendl, Wahl, Holcombe
NOES: Schwab
DISQ: Bertagna
ABSENT: Flynn, Nickell

4.2. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF MODIFICATION OF USE PERMIT NO. 00-05 (JOHNSON/CHICO AUTO DISMANTLING), 381 AND 397 E. PARK AVENUE, APNs 005-500-011, 014, 020, 022, AND 026 - This item was moved up and heard prior to Item 4.1.

Initial consideration of an appeal of the Planning Commission denial (6-0-1) of the Modification of Use Permit No. 00-05 (Johnson/Chico Auto Dismantling) to allow limited vehicular access through an existing gate located on Fair Street. Conditions on the existing use permit currently limit access to emergency vehicles only. The project site at 397 E. Park Avenue is located between E. Park Avenue to the north and Fair Street to the south on land designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in the ML Light Manufacturing/Industrial zoning district.
The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. (Report - Robert Peters, Assistant Planner)

The Council was provided with a copy of a letter from Jerome Johnson, Chico Auto Dismantling.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to call up the record of proceedings and schedule the matter for a public hearing at the Council's meeting of 7/03/07.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Wahl, Holcombe
NOES: Schwab
ABSENT: Flynn, Nickell

Councilmember Bertagna left the meeting at 7:35 p.m.

4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.

6.1. Letter dated 4/20/07 from William Dinsmore, Rolls, Anderson & Rolls, regarding annexation and sewer service to non-City property.

The City Council voted 4-0-3, with Councilmembers Bertagna, Flynn, and Nickell absent, to refer this item to the Internal Affairs Committee.

6.2. Memorandum dated 4/30/07 from City Manager Jones regarding the three minute limit on presentations by development applicants at City Council meetings.

The City Council voted 4-0-3, with Councilmembers Bertagna, Flynn, and Nickell absent, to refer this item to the Internal Affairs Committee.

7. ADJOURNMENT

Adjourned at 7:50 p.m. to June 5, 2007 at 8:30 a.m., in the City Council Chamber for an adjourned regular work session.

Date Approved: June 19, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER**

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF REQUEST TO ALLOCATE $1.9 MILLION FROM THE REDEVELOPMENT AGENCY’S LOW-AND MODERATE INCOME HOUSING FUND FOR THE DEVELOPMENT OF A 38-UNIT AFFORDABLE RENTAL HOUSING PROJECT – BIDWELL PARK APARTMENTS**

The Agency was provided with a copy of an email from the Housing and Neighborhood Services Director stating the applicant is requesting this item be pulled and reagendized for June 19, 2007.
1. CALL TO ORDER – Mayor Holcombe called the May 15, 2007 - Adjourned Regular Chico Municipal Center, Conference Room #2, 421 Main Street.

1.1. Roll Call

Present: Bertagna, Gruendl, Schwab, Wahl, Holcombe
Absent: Flynn, Nickell

Staff Present: None

2. CLOSED SESSION MATTERS

2.1. PUBLIC EMPLOYEE APPOINTMENT — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city attorney.

3. ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - see page 9

1.2. **REGULAR CITY COUNCIL MEETING** - 8:30 a.m.

1.3. Call to Order - Mayor Holcombe called the June 5, 2007 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 8:30 a.m.

1.4. Flag Salute

1.5. Roll Call

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

Absent: None

1.6. Meeting Schedule:

- 12:30 - 2:00 p.m.  Closed Session/Lunch
- 2:00 p.m. Community Organization Funding Requests
- 3:00 p.m. Hearing on Appeal - Las Palomas Subdivision

2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following Consent Agenda:

2.1. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTIONS 15.36.060 AND 15.36.075 OF CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE, ENTITLED "SEWER SERVICES AND FEES" - Introductory Reading

*Introduced* - an ordinance changing the months used to establish water consumption. At its meeting of 4/25/07, the Finance Committee recommended (3-0) that CMC §15.36.060 and §15.36.075 be amended to base sewer billings on the winter months of December through March. The Building & Development Services Director recommended introduction of the ordinance by reading of the title only.

2.2. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ACKNOWLEDGING THAT THE REDEVELOPMENT PLANS OF THE CHICO REDEVELOPMENT AGENCY DO NOT AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY - Introductory Reading

*Introduced* - an ordinance acknowledging that the redevelopment plans of the Redevelopment Agency do not authorize the use of eminent domain to acquire real property. The City Attorney recommended introduction of the ordinance by reading of title only.

2.3. **APPROVAL OF RESOLUTIONS REGARDING THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05 ANNUAL ASSESSMENT FOR FISCAL YEAR 2007-08**

*Approved* - resolutions to initiate proceedings and declare the Council’s intent to levy and collect the annual assessment for the Baroni Neighborhood Park and Open Space Landscaping and Lighting District No. LLD 001-05 for the 2007-08 fiscal year, and to set a public hearing for 6/19/07 regarding this assessment. The General Services Director recommended approval of the resolutions.

Councilmember Gruendl was disqualified on this item due to the proximity of the park to his residence.

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

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Gruendl, on Item 2.3.

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON REVISION TO CITY OF CHICO ANNEXATION, PLANNING, BUILDING, ENGINEERING, AND SUBDIVISION FEES TO PROVIDE FOR AN ANNUAL INFLATION ADJUSTMENT - This item was considered at 3:00 p.m.

Hearing - conducted a public hearing as a procedural requirement of § 66016-66018 of the California Government Code.

Adopted - a resolution amending the City’s Annexation, Planning, Building, Engineering, and Subdivision Fees to reflect personnel compensation adjustments approved by the City Council during the 2006-07 fiscal year, and directed the City Manager to annually adjust developer user fees based on any increase in personnel compensation adjustments previously authorized and approved by the City Council. (Report - Cindy Pierce, Administrative Services Director)

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

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

RESOLUTION NO. 71-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 302 - ANNEXATION FEES; PLANNING FEES; BUILDING FEES; ENGINEERING FEES; AND SUBDIVISION FEES)

The motion carried by the following vote:

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

3.2. HEARING ON AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF THE LAS PALOMAS SUBDIVISION (S 06-12) AT 750 AND 754 EAST LASSEN AVENUE (AIR-VOL BLOCK PROFIT SHARING TRUST) – This item was considered at 3:00 p.m.

A hearing was held regarding a request to subdivide two existing parcels to create 14 lots for single-family residential development. The site has a gross area of 2.0 acres, with a proposed residential density of seven units per acre. The project site is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district, which allows residential development in the range of 5.5 to 14 units per acre. The property is in the process of being annexed to the City. The Planning Commission considered this project on 3/15/07 and 5/03/07, and failed to approve the project (successive motions to deny and approve both hung on a 3-3-1 vote), which is effectively a denial. (Report - Greg Redeker, Associate Planner)

Ex-Parte Communications

Councilmember Flynn and Councilmember Wahl announced that they had spoken with James Renfro.
Councilmember Bertagna, Councilmember Nickell and Vice Mayor Schwab announced that they had email contact with James Renfro.

Councilmember Gruendl announced that he had telephone contact with James Renfro.

Mayor Holcombe announced that he had a meeting with James Renfro and also the Building Industry Association.

Mayor Holcombe opened the hearing to the public. Addressing the Council on this item were Richard Ayres and James Renfro. The hearing was closed to the public.

Mayor Holcombe stated for the record that the issue before the Council is not to support or criticize the Planning Commission, it is whether the Council should approve this proposal or not.

A motion was made by Councilmember Gruendl and seconded by Councilmember Flynn to adopt the following resolution which granted the appeal and approved the Las Palomas Tentative Subdivision Map S 06-12.

Councilmember Wahl requested a friendly amendment asking that the appeal fee be waived. The amendment was not accepted.

RESOLUTION NO. 72-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO GRANTING AN APPEAL AND APPROVING THE LAS PALOMAS TENTATIVE SUBDIVISION MAP S 06-12 (AIR-VOL BLOCK PROFIT SHARING TRUST) AT 750 & 754 E. LASSEN AVENUE

The motion carried by the following vote:

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

4. REGULAR AGENDA

4.1. BUDGET REVIEW

A. General Budget Review

The City Council was provided with an overview of the 2006-08 Biennial Budget, which included:

1. Budget Message (Report - Greg Jones, City Manager)

   - Review of Ten-Year Financial Plan Assumptions (Report - Jennifer Hennessy, Finance Director)
   - General/Park Funds Ten-Year Financial Plan (Report - Greg Jones, City Manager)
   - Ten-Year Financial Plans of Selected Funds (Report - Greg Jones, City Manager)
   - Expenditure Reductions/Revenue Enhancement Strategies (Report - Greg Jones, City Manager)

The Council was provided with an email from the Chico Firefighters, IAFF Local 2734 regarding the Expenditure Reductions/Revenue Enhancement Strategies as well as an email response from City Manager Greg Jones.

Councilmember Flynn asked that staff provide the Finance Committee with the sales tax rates in comparable communities across the state. Vice Mayor Schwab asked about the percentage of utility user's tax that the City is currently collecting and whether it can be changed. She also asked about operating expenditures, energy reduction, noting that she did not see any recommendations regarding "sustainability" on Exhibit "H."
A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to refer Exhibit “H” - Deficit Reduction Alternatives Matrix to the Finance Committee with the City Manager and/or staff to provide recommendations.

The motion carried by the following vote:

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

The Council recessed at 9:45 a.m. for a ten minute break. The meeting was reconvened and all members were present.

B. Police Staffing

As requested at its June 20, 2006, meeting, the City Council reviewed the long range staffing plan for the Police Department. (Report - Mike Maloney, Acting Chief of Police)

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to refer the review of the long range staffing plan to the Finance Committee.

The motion carried by the following vote:

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

C. Information Update on City Economic Development Strategy

The City Council was provided with an update on the creation of the City’s strategy for economic development. (Slide Presentation - Martha Wescoat-Andes, Economic Development/Redevelopment Manager)

Councilmember Flynn asked if the re-negotiation of the 5% sharing of sales tax revenue (which equates to approximately $1 million a year to the County) could be added to the Deficit Reduction Alternatives Matrix as a revenue source and if staff could conduct research to see if other communities have successfully reversed their relationship with respective Counties. Councilmember Bertagna asked that a copy of the City/County tax sharing agreement be provided to Council.

D. Approval of Ten-Year Capital Improvement Program and Overview of the Pavement Management System

Approved - Ten-Year Capital Improvement Program to comply with Budget Policy No. C.2.a. requiring establishment of an integrated Ten-Year Capital Improvement Program beginning in 2007-08. The City Council was also provided with an overview of the City’s Pavement Management Program. (Report - Tom Varga, Capital Project Services Director)

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the Ten-Year Capital Improvement Program.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to modify the prior motion to approve the Ten-Year Capital Improvement Program by re-inserting Fire Station 7 in the CIP until the Finance Committee has a discussion on staffing which will be a part of the overall budget discussion regarding Exhibit H - Deficit Reduction Alternatives Matrix.

The Fire Department was directed to prepare a 10-year staffing plan to be presented to the Finance Committee during its review of the budget.

The motion carried by the following vote:

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

E. Community Organization Funding

The City Council considered the recommendations forwarded from the Finance Committee and Arts Commission regarding community organization funding for FY 2007-08 in the General/CDBG, Transient Occupancy Tax (TOT) - Economic Development/Tourism, and TOT - Arts categories. (Report - Dave Burkland, Assistant City Manager)

The Agency/Council was provided with a copy of an email from Bob Speer regarding the release of final funds for KZFR Community Radio. Addressing the Council on this item was Jeremy Wilson.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the General/CDBG community organization funding for FY 2007/08.

The motion carried by the following vote:

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

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the TOT-Tourism community organization funding for FY 2007/08.

The motion carried by the following vote:

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

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the TOT-Arts community organization funding for FY 2007/08.

The motion carried by the following vote:

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

The Council recessed at 2:20 p.m. for a 40 minute break. The meeting was reconvened at 3:00 p.m. and all members were present.

F. Conclusion of Budget Review – Final actions were taken under the Redevelopment Agency Agenda Item No. 4.1.B
4.2. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

David Meraz addressed the Council regarding his housing rehabilitation loan. Due to the filing of a claim regarding this matter, this item will be scheduled for a Closed Session discussion at a future Council meeting.

6. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: September 4, 2007

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Deborah R. Presson, City Clerk
REGULAR CHICO REDEVELOPMENT AGENCY MEETING — June 5, 2007
Minutes

1. CALL TO ORDER – Board Chair Holcombe called the June 5, 2007 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

2. CONSENT AGENDA

3. NOTICED PUBLIC HEARINGS

4. REGULAR AGENDA – The Chico Redevelopment Agency acted in its capacity as both the Agency and the Chico City Council for consideration of Item 4.1.B.

4.1. BUDGET REVIEW

A. General Budget Review

The Redevelopment Agency Board was provided with an overview of the Budget Message. (Report - Greg Jones, Executive Director)

- Low/Mod Income Housing Fund Summary - (Report - Sherry Morgado, Housing and Neighborhood Services Director)
- Arts Fund Summary - (Report - Cindy Pierce, Administrative Services Director)

B. Conclude Redevelopment Agency Budget Review

At the conclusion of the Redevelopment Agency Budget Review, the Executive Director/City Manager recommended adoption of the following resolutions:

1. Approved - supplemental appropriation/budget modification making adjustments to the 2006-08 City Biennial Budget and the 2006-07 Chico Redevelopment Agency budget.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to approve the following Supplemental Appropriation/Budget Modification:

SUPPLEMENTAL APPROPRIATION/BUDGET MODIFICATION CITY NO. 06-08 14/RDA NO. 06-08 10 “FY 06/08 Mid-Cycle Budget Adjustments” (Council and Agency Action)

The motion carried by the following vote:

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


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

RDA RESOLUTION NO. 05-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY ADOPTING THE 2007-08 FINAL BUDGET FOR THE CHICO REDEVELOPMENT AGENCY (Agency Action)
The motion carried by the following vote:

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

3. **Adopted** - resolution establishing the 2007-08 appropriations limit as required by California Government Code §7910, and making findings in connection with the appropriation of Chico Redevelopment Agency funds for the construction and installation of public improvements. A resolution of the Chico Redevelopment Agency adopting the 2007-08 budget was considered on the Agency agenda at this meeting.

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


The motion carried by the following vote:

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

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

5. **ADJOURNMENT** – Adjourned at 3:50 p.m. to June 19, 2007 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.

Date Approved: September 4, 2007

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the June 5, 2007 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street for Closed Session at 12:30 p.m.

1.1. Roll Call

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

Absent: None

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland

2. **CLOSED SESSION MATTERS** – The Council recessed to closed session as the Chico City Council for consideration of Items 2.1 - 2.7 and then as the Chico Redevelopment Agency for consideration of Item 2.8.

2.1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *California Department of Toxic Substances Control v. City of Chico, et al.*, U.S. District Court Case No. CIV. S-02-442 LKK DAD pursuant to subdivision (a) of Government Code section 54956.9.

2.2. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *California Department of Toxic Substances Control v. Payless Cleaners, et al.*, U.S. District Court Case No. CIV. S-02-2389 LKK DAD pursuant to subdivision (a) of Government Code section 54956.9.

2.3. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-01007-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.4. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Borge Development, Inc. v. City of Chico, et al.*, U.S. District Court, Eastern District, Case No. 2:06-CV-02228-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.5. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Performance Excavators, Inc. v. City of Chico, et al.*, State of California Office of Administrative Hearings, Case No. A-0006-07, pursuant to subdivision (a) of Government Code section 54956.9.

2.6. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:** The City Attorney reviewed the following case: *Thomas V. Fogarty, et al. v. City of Chico, et al.*, Third District Court of Appeal, Case No. C052576, pursuant to subdivision (a) of Government Code section 54956.9.

2.7. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9: Three cases.


3. **ADJOURNMENT**

Adjourned at 2:00 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 12

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

1.3. Call to Order – Mayor Holcombe called the June 19, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Jules Vautrot, Baha’i Faith

1.6. Roll Call

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absents: Flynn

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Items 2.7. and 2.9. were removed from the Consent Agenda for further discussion. A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the remaining Consent Agenda items.

2.1. **ORDINANCE NO. 2356** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTIONS 15.36.060 AND 15.36.075 OF CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE, ENTITLED “SEWER SERVICES AND FEES” - Final Reading and Adoption

*Adopted* - an ordinance changing the months used to establish water consumption to December through March. At its meeting of 6/05/07, the City Council introduced the ordinance. *The Building & Development Services Director recommended adoption of the ordinance by reading of the title only.*

2.2. **ORDINANCE NO. 2357** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ACKNOWLEDGING THAT THE REDEVELOPMENT PLANS OF THE CHICO REDEVELOPMENT AGENCY DO NOT AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY - Final Reading and Adoption

*Adopted* - an ordinance acknowledging that the redevelopment plans of the Redevelopment Agency do not authorize the use of eminent domain to acquire real property. At its meeting of 6/05/07, the City Council introduced the ordinance. *The City Attorney recommended adoption of the ordinance by reading of title only.*

2.3. **ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY - CHICO CANYON ROAD ANNEXATION DISTRICT NO. 7**

*Adopted* - a resolution initiating the annexation of three parcels on Chico Canyon Road, just east of Centennial Avenue, to facilitate development of a subdivision, possible additional single family residences, and sanitary sewer connection. *The Special Projects Planner recommended adoption of the resolution.*

2.4. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 346 NORD AVENUE**

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

RESOLUTION NO. 75-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 346 NORD AVENUE / APN 043-230-005 (petition from property owners Purdon Enterprises-Butte, LLC)

2.5. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 2743 CACTUS AVENUE**

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

RESOLUTION NO. 76-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 2743 CACTUS AVENUE / APN 016-120-031 (petition from property owner Gregory Fragola)

2.6. **ADOPTION OF A RESOLUTION AMENDING THE CITY’S FEE SCHEDULE - SEWER FEES**

Adopted - a resolution to increase the City’s Sewer Fees for disposal of wastewater delivered by private or public entities to the wastewater treatment plant from $0.04 to $0.05 per gallon for quantities over 7,500 gallons. *The General Services Director recommended adoption of the resolution.*

RESOLUTION NO. 77-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO 303 - SEWER FEES)

2.7. **ADOPTION OF A RESOLUTION AMENDING THE CITY’S FEE SCHEDULE - ADDING FEES FOR THE LEASE OF BICYCLE LOCKERS** - This item was removed from the Consent Agenda for further discussion.

2.8. **ACCEPTANCE OF INTERNAL AFFAIRS RECOMMENDATION REGARDING THE FORMATION OF YOUTH ADVISORY COMMISSION**

Acceptance - of the Internal Affairs Committee recommendation to not form a Youth Commission at this time but to revisit the possibility in Spring 2008. At its meeting of 5/08/07, the Internal Affairs Committee approved (3-0) the recommendation to not proceed with the formation at this time due to: (1) the current workload of the City Clerk’s Office; (2) the level of support that would be required for the proposed advisory body to act as an official commission of the City; and (3) the current budget constraints. *The Internal Affairs Committee recommended (3-0) acceptance of tabling this item until Spring of 2008.*

2.9. **ACCEPTANCE OF A DONATION FOR THE DEVELOPMENT OF THE BASKETBALL COURT AT BARONI NEIGHBORHOOD PARK** - This item was removed from the Consent Agenda for further discussion.

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

Approved – minutes of the City Council meetings held on 5/01/07 and 5/15/07.
The motion to approve the Consent Agenda, as read, with Items 2.7. and 2.9. removed for further discussion, carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

ITEMS REMOVED FROM CONSENT

2.7. ADOPTION OF A RESOLUTION AMENDING THE CITY'S FEE SCHEDULE - ADDING FEES FOR THE LEASE OF BICYCLE LOCKERS - This item was removed from the Consent Agenda at the request of Councilmember Gruendl for clarification. The Finance Director provided the Council with clarification on the lease revenue.

Adopted - a resolution amending the City’s Fee Schedule by adding bicycle locker lease fees. The Building & Development Services Director recommended adoption of the resolution.

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

RESOLUTION NO. 78-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE IN REGARD TO BICYCLE LOCKER LEASE FEES

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

2.9. ACCEPTANCE OF A DONATION FOR THE DEVELOPMENT OF THE BASKETBALL COURT AT BARONI NEIGHBORHOOD PARK - This item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.

Acceptance - of an anonymous donation of $40,000 for the construction of a 3/4-sized multipurpose/basketball court for the new Baroni Neighborhood Park. The multi use court and other amenities were included in the approved Master Plan for the park. The General Services Director and the Bidwell Park and Playground Commission recommended acceptance of this donation.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to accept the donation.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

3. NOTICED PUBLIC HEARINGS

3.1. HEARING REGARDING THE FORMATION OF THE CERES/HIGHLAND NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 002-07

At its 4/17/07 meeting, the City Council adopted Resolutions 58-07 and 59-07 approving the Preliminary Engineer’s Report and declaring the Council’s intention to form the Ceres/Highland Neighborhood Park Landscape and Lighting District No. LLD 002-07 (District) to fund development and maintenance of the proposed park. Pursuant to California Constitution, Article XIIIc and XIIIId (Proposition 218), the Council also authorized a property owner election for the District and scheduled a hearing to consider public comments for this meeting. (Report - Dennis Beardsley, General Services Director)
Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed. The Council directed the City Clerk to publicly open and tabulate the ballots received in Conference Room No. 2 located in the City Council Chamber Building at 421 Main Street, Chico.

The tabulation was completed and the results announced. Both the “enhanced” and “basic” improvements proposed for the district failed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to accept the results of the property owner election by adoption of the following resolution:


The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

3.2. HEARING ON CONSIDER APPROVAL OF FINAL ANNUAL LEVY REPORT AND ORDERING OF THE LEVY AND COLLECTION OF THE 2007-08 ASSESSMENT FOR THE BARONI NEIGHBORHOOD PARK AND OPEN SPACE LANDSCAPING AND LIGHTING DISTRICT NO. LLD 001-05

At its 6/05/07 meeting, the City Council adopted the resolutions approving the preliminary Engineer’s Annual Levy Report (Report) and declaring its intention to levy and collect the annual assessment for the Baroni Neighborhood Park and Open Space Landscape and Lighting District No. LLD 001-05 for the 2007-08 fiscal year. The Council also scheduled a public hearing to consider approving the final Report and the proposed levy for this meeting. Councilmember Gruendl disqualified himself from this item due to the proximity of his residence to the proposed park and left the dias. (Report - Dennis Beardsley, General Services Director)

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

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


The motion carried by the following vote:

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

3.3. HEARING ON THE ABANDONMENT OF A PORTION OF OAK STREET AT WEST FIFTH STREET

Property owners Reed and Cosper have requested the abandonment of a portion of Oak Street at its intersection with West Fifth Street to facilitate the construction of townhouses on the site. At its meeting of 5/01/07, Council adopted Resolution No. 62-07, stating its intent to abandon the portion of Oak Street, and set the public hearing for this meeting. (Report - Tom Varga, Capital Project Services Director)

Mayor Holcombe opened the hearing to the public. No one spoke and the hearing was closed.
A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution pertaining to the abandonment of a portion of Oak Street.

RESOLUTION NO. 81-07 – A RESOLUTION OF THE 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 (OAK STREET / ASSESSOR’S PARCEL NO. 004-201-001)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

The Council recessed at 8:05 p.m. for a ten minute break.

The meeting was reconvened and all members were present, with Councilmember Flynn absent.

3.4. PUBLIC HEARING REGARDING THE MERIAM PARK PROJECT, INCLUDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, AMENDMENT OF THE CHICO GENERAL PLAN TO ADD A NEW SPECIAL MIXED-USE LAND USE DESIGNATION, AMENDMENT OF TITLE 19 OF THE CHICO MUNICIPAL CODE TO ADD A TRADITIONAL NEIGHBORHOOD ZONING DISTRICT AND REGULATIONS (CA 05-02), APPROVAL OF PROPOSED GENERAL PLAN AMENDMENTS AND REZONES FOR VARIOUS PROPERTIES CONSISTENT WITH THE MERIAM PARK MASTER PLAN (GPA/RZ 05-01), AND APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MERIAM PARK, LLC (DA 05-02)

The Meriam Park Project site is an approximately 271-acre infill site in southeast Chico located north of East 20th Street, south of State Highway 32, west of Bruce Road, and east of Bedford Drive (APNs various). The Meriam Park project was proposed to be comprised of residential, commercial, office, recreational, and civic uses.

The project included both text and map amendments to the General Plan; changes to the Chico Municipal Code (including establishment of a new zoning district); a series of changes to the Chico Zoning Map; and a Development Agreement. The proposed General Plan text amendment will add a new General Plan land use designation (Special Mixed-Use) and development standards that allow mixed-use neighborhood development consistent with the new zoning district. The proposed amendments to the Chico Municipal Code include a new zoning designation, the Traditional Neighborhood Development (TND) zone and development regulations and standards. The proposed amendments to the Chico zoning map would apply the new TND zoning district to property within Meriam Park, consistent with the new SMU General Plan designation.

The City Council was provided with a fax received from Lori Grady and letters from William Limpach and Lee Laney regarding this item.

Ex Parte Communications

Mayor Holcombe and Councilmember Nickell announced that they had spoken with both Tom DeGiovanni and John Anderson.

Vice Mayor Schwab announced that she had spoken with Tom DeGiovanni.

Councilmember Gruendl announced that he had spoken with John Anderson.

Councilmember Bertagna and Councilmember Wahl indicated that they did not have any ex parte communications to report.
Mayor Holcombe opened the public hearing to hear testimony regarding the environmental impact report, General Plan text amendment, Municipal Code amendment, development agreement, General Plan land use designation changes, and rezones.

Addressing the Council in support of the project were Scott McNall, Alan Gair, Barbara Vlamis, Jon Gregory, Frank Marinello, Mike Donnelly, Py Poshora, Leo Poshora, Roger Cole, Fred Brooks, Eileen Brownell, Bob Linscheid, Alan Chamberlain, Jim Lynch, and Elizabeth Devereaux.

Speaking in opposition to the project were Juanita Sumner and Richard Landess.

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to adopt the resolution certifying the Final EIR:

**RESOLUTION NO. 82-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MERIAM PARK PROJECT (State Clearinghouse Number 2005072045)**

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Holcombe  
**NOES:** Wahl  
**ABSENT:** Flynn

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to adopt the following resolution which makes findings regarding environmental effects, adopting a statement of overriding considerations, and adopting a mitigation and monitoring program for the project.

**RESOLUTION NO. 83-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTING A MITIGATION AND MONITORING PLAN FOR THE MERIAM PARK PROJECT (State Clearinghouse Number 2005072045)**

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Holcombe  
**NOES:** Wahl  
**ABSENT:** Flynn

The Council concurred (6-0, with Councilmember Flynn absent) to extend the meeting to 10:30 p.m.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to adopt the following resolution amending the Chico General Plan to add a new Special Mixed-Use land use designation and approved the amendment of General Plan land use designation for various properties within the Meriam Park site.

**RESOLUTION NO. 84-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE GENERAL PLAN TO (1) ADD A SPECIAL MIXED-USE LAND USE DESIGNATION AND (2) CHANGE THE LAND USE DESIGNATIONS OF CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD AND EAST OF BEDFORD DRIVE (AP No.s various) TO SPECIAL MIXED-USE**

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Holcombe  
**NOES:** Wahl  
**ABSENT:** Flynn
A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to introduce the ordinance amending Title 19 of the Chico Municipal Code to add a Traditional Neighborhood Development zoning district and regulations, by reading of the title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ADD A TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICT AND PROVIDE REGULATIONS FOR DEVELOPMENT IN THAT ZONING DISTRICT - Introductory Reading

Staff was also directed by Council to conduct a review of the TND code every two years.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
ABSENT: Flynn

A motion was made by Councilmember Nickell and seconded by Councilmember Bertagna to adopt the following resolution which approved amendments to Title 18R of the Chico Municipal Code consistent with the new Traditional Neighborhood Development regulations.

RESOLUTION NO. 85-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 18R.12 OF THE CHICO MUNICIPAL CODE, ENTITLED "IMPROVEMENT STANDARDS" TO ADD STANDARD PLANS FOR THE TND ZONING DISTRICT

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
ABSENT: Flynn

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to introduce the ordinance which rezones certain properties within the Meriam Park site consistent with the Meriam Park Master Plan, by reading of the title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE; AP Nos. Various (GPA/RZ 05-01) - Introductory Reading

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
ABSENT: Flynn

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to introduce an ordinance approving a development agreement between the City of Chico and Meriam Park, LLC affecting certain properties, by reading of the title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MERIAM PARK, LLC AFFECTING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE; AP Nos. Various (DA 05-02); (CITY OF CHICO/MERIAM PARK, LLC) - Introductory Reading
The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
ABSENT: Flynn

The Council recessed at 10:25 p.m. for a five minute break. The meeting reconvened and all members were present, with Councilmember Flynn absent.

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4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL) – The Council was provided with a copy of a letter faxed in by Frank Schabarum, the applicant, requesting that this item be continued to the 7/17/07 meeting.

4.2. CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION TO DIRECT CITY ATTORNEY TO PREPARE AN ORDINANCE TO PROHIBIT THE NONSALE DISTRIBUTION OF SMOKELESS TOBACCO IN BARS WHERE MINORS ARE PROHIBITED

At its meeting held 5/08/07, the Internal Affairs Committee considered a request from the Tobacco Action Group and American Lung Association of California to consider a ban on free tobacco distribution at Chico bars and recommended (3-0) that the City Council direct the City Attorney to prepare an ordinance to prohibit the nonsale distribution of smokeless tobacco in bars. The Council was provided with a copy of an e-mail received from Holly Pereira. *(Report - Cindy Pierce, Administrative Services Director)*

The Internal Affairs Committee recommended that the Council direct the City Attorney to prepare an ordinance to prohibit the non-sale distribution of smokeless tobacco in bars. The Council was provided with a copy of an e-mail from Cheryl Harbaugh who supports the additional regulations.

Addressing the Council in support were Shelly Brantley, Christina Craven, Kim Coen, Derek Minetti, Martin Roland and Weston Groves.

Addressing the Council in opposition was Franklin Riley, Jr.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to direct the City Attorney to prepare an ordinance to prohibit the non-sale distribution of smokeless tobacco in bars.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Holcombe
NOES: Wahl
ABSENT: Flynn

4.3. CONSIDERATION OF COUNCILMEMBER NICKELL’S REQUESTS TO REFER IMPLEMENTATION OF A COST RECOVERY PROGRAM FOR DAMAGES CAUSED BY INTOXICATED INDIVIDUALS AND POST CERTIFICATION OF PARK RANGERS TO THE INTERNAL AFFAIRS COMMITTEE

Councilmember Nickell requested that the City Council refer the following discussion items to the Internal Affairs Committee: (1) cost recovery program for damages caused by individuals due to alcohol or drug intoxication; and (2) POST certification of Park Rangers. *The City Manager recommended referral to the Internal Affairs Committee.*
A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to refer Councilmember Nickell’s request to the Internal Affairs Committee for consideration.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

4.4. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

Charlie Preusser addressed the Council regarding his concerns pertaining to the parking changes proposed for the Chestnut and Hazel streets. It was noted by the City Manager that an update regarding access is scheduled to be heard at the July 2007 Internal Affairs Committee meeting.

6. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: September 4, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the June 19, 2007 - Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber.

1.1. Roll Call

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Flynn

2. **CONSENT AGENDA** – None

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **RECOMMENDATION TO ALLOCATE $125,000 FROM THE REDEVELOPMENT AGENCY'S LOW-AND MODERATE INCOME HOUSING FUND FOR PRELIMINARY COSTS ASSOCIATED WITH THE POTENTIAL DEVELOPMENT OF A 38-UNIT AFFORDABLE RENTAL HOUSING PROJECT - BIDWELL PARK APARTMENTS**

In September 2006, Stone Building Corporation (SBC) submitted a proposal to the Chico Redevelopment Agency for the development of a 38-unit, family-oriented affordable housing development, to be known as Bidwell Park Apartments, located at 1197 E. 8th Street. Proposed financing for the development is to come from a variety of public and private funding sources including $5.5 million from the sale of Low-Income Housing Tax Credits (LIHTC) and a request for a $1.8 million loan from the Chico RDA Low and Moderate Income Housing Fund (LMIHF). The Finance Committee voted at its 9/27/06 meeting to recommend approval of the requested funding, with certain conditions. Due to subsequent questions regarding the requirements for implementation of a relocation plan for the existing tenants and the necessary land use entitlements, staff did not forward the Committee’s recommendation to the Agency. In April 2007, SBC submitted a revised proposal to the Agency which was considered by the Finance Committee at its 4/25/07 meeting. The revised request was forwarded to the Redevelopment Agency with no recommendation from the Finance Committee. *(Report - Sherry Morgado, Housing & Neighborhood Services Director)*

Mayor Holcombe disqualified himself on this item and left the meeting.

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Addressing the Council on this item were Randall Stone, Jennifer Kuyper, Gregg Stone, Dale Downey, and Peter Bell.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt the following resolution which approves an allocation of $125,000 for preliminary costs with a request that the appraisal be completed and forwarded to Council.

**RESOLUTION NO. 06-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AN ALLOCATION OF FUNDS FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND FOR PRELIMINARY COSTS ASSOCIATED WITH THE POTENTIAL DEVELOPMENT OF AN AFFORDABLE MULTI FAMILY RENTAL HOUSING PROJECT LOCATED AT 1187 EAST EIGHTH STREET, CHICO, CALIFORNIA, TO BE KNOWN AS BIDWELL PARK APARTMENTS**

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Wahl
**NOES:** None
**DISQ:** Holcombe
**ABSENT:** Flynn
4.2. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **ADJOURNMENT**

Adjourned to July 3, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: September 4, 2007

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Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the June 19, 2007 – Adjourned Regular Chico City Council Meeting, Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. **Roll Call**

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Flynn

Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City Clerk Presson, Housing and Neighborhood Services Director Morgado.

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEE APPOINTMENT** — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city attorney.

2.2. **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION**: Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9: Claim of David Meraz

3. **ADJOURNMENT**

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order - Mayor Holcombe called the July 3, 2007 - Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Dave Osborne, Chico Seventh-day Adventist Church

1.6. Roll Call

Present: Bertagna, Gruendl, Nickel, Schwab, Wahl, Holcombe
Absent: Flynn

1.7. Closed Session Announcement - None

1.8. Proclamation — Honoring World Police and Fire Games Bronze Medalist Mike Murphy

2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items.

2.1. **ADOPTION OF ORDINANCES PERTAINING TO MERIAM PARK** - This item was removed from the Consent Agenda in order to be voted on separately.

2.2. **ADOPTION OF A RESOLUTION - SEWER IN LIEU - 626 WEST SECOND AVENUE**

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

  **RESOLUTION NO. 86-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISES TO THE CITY SEWER SYSTEM - 626 WEST SECOND AVENUE / ASSESSOR’S PARCEL NO. 043-150-042** (petition from property owners Bernhard, Karen and Erika Kroeger)

2.3. **ADOPTION OF A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING (MOU) - SERVICE EMPLOYEES INTERNATIONAL UNION TRADES AND CRAFTS UNIT (SEIU-TC)**

  Adopted - a resolution which modified a number of pay and benefit provisions in the MOU applicable to SEIU-TC. These modifications resulted from clarifications to the 8/15/06 SEIU-TC MOU, and are set forth in the agenda report. *The HR/RM Director and the City Manager recommended adoption of this resolution.*

2.4.  **APPROVAL OF AWARD OF BIDS FOR LEGAL AND DISPLAY PUBLICATIONS FOR THE 2007-08 FISCAL YEAR**

Approved - the award of bids for Legal and Display Publications for the 2007-08 fiscal year. It was noted that in the year 2000 it has been determined that the Chico Enterprise-Record is currently the only newspaper in the City that meets the criteria set forth in Government Code Section 6008 as a “newspaper of general circulation,” and is, therefore, the only newspaper qualified to bid for the City’s Legal Publications pursuant to the City’s Charter. The City Clerk recommended: (1) that the bid for Legal Publications be awarded to the Chico Enterprise-Record; and (2) that the bid for Display Publications be awarded to both the Chico Enterprise-Record and the Chico News & Review.

The motion to approve the Consent Agenda, as read, with Item 2.1. removed for further discussion, carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

**ABSENT:** Flynn

**ITEMS REMOVED FROM CONSENT**

2.1.  **ADOPTION OF ORDINANCES PERTAINING TO MERIAM PARK** - This item was removed from Consent at the request of Councilmember Wahl in order for a separate vote to be taken.

Adopted - ordinances amending Title 19 of the Chico Municipal Code to add a Traditional Neighborhood Development (TND) zoning district and regulations, rezoning certain properties within the Meriam Park site to TND, and the Development Agreement (DA 05-02) between the City of Chico and Meriam Park, LLC. The Development Agreement detailed how development will occur over the next 25 years at the Meriam Park site. The ordinances were introduced by the City Council at its meeting of 06/19/07. The Planning Services Director recommended adoption of these ordinances by the reading of the title only.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt Ordinance No. 2358, by reading of title only:

**ORDINANCE NO. 2358 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ADD A TRADITIONAL NEIGHBORHOOD ZONING DISTRICT AND PROVIDE REGULATIONS FOR DEVELOPMENT IN THAT ZONING DISTRICT** - Final Reading and Adoption

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Holcombe

**NOES:** Wahl

**ABSENT:** Flynn

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt Ordinance No. 2359, by reading of title only:

**ORDINANCE NO. 2359 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE; AP Nos. Various (GPA/RZ 05-01)** - Final Reading and Adoption

The motion carried by the following vote:

**AYES:** Bertagna, Gruendl, Nickell, Schwab, Holcombe

**NOES:** Wahl

**ABSENT:** Flynn
A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to adopt Ordinance No. 2360, by reading of title only:

ORDINANCE NO. 2360 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND MERIAM PARK, LLC AFFECTING CERTAIN PROPERTIES LOCATED IN SOUTHEAST CHICO GENERALLY NORTH OF EAST 20TH STREET, SOUTH OF STATE HIGHWAY 32, WEST OF BRUCE ROAD, AND EAST OF BEDFORD DRIVE; AP Nos. Various (DA 05-02); (CITY OF CHICO/MERIAM PARK, LLC) - Final Reading and Adoption

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE UPGRAVING OF A SEWER Lift STATION AND INCREASING ASSOCIATED CAPACITY FEES - NORTHWEST CHICO SEWER Lift STATION

The Northwest Chico Lift Station must be upgraded to provide sewer service to additional, recently approved developments, to Nitrate Action Plan hot spots, and to other properties in the general vicinity. This resolution designates the updated area to be serviced by the Northwest Chico Sewer Lift Station and establishes the new lift station capacity fees to be assessed upon connection to the City sewer system by properties within the designated areas. A fee increase is needed to reimburse the installer of the original lift station and to cover the cost of the upgrades. (Report - Fritz McKinley, Bldg. & Development Services Director)

Recommendation – The Building & Development Services Director recommended adoption of the resolution amending the City’s Fee Schedule to increase sewer connection fees for the Northwest Chico Lift Station designated area.

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

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

RESOLUTION NO. 88-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 304 - SEWER Lift STATION CAPACITY FEES)

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

3.2. HEARING ON APPEAL OF THE PLANNING COMMISSION DENIAL OF MODIFICATION OF USE PERMIT NO. 00-05 (JOHNSON/CHICO AUTO DISMANTLING), 381 AND 397 E. PARK AVENUE, APNs 005-500-011, 014, 020, 022, AND 026

Hearing - on an appeal of the Planning Commission denial (6-0-1) of the Modification of Use Permit No. 00-05 to allow limited vehicular access through an existing gate located on Fair Street. Conditions on the existing use permit currently limit access to emergency vehicles only. The project site at 397 E. Park Avenue is located between E. Park Avenue to the north and Fair Street to the south on land designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in the ML Light Manufacturing/Industrial zoning district. The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. The Council was provided with a letters from Mark and Linda Carlson, Sherrie Root, and Marvin Root. (Report - Robert Peters, Assistant Planner)
Addressing the Council in opposition to the modification of the use permit were Marvin Root, Sherrie Root, Jessica MacKenzie, Jane Jeffers, Dianne Gaumer, Mike Wacker, Jon Luvass, and Mark Carlson.

Addressing the Council in support of the modification were Wess Brown, Jerome Johnson, and Joyce Johnson.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to: (1) find that the project is categorically exempt from environmental review; (2) adopt the following resolution granting the appeal, thereby approving the Modification of Use Permit No. 00-05 (Johnson/Chico Auto Dismantling) based on the findings contained therein and subject to the attached conditions of approval, including an additional requirement of 24/7 monitoring requirement reported out monthly; and (3) direct staff to research the history pertaining to the possible closure of Park Avenue in addition to looking for ways to mitigate the traffic.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING MODIFICATION OF THE CONDITIONS OF USE PERMIT 00-05 (JOHNSON/CHICO AUTO DISMANTLING)

The motion failed due to the following vote:

AYES: Bertagna, Schwab, Holcombe
NOES: Gruendl, Nickell, Wahl
ABSENT: Flynn

The Council recessed at 7:55 for a five minute break. The meeting was reconvened and all members were present, with Councilmember Flynn absent.

3.3. HEARING ON APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE FOREST AVENUE PROFESSIONAL OFFICE PARK TENTATIVE SUBDIVISION MAP (S 07-05; STEWART)

Hearing - on an appeal of a condition of approval imposed by the Planning Commission (4-0-3) on a six lot subdivision of a 1.38 acre parcel for future professional office use. The project site is located at the northwest corner of Forest Avenue and Jan Court on land designated Community Commercial on the General Plan Diagram and is in the CC Community Commercial zoning district. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects. The Council was provided with a letter from Fran Shelton. (Report - Robert Peters, Assistant Planner)

Announcement of Ex-Parte Communications

Vice Mayor Schwab announced that she had only exchanged phone messages with Fran Shelton. Mayor Holcombe and Councilmember Nickell both announced that they had spoken with Fran Shelton and Dick Molin. Councilmember Bertagna and Councilmember Wahl announced that they had spoken with Fran Shelton.

Addressing the Council on this item were Richard Molin, Keith Humphreys, and Mike Byrd.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) find that the project is categorically exempt from environmental review; and (2) adopt a resolution granting the appeal, thereby removing condition No. 6 of the Planning Commission’s approval based on the findings and subject to the conditions of approval set forth in the resolution.

RESOLUTION NO. 89-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO GRANTING AN APPEAL OF THE PLANNING COMMISSION’S ACTION TO CONDITIONALLY APPROVE THE FOREST AVENUE PROFESSIONAL OFFICE PARK TENTATIVE SUBDIVISION MAP (S 07-05)
The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF ORDINANCE ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE (CMC)**

At its meeting of 5/08/07 the Internal Affairs Committee recommended adding Chapter 9.40 to the CMC which would allow the Police Department to focus on the specific criminality at “disorderly events” and would be a tool for the police to use to maintain public safety. The Internal Affairs Committee recommended (3-0) that the Council introduce the following ordinance by reading of the title only. *(Report - Bruce Hagerty, Police Chief)*

Councilmember Gruendl noted his support for the proposed ordinance but expressed concern for the timing of this consideration which excludes student participation.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to introduce the following ordinance by reading of title only:

**ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Introductory Reading**

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

4.2. **CONSIDERATION OF THE PLANNING COMMISSION’S TWO-YEAR WORK PLAN / CODE AMENDMENTS TO IMPROVE DECISION MAKING PROCESS**

The City Council directed that the City's various Boards and Commissions develop Work Plans to define their goals and priorities for calendar years 2007 and 2008. The Planning Commission presented their 2007/2008 Work Plan to Council and staff presented code amendments to improve the decision making process. The Council was provided with a letter from Jane Turney. *(Report - Steve Peterson, Planning Director)*

addressing the Council on this item was Jon Luvaas, presenting the Planning Commission and Jason Bougie representing BIA.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to approve the 2007/2008 Planning Commission Work Plan and directed staff to prepare code amendments that would improve predictability in the decision making process.

The motion carried by the following vote:

AYES: Gruendl, Nickell, Schwab, Holcombe
NOES: Bertagna, Wahl
ABSENT: Flynn

4.3. **CONSIDERATION OF THE ARCHITECTURAL REVIEW BOARD’S TWO-YEAR WORK PLAN**

The City Council directed that the City's various Boards and Commissions develop Work Plans to define their goals and priorities for calendar years 2007 and 2008. The Architectural Review Board (ARB) presented its Work Plan for approval by the City Council. *(Report - Steve Peterson, Planning Director)*
A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to approve the 2007/2008 Architectural Review Board Work Plan.

The motion carried by the following vote:

AYES: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Flynn

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

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 9:55 p.m. to July 17, 2007 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.

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Date Approved: September 4, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the July 3, 2007 - Adjourned Regular Chico City Council Meeting’s Closed Session to order at 6:00 p.m. in Conference Room 2, Council Chamber, 421 Main Street.

1.1. Roll Call

   Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
   Absent: Flynn

   Staff Present: None

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEE APPOINTMENT** — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city attorney.

3. **ADJOURNMENT**

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — July 17, 2007

Minutes

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

1.2. Call to Order - Mayor Holcombe called the July 17, 2007 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.3. Flag Salute

1.4. Invocation — Pastor David Leeper Moss, Trinity United Methodist Church

1.5. Roll Call

Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absents: None

2. **CONSENT AGENDA** – Items 2.1., 2.5., 2.6., and 2.10. were removed from the Consent Agenda for additional discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the remaining Consent Agenda items, as read:

2.1. **ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE** - *This item was removed from the Consent Agenda for further discussion.*

2.2. **ADOPTION OF RESOLUTIONS - INTERNATIONAL ASSOCIATION OF FIREFIGHTERS**

*Adopted* - the following resolutions which: (1) approve the Memorandum of Understanding for IAFF; and (2) authorize the payment and reporting of employer paid member contributions (EPMC) to PERS as special compensation for IAFF. *The Human Resources Director recommended adoption of the resolutions.*


**RESOLUTION NO. 91-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AS SPECIAL COMPENSATION FOR THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) EMPLOYEE GROUP**

2.3. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON TWO PUBLIC UTILITY EASEMENTS ON TRADEWINDS COURT**

*Adopted* - a resolution of intention to abandon and vacate two public utility easements located between #4 and #5 Tradewinds Court. *The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing on September 4, 2007.*

**RESOLUTION NO. 92-07 – A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE TWO PUBLIC UTILITY EASEMENTS PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (TRADEWINDS COURT / ASSESSORS PARCEL NOS. 015-050-004 and 015-050-005)**
2.4. ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY - CENTENNIAL AVENUE ANNEXATION DISTRICT NO. 2. (KAROW; APN 018-010-048)

Adopted - a resolution initiating the annexation of a single parcel at 62 Centennial Avenue. The parcel contained a single family residence which was destroyed by fire and is currently being rebuilt. The annexation will allow sanitary sewer connection and reconstruction with City permits and standards. The Special Projects Planner recommended adoption of the resolution.

RESOLUTION NO. 93-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO INITIATING PROCEEDINGS TO ANNEX PROPERTY NOW LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - CENTENNIAL AVENUE ANNEXATION DISTRICT NO. 2. (KAROW; APN 018-010-048)

2.5. ADOPTION OF A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR $3 MILLION IN “BEGIN FUNDS” FROM THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT - This item was removed from the Consent Agenda for further discussion.

2.6. APPROVAL OF MINUTE ORDER CONFIRMING RECOMMENDATION OF THE GENERAL PLAN SELECTION PANEL TO CONTRACT WITH PMC FOR PREPARATION OF UPDATE TO THE CITY OF CHICO GENERAL PLAN - This item was removed from the Consent Agenda for further discussion.

2.7. APPROVAL OF THE 2007-08 BUTTE INTERAGENCY NARCOTICS TASK FORCE (BINTF) GENERAL BUDGET

Approved - the 2007-08 BINTF General Budget as required by the BINTF Memorandum of Understanding between the City and various other law enforcement agencies in Butte County. The Chief of Police recommended approval of the BINTF General Budget.

2.8. APPROVAL OF FINANCE COMMITTEE RECOMMENDATIONS REGARDING ACCEPTANCE OF THE COMMUNITY ORGANIZATION COMPLIANCE AUDIT REPORT FOR FISCAL YEAR 2005-06

Approved - the Community Organization Compliance Audit report for Fiscal Year 2005-06 which presents the recommendations of the Finance Committee and staff. The audit report is based on findings of Nystrom & Company LLP, Certified Public Accountants, retained by the City to review the organizations’ compliance with the provisions of the community organization funding agreements. The Finance Committee recommended acceptance of the Fiscal Year 2005-06 audits and approval of associated recommendations.

2.9. APPROVAL OF FINANCE COMMITTEE RECOMMENDATION REGARDING AGREEMENTS WITH BUTTE HUMANE SOCIETY, INC.

Approved - the Finance Committee recommendation from its 6/27/07 meeting that: (1) the City enter into a Contractual Services Agreement with Butte Humane Society, Inc. for services related to the State mandated 5-day holding period and the transfer of animals to the BHS adoption/sheltering program; and (2) that the City enter into a separate Lease of Improved Real Property Agreement with Butte Humane Society, Inc. for the use of City-owned facilities at 2579 Fair Street, where BHS will operate its adoption/sheltering program. The Finance Committee recommended (3-0) approval of entering into the Contractual Services and Lease of Improved Real Property Agreements with Butte Humane Society, Inc.

2.10. APPROVAL OF CONTRACT WITH LORI J. BARKER RE OFFICE OF CITY ATTORNEY AND IMMEDIATE RECRUITMENT OF ASSISTANT CITY ATTORNEY - This item was removed from the Consent Agenda for further discussion.
The motion to approve the Consent Agenda, as read, with Items 2.1., 2.5., 2.6., and 2.10. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
DISQ: Bertagna on Item 2.2.

ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Final Reading and Adoption - This item was removed from the Consent Agenda at the request of Councilmember Bertagna for further discussion.

Adopt - an ordinance adding Chapter 9.40 to the CMC which would allow the Police Department to focus on the specific criminality at “disorderly events” and would be a tool for the police to use to maintain public safety. The Council introduced the ordinance at its meeting of 7/03/07. The Chief of Police recommended adoption of the ordinance by reading of the title only.

The Council was provided with an e-mail from R. Trujillo Promotions and a letter from Concerned Citizens of Chico.

The Chief of Police recommended striking the language in B.2 and B.3 of Section 9.40.040 of Chapter 9.40 “Disorderly Events Ordinance.” and re-introduce the ordinance at the Council meeting of 8/07/07.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to accept the recommendation from the Chief of Police to strike the language in B.2 and B.3 of Section 9.40.040 of Chapter 9.40 but wait and schedule re-introduction of the ordinance in September when the students have returned to Chico.

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

2.5. ADOPTION OF A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR $3 MILLION IN “BEGIN FUNDS” FROM THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT - This item was removed from the Consent Agenda at the request of Mayor Holcombe for further discussion.

Adopted - a resolution authorizing the submittal of an application for funding under the BEGIN (Building Equity and Growth in Neighborhoods) program which allocates funds to localities for moderate and lower income first-time home buyers who purchase homes in a designated new construction project. The City would be applying for BEGIN funds for an estimated 100 low-moderate households who will purchase homes in the Meriam Park project. The Housing Specialist recommended adoption of the resolution.

RESOLUTION NO. 94-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE BEGIN PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS NECESSARY TO PARTICIPATE IN THE BEGIN PROGRAM

A motion was made by Mayor Holcombe and seconded by Councilmember Flynn to adopt the resolution.

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
2.6. **APPROVAL OF MINUTE ORDER CONFIRMING RECOMMENDATION OF THE GENERAL PLAN SELECTION PANEL TO CONTRACT WITH PMC FOR PREPARATION OF UPDATE TO THE CITY OF CHICO GENERAL PLAN** - *This item was removed from the Consent Agenda at the request of Councilmembers Wahl and Gruendl for further discussion.*

**Approved** - a minute order confirming recommendation by the General Plan Selection Panel. The Panel reviewed, ranked and short-listed the five proposals, reviewed the results of reference checks, interviewed the two short-listed consultants and again ranked the cumulative results. The Panel selected PMC as the most qualified and responsive firm with direction to staff to conclude minor negotiations. *The Planning Services Director recommended approval of the minute order.*

**MINUTE ORDER NO. 15-07 - CONFIRM RECOMMENDATION OF THE GENERAL PLAN SELECTION PANEL TO CONTRACT WITH PMC FOR PREPARATION OF THE GENERAL PLAN UPDATE**

The Council was provided with the General Plan Consultant Contract.

A motion was made by Councilmember Wahl to table this item until the Finance Committee holds its budget reduction discussion. The motion died for lack of a second.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve a minute order confirming the recommendation of the General Plan Selection Panel to contract with PMC for preparation of the General Plan Update.

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe

**NOES:** Wahl

2.10. **APPROVAL OF CONTRACT WITH LORI J. BARKER RE OFFICE OF CITY ATTORNEY AND IMMEDIATE RECRUITMENT OF ASSISTANT CITY ATTORNEY** - *This item was removed from the Consent Agenda at the request of Councilmember Bertagna and Vice Mayor Schwab.*

**Approved** - 1) a contract appointing Lori J. Barker as City Attorney, pursuant to section 605 of the City Charter, and 2) immediate recruitment of Assistant City Attorney. The Council and Lori J. Barker have reached agreement on the terms of the contract.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to: (1) approve the contract appointing Lori J. Barker as City Attorney; and (2) immediately recruit for an Assistant City Attorney.

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

3. **NOTICED PUBLIC HEARINGS**

3.1. **HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 581 - GLENSHIRE PARK SUBDIVISION**

A condition of approval of the Glenshire Park Subdivision requires the establishment of a funding mechanism for the annual costs of operating and maintaining underground storm water quality and quantity treatment facilities that are of special benefit to the subdivision located on Glenshire Lane. *(Report - Fritz McKinley, Building & Development Services Director)*

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

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

**RESOLUTION NO. 95-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 AND APPROVING A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS RELATING THERETO - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 581 - GLENSHIRE PARK SUBDIVISION**
The motion carried by the following vote:

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

3.2. HEARING ON THE IMPLEMENTATION OF SEWER LIFT STATION CAPACITY FEES - MCKINNEY RANCH SEWER LIFT STATION

As a condition of development of the McKinney Ranch Subdivision, a sewer lift station was constructed to serve the new subdivision and surrounding areas. This resolution designates the area to be serviced by the McKinney Ranch Sewer Lift Station and establishes the lift station capacity fees to be assessed upon connection to the City sewer system by properties within the designated areas. *(Report - Fritz McKinley, Building and Development Services Director)*

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution designating the area to be served by this lift station and establishing a connection fee for properties connecting thereto.

*RESOLUTION NO. 96-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 305 - SEWER LIFT STATION CAPACITY FEES)*

The motion carried by the following vote:

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

3.3. PUBLIC HEARING ON INCREASE IN SEWER SERVICE RATES

The City is proposing an increase in monthly sewer service rates to cover the increased costs of operating, maintaining and improving sewer system and sewer lift station facilities within the City. As a result of recent case law, the City is required to hold a public hearing prior to any such increases. *(Report - Fritz McKinley, Building and Development Services Director)*

It was noted by staff that 20 written protests representing 39 properties had been received in the City Clerk’s Office.

Mayor Holcombe opened the hearing to the public. No protests were made and the hearing was closed.

No formal action was required of Council.

3.4. GENERAL PLAN AMENDMENT 06-04 - AFFECTING MULTIPLE PROPERTIES ON BURNAP AVE. AND MORT LANE - LASSEN VILLAGE SUBDIVISION/PLANNED DEVELOPMENT PERMIT 06-14 - 2960 BURNAP AVENUE

General Plan Amendment 06-04 would change the General Plan land use designation of properties at 2940 Burnap Avenue through 2977 Burnap Avenue, and those on Mort Lane, from “Low Density Residential” to “Medium Density Residential,” to achieve better consistency with the existing R2 (Medium Density Residential) zoning.

Lassen Village Subdivision/Planned Development Permit (S/PDP 06-14), a proposal to subdivide a 2.87-acre parcel (APN 007-150-017), to create 23 single-family residential lots with an average lot size of 2,550 square feet, a small park of 6,500 square feet, multiple parking areas adjacent to a new private street, and a 25,000 square foot area along the rear of the site reserved for the existing Shasta Union Drainage Assessment District (SUDAD) ditch. The project would result in a gross density of 7.38 units per acre.
At its 6/07/07 meeting, the Planning Commission voted unanimously (4-0) to forward a recommendation to the City Council to adopt the mitigated negative declaration, approve the proposed General Plan amendment, and to conditionally approve the Lassen Village Subdivision and Planned Development Permit.  

(Report - Mike Sawley, Associate Planner)

Mayor Holcombe opened the hearing to the public. Charlotte Sturgis address the Council on this item. The hearing was closed.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt the following resolution adopting the mitigated negative declaration and approving the General Plan amendment.

RESOLUTION NO. 97-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MITIGATED NEGATIVE DECLARATION AND AMENDING THE GENERAL PLAN TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR 23 PROPERTIES LOCATED ON BURNAP AVENUE AND MORT LANE, FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (IRONSTONE DEVELOPMENT CORP./CITY OF CHICO)

The motion carried by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the following resolution approving the subdivision and planned development permit with conditions.

RESOLUTION NO. 98-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING THE LASSEN VILLAGE SUBDIVISION AND PLANNED DEVELOPMENT PERMIT (S/PDP 06-14) LOCATED OFF BURNAP AVENUE (IRONSTONE DEVELOPMENT CORP.)

The motion carried by the following vote:

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

The City Council recessed for a 15-minute break at 9:15 p.m. The meeting was reconvened and all members of Council were present.

3.5. ADOPTION OF RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR) AND MITIGATION MONITORING PROGRAM (MMRP) FOR THE MOUNTAIN VISTA/SYCAMORE GLEN SUBDIVISIONS AND GENERAL PLAN AMENDMENT/REZONE 04-08; INTRODUCTORY READING OF REZONE ORDINANCE AND ADOPTION OF RESOLUTION FOR GENERAL PLAN AMENDMENT AND REZONE 04-08; ADOPTION OF A RESOLUTION APPROVING THE MOUNTAIN VISTA VESTING TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT PERMIT S/PDP 01-12; ADOPTION OF A RESOLUTION APPROVING THE SYCAMORE GLEN VESTING TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT PERMIT S/PDP 00-11

The Planning Services Director recommended that the City Council: (1) conduct a public hearing on the proposed General Plan Amendment/Rezoning Ordinance and the two tentative subdivision maps/planned development permits; (2) adopt a resolution certifying the EIR for the Mountain Vista/Sycamore Glen Subdivisions; (3) adopt a resolution to approve General Plan Amendment 04-08; (4) introduce an ordinance for Rezone 04-08 by reading of the title only; (5) adopt a resolution approving the Mountain Vista Vesting Tentative Subdivision Map/Planned Development Permit S/PDP 01-12; (6) adopt a resolution approving the Sycamore Glen Vesting Tentative Subdivision Map/Planned Development Permit S/PDP 00-11; and (7) schedule final adoption of the ordinance for the 9/04/07 City Council meeting.  

(Report - Bob Summerville, Senior Planner)
The Council unanimously voted to extend the meeting to 10:30 p.m.

Addressing the Council on this item were Pete Giampaoli, Barbara Vlamis, Scott Huber, Dawn Garcia, John Merz, Bill Dinsmore, Ken Whitney, and George Kammerer. The Council was also provided with a letter from Dawn Garcia.

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to accept eight of the ten Planning Commission recommendations for the Project as listed in the staff report, excluding design revision numbers one and eight listed as follows: (1) provide a continuous road along the south side of the open space preserve; and (8) require a maximum of 32-foot widths (as measured from curb-to-curb) generally throughout the subdivision (rather than 34-foot widths as proposed).

City Attorney Frank asked for clarification on how the preserve area property would be managed as it is to be deeded as public open space. Staff indicated that a condition of each subdivision map requires an irrevocable offer of dedication to the City and that all maintenance would be provided through a maintenance district.

The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to: (1) adopt a resolution certifying the EIR for the Mountain Vista/Sycamore Glen Subdivisions; (2) adopt a resolution to approve General Plan Amendment 04-08; (3) introduce an ordinance for Rezone 04-08 by reading of the title only; (4) adopt a resolution approving the Mountain Vista Vesting Tentative Subdivision Map/Planned Development Permit S/PDP 01-12; (5) adopt a resolution approving the Sycamore Glen Vesting Tentative Subdivision Map/Planned Development Permit S/PDP 00-11; and (6) schedule final adoption of the ordinance for the 9/04/07 City Council meeting.

Councilmember Gruendl requested a friendly amendment that would add a condition to both subdivisions that the applicant shall provide written verification that all federal and state permits are obtained prior to issuance of a grading permit. The amendment was accepted.

Mayor Holcombe requested a friendly amendment that pursuant to the RDA agreement, 1.5 acres of R-3 land be set aside for affordable housing prior to the approval of the planned development permit and that a commitment to negotiate for additional land for an affordable housing project be required. Mayor Holcombe clarified that the 1.5 acre parcel be contiguous land to be optioned and purchased, subject to negotiations. The amendment was accepted.

RESOLUTION NO. 99-07 – A RESOLUTION OF THE CITY OF CHICO CITY COUNCIL CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION AND MONITORING PLAN FOR THE MOUNTAIN VISTA/SYCAMORE GLEN SUBDIVISIONS AND GENERAL PLAN AMENDMENT/REZONE 04-08 (State Clearinghouse Number 2003042068)

RESOLUTION NO. 100-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT 04-08 (C.G. DEVELOPMENT) IN CONJUNCTION WITH THE SYCAMORE GLEN VESTING TENTATIVE SUBDIVISION MAP S/PDP 00-11 AND THE MOUNTAIN VISTA VESTING TENTATIVE SUBDIVISION MAP S/PDP 01-12

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IN CONJUNCTION WITH THE SYCAMORE GLEN VESTING TENTATIVE SUBDIVISION MAP S/PDP 00-11 AND THE MOUNTAIN VISTA VESTING TENTATIVE SUBDIVISION MAP S/PDP 01-12 - Introductory Reading
RESOLUTION NO. 101-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE MOUNTAIN VISTA VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 01-12 (GREENLINE PRESERVATION ASSOCIATES)

RESOLUTION NO. 102-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE SYCAMORE GLEN VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 00-11 (A.P. ASSOCIATES)

The motion carried by the following vote:

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

NOES: None

The Council unanimously voted to extend the meeting to 11:00 p.m.

4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL) - The Council was provided with a letter from Frank Schabarum, the applicant, requesting this item be tabled to the Council meeting of 8/07/07.

4.2. CONSIDERATION OF THE AIRPORT COMMISSION’S TWO-YEAR WORK PLAN

The City Council directed that the various Boards and Commissions develop Work Plans to define their goals and priorities for calendar years 2007 and 2008. The Airport Commission presented its Work Plan for approval by the City Council. (Report - David Burkland, Assistant City Manager)

Allen Sherwood addressed the Council on this item.

Mayor Holcombe asked for clarification on the “approval of leases” and asked for a policy statement on this issue. Staff indicated that this item is agendized for the next Airport Commission meeting.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to approve the Airport Commission Work Plan.

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

NOES: None

4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None

5. BUSINESS FROM THE FLOOR - None

6. ADJOURNMENT

Adjourned at 11:20 p.m. to August 7, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: September 4, 2007

Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8 and 9

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

1.3. Call to Order – Mayor Holcombe called the August 7, 2007 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:36 p.m.

1.4. Flag Salute

1.5. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Presentations:

- Appreciation plaque presented to Tim Voris, retiring Police Lieutenant with 26 years of City service.

1.9. Staff Introductions — **Housing and Neighborhood Services Department**

   Jaki Walker, Neighborhood Services Manager  
   Shawn Tillman, Senior Planner  
   James Coles, Housing Specialist  
   Scott Armstrong, Code Enforcement Supervisor  
   Raul Gonzalez, Code Enforcement Officer  
   John Rollo, Code Enforcement Officer  
   Renee Schreindl, Administrative Assistant  
   Lisa Gray, Administrative Analyst  
   Dawnelle Kelley, Administrative Analyst  
   Sherry Morgado, Director

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

2.1. **APPROVAL OF A MINUTE ORDER AUTHORIZING THE DONATION OF A SURPLUS VAN**

   Approved - minute order declaring a Ford van (Unit No. 30-4434) as surplus property and authorized the City Manager to donate the surplus vehicle to the Butte County STARS program for north County graffiti removal efforts. *The Director of Operations and Maintenance recommended approval.*

   **MINUTE ORDER NO. 16-07 – AUTHORIZATION FOR DONATION OF SURPLUS 1985 FORD E350 VAN TO THE SHERIFF’S TEAM OF ACTIVE RETIRED SENIORS (STARS) FOR NORTHERN COUNTY GRAFFITI REMOVAL EFFORTS**

2.2. **ACCEPTANCE OF ANNUAL REPORT OF LOST, STOLEN OR UNCLAIMED PROPERTY FOR FISCAL YEAR 2006-07**

   Accepted - the annual report for Fiscal Year 2006-07 showing the disposition of all lost, stolen or unclaimed property which was not disposed of at public auction during the preceding fiscal year. *The Finance Director recommended acceptance of the report.*

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

   **AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
   **NOES:** None
3. **NOTICED PUBLIC HEARINGS**

3.1. **2007 LOT CLEANING/WEED ABATEMENT COST REPORT PERTAINING TO LOTS WHICH WERE CLEANED BY THE CITY**

Hearing on the costs incurred by the City in connection with the 2007 Lot Cleaning/Weed Abatement Program. *(Report - Scott Armstrong, Code Enforcement Supervisor)*

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to accept the cost report as submitted.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

3.2. **ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 580 - AVALON COURT SUBDIVISION**

A condition of approval of the Avalon Court Subdivision requires the establishment of a means for funding the annual costs of operating and maintaining storm water mitigation facilities and landscaping and irrigation that are of special benefit to the subdivision located on West Lassen Avenue. *(Report - Fritz McKinley, Building & Development Services Director)*

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

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


The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

3.3. **CONFIRMATION OF ABATEMENT COSTS, LEVY ASSESSMENT AND PLACE ASSESSMENT ON TAX ROLLS - 15 DEAN WAY**

At its meeting of 2/06/07, the City Council adopted Resolution No. 19-07 which approved a nuisance abatement order for the property located at 15 Dean Way. The nuisance has since been abated and the Council was asked to confirm the cost as reasonable, levy an assessment to the property owners, and place the assessment on the County tax rolls. The Council was provided with before and after pictures of the cleanup and a letter from Joan Goodwin. *(Report - Sherry Morgado, Housing & Neighborhood Services Director)*

Mayor Holcombe opened the hearing to the public. Joan Goodwin spoke in opposition to the assessment. The hearing was closed to further public comment.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to confirm the cost, levy the assessment to the property owners, and place the assessment on the County tax rolls by adoption of the following resolution:
**RESOLUTION NO. 104-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONFIRMING THE ABATEMENT COST TO BE REASONABLE AND LEVYING AN ASSESSMENT OF THOSE COSTS TO THE PROPERTY OWNERS AND PLACE SUCH ASSESSMENT ON THE COUNTY TAX ROLLS [FOR PROPERTY LOCATED AT 15 DEAN WAY, CHICO, CALIFORNIA (ASSESSOR’S PARCEL NO. 045-500-040-000]

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

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### 3.4. CODE AMENDMENT 06-01 (CITY OF CHICO) AMENDING TITLE 18, TITLE 19, AND TITLE 18R OF THE CHICO MUNICIPAL CODE TO ESTABLISH STANDARDS FOR INFILL RESIDENTIAL FLAG LOTS

A public hearing on a proposed code amendment to add Infill Residential Flag Lot Standards to the Chico Municipal Code. The new standards would: (1) require a pre-application neighborhood meeting for projects with infill residential flag lots; (2) limit the number of infill residential flag lots in any one area of town to avoid over concentration; (3) set minimum lot sizes and establish increased setbacks for infill residential flag lots to improve neighborhood compatibility; (4) generally limit homes on infill residential flag lots to single-story designs; (5) require site design and architectural review for homes on infill residential flag lots; and (6) provide a mechanism to allow variations from the standards for exceptionally well designed projects.

The standards were considered by the Planning Commission on 5/03/07, at which time the Commission recommended Council approval, subject to certain modifications. Council was provided with letters from Pat and Bobbi Brown, Jerry Olio, and Judd Hanna. *(Report - Greg Redeker, Associate Planner)*

Mayor Holcombe opened the hearing to the public. Addressing the Council on this item were Paul Watters, Jane Turney, Kevin Atkin, Tom Blodget, Kathie Watson, and Dave Cornett. The hearing was closed to further public comment.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to adopt the following resolution and encourage the neighbors to come forward with a rezone application or consider waiting for the General Plan update to be completed.

**RESOLUTION NO. 105-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 18R OF THE CHICO MUNICIPAL CODE REGARDING THE CONFIGURATION OF FLAG LOTS IN SUBDIVISIONS**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to introduce the following ordinance by reading of title only:

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLES 18 AND 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL FLAG LOTS** - Introductory Reading

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

Councilmember Gruendl asked the neighborhood group to send a confirming letter to the Council on its decision to either initiate a rezone or wait for the General Plan update.
The Council recessed at 8:05 p.m. for a ten minute break. The meeting was reconvened and all members were present.

3.5. GENERAL PLAN AMENDMENT AND REZONE FOR AN 18.3-ACRE PARCEL ON THE SOUTH SIDE OF EATON ROAD, BETWEEN MORSEMAN AND BURNAP AVENUES (TUSCAN VILLAGE GPA/RZ 04/05; APN 007-190-022)

At its meeting of 5/15/07 the City Council voted (5-2) to reconsider its 10/03/06 denial of the General Plan Amendment. Following City Council review and action, if the General Plan Amendment and rezone are approved, the Planning Commission will conduct a public hearing and take final action on a revised tentative map, planned development, and architectural review. The Council was provided with letters and emails from Christine Persson, Andy Willhoit, Karin Willhoit, Tom Sharp, and Crystal Trimble.

Announcement of Ex-Parte Communications

Councilmember Bertagna announced that he had received numerous emails that he did not respond to and had spoken with Steve Schuster.

Councilmember Flynn announced that she had received numerous emails and spoke with Chris Persson.

Councilmember Nickell announced that he had received numerous emails and met with Don Scott and Steve Schuster.

Vice Mayor Schwab announced that she had received emails from several of the neighbors.

Mayor Holcombe announced that he had received multiple emails and responded to Chris Persson and Andy Willhoit.

Councilmember Wahl announced that he spoke with Chris Persson and Andy Willhoit and received a letter from a realtor in Durham.

Councilmember Gruenel announced that he had received three emails from Chris Persson and a letter from a realtor in Durham.

Addressing the Council in opposition to the amendment and rezone were Andy Willhoit, Rick Madison, Christine Persson, Joan McDowell, Rupert McDowell, Charlotte Sturgis, Lynne Bellante, Alan Gair, Maureen Kirk, and Nancy Curtis.

Addressing the Council in support of the amendment and rezone was Steve Schuster.

The hearing was closed to further public comment.

The Council vote unanimously to extend the meeting to 10:30 p.m.
A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to adopt the following resolution:


The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to introduce the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING APPROXIMATELY 18.3 ACRES LOCATED GENERALLY ON THE SOUTH SIDE OF EATON ROAD BETWEEN MORSEMAN AVENUE AND BURNAP AVENUE (ASSessor’S PARCEL NO. 007-190-022) FROM PMU PLANNED MIXED USE TO R2-PD MEDIUM DENSITY RESIDENTIAL-PLANNED DEVELOPMENT OVERLAY ZONE IN CONNECTION WITH GENERAL PLAN AMENDMENT/REZONE 04-05 (SCHUSTER AND SCOTT) - Introductory Reading

The motion carried by the following vote:

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

The Council recessed at 10:07 p.m. for a five minute break.

The meeting was reconvened and all members were present.

4. REGULAR AGENDA

4.1. INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL)

Initial consideration of an appeal of the Planning Commission’s decision to deny a use permit for a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue; Assessor’s Parcel Nos. 015-520-051 and -062. The site is designated Public Facilities and Services on the City of Chico General Plan Diagram, and is located in a PQ Public/Quasi-Public zoning district. This item was previously considered by the Council on 5/15/07, and was continued to the 6/19/07 meeting; the applicant subsequently requested continuations first to the 7/17/07 meeting, then to the 8/07/07 meeting. Councilmembers Bertagna and Nickell disqualified themselves on this item due to a business conflict and due to Councilmember Nickell’s membership at the Elks Lodge. Councilmember Bertagna left the meeting. (Report - Greg Redeker, Associate Planner)

The Council was provided with emails from Edmund Barnett, Richard Alloway, Todd Sturgis, Michael Hilton, Jim and Diane Johnson, Jennifer Maloney, Royce Fogleman, Ken and Shirley Shippen, Danny Andreasen, Sr., Randy Maloney, Wade Thorpe, Erin Dewell, Cap and Brenda Porterfield, and William Massie.

Addressing the Council in opposition to hearing the appeal were Michael Mulcany, Alan Gair, and Harold Carlson.
Addressing the Council in support was Frank Schabarum, Jan Bratcher, and Ryan Vanella.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to call up the record of proceedings and schedule the matter for a public hearing at the Council’s meeting of September 4, 2007.

The motion carried by the following vote:

AYES: Flynn, Gruendl, Wahl, Holcombe
NOES: Schwab
DISQ: Bertagna, Nickell

4.2. DESIGNATION OF CITY COUNCIL VOTING DELEGATE AND ALTERNATE TO REPRESENT THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 2007

The League of California Cities requested that the Council designate a voting representative and up to two alternates who will be registered at the League Annual Conference and present at the annual business meeting on Saturday morning, 9/08/07. The conference will be held 9/05/07 through 9/08/07 in Sacramento. Mayor Holcombe and Councilmember Nickell are scheduled to attend the conference.

Council concurred (6-0-1, with Bertagna absent) to designate Mayor Holcombe as the voting delegate and Councilmember Nickell as the alternate.

4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

Cyril Weagle addressed the Council regarding his concerns about Maintenance District No. 553 and asked that: (1) the charges for this district be reviewed for appropriateness; and (2) that the City refund any overpayments that are identified.

Council voted (6-0-1, with Bertagna absent) to refer this item to the Finance Committee.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken unless otherwise noted.

6.1. Letter received 6/26/07 from Daniel Donnelly submitting a proposal to assume the management of the Chico Open Board Art project (COBA). The City Manager recommended that this off-cycle funding request be referred to the Arts Commission to evaluate the feasibility of the COBA program.

The Council voted unanimously (6-0-1, with Bertagna absent) to refer this item to the Arts Commission for evaluation.

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: September 4, 2007

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** - Agency Chair Holcombe called the August 7, 2007 – Regular Chico Redevelopment Agency Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

Present: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Bertagna

2. **CONSENT AGENDA** – A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve the following Consent Agenda:

2.1. **ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - ALLOCATION OF $130,000 TO CAMINAR, INC. AS AN AUGMENTATION TO THEIR EXISTING LOAN FROM THE CHICO REDEVELOPMENT AGENCY’S LOW AND MODERATE INCOME HOUSING FUND (LMIHF) - 2505 ESPLANADE, AVENIDA APARTMENTS**

Adopted - a resolution approving an allocation of $130,000 and approval of a supplemental appropriation as recommended by the Finance Committee at its meeting of 6/27/07. Caminar Inc. is currently in the process of rehabilitating the site at 2505 Esplanade (the original Esplanade House) for conversion into 15 units of permanent affordable housing for persons with disabilities. The Finance Committee recommended (3-0) adoption of the following resolution and approval of the supplemental appropriation:

RDA RESOLUTION NO. 07-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AN ALLOCATION OF $130,000 FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND TO AUGMENT THE EXISTING LOAN TO CAMINAR FOR NECESSARY PARKING LOT AND DRAINAGE IMPROVEMENTS AT THE AVENIDA APARTMENTS PROJECT, 2505 ESPANADE, CHICO, CALIFORNIA

SUPPLEMENTAL APPROPRIATION RDA NO. 07-08 02 “CAMINAR AVENIDA APARTMENTS”

The motion carried by the following vote:

AYES: Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ABSENT: Bertagna

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA** – None

4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **ADJOURNMENT**

Adjourned at 10:48 p.m. to September 4, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: September 4, 2007

Deborah R. Presson, Agency Secretary
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — August 7, 2007

CLOSED SESSION

Minutes

1. CALL TO ORDER – Mayor Holcombe called the August 7, 2007 – Closed Session portion of the
   Adjourned Regular Chico City Council Meeting to order in Chico Municipal Center, Conference Room
   #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

   Staff Present: City Manager Jones, City Attorney Frank, Assistant City Manager Burkland, City
   Clerk Presson, Administrative Services Director Pierce,

2. CLOSED SESSION MATTERS

   ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH
   WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM,
   CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Street Address</th>
<th>Assessor’s Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. A &amp; L of Chico, LLC</td>
<td>2080 East 20th Street</td>
<td>002-370-072</td>
</tr>
<tr>
<td>B. Mike C. and Sharon K. Storm, Heirs or devisees of J. J. and Mary L. Vanella, deceased.</td>
<td>2140 The Esplanade</td>
<td>003-340-006</td>
</tr>
<tr>
<td>C. Schuster Homes, Inc., Terrance John Byrne and Sharon L. Byrne</td>
<td>North line of The Skyway east of Potter Road</td>
<td>017-210-005</td>
</tr>
</tbody>
</table>

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

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR FOR PROPOSED ACQUISITION OF REAL
   PROPERTY

   Pursuant to Government Code Section 54956.8, the item of business discussed was a conference with
   the real property negotiator. The items under discussion were instruction to the City’s negotiator on
   price and terms of payment for proposed acquisition. The City’s negotiator was City Manager Greg
   Jones and the parties with whom negotiations were proposed to be conducted were the owners (or such
   persons designated as their agent for the purpose of negotiations) as listed below:

<table>
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</tr>
</tbody>
</table>
Staff left the Closed Session for the Council’s discussion of Item 2.2.

2.2. **PUBLIC EMPLOYEE APPOINTMENT** — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city manager.

3. **ADJOURNMENT** – Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
REGULAR CHICO CITY COUNCIL MEETING — September 4, 2007
Minutes

1.1. CLOSED SESSION - 6:00 p.m. - see page 6

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

1.3. Call to Order – Mayor Holcombe called the September 4, 2007 – Regular Chico City Council Meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:35 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Dave Osborne, Chico Seventh-day Adventist Church

1.6. Roll Call

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

1.7. Closed Session Announcement - None

1.8. Proclamation – Proclaiming the Chico Outlaws the Golden Baseball League Champions

2. CONSENT AGENDA – Items 2.2., 2.4., 2.9., and 2.12. were removed from the Consent Agenda for additional clarification. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. ORDINANCE NO. 2361 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING PROPERTY IN CONJUNCTION WITH THE SYCAMORE GLEN VESTING TENTATIVE SUBDIVISION MAP S/PDP 00-11 AND THE MOUNTAIN VISTA VESTING TENTATIVE SUBDIVISION MAP S/PDP 01-12 - Final Reading and Adoption

Adopted - an ordinance to rezone property in conjunction with the Sycamore Glen Vesting Tentative Subdivision Map S/PDP 00-11 and the Mountain Vista Vesting Tentative Subdivision Map S/PDP 01-12. At its meeting of 7/17/07, the Council introduced the ordinance for Rezone 04-08. The Planning Services Director recommended that the Council adopt the ordinance by reading of title only.

2.2. This item was removed for further discussion and heard immediately after the approval of the Consent Agenda.

2.3. ORDINANCE NO. 2363 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLES 18 AND 19 OF THE CHICO MUNICIPAL CODE IN REGARD TO RESIDENTIAL FLAG LOTS - Final Reading and Adoption

Adopted - an ordinance which added Infill Residential Flag Lot Standards to the Chico Municipal Code. The new standards will: (1) require a pre-application neighborhood meeting for projects with infill residential flag lots; (2) limit the number of infill residential flag lots in any one area of town to avoid overconcentration; (3) set minimum lot sizes and establish increased setbacks for infill residential flag lots to improve neighborhood compatibility; generally limit homes on infill residential flag lots to single-story designs; (4) require site design and architectural review for homes on infill residential flag lots; and (5) provide a mechanism to allow variations from the standards for exceptionally well designed projects. The ordinance was introduced by Council at its meeting of 8/07/07. Council was provided with a copy of an e-mail received 9/03/07 from Jane Turney. The Planning Services Director recommended that the Council adopt the ordinance by reading of the title only.

2.4. This item was removed for further discussion and heard immediately after the approval of the Consent Agenda.
2.5. ORDINANCE AMENDING VARIOUS SECTIONS OF THE CHICO MUNICIPAL CODE TO: REFLECT CHANGES IN THE NAMES OF DEPARTMENTS AND JOB TITLES IN ACCORDANCE WITH THE REORGANIZATION OF FUNCTIONS OF THE COMMUNITY SERVICES DEPARTMENT AS ADOPTED BY ORDINANCE NO. 2344; MAKE VARIOUS TECHNICAL AND CLERICAL CORRECTIONS; AND REPEAL CHAPTER 2.48 “PARKING PLACE COMMISSION” - Introductory Reading

Introduced - an ordinance that would amend the municipal code in numerous places to reflect update references to the neighborhood services, capital projects services, building and development services and planning services departments and the directors of those departments. The ordinance would also repeal chapter 2.48 which established the parking place commission. The Assistant City Attorney recommended introduction of the ordinance by reading of the title only.

2.6. ADOPTION OF A RESOLUTION AMENDING CMC CHAPTER 18R.12 - STANDARD PLANS


2.7. ADOPTION OF A RESOLUTION - RECORDS DESTRUCTION

Adopted - a resolution which authorized destruction of certain records in the Human Resources and Risk Management Office. The Human Resources Director recommended adoption of the resolution.

RESOLUTION NO. 108-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF THE HUMAN RESOURCES AND RISK MANAGEMENT RECORDS

2.8. ADOPTION OF RESOLUTIONS APPROVING A MEMORANDUM OF UNDERSTANDING-CHICO POLICE OFFICERS ASSOCIATION AND PAY AND BENEFITS RESOLUTION - PUBLIC SAFETY MANAGEMENT

Adopted - the following resolutions which: (1) approved the Memorandum of Understanding for Chico Police Officers Association; and (2) approved the Pay and Benefits Resolution for Public Safety Management. The Human Resources Director recommended adoption of the resolutions.


RESOLUTION NO. 110-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO APPROVING CERTAIN PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PUBLIC SAFETY MANAGEMENT EMPLOYEES OF THE CITY (PUBLIC SAFETY MANAGEMENT EMPLOYEES PAY AND BENEFITS RESOLUTION)

2.9. This item was removed for further discussion and heard immediately after the approval of the Consent Agenda.
2.10. **APPROVAL OF A MINUTE ORDER - ACQUISITION OF PROPERTY RIGHTS FOR THE EAST FIFTH AVENUE RECONSTRUCTION PROJECT**

**Approved** - a minute order authorizing acquisition of storm drain easement according to the negotiated terms set out in the minute order for Mike C. Storm and Sharon K. Storm, Trustees of the Mike & Sharon Storm Living Trust dated November 20, 2001, APN 003-340-006, and Steven W. Vanella, as Successor Trustee of the Joseph J. Vanella and Mary J. Vanella Revocable Trust dated December 6, 1994, APN 003-340-005. *The Administrative Services Director recommended approval of the minute order.*

**MINUTE ORDER 17-07 - AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS (STORM)**

2.11. **APPROVAL OF A MINUTE ORDER - APPLICATION TO PARTICIPATE IN GOVERNMENT LAW ENFORCEMENT ACQUISITION PROGRAMS**

**Approve** - a minute order that allows participation in government law enforcement equipment and supplies acquisition programs which will enable the City to purchase certain law enforcement supplies at a reduced cost and provide for the acquisition of surplus government property suitable for law enforcement use. *The Chief of Police recommended approval of the minute order.*

**MINUTE ORDER 18-07 - AUTHORIZATION FOR THE CHIEF OF POLICE TO APPLY TO PARTICIPATE IN GOVERNMENT LAW ENFORCEMENT EQUIPMENT AND SUPPLIES ACQUISITION PROGRAMS AND FOR THE CITY MANAGER TO EXECUTE LEGAL DOCUMENTS RELATED TO PARTICIPATION**

2.12. **This item was removed for further discussion and heard immediately after the approval of the Consent Agenda.**

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

**Approved** – minutes of the City Council meetings held on 6/05/07- as amended, 6/19/07, 7/03/07, 7/17/07 and 8/07/07 - as amended.

**6/05/07 Minutes - Amendment** – Item 4.1.A.1

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to refer Exhibit “H” - Deficit Reduction Alternatives Matrix to the Finance Committee with the City Manager and/or staff to provide recommendations.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

**8/07/07 Minutes - Amendment** – Item 3.5. - Ex-parte Communication

Councilmember Nickell announced that he had received numerous emails and met with Don Scott and Steve Schuster.

Vice Mayor Schwab announced that she had received emails from several of the neighbors.

Mayor Holcombe announced that he had received multiple emails and responded to Chris Persson and Andy Willhoit.

Councilmember Wahl announced that he spoke with Chris Persson and Andy Willhoit and received a letter from a realtor in Durham.

Councilmember Gruendl announced that he had received three emails from Chris Persson and a letter from a realtor in Durham.
The motion to approve the Consent Agenda, as read, with Items 2.2., 2.4., 2.9., and 2.12. removed and heard immediately following the Consent Agenda, carried by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.2. ORDINANCE NO. 2362 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REZONING APPROXIMATELY 18.3 ACRES LOCATED GENERALLY ON THE SOUTH SIDE OF EATON ROAD BETWEEN MORSEMAN AVENUE AND BURNAP AVENUE (ASSESSOR’S PARCEL NO. 007-190-022) FROM PMU PLANNED MIXED USE TO R2-PD MEDIUM DENSITY RESIDENTIAL-PLANNED DEVELOPMENT OVERLAY ZONE GENERAL PLAN AMENDMENT/REZONE 04-05 (SCHUSTER AND SCOTT) - Final Reading and Adoption

Adopted - an ordinance to rezone property in conjunction with the General Plan Amendment (GPA/RZ 04-05) for the Tuscan Village project. At its meeting of 8/07/07, the Council introduced the ordinance for the Tuscan Village project. The Planning Services Director recommended adoption of the ordinance by reading of title only.

This item was removed from the Consent Agenda at the request of Mayor Holcombe for further clarification. The Mayor noted that the underlying policy of the commercial zone was not being changed. Findings were made that in this particular application the requirement of a commercial area was found to not be feasible.

A motion was made by Mayor Holcombe and seconded by Vice Mayor Schwab to adopt Ordinance 2362, by reading of title only.

The motion carried by the following vote:

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

2.4. ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Introductory Reading

Introduced - an ordinance which would allow the Police Department to focus on the specific criminality at “disorderly events” and would be a tool for the police to use to maintain public safety. At its meeting of 7/17/07 the Council recommended striking lines B.2 and B.3 in Section 9.40.040 of Chapter 9.40 of the proposed ordinance. This item was removed from the Consent Agenda at the request of Councilmember Flynn for further clarification. The Chief of Police recommended introduction of the ordinance by reading of the title only.

Addressing the Council in opposition to this item were Charlie Preusser, Eek Rogers, Maurice Taylor, Michael Benson, and Benn Davenport.

Councilmember Gruendl noted that while he supported the ordinance and its intent, he felt answers were needed regarding the role of adjacent property owners and the number of citations experienced when a similar ordinance was implemented in Santa Barbara. Both Councilmember Flynn and Vice Mayor Schwab agreed.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to introduce the following ordinance:

ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Introductory Reading
The motion carried by the following vote:

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

Staff indicated that they would try to obtain the information requested by Councilmember Gruendl and will forward it with the final reading and adoption of the ordinance.

2.9. ADOPTION OF A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

Adopted - a resolution to authorize the City Manager to submit a Recreational Trails Program grant application to the California Parks and Recreation Department. The City has requested an estimated $240,000 in funds for a project that will reduce erosion, improve Middle Trail accessibility and finish the accessible trail loop off parking lot E in Upper Park. The grant guidelines requires a 12% match of City funds for an estimated $28,800. The matching funds are included in the Park Division’s operating budget, so no additional City funding needs to be allocated for this local match. The General Services Director recommended adoption of the resolution.

This item was removed from the Consent Agenda at the request of Councilmember Bertagna for further clarification.

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

RESOLUTION NO. 111-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

The motion carried by the following vote:

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

2.12. APPROVAL OF A MINUTE ORDER APPOINTING AN INTERIM CITY MANAGER

Approved - a minute order appointing David M. Burkland to serve as the Interim City Manager as specified in Article VII of the Charter of the City of Chico, and such other legally permissible and proper duties and functions as the Council may assign. This item was removed from the Consent Agenda at the request of Vice Mayor Schwab for additional comment. Mayor Holcombe recommended approval of the minute order.

MINUTE ORDER NO. 19-07 – APPOINTMENT OF DAVID M. BURKLAND AS INTERIM CITY MANAGER

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve Minute Order 19-07.

The motion carried by the following vote:

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

The Council recessed at 7:35 p.m. for a ten-minute break. The meeting was reconvened and all members were present.
3. NOTICED PUBLIC HEARINGS

3.1. FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 575 - THE LANDMARK

A condition of approval of the commercial subdivision developed by Ritchie Investors required the establishment of a means for funding the future replacement and annual costs involved in operating and maintaining the landscaping and irrigation within the future raised centerline traffic median along the Esplanade frontage of the subdivision. (Report - Fritz McKinley, Building and Development Services Director)

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

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


The motion carried by the following vote:

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

3.2. HEARING ON THE ABANDONMENT OF TWO PUBLIC UTILITY EASEMENTS LOCATED BETWEEN LOTS 4 AND 5 TRADEWINDS COURT

The property owner has requested the abandonment of two public utility easements located between lots 4 and 5 Tradewinds Court to allow for the construction of a single family home. At its meeting of 7/17/07, Council adopted Resolution No. 92-07, stating its intent to abandon the two public utility easements and set the public hearing for tonight’s meeting. (Report - Fritz McKinley, Building & Development Services Director)

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the abandonment were Randy Jamison, Nancy von Moos, Richard Price, and Karen Laslo. Speaking in support was Sheila Koester. The hearing was closed to further public comment.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to continue this item to the 10/16/07 Council meeting and directed staff to provide additional background information regarding this proposed abandonment.

The motion carried by the following vote:

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

3.3. HEARING ON CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDING FOR 2007-08

The State of California has appropriated funds for the Citizens Option for Public Safety (COPS) program for the eleventh consecutive year. The State Legislature approved continued funding for this program for the 2007-08 fiscal year and tonight’s hearing is required by State law prior to receiving COPS funds. Funds to cover the cost for one police officer position were included in the City of Chico 2007-08 Final Budget, subject to this hearing. (Report - John Rucker, Police Captain)
Captain John Rucker provided an updated report to Council regarding an increase in the allocation funds of $37,376, plus residual 2005 COPS funding in the amount of $7,284.99. Staff proposed to utilize the difference for the following items:

- Training Mats $13,500
- Handheld Radios $4,560
- New Computer Workstations (8) $13,600
- Scanners (2) $9,000
- Simunition Training Protective Equipment $3,500
- Data 911 Backup Equipment $500

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to approve the proposed use of the COPS program grant funds for the 2007-08 fiscal year.

The motion carried by the following vote:

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

3.4. **HEARING OF AN APPEAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY (UP 05-76) AT 1705 MANZANITA AVENUE (NEXTEL)** – This item was heard at the end of the meeting.

Hearing of an appeal of the Planning Commission’s decision to deny a use permit for a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue; Assessor’s Parcel Nos. 015-520-051 and -062. The site is designated Public Facilities and Services on the City of Chico General Plan Diagram, and is located in a PQ Public/Quasi-Public zoning district. The appeal was considered by the Council on 8/07/07, at which meeting the Council voted to call up the record and schedule this item for a public hearing. (Report - Greg Redeker, Associate Planner)

The Council was provided with copies of a letter dated 8/19/07 from Kathleen Lambert and an e-mail from Randy Maloney with 29 pages of “Petition to Approve Nextel Cell Tower Project” attached. In addition, copies were provided of e-mails received in support of the Nextel Cell Tower from Judy Studybaker, James B. Fowler, Claudia Jenkins, Daryl Bender, James F. Glander, Philip Roberts, William Massie, Jim Lynch, Craig & Leslie Robinson, Michael Hilton, Ken Geiger, Jim and Diane Johnson, Elmer and Chris Griggs, Tom Vanella, Celia O’Connell, and Ken and Shirley Shippen.

**Announcement of Ex-Parte Communications** - None

Councilmember Nickell disqualified himself on this item due to his membership in the Elks Club and Councilmember Bertagna also noted that he was disqualified due to his membership in the club, as well as his business relationship with the carrier. They both left the meeting at 8:50 p.m.

Mayor Holcombe opened the hearing to the public. Addressing the Council in opposition to the appeal were Karen Kite Montana, Gary Lautt, Alan Gair, Leanne Lautt, Michael Mulcahy, and Harold Carlson. Addressing the Council in support of upholding the appeal were Terry Moore, Frank Schabarum, Ken Crouse, Ryan Vanella, and Ed Regan. The hearing was closed.

A motion of intent was made by Vice Mayor Schwab and seconded by Councilmember Flynn to deny the appeal and bring a confirming resolution back at a subsequent meeting.

Councilmember Wahl asked for a friendly amendment to deny the project without prejudice. The amendment was not accepted.

The motion to deny the appeal carried by the following vote:

AYES: Flynn, Gruendl, Schwab, Holcombe
NOES: Wahl
DISQ: Bertagna, Nickell
4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF APPOINTMENT OF BOARD MEMBER TO ARCHITECTURAL REVIEW BOARD (ARB)** – This item was moved up and heard before Item 3.4.

Pursuant to AP&P 10-1 the City Clerk’s Office held a recruitment to fill the vacant position created by the recent resignation of Ellen Ertle. The Council was provided with a list of qualified applicants. *(Report - Deborah Presson, City Clerk)*

Addressing the Council were Rebecca Wipf and David Kim. The Council was provided with a copy of a letter dated 8/30/07 from Richard Vagts who was unable to attend the meeting.

The Council appointed David Kim to fill the vacant position on the Architectural Review Board for a term ending 1/09.

4.2. **CONSIDERATION OF MAYOR HOLCOMBE’S REQUEST TO RENAME THE POTTER ROAD BIKE PATH AS THE STEVE HARRISON MEMORIAL BIKEWAY** – This item was moved up and heard before Item 3.4.

Mayor Holcombe requested that the City Council consider renaming the Potter Road bike path as the Steve Harrison Memorial Bikeway. The Council was provided with a copy of an e-mail received 9/03/07 from Steven and Debra Bryson opposing the dedication. Ed McLaughlin spoke in support of this item.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to agendize this item for consideration at this meeting.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe  
**NOES:** Wahl

Councilmember Wahl noted that this request merits some discussion and urged Council to consider not taking action on this item.

A motion was made by Mayor Holcombe and seconded by Vice Mayor Schwab to rename the Potter Road Bike Path as the Steve Harrison Memorial Bikeway.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe  
**NOES:** Wahl

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

5. **BUSINESS FROM THE FLOOR** – None

6. **ADJOURNMENT**

Adjourned at 9:50 p.m. to September 18, 2007 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.

Date Approved: September 18, 2007
1. CALL TO ORDER – Mayor Holcombe called the September 4, 2007 – Adjourned Regular Chico City Council Meeting/Closed Session to order in the Chico Municipal Center, Conference Room 2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Present: None

2. CLOSED SESSION MATTERS

2.1. PUBLIC EMPLOYEE APPOINTMENT — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city manager.

3. ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:05 P.M. - see page 8

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

1.3. Call to Order – Mayor Holcombe called the September 18, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street to order at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Bob Sprague, The Edge Campus Christian Fellowship

1.6. Roll Call

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

1.7. Closed Session Announcement - Mayor Holcombe announced that no action was taken at this Closed Session but wanted to report out on the Closed Session held on September 4, 2007. The Mayor indicated that at that meeting, the Council authorized the hiring of the Ralph Andersen and Associates consulting firm to handle the recruitment for the City Manager position.

1.8. Proclamation

- Proclaiming September 17th - 23rd, 2007 as “Constitution Week”
- Proclaiming September 22, 2007 as “Car-Free Day”
- Honoring David R. Frank upon the occasion of his retirement as City Attorney

2. **CONSENT AGENDA** – Items 2.1. and 2.5. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the remaining items:

2.1. **DISORDERLY EVENTS ORDINANCE** – This item was removed from the Consent Agenda for further discussion.

2.2. **ORDINANCE NO. 2364 – AN ORDINANCE AMENDING THE MUNICIPAL CODE TO IMPLEMENT THE REORGANIZATION OF THE FUNCTIONS OF THE COMMUNITY SERVICES DEPARTMENT AS ADOPTED BY ORDINANCE 2344 AND REPEALING CHAPTER 2.48, "PARKING PLACE COMMISSION" - Final Reading and Adoption

RESOLUTION AMENDING THE CODE TO IMPLEMENT THE REORGANIZATION OF THE FUNCTIONS OF THE COMMUNITY SERVICES DEPARTMENT

Adopted - an ordinance that would amend the municipal code in numerous places to reflect update references to the neighborhood services, capital projects services, building and development services and planning services departments and the directors of those departments. The ordinance would also repeal chapter 2.48 which established the parking place commission. This ordinance was introduced by the Council at its meeting of 9/04/07. Adopted - a resolution amending the municipal code that implements the reorganization of the functions of the community services department as adopted by Ordinance No. 2344, adopted by Council on 11/07/06. The Assistant City Attorney recommended adoption of the ordinance by reading of the title only and adoption of the resolution.

RESOLUTION NO. 113-07 – A RESOLUTION AMENDING VARIOUS SECTIONS OF THE CHICO MUNICIPAL CODE TO REFLECT CHANGES IN THE NAMES OF DEPARTMENTS AND JOB TITLES IN ACCORDANCE WITH THE REORGANIZATION OF FUNCTIONS OF THE COMMUNITY SERVICES DEPARTMENT AS ADOPTED BY ORDINANCE NO. 2344 AND MAKING OTHER TECHNICAL CORRECTIONS
2.3. ADOPTION OF A RESOLUTION - DESTRUCTION OF CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Adopted - a resolution authorizing destruction of certain City Manager Office files and administrative records in compliance with State law and Administrative Procedure and Policy No. 11-9. The Administrative Services Director recommended adoption of the resolution.

RESOLUTION NO. 114-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

2.4. APPROVAL OF REVISIONS TO ADMINISTRATIVE PROCEDURE AND POLICY (AP&P) NO. 27-10 - MORTGAGE SUBSIDY PROGRAM (MSP)

Approved - revisions to AP&P 27-10 as recommended by the Finance Committee at its meeting of 8/22/07. Home ownership has become out-of-reach for most lower to moderate income households in Chico. Even with assistance from the City's MSP, the gap between what first-time home buyers can afford and market prices has expanded rapidly in recent years. The various revisions to the AP&P will increase loan limits and improve program efficiency. The Finance Committee recommended (3-0) approval of revisions to AP&P 27-10.

2.5. BUTTE COUNTY GRAND JURY RESPONSE – This item was removed from the Consent Agenda for further discussion.

2.6. ACCEPTANCE OF INTERNAL AFFAIRS RECOMMENDATION REGARDING CITY METER HOLIDAYS

Accepted - the recommendation made by the Internal Affairs Committee at its meeting of 8/14/07 to direct staff to advertise the City's meter holidays twice annually. No changes to the City's meter signs were recommended by the Committee. The Internal Affairs Committee recommended (2-1, Schwab disqualified) that an advertisement be run in local newspapers twice annually to notify the public of the holidays observed by the City.

2.7. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved – minutes of the City Council meetings held on 9/04/07.

The motion to approve the Consent Agenda, with Items 2.1. and 2.5. removed, carried by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE NO. 2364 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Final Reading and Adoption

Adopt - an ordinance which would allow the Police Department to focus on the specific criminality at “disorderly events” and would be a tool for the police to use to maintain public safety. This ordinance was introduced by the Council at its meeting of 9/04/07. The Chief of Police recommended adoption of the ordinance by reading of the title only.

The Council was provided with copies of e-mails received Bill Sheridan, Jessica Allen, Brahma D. Sharma, Kevin Kiser, and a letter received from William A. Sheridan.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to table this item to Monday, October 15, 2007 from 6:00 to 8:00 p.m. in order to allow additional time for public review.
The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

Council recesses at 8:25 p.m. for a ten minute break.
The meeting was reconvened and all members were present.

### 2.5. AUTHORIZATION FOR MAYOR TO SIGN AND SUBMIT A RESPONSE TO THE 2006-07 FINAL REPORT OF THE BUTTE COUNTY GRAND JURY

_**Authorized**_ - signature and submittal of the City's response to the 2006-07 Final Report of the Butte County Grand Jury to the Presiding Judge of the Butte County Superior Court. _The Interim City Manager and City Attorney recommended such authorization._

Francis Farley addressed the Council regarding his concern over the Planning Department’s response to the Grand Jury’s statements regarding the wagon wheel ruts. Mr. Farley asked that additional environmental review be required.

A motion was made by Councilmember Bertagna and seconded by Councilmember Flynn to authorize the Mayor to sign and submit the City’s response, as written, to the 2006-07 Final Report of the Butte County Grand Jury to the Presiding Judge of the Butte County Superior Court.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Nickell, Wahl, Holcombe

**NOES:** Gruendl, Schwab

### 3. NOTICED PUBLIC HEARINGS – None

### 4. REGULAR AGENDA

#### 4.1. REPORT ON THE GENERAL PLAN UPDATE COMMUNITY OUTREACH OVERVIEW AND GENERAL PLAN ADVISORY COMMITTEE FORMATION

On 7/17/07 the City Council confirmed the selection of PMC to prepare the General Plan Update. One of PMC’s first tasks is to be the initiation of the Community Outreach program. PMC presented the Council with an overview of the Community Outreach program, discussed the strategy and methods designed to solicit participation from a representative cross-section of the Chico community, and requested feedback from the City Council.

The Scope of Work for the General Plan Update also tasked PMC with facilitation of a General Plan Advisory Committee upon its formation by the City Council. PMC presented an overview of the dynamics of the purpose and role, composition and function of a number of General Plan Advisory Committee approaches from other jurisdictions and provided a comparison of the advantages and disadvantages of the recommended approach that in their experience would best serve the City of Chico. 

*(Report - Holly Keeler, Principal Planner)*

Addressing the Council on this item were Jason Bougie and Alan Chamberlain.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the proposed Public Outreach program, including a telephone survey.
The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to accept the recommendations from PMC regarding the purpose and roles, with the size and composition to consist of nine members, none of whom will be currently seated members of the Planning Commission or Architectural Review Board.

The motion failed due to the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Bertagna to accept the recommendations from PMC regarding the purpose and roles, with the size and composition to consist of nine members, with one Planning Commissioner and one member of the Architectural Review Board to serve on the committee with neither of these two members serving as the chair.

The motion carried by the following vote:

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

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to direct the Clerk to solicit GPAC applications consistent with the City’s existing process for soliciting citizens to serve on Boards and Commissions.

The motion carried by the following vote:

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

A motion was made by Councilmember Flynn and seconded by Vice Mayor Schwab to direct staff to schedule consideration of appointments at its meeting to be held on 11/06/07. Applicants must be registered voters in the City of Chico sphere of influence and must be in attendance at the 11/06/07 meeting in order to be considered for appointment.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF A SUPPLEMENTAL APPROPRIATION REQUESTING ADDITIONAL FUNDING FOR COMPLETION OF THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE

The Bidwell Park Master Management Plan (BPMMP) update process has reached the point of responding to comments received on the Draft Environmental Impact Report (Draft EIR) for the BPMMP. Due to the number and complexity of comments received, additional funding is needed to complete the project. An additional $100,000 was being requested to review, summarize and prepare the responses to the comments, and to make necessary edits to the Draft EIR and BPMMP. (Report - Dennis Beardsley, General Services Director)

The Council was provided with a copy of an e-mail received from Lon Glazner.

Addressing the Council regarding this issue were Josephine Guardino, Gregg Payne, and Lon Glazner.
Council voted 7-0 to extend the meeting to 10:30 p.m.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to approve the following supplemental appropriation:

**SUPPLEMENTAL APPROPRIATION NO. 07-08 05 IN THE AMOUNT OF $100,000 FROM THE GENERAL FUND FOR COMPLETION OF THE BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE**

The motion carried by the following vote:

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

Council voted 7-0 to extend the meeting to 11:00 p.m.

4.3. **CONSIDERATION OF A REQUEST FOR FUNDING TO INITIATE THE FORMATION OF A LANDSCAPE AND LIGHTING DISTRICT FOR DEVELOPMENT AND MAINTENANCE OF IMPROVEMENTS TO THE NOB HILL/HUSA RANCH NEIGHBORHOOD PARK**

Neighbors had requested that the City install a playground and other improvements in the Nob Hill/Husa Ranch Neighborhood Park. To fund the development and maintenance of these new improvements, staff is proposing consolidating the four existing Chico Maintenance Districts in the Nob Hill and Husa Ranch neighborhoods into one Landscape and Lighting District (LLD). *(Report- Dennis Beardsley, General Services Director)*

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to allocate $30,000 from the Neighborhood Park Benefit Zone I - Fund 347 to retain a consultant to conduct the LLD public balloting and formation process for this project. If approved, staff will process an administrative supplemental appropriation to add these funds and this project to the City of Chico 2006-08 budget.

Addressing the Council in support of this maintenance district were Jeannine Michaud and Matt Meuter.

The motion carried by the following vote:

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

4.4. **CONSIDERATION OF COUNCILMEMBER FLYNN’S REQUEST TO CREATE AN AD-HOC DOWNTOWN STUDY GROUP**

Councilmember Flynn requested that the City Council consider the creation of an ad-hoc downtown study group which would convene for a period of 9-12 months with the results communicated to the Council for consideration and implementation.

Council voted 7-0 to agendize Councilmember Flynn's request for consideration at the next available meeting.
4.5. CONSIDERATION OF COUNCILMEMBER NICKELL’S REQUEST THAT THE CHIEF OF POLICE PROVIDE AN UPDATE ON THE DEPARTMENT’S ACTION PLAN

Councilmember Nickell requests that the City Council ask the Chief of Police to provide an update on the Police Department’s action plan to address the recent violence in the City.

Council voted 7-0 to agendize Councilmember Nickell’s request for consideration at the next meeting.

4.6. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: October 2, 2007

Deborah R. Presson, City Clerk
ADJOURNED REGULAR CHICO REDEVELOPMENT AGENCY MEETING — September 18, 2007

Minutes

1. CALL TO ORDER - Board Chair Holcombe called the September 18, 2007 – Adjourned Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

1.1. Roll Call

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

2. CONSENT AGENDA – A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to approve the following Consent Agenda:

2.1. ADOPTION OF A RESOLUTION - CONVEYANCE OF LOT TO HABITAT FOR HUMANITY FOR SELF-HELP AFFORDABLE HOUSING PROJECT

Adopted - a resolution which conveyed a lot to Habitat for Humanity of Butte County for their self-help housing program. The Chico Redevelopment Agency purchased Lot 254 in the Mariposa Vista Subdivision (2843 Ceanothus, APN 016-320-055) on 6/27/07, under the authority of RDA Budget Policy D.1.b regarding acquisition of property for self-help affordable housing projects. The Housing & Neighborhood Services Director recommended adoption of the resolution.

RESOLUTION NO. 08-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY AUTHORIZING CONVEYANCE OF LOT 254 IN THE MARIPOSA VISTA SUBDIVISION TO HABITAT FOR HUMANITY OF BUTTE COUNTY, ASSESSOR’S PARCEL NO. 016-320-055

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

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

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. CONSIDERATION OF ACTIONS NECESSARY TO DEVELOP BIDWELL PARK APARTMENTS, A 38-UNIT AFFORDABLE RENTAL HOUSING PROJECT - This item was removed from the Agenda at the request of staff and will be considered at a future meeting.

4.2. ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None

5. ADJOURNMENT

Adjourned at 11:05 p.m. to October 2, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: October 2, 2007

Deborah R. Presson, Agency Secretary
CLOSED SESSION

Minutes

1. **CALL TO ORDER** – Mayor Holcombe called the September 18, 2007 – Adjourned Regular Chico City Council Closed Session meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

   Staff Present: City Attorney Frank

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEES PERFORMANCE EVALUATION:** The City Council reviewed the City Attorney’s performance. (Gov. Code Section 54957.)

3. **ADJOURNMENT**

   Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.
REGULAR CHICO CITY COUNCIL MEETING — October 2, 2007
Minutes

1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order - Mayor Holcombe called the October 2, 2007 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:40 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Dave Osborne, Chico Seventh-day Adventist Church

1.6. Roll Call

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

1.7. Closed Session Announcement – None

1.8. Proclamation — Proclaiming October 2007 as “Domestic Violence Awareness Month”

2. **CONSENT AGENDA** – Item 2.3. was removed from the Consent Agenda for further clarification. A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to approve the remaining items:

2.1. **ADOPTION OF A RESOLUTION ADDING SECTION 2R.04.470 ENTITLED "CITY ATTORNEY AUTHORIZED TO EXECUTE AGREEMENTS FOR LEGAL AND OTHER PROFESSIONAL SERVICES" TO THE CHICO MUNICIPAL CODE (CMC)**

   **Adopted** - a resolution which adds a section to the CMC authorizing the City Attorney to enter into contracts for outside council or other professional services related to legal matters, provided that budgeted funds are available for such services. **The Internal Affairs Committee recommended (3-0) adoption of the resolution.**

   **RESOLUTION NO. 115-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ADDING SECTION 2R.04.470 ENTITLED "CITY ATTORNEY AUTHORIZED TO EXECUTE AGREEMENTS FOR LEGAL AND OTHER PROFESSIONAL SERVICES" TO THE CHICO MUNICIPAL CODE**

2.2. **ACCEPTANCE OF THE 2006/07 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM**

   **Accepted** - the 2006/07 Consolidated Annual Performance Evaluation Report (CAPER). In order for the City to receive federal funding for the Community Development Block Grant (CDBG) program and the Home Investment Partnership (HOME) Program, the U. S. Department of Housing and Urban Development (HUD) requires that a CAPER regarding use of these funds be prepared, made available for public comment, and received and accepted by the City Council. **The Housing & Neighborhood Services Director recommended that the Council receive and accept the 2006/07 CAPER for the CDBG and HOME Program and authorize staff to submit the final CAPER to HUD.**

2.3. **APPROVAL OF REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR MAJOR LITIGATION** - This item was removed from the Consent Agenda for further clarification.

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

   **Approved** – minutes of the City Council meeting held on 9/18/07.
The motion to approve the Consent Agenda, as read, with Item 2.3. removed for further discussion, carried by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.3. APPROVAL OF REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR MAJOR LITIGATION - This item was removed from the Consent Agenda at the request of Councilmember Wahl for further clarification.

Approved - a request for a supplemental appropriation in the amount of $425,000 for major litigation costs anticipated to be incurred during the remainder of this fiscal year. The City Attorney recommended approval of the supplemental appropriation.

Councilmember Wahl asked that this item be removed from the Consent Agenda for further clarification regarding the increase in litigation costs. The City Attorney indicated that while the supplemental appropriation will cover the estimated increase in litigation costs, it should be noted that there are anticipated insurance reimbursements for at least three of the cases.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to approve the following supplemental appropriation:

SUPPLEMENTAL APPROPRIATION NO. 07-08 07 - $425,000 FROM THE GENERAL FUND TO DEFEND EXISTING LAWSUITS

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ABANDONMENT OF TWO PUBLIC UTILITY EASEMENTS LOCATED BETWEEN LOTS 4 AND 5 ON TRADEWINDS COURT

Property owner Jessica Haggard requested the abandonment of two public utility easements located between lots 4 and 5 on Tradewinds Court to facilitate the remodel of two single family homes into one. At its meeting of 7/17/07, Council adopted Resolution No. 92-07, stating its intent to abandon the two public utility easements and set the public hearing for the 9/04/07 meeting. At the September hearing, Council continued the public hearing to October to allow staff adequate time to address concerns raised at the hearing by neighborhood residents. (Report - Fritz McKinley, Building & Development Services Director)

The Council was provided with copies of e-mails and letters from Kay Strawn, Pam and Gary Willis, and Penelope Modena.

Announcement of Ex-Parte Communications - None

Addressing the Council in support of this abandonment were Sheila Koester, Mr. Sweeney, Jessica Haggard, and Richard Price.

Speaking in opposition to this abandonment were Randy Jamison, Nancy Von Moos, and Ken Noble.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to not approve the abandonment of the two public utility easements located between Lots 4 and 5 on Tradewinds Court based on the finding that public interest would be better served with the easements in place and to refer the issue of administrative approval of the merger of lots to the Internal Affairs Committee for discussion.
The motion carried by the following vote:

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

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF COUNCILMEMBER NICKELL’S REQUEST THAT THE CHIEF OF POLICE PROVIDE AN UPDATE ON THE DEPARTMENT’S ACTION PLAN**

Councilmember Nickell requested that the City Council ask the Chief of Police to provide an update on the Police Department's action plan to address the recent violence in the City. At its meeting of 9/18/07, the Council voted (7-0) to consider this item at this meeting. *(Report - Bruce Hagerty, Chief of Police)*

Chief Hagerty provided Council with an overview on the Police Department's Action Plan and Council asked that a copy of the 10-year plan be placed in their mailboxes. Council also discussed the possibility of using money from the parking meter increase to fund additional enforcement.

Addressing the Council on this item was Alan Chamberlain.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to refer the consideration of identifying any measures that could be implemented now outside the budget constraints, including: (1) the exploration of utilizing retired officers for enforcement; and (2) implementation of possible property management guidelines developed for City funded or subsidized projects or developments.

The motion carried by the following vote:

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

4.2. **CONSIDERATION OF COUNCILMEMBER FLYNN’S REQUEST TO CREATE AN AD-HOC DOWNTOWN STUDY GROUP**

Councilmember Flynn requested that the City Council consider the creation of an ad-hoc downtown study group which would convene for a period of 9-12 months with the results communicated to the Council for consideration and implementation. At its meeting of 9/18/07, the Council voted (7-0) to consider this item at this meeting. Councilmember Wahl and Vice Mayor Schwab were both disqualified on this item.

Councilmember Flynn discussed her vision for the creation of a short term, ad hoc study group comprised of a group of stakeholders wanting to create a bigger picture of the downtown area.

Addressing the Council on this item were T.J. Glenn, Alan Chamberlain, Katrina Woodcox-Davis, and Dale Bennett.

A motion was made by Councilmember Bertagna and seconded by Councilmember Nickell to consider this item at the 10/16/07 meeting, with direction to the Planning Services Director to report back at that time, on how an ad-hoc group might participate in the General Plan update process.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
DISQ: Schwab, Wahl
4.3. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.

6.1. Letter dated 8/28/07 from Jane Dolan, Chair, Butte County Board of Supervisors, requesting the City of Chico collect certain development impact fees on behalf of the County in order to assist in funding capital facilities and equipment needed to accommodate the additional demands created by new development within the City of Chico. The Council was provided with a copy of a letter from Gregory G. Iturria, Deputy Chief Administrative Officer, Butte County, advising that County staff would not be in attendance at this meeting but will be prepared to discuss the item at Internal Affairs Committee. The Interim City Manager recommended referral of this item to the Internal Affairs Committee.

The Council concurred (5-0-2, with Scwab and Wahl absent) to refer this matter to the Internal Affairs Committee for consideration and possible recommendation.

7. ADJOURNMENT

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: November 6, 2007

Deborah R. Presson, City Clerk
1. CALL TO ORDER – Board Chair Holcombe called the October 2, 2007 – Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street to order.

1.1. Roll Call

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

2. CONSENT AGENDA

3. NOTICED PUBLIC HEARINGS

4. REGULAR AGENDA

4.1. CONSIDERATION OF REQUEST FROM NORTHERN VALLEY CATHOLIC SOCIAL SERVICES (NVCSS) FOR FINANCIAL ASSISTANCE FROM THE CHICO REDEVELOPMENT AGENCY LOW AND MODERATE INCOME HOUSING FUND (LMIHF) FOR THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT FOR THE MENTALLY ILL

Northern Valley Catholic Social Services had prepared an application to the Department of Housing & Urban Development for funding through the Section 811 program to develop an affordable apartment complex for the mentally ill. NVCSS anticipates that total development costs would be approximately $2.5 million and was requesting an allocation of $900,000 from the Chico RDA LMIHF for the project. At its meeting of 5/23/07, the Finance Committee recommended approval of the supplemental appropriation (with the Agency acquiring the parcel and providing the land to NVCSS once other project funding is obtained), pending an appraisal of the property. The appraisal was completed as requested and the property appraised for a slightly higher value than the asking price. (Report - Sherry Morgado, Housing & Neighborhood Services Director)

The Finance Committee recommended (2-1 Flynn absent) adoption of the resolutions and approval of the supplemental appropriation.

A motion was made by Vice Chair Schwab and seconded by Board Member Gruendl to adopt the following resolutions:


RDA RESOLUTION 10-07 – A RESOLUTION OF THE CHICO REDEVELOPMENT AGENCY APPROVING AN ALLOCATION OF $900,000 FROM THE AGENCY’S LOW AND MODERATE INCOME HOUSING FUND FOR AN AFFORDABLE HOUSING PROJECT TO BE SPONSORED BY NORTHERN VALLEY CATHOLIC SOCIAL SERVICES LOCATED AT 377 RIO LINDO AVENUE, CHICO, CALIFORNIA AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE LOAN DOCUMENTS WITH NORTHERN VALLEY CATHOLIC SOCIAL SERVICES FOR THE PROJECT, AND TO CONVEY THE PROPERTY ACQUIRED FOR THE PROJECT TO NORTHERN VALLEY CATHOLIC SOCIAL SERVICES (Agency Action)

RESOLUTION NO. 116-07 – A RESOLUTION OF THE CHICO CITY COUNCIL ALLOCATING TEN UNITS OF EXISTING ARTICLE XXXIV AUTHORITY FOR A RENTAL HOUSING PROJECT AT 377 RIO LINDO AVENUE, NORTHERN VALLEY CATHOLIC SOCIAL SERVICES (Council Action)
The motion carried by the following vote:

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

4.2. ITEMS ADDED AFTER POSTING OF THE AGENDA

5. ADJOURNMENT

Adjourned at 10:03 p.m. to October 15, 2007 at 6:00 p.m., for an adjourned regular meeting in the Council Chamber.

Date Approved: November 6, 2007

Deborah R. Presson, Agency Secretary
1. CALL TO ORDER – Mayor Holcombe called the October 2, 2007 – Adjourned Regular Chico City Council Meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Present: Interim City Manager Burkland, City Attorney Barker, Interim City Manager Beardsley, City Clerk Presson, Director of Human Resources Fulks

2. CLOSED SESSION MATTERS

2.1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6.)
Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources
Employee Organizations: Management Employees, Confidential Employees, Public Safety Management Employees, Chico Police Officers’ Association, Chico Public Safety Association, International Association of Firefighters, Service Employees International Union (Trades and Crafts Unit and Clerical, Technical and Professional Unit), Confidential Employees, Management Employees, and Public Safety Management Employees.

2.2. PUBLIC EMPLOYEE APPOINTMENT — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city manager.

2.3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Thomas V. Fogarty, et al. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:06-CV-01007-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.4. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Borge Development, Inc. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:06-CV-02228-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.


2.6. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Elizabeth Jean Simmons, et al. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:07-CV-01129-MCE-KJM, pursuant to subdivision (a) of Government Code section 54956.9.

3. ADJOURNMENT

Adjourned at 6:40 p.m. to a City Council meeting in the Council Chamber.
1. **CALL TO ORDER** – Mayor Holcombe called the October 15, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chambers, 421 Main Street at 6:00 p.m.

1.1. Flag Salute

1.2. Roll Call

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

2. **REGULAR AGENDA**


Adoption of this ordinance would allow the Police Department to focus on the specific criminality at “disorderly events” and would serve as a tool for the police to use to maintain public safety. This ordinance was introduced by the Council at its meeting of 9/04/07. At its meeting of 9/18/07 the Council continued the item to this meeting in order to allow additional time for public review and comment. *(Report - Bruce Hagerty, Chief of Police)*

Council was provided with copies of letters and emails from Susan Smiley, Matthew C. Bently, Rob Roy, John Young, and William A. Sheridan. Police Chief Hagerty and Captain Rucker provided the Council with an overview concerning this ordinance and again stated the Police Department’s support of this ordinance, as written. The Chief also indicated that Council would be provided with a complete overview one year after implementation.

Addressing the Council in support of this ordinance were Dan Herbert, Jim Goodwin, Ralph Paul, Betty Nopel, and Joe Chiapella.

Addressing the Council in opposition to this ordinance were Brett Levin, Matthew Bently, Mike May, Jaymz Holmes, Zeke Rogers, Michael Benson, Benn Davenport, Kevin Johnson, W. Sheridan, Patrick Donnelly, Charlie Preussor, Jessica Allen, Logan Keyser, and Irene Cardenay.

The Council recessed at 7:30 p.m. for a five minute break. The meeting was reconvened at 7:37 p.m. and all members except Councilmember Gruendl and Councilmember Wahl were present. Councilmember Gruendl rejoined the meeting at 7:38 p.m. and Councilmember Wahl at 7:40 p.m.

At 8:02 p.m., the Council voted (7-0) to extend the meeting to 8:15 p.m.

The Council recessed at 7:30 p.m. for a five minute break. The meeting was reconvened at 7:37 p.m. and all members except Councilmember Gruendl and Councilmember Wahl were present. Councilmember Gruendl rejoined the meeting at 7:38 p.m. and Councilmember Wahl at 7:40 p.m.

At 8:02 p.m., the Council voted (7-0) to extend the meeting to 8:15 p.m.

A motion was made by Councilmember Wahl and seconded by Councilmember Nickell to move the final reading and adoption of this ordinance, as written, to the 11/06/07 meeting.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Nickell, Schwab, Wahl, Holcombe

**NOES:** Gruendl
2.2.  ITEMS ADDED AFTER POSTING OF THE AGENDA – None

3.  BUSINESS FROM THE FLOOR

Addressing the Council regarding the constitutionality of the proposed ordinance and speaking in opposition to moving the ordinance forward for final reading and adoption were Benn Davenport, Jessica Allen, and Irene Cardenay.

4.  ADJOURNMENT

Adjourned at 8:15 p.m. to October 16, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: November 6, 2007

Deborah R. Presson, City Clerk
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 8

1.2. **REGULAR CITY COUNCIL MEETING** - 6:38 p.m.

1.3. Call to Order – Mayor Holcombe called the October 16, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Julie Horne, Trinity United Methodist Church

1.6. Roll Call

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

Absent: None

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Item 2.3. was removed from the Consent Agenda for further clarification. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32, ENTITLED “CARDROOMS,” OF THE CHICO MUNICIPAL CODE TO PROVIDE UNLIMITED WAGERING** - Introductory Reading

*Introduced* - an ordinance amending subsection 5.32.140(O), entitled Wagering Limits, to provide unlimited wagering, as recommended by the Internal Affairs Committee (3-0) at its meeting of 9/11/07. *The Internal Affairs Committee recommended introduction of the ordinance by reading of the title only.*

2.2. **ADOPTION OF A RESOLUTION ESTABLISHING THE USE OF THE CITY’S WATER POLLUTION CONTROL PLANT CAPITAL RESERVE FUND FOR A STATE REVOLVING FUND PROGRAM LOAN TO FINANCE THE CONSTRUCTION AND INSTALLATION OF SEWER FACILITIES AND IMPROVEMENTS TO IMPLEMENT THE NITRATE COMPLIANCE PLAN**

*Adopted* - a resolution establishing the use of the City's Water Pollution Control Plant Capital Reserve Fund in conjunction with the application to the State Water Resources Control Board for a State Revolving Fund Loan program loan to finance the construction and installation of sewer facilities and improvements to implement the Nitrate Compliance Plan. *The Administrative Services Director recommended adoption of the resolution.*

**RESOLUTION NO. 117-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO ESTABLISHING THE USE OF THE CITY’S WATER POLLUTION CONTROL PLANT CAPITAL RESERVE FUND IN CONJUNCTION WITH THE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR A STATE REVOLVING FUND PROGRAM LOAN TO FINANCE THE CONSTRUCTION AND INSTALLATION OF SEWER FACILITIES AND IMPROVEMENTS TO IMPLEMENT THE NITRATE COMPLIANCE PLAN**

2.3. **ADOPTION OF A RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY** – This item was removed from Consent for further clarification.
2.4. ACCEPTANCE OF INTERNAL AFFAIRS RECOMMENDATION - SANITARY SEWER SERVICE FOR LIMITED DEVELOPMENT OF UNINCORPORATED RESIDENTIAL PROPERTIES

Accepted - the recommendation of the Internal Affairs Committee from its meeting of 8/14/07, which would allow unincorporated residential development to connect to the sanitary sewer system under limited circumstances. Under the current Chico Municipal Code, these parcels cannot be developed without first annexing to the City, which is often not feasible due to LAFCo policy requiring the annexation of a large intervening area or the entirety of an unincorporated "island." **The Internal Affairs Committee recommended (3-0) the City Attorney prepare code amendments to allow unincorporated residential development to connect to the sanitary sewer system under limited circumstances.**

2.5. CONFIRMATION OF APPOINTMENT OF ASSISTANT CITY ATTORNEY

Confirmed - the appointment of Roger Wilson as Assistant City Attorney. **The City Attorney recommended approval of this appointment.**

ITEMS REMOVED FROM CONSENT

2.3. ADOPTION OF A RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY

Continued - a resolution upholding the Planning Commission’s denial of Use Permit 05-76 (Nextel), which would have authorized a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue. A public hearing on the appeal of the Planning Commission’s denial of the project was conducted by the City Council on 9/04/07, at which time the hearing was closed to further public comment. **The Planning Services Director recommended adoption of the resolution.**

This item was removed from the Consent Agenda at the request of Councilmember Wahl. Councilmember Bertagna was disqualified on this item due to a business conflict and Councilmember Nickell was disqualified due to his membership with the Elks organization.

Councilmember Wahl encouraged the Council to table this item until final decision has been made on the litigation involving the wireless telecommunications facility within the Hooker Oak Recreation Area.

A motion was made by Councilmember Wahl and seconded by Councilmember Gruendl to continue the final action regarding this item to the meeting of November 6, 2007.

The motion carried by the following vote:

AYES: Gruendl, Wahl, Holcombe
NOES: Flynn, Schwab
DISQ: Bertagna, Nickell

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. CONSIDERATION OF THE BIDWELL PARK AND PLAYGROUND COMMISSION WORK PLAN

The City Council directed that the various Boards and Commissions develop Work Plans to define their goals and priorities for calendar years 2007 and 2008. The Bidwell Park and Playground Commission presented its Work Plan for City Council consideration and approval. **(Report - Dennis Beardsley, Interim Assistant City Manager)**
Bidwell Park and Playground Commission Chair Richard Ober and the Interim Assistant City Manager presented the Commission’s two year work plan to the Council. Priorities for the Commission included:

1. Adopt the Updated Bidwell Park Master Management Plan.
2. Develop and implement a priority list of projects based on the Bidwell Park Master Management Plan.
3. Participate in the update of the City of Chico General Plan.
4. Promote the expansion of the Park Division’s Volunteer Program.
5. Enhance and expand the Street Tree Program.
6. Implement plans to provide neighborhood parks.
7. Develop management plan concepts for all greenways.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the Bidwell Park and Playground Commission 2007 - 2008 Work Plan, as modified to include the 8th priority.

The motion carried by the following vote:

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

4.2. CONSIDERATION OF A REQUEST FOR FUNDING TO REINITIATE THE FORMATION OF A LANDSCAPE AND LIGHTING DISTRICT FOR DEVELOPMENT AND MAINTENANCE OF THE CERES/HIGHLAND NEIGHBORHOOD PARK

By a ballot process held in June 2007, property owners who submitted ballots voted to not form a Landscape and Lighting District (LLD) for the development and maintenance of the Ceres/Highland Neighborhood Park. The City had received a letter and a petition with more than 200 signatures from residents expressing a renewed interest in developing the park, and requested that the City Council consider reinitiating another balloting and LLD formation process for the project. (Report - Dennis Beardsley, Interim Assistant City Manager)

Addressing the Council in favor of another ballot process was Michelle McGivern.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to allocate $25,000 from the Neighborhood Park Benefit Zones F&G - Fund 345 to retain a consultant to conduct the LLD public balloting and formation process for this project. An administrative supplemental appropriation will be prepared to add these funds and this project to the City of Chico 2006-08 budget.

The motion carried by the following vote:

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

The Council also directed staff to research the legal requirements and feasibility of neighbors collecting and returning ballots to the City Clerk as a group instead of turning them in individually.

4.3. CONSIDERATION AND APPROVAL OF A PLAN AND SCHEDULE TO DEVELOP A SEWER SYSTEM MANAGEMENT PLAN FOR THE CITY OF CHICO AS REQUIRED BY STATE REGULATIONS

As an operator of a sanitary sewer system that collects and conveys untreated or partially treated wastewater to a publicly owned treatment facility, the City of Chico is required to comply with the terms of the General Sanitary Sewer Order No. 2006-0003-DWQ (General Order). The General Order requires that the City: (1) report all Sanitary Sewer Overflows (SSO's) to the State Water Resources Control Board using an online SSO reporting system; and (2) that the City plan, schedule, and implement a Sewer System Management Plan (SSMP) by 8/02/09. (Report - Dennis Beardsley, Interim Assistant City Manager)
A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve staff’s proposed SSMP development plan and schedule, which is consistent with the required General Order implementation deadlines.

The motion carried by the following vote:

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

The Council recessed at 7:20 for a ten minute break. The meeting reconvened and all members were present.

4.4. STATUS OF IMPLEMENTING PARKING SOLUTIONS FROM THE DOWNTOWN ACCESS AND PARKING PLAN

Modifications to the Downtown Access and Parking Plan as suggested by the Internal Affairs Committee at its meetings of 8/14/07 and 9/11/07 have been incorporated into the plan and are included in this status report.  (Report - Tom Varga, Capital Project Services Director)

Councilmember Wahl and Vice Mayor Schwab were disqualified on this item and left the meeting. Council was provided with a copy of an e-mail received 10/16/07 from Rick Tofanelli.

Addressing the Council on this item were Ed McLaughlin, Denise Bell-Corona, Alan Chamberlain, Dale Bennett, Katrina Davis-Woodcox, T.J. Glenn, Mike Trolinder, Christina Bullock, and Ernie Washington.

The Council discussed the parking solutions which were presented by staff and indicated that enforcement was a key solution, including the possible implementation of chalking of tires. Police Chief Hagerty responded that chalking is a very inefficient way to check parking violations and also indicated that due to current staffing levels, additional parking enforcement could impact other services currently being provided. Council also discussed: (1) the need to evaluate the City’s current parking situation in order to obtain comprehensive data; (2) general support for increased enforcement including a six-month trial period on extended evening and Saturday enforcement hours of downtown parking; (3) exploring the possibility of utilizing University police or retired public safety personnel for assistance with enforcement; (4) obtaining more information and some form of analysis to see if increasing enforcement would actually free up parking spaces; and (5) noted that there were probably logistical issues regarding the evening and Saturday enforcement and would want more information to come back to Council regarding this issue.

A motion of intent was made by Councilmember Bertagna and seconded by Councilmember Gruendl to direct staff to: (1) move forward with a six-month trial period on extended enforcement hours for evenings and Saturdays; (2) look at using Fund 853 as a possible funding source for current and additional enforcement costs; (3) pursue flexible pricing and times for parking meters; (4) increase signage; and (5) move forward with diagonal parking, except on Salem with the bike lane to remain “as is” in that area and one side of the street to have back-in parking.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
DISQ: Schwab, Wahl
A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to direct staff to: (1) expedite Recommendation #12 in the staff report regarding possible ways to relax downtown parking standards pertaining to minimum parking capacity, in-lieu parking fees, parking maximums, land banking, and utilization of parking counts to estimate future development parking needs; (2) explore privatization of parking enforcement with direction to staff to provide an analysis which includes costs and benefits, as well as the downside of privatization; (3) explore utilizing chalking or other new technologies for use in the enforcement of parking regulations; and (4) explore the feasibility of a shuttle service and satellite parking for downtown employers and employees.

Councilmember Nickell asked for a friendly amendment to include direction to staff to analyze a graduated fee structure for repeat parking offenses. The amendment was not accepted.

The motion carried by the following vote:

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

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to direct staff to analyze the implementation of a graduated fee structure for repeat parking offenses as well as defining a time frame for those citations.

Councilmember Bertagna indicated that this issue was recently considered by the Internal Affairs Committee where staff indicated that a progressive fee structure was not feasible. Councilmember Bertagna asked that this report be provided to Council.

The motion carried by the following vote:

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

A motion was made by to direct staff to move forward with the remaining recommendations and prior Council actions as outlined in the staff report.

The motion carried by the following vote:

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

4.5. **FURTHER CONSIDERATION OF COUNCILMEMBER FLYNN’S REQUEST TO CREATE AN AD-HOC DOWNTOWN STUDY GROUP**

Councilmember Flynn requested that the City Council further consider the creation of an ad-hoc downtown study group which would convene for a period of 9-12 months with the results communicated to the Council for consideration and implementation. At its meeting of 10/02/07, the Council voted (5-0, Schwab and Wahl disqualified) to give further consideration of this item at this meeting.

Addressing the Council were Alan Chamberlain, Dale Bennett, Katrina Davis-Woodcox, T.J. Glenn, Ali Sarsour, and Mike Trolinder.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to continue this item to the 11/6/07 meeting, with information to be provided as follows: (1) Planning Services Director to verify with the General Plan consultants on ways to structure an ad hoc committee and how its work could be integrated into the GP update.

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
DISQ: Schwab, Wahl
The Council further directed the City Clerk to provide background information as to the 12/06 comprehensive review of Boards and Commissions which resulted in the disbanding of the Parking Place Commission.

4.6. CONSIDERATION OF COUNCILMEMBER NICKELL’S REQUESTS REGARDING DOWNTOWN

Councilmember Nickell requested that the City Council consider: (1) requiring the downtown business owners to keep the front of their business clean at all times; and (2) a Downtown Community Service program which would require people cited or arrested for various offenses to perform community service in the downtown area. Councilmember Wahl and Vice Mayor Schwab were disqualified on this item.

The City Council voted (7-0) to extend the meeting to 10:30 p.m.

A motion was made by Councilmember Gruendl and seconded by Mayor Holcombe to refer consideration of this request to the Internal Affairs Committee.

The motion carried by the following:

AYES: Gruendl, Nickell, Holcombe
NOES: Bertagna, Flynn
DISQ: Schwab, Wahl

4.7. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR

Timothy Gonzales, Mickey Harrington, and Aaron Haar addressed the Council regarding recognition of SEIU Local1021.

6. REPORTS AND COMMUNICATIONS

The following reports and communication items were provided for the Council’s information. No action was taken unless otherwise noted.

6.1. Letter dated 9/13/07 from Butte County Association of Governments and Butte County Air Quality Management District requesting authorization for a fee-exempt permit which would allow Board members to park at metered parking spaces on Board meeting days.

A motion was made by Councilmember Gruendl and Councilmember Bertagna to direct the City Clerk to include the consideration of this request in the comprehensive review of the usage of the Council Chamber and Conference Rooms currently being conducted by the City Clerk’s Department as part of the Finance Committee Budget Deficit Review.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
DISQ: Schwab, Wahl
7. **ADJOURNMENT**

Adjourned at 10:23 p.m. to November 6, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

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Date Approved: November 6, 2007

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Deborah R. Presson, City Clerk
October 16, 2007
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ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — October 16, 2007

CLOSED SESSION

Minutes

1. CALL TO ORDER – Mayor Holcombe called the October 16, 2007 - Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Present: Interim City Manager Burkland, Assistant Interim City Manager Beardsley, Director of Human Resources Fulks, and City Clerk Presson

2. CLOSED SESSION MATTERS

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

Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

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

3. ADJOURNMENT

Adjourned at 6:38 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 14

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

1.3. Call to Order – Mayor Holcombe called the November 6, 2007 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Jules Vautrot, Chico Baha’i Community

1.6. Moment of Silence

   • Dedicated to the memory of Virginia Irene Chik Ray who passed away October 12, 2007. Mrs. Ray worked for the City of Chico in the City Clerk’s Office from March 1977 to March 1987

   • Dedicated to the memory of Troy Morse who passed away on November 3, 2007. Troy was hired by Chico Fire on January 1, 1975 and was promoted to Fire Apparatus Engineer on May 18, 1980. He retired from City service on July 15, 2004.

1.7. Roll Call

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

1.8. Closed Session Announcement - None

1.9. Presentations/Proclamations

   • EPA Green Power Leadership Award - Vice Mayor Schwab

   • Proclaimed November 6, 2007 as "Law Enforcement Records and Support Personnel Day"

2. **CONSENT AGENDA** – Items 2.1., 2.4., 2.7., and 2.13. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **DISORDERLY EVENTS ORDINANCE** – *This item was removed from the Consent Agenda for additional discussion.*

2.2. **ORDINANCE NO. 2366 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO AMENDING CHAPTER 5.32, ENTITLED “CARDROOMS,” OF THE CHICO MUNICIPAL CODE TO PROVIDE UNLIMITED WAGERING - Final Reading and Adoption**

   Adopted - an ordinance amending subsection 5.32.140(O), entitled Wagering Limits, to provide unlimited wagering. The ordinance was introduced by the Council at its meeting of 10/16/07. *The Internal Affairs Committee recommended adoption of the ordinance by reading of the title only.*

2.3. **ADOPTION OF RESOLUTIONS - SEWERS IN LIEU: (A) 2650 CACTUS AVENUE; (B) 377 EAST NINTH AVENUE; (C) 2240 ELM STREET; (D) 2197 NORTH AVENUE; (E) 278 PANAMA AVENUE; (F) 2918 SAN VERBENA WAY**

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

   A. **RESOLUTION NO. 118-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM**
2.4. WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY – This item was removed from the Consent Agenda for additional discussion.

2.5. ADOPTION OF A RESOLUTION - NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Adopted - a resolution which provides the framework for organizations to work together to prepare for, protect against, respond to, and recover from the entire spectrum of all-hazard events. Adoption of this resolution is required by the federal government in order for the City to be eligible for certain federal and state grant opportunities. The Fire Chief and Police Chief recommend adoption of the resolution.

RESOLUTION NO. 125-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

2.6. APPROVAL OF A MINUTE ORDER - AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY - STANSBURY HOUSE CARRIAGE BARN

Approved - a minute order authorizing the Interim City Manager to execute a public utility easement with Pacific Gas and Electric Company to supply electricity to the Stansbury House Carriage Barn at 307 West 5th Street. The Capital Project Services Director recommended approval of the minute order.

MINUTE ORDER NO. 20-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR UTILITY LINES AT 307 WEST 5TH STREET, SITE OF THE STANSBURY HOUSE CARRIAGE BARN

2.7. APPROVAL OF A MINUTE ORDER - AMENDMENT TO LEASE AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR THE HOOKER OAK RECREATION AREA

– This item was removed from the Consent Agenda for additional discussion.
2.8. **APPROVAL OF A MINUTE ORDER - AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS - ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE STEVE HARRISON MEMORIAL BIKEWAY**

Approved - a minute order authorizing acquisition of a bicycle path easement according to the negotiated terms set out in the minute order for Schuster Homes, Inc. (Stephen J. Schuster) and Terrence John Byrne and Sharon L. Byrne, for property located on the north side of The Skyway east of Potter Road, APN 017-210-005. *The Administrative Services Director recommended approval of the minute order.*

**MINUTE ORDER 22-07 – AUTHORIZATION FOR THE INTERIM CITY MANAGER TO EXECUTE AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY RIGHTS REQUIRED FOR THE STEVE HARRISON MEMORIAL BIKEWAY (SCHUSTER HOMES, INC./BYRNE)**

2.9. **APPROVAL OF A MINUTE ORDER - AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO THE HAZARDOUS MATERIALS TEAM SPECIAL MUTUAL AID JOINT POWERS AGREEMENT**

Approved - a minute order authorizing execution of First Amendment to the Hazardous Materials Team Special Mutual Aid Joint Powers Agreement subject to the terms set forth in the minute order. *The Fire Chief recommended approval of the minute order.*

**MINUTE ORDER NO. 23-07 – AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO THE HAZARDOUS MATERIALS TEAM SPECIAL MUTUAL AID JOINT POWERS AGREEMENT (CITIES OF OROVILLE, GRIDLEY, BIGGS, CHICO, TOWN OF PARADISE, AND COUNTY OF BUTTE)**

2.10. **MINUTE ORDERS AUTHORIZING AGREEMENTS IN CONNECTION WITH THE 2005-06 CHICO OPEN BOARD ART PROJECT** - The City Council acted in its capacity as both the Council and the Redevelopment Agency for consideration of this item.

Approved - the following minute orders authorizing agreements that would allow the installation of the mural selected through the 2005-06 Chico Open Board Art (COBA) Project to be installed on the Ninth Street wall of Fire Station No. 1 located at 842 Salem Street. *The Administrative Services Director and the Fire Chief recommended approval of the minute orders.*

**MINUTE ORDER NO. 24-07 – AUTHORIZATION FOR THE INTERIM CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CHICO REDEVELOPMENT AGENCY AND WITH THE CHICO ART CENTER IN CONNECTION WITH THE 2005-06 CHICO OPEN BOARD ART PROJECT (City Council Action)**

**RDA MINUTE ORDER NO. 01-07 – AUTHORIZATION FOR THE INTERIM EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE CITY OF CHICO IN CONNECTION WITH THE 2005-06 CHICO OPEN BOARD ART PROJECT (Agency Action)**

2.11. **ACCEPTANCE OF ARTS COMMISSION RECOMMENDATION REGARDING CHICO OPEN BOARD ART (COBA) PROJECT PROPOSAL**

Accepted - the finding made by the Arts Commission at its 10/10/07 meeting that the COBA program has had tremendous success from the standpoint of promoting local artists but that the restrictions imposed by the funding source (Merged RDA Arts Fund) are not a good fit with the program and its recommendation that any future funds requested for this program be processed through the Community Organization Funding process in the Arts Category. On 8/07/07, the Council referred this item to the Arts Commission for consideration and recommendation. *The Arts Commission recommended that Mr. Donnelly apply for funds through the Community Organization Funding process in the Arts Category.*

2.12. **APPROVAL OF SUPPLEMENTAL APPROPRIATION NO. 07-08 08 TO TRANSFER A PORTION OF THE FUNDING FOR THE ANNIE’S GLEN BIKEWAY PROJECT FROM FY 2008-09 TO FY 2007-08**
Approved - a request to allocate $165,000 from the Bikeway Improvement Fund (305) for the environmental review and design portion of the Annie’s Glen Bikeway project to the 2007-08 fiscal year. Funding of the project was included in the Capital Improvement Program approved by the City Council for budgeting in 2008-09, but Caltrans awarded the grant funds earlier than anticipated. The recommendation will not change the total project funding, but will advance funding for environmental review and design to allow construction to commence in 2008. The Capital Project Services Director recommended approval of the supplemental appropriation.

2.13. ADOPTION OF UPDATED BICYCLE PLAN – This item was removed from the Consent Agenda for additional discussion.

2.14. APPOINTMENT OF DR. ALBERT BECK AS THE CITY OF CHICO REPRESENTATIVE ON THE BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

Appointed - Dr. Albert Beck to serve an additional term on the Butte County Mosquito and Vector Control District. Dr. Beck’s term with the District expires at the end of this year and he has signified his willingness to serve another term if reappointed. The Interim City Manager recommended that Dr. Albert Beck be reappointed to serve a four year term on the Butte County Mosquito and Vector Control District, commencing January 2008.

2.15. APPROVAL OF MINUTES OF CITY COUNCIL MEETINGS – as amended

Approved – minutes of the City Council meetings held on 10/02/07, 10/15/07 and 10/16/07.

Amendments are as follows:

October 2, 2007 Minutes - Page 4

6.1. County Request - Development Impact Fees

Amendment:

The Council concurred (5-0-2, with Schwab and Wahl absent) to refer this matter to the Internal Affairs Committee for consideration and possible recommendation.

October 15, 2007 Minutes - Page 2

3. BUSINESS FROM THE FLOOR

Amendment:

Addressing the Council regarding the constitutionality of the proposed ordinance and speaking in opposition to moving the ordinance forward for final reading and adoption were Benn Davenport, Jessica Allen, and Irene Cardenay.

The motion to approve the Consent Agenda with Items 2.1., 2.4., 2.7., and 2.13. removed for further discussion, carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE NO. 2365 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE - Final Reading and Adoption

Adopted - an ordinance which would allow the Police Department to focus on the specific criminality at “disorderly events” and would be a tool for the police to use to maintain public safety. The ordinance was introduced by the Council at its meeting of 9/04/07. The Chief of Police recommended adoption of the ordinance by reading of the title only.

This item was removed from the Consent Agenda at the request of several citizens.

Addressing the Council in opposition were John Harris, Timothy Sjostrom, Benn Davenport, Jessica Allen, and Irene Cardenas. Speaking in favor was Drew Calandrella.

A motion was made by Councilmember Wahl and seconded by Councilmember Nickell to: (1) adopt Ordinance No. 2365 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.40, ENTITLED “DISORDERLY EVENTS” TO THE CHICO MUNICIPAL CODE, by reading of title only; and (2) direct staff to monitor the implementation of the ordinance by providing quarterly reports to Council that includes the number of citations pertaining to this ordinance including information on the actual complaints and the number of appeals that were received during the review.

The motion carried by the following vote:

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

2.4. ADOPTION OF A RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DENIAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ELKS LODGE PROPERTY

Adopted - a resolution upholding the Planning Commission’s denial of Use Permit 05-76 (Nextel), which would have authorized a wireless telecommunications facility on the southern portion of the Elks Lodge property located at 1705 Manzanita Avenue. A public hearing on the appeal of the Planning Commission’s denial of the project was conducted by the City Council on 9/04/07, at which time the hearing was closed to further public comment. This resolution was originally scheduled for adoption at the 10/16/07 Council meeting but was continued to this meeting. The Planning Services Director recommended adoption of the resolution.

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

Councilmember Bertagna noted he was disqualified on this item due to business conflict and because of his membership with the Elks organization. Councilmember Nickell was also disqualified on this item due to his Elk’s membership. Addressing the Council in support of upholding the Planning Commission’s denial of the wireless facility were Harold Carlson and Alan Gair.

A motion was made by Councilmember Wahl to reverse the Planning Commission’s original decision, thereby approving the Use Permit for the construction of a 93-foot stealth monopine telecommunications tower.

The motion died due to a lack of a second.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to uphold the Planning Commission’s denial of the use permit and to adopt the following resolution:

RESOLUTION NO. 124-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO UPHOLDING THE PLANNING COMMISSION’S DENIAL OF USE PERMIT 05-76 (NEXTEL) TO ALLOW CONSTRUCTION OF A 93-FOOT STEALTH MONOPINE TELECOMMUNICATIONS TOWER, INCLUDING INSTALLATION OF ASSOCIATED GROUND-MOUNTED EQUIPMENT, AT 1705 MANZANITA AVENUE
The motion carried by the following vote:

AYES: Flynn, Gruendl, Schwab, Holcombe  
NOES: Wahl  
DISQ: Bertagna, Nickell

2.7. **APPROVAL OF A MINUTE ORDER - AMENDMENT TO LEASE AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT (CARD) FOR THE HOOKER OAK RECREATION AREA**

Approved - a minute order authorizing the Interim City Manager to extend the term of the lease with CARD for the use of Hooker Oak Park Recreation Area to 2031. The current lease term ends in 2016. This amendment was needed to allow CARD to apply for future grant funds for park improvements because most grants require at least 20-year terms on leasehold properties. The Bidwell Park and Playground Commission and the Interim Assistant City Manager recommended approval of the minute order.

This item was removed from the Consent Agenda for further discussion at the request of Vice Mayor Schwab.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the following minute order:

**MINUTE ORDER NO. 21-07 – AUTHORIZATION FOR THE INTERIM CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH THE CHICO AREA RECREATION AND PARK DISTRICT FOR THE HOOKER OAK RECREATION AREA**

The motion carried by the following vote:

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

2.13. **ADOPTION OF UPDATED BICYCLE PLAN**

Adopted - the updated Bicycle Plan in order to be eligible for State and Federal grant funding. The Bicycle Advisory Committee recommended adoption of the Bicycle Plan.

This item was removed from the Consent Agenda at the request of several citizens.

Addressing the Council in concern over the content of the updated plan, the lack of public input, and because it was felt that the plan did not adequately address downtown issues were Karen Goodwin, Donna Cook, and Mike Trolinder.

Staff indicated that the plan needed to go forward in order for the City to be eligible for state and federal funding but that it could be revisited throughout its term. Building and Development Services Director McKinley indicated that he would personally meet with the concerned citizens to review the process and to receive any input that they may wish to provide.

A motion was made by Councilmember Gruendl and seconded by Vice Mayor Schwab to: (1) adopt the updated Bicycle Plan; and (2) direct the Bicycle Advisory Committee to provide recommendations on potential updates to the Council on an annual basis and to include that requirement in the Bicycle Advisory Committee biennial work plan.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
NOES: None
The Council recessed at 7:40 p.m. for a 10 minute break. The meeting reconvened and all members were present.

3. **NOTICED PUBLIC HEARINGS** – None

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF APPOINTMENT OF MEMBERS TO THE PLANNING COMMISSION**

Pursuant to AP&P 10-1 the City Clerk’s Office held a recruitment to fill the vacant positions created by the recent resignations of Steve O’Bryan and Kirk Monfort. The Council was provided with a list of qualified applicants, along with their applications, resumes, and supplemental questionaires. *(Report - Deborah Presson, City Clerk)*

The City Council was provided with copies of correspondence from Jim Morgan and Kate Leyden. Addressing the Council on this item was Alan Gair, Kathy Barrett, Marlayna Wright, Frank Fleming, Nora Todenhagen, Craig Brown, Alan Chamberlain, Dr. Richard Ford, Dale Gorman, Tom Hayes, Mark Sorensen, Norman Stump, and Nancy Wolfe.

The City Clerk recommended the Council appoint two applicants to the Planning Commission.

The City Council appointed Tom Hayes and Kathy Barrett to fill the two vacancies on the Planning Commission both with a term ending 1/09.

4.2. **CONSIDERATION OF APPOINTMENTS OF MEMBERS TO THE GENERAL PLAN ADVISORY COMMITTEE (GPAC)**

The City Council considered appointment of nine members to serve on the General Plan Advisory Committee (GPAC). At its meeting of 9/18/07, the Council officially formed the GPAC and approved the recommendations forwarded by staff and the General Plan Update consultant (PMC) and provided direction regarding: (1) purpose and role of the committee; (2) size and composition of nine members, to be comprised of one Planning Commissioner and one member of the Architectural Review Board, with neither of these two members serving as the chair; (3) direction to the City Clerk to solicit GPAC applications consistent with the City’s existing process for soliciting citizens to serve on Boards and Commissions from the City of Chico Sphere of Influence; and (4) scheduling consideration of appointments to be held at the City Council meeting of 11/06/07, with all applicants required to attend in order to be considered. *(Report - Deborah Presson, City Clerk)*

As the members of the GPAC will be providing direction and recommendations on key General Plan issues, the City Council agreed at its 9/18/07 meeting that members of this committee should: (1) represent diverse viewpoints while retaining community wide perspective; (2) have the ability to work with others; and (3) have a greater community benefit in mind.

A matrix was provided to Council that provided an overview of the applicants and aided in identifying area of residency, profession, and top three areas of interest as noted on each application. Complete copies of each application packet, including supplemental questions, and resumes were forwarded to Council under separate cover. A copy of the notice opening the recruitment period was also attached and confirmed the requirements or criteria for appointment to the committee, as set forth by Council action.

The City Council was provided with copies of correspondence from Bob Odland, Roger Beadle, along with Jane Turney’s withdrawal of her application. Addressing the Council on this item were Dave Kelly, David Kim, Sara Adams, Holli Anderson, John Anderson, Winder Baker, Darlene Baxman, Barry Belmonte, Craig Brown, Noel Carvalho, Alan Chamberlain, Richard Elsom, Eric Erland, Chris Giampaoli, DeMario Glemann, Tony Kilcollins, Kristin McHenry, Ryan Miller, Kirk Monfort, Thomas

Using the voting procedure contained in AP&P 10-1, the City Council appointed the following individuals to serve on the General Plan Advisory Committee:

Dave Kelly – Planning Commission representative
David Kim – ARB representative
Noel Carvalho
Kirk Monfort
Thomas Murphy
Nancy Ostrom
Jim Owens
Jim Stevens
Scott Winter

Following the appointment of the members to the GPAC, Councilmember Gruendl recommended that an alternate be selected in order to provide some form of backup to the committee. Due to Tony Kilcollins receiving the next highest votes, the Council agreed to select Mr. Kilcollins as the alternate.

The Council recessed at 9:36 p.m. for a 10 minute break. The meeting reconvened and all members were present.

4.3. CONSIDERATION OF THE SUSTAINABILITY TASK FORCE’S TWO-YEAR WORK PLAN

The City Council directed the various Boards, Commissions and Task Forces to develop Work Plans to define their goals and priorities for calendar years 2007 and 2008. The Sustainability Task Force presented its Work Plan for City Council consideration and approval. (Report- Ann Schwab, Task Force Chair)

Addressing the Council in support of this item were Jim Stevens, Mark Stemen, and Jon Luvaas.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to: (1) approve the Task Force’s 2007-08 Work Plan; (2) authorize funding in the amount of $30,000 to retain CSU, Chico to conduct the community-wide baseline greenhouse gas emission inventories by allocating funding from the existing 2007-08 Budget from the General Fund or other funding source identified by Council; and (3) direct staff to continue to pursue the grant application to the Butte County Air Quality Management District in Spring 2008 requesting funding for the inventories, which if awarded, funding would become available in July or August 2008.

The motion carried by the following vote:

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

The Council voted 7-0 to extend the meeting to 11:00 p.m.
A motion was made by Councilmember Flynn and seconded by Councilmember Nickell to adopt the following resolution which approved the allocation of $1,250 for membership to the International Council for Local Environmental Initiatives (ICLEI) and the Climate Protection Campaign.

**RESOLUTION NO. 126-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING BECOMING A MEMBER OF THE INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) AND THE CITIES FOR CLIMATE PROTECTION CAMPAIGN**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
**NOES:** Wahl

The Council voted 7-0 to extend the meeting to 11:30 p.m.

4.4. **CONSIDERATION OF COUNCILMEMBER WAHL’S REQUEST THAT THE COUNCIL CONSIDER A HIRING CESSATION**

Councilmember Wahl requested that the City Council consider instituting a complete cessation of advertising, recruiting, interviewing and hiring of any City employees funded in part or fully by the Chico General Fund.

A motion was made by Councilmember Wahl and seconded by Mayor Holcombe to consider this matter at this meeting.

The City Council was provided with a copy of the 6/18/07 memorandum from former City Manager Jones regarding a hiring suspension. Addressing the Council in opposition to this item was Cheryl Marden.

The motion carried by the following vote:

**AYES:** Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
**NOES:** Bertagna

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to not approve a hiring cessation at this time.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Holcombe
**NOES:** Wahl

The Council voted 7-0 to extend the meeting to 12:00 a.m.

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

5. **BUSINESS FROM THE FLOOR**

Laurel Blankinship and Karen Laslo addressed the Council regarding their concerns over the appointment of only one woman to the GPAC committee.
6. **REPORTS AND COMMUNICATIONS**

The following reports and communication items were provided for the Council’s information. No action was taken unless otherwise noted.

6.1. Letter dated 10/22/07 from John Johnston requesting the City Council address renter’s safety and rights in the City of Chico.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to direct the Housing & Neighborhood Services Director to work with Mr. Johnston on this issue.

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
**NOES:** None

7. **ADJOURNMENT**

Adjourned to a Redevelopment Agency meeting in the Council Chamber.

Date Approved: January 15, 2008

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Chair Holcombe called the November 6, 2007 – Regular Chico Redevelopment Agency meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street.

   1.1. Roll Call - *All members present*

2. **CONSENT AGENDA**

   2.1. **APPROVAL OF MINUTE ORDERS AUTHORIZING AN ASSIGNMENT FROM THE AGENCY TO THE CITY, AND ACCEPTANCE OF THE ASSIGNMENT BY THE CITY, OF CLAIMS THE AGENCY MAY HAVE AGAINST OWNERS OF PROPERTY IN THE HUMBOLDT ROAD BURN DUMP AREA**

   Approved - the following minute orders which approved an assignment by the Agency to the City, and acceptance of the assignment by the City, of any and all claims the Agency may have against owners of property in the Humboldt Road Burn Dump Area for the recovery of costs incurred by the Agency in connection with the site characterization and investigation done in preparation for the remediation of soil contamination within the Humboldt Road Burn Dump Area. Pursuant to the assignment, the City will pursue the recovery of those amounts as part of existing or future litigation matters brought against the City by such other property owners. Any recovered amounts will be returned to the Agency. *The Agency Counsel/City Attorney recommended approval of the minute orders.*

   A motion was made by Board Member Gruendl and seconded by Vice Chair Schwab to approve the following Minute Orders:

   **RDA MINUTE ORDER NO. 02-07 – AUTHORIZATION OF INTERIM EXECUTIVE DIRECTOR TO EXECUTE AN ASSIGNMENT OF CLAIMS FROM THE CHICO REDEVELOPMENT AGENCY TO THE CITY** (Agency Action)

   **MINUTE ORDER NO. 25-07 – AUTHORIZATION OF INTERIM CITY MANAGER TO EXECUTE AN ASSIGNMENT OF CLAIMS FROM THE CHICO REDEVELOPMENT AGENCY TO THE CITY** (City Council Action)

   The motion carried by the following vote:

   **AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe  
   **NOES:** None

3. **NOTICED PUBLIC HEARINGS**

   3.1. **CONSIDERATION OF ACTIONS NECESSARY TO DEVELOP BIDWELL PARK APARTMENTS, A 38-UNIT AFFORDABLE RENTAL HOUSING PROJECT**

   In August 2007, Stone Building Corporation submitted a revised proposal to the Chico Redevelopment Agency for the development of a 38-unit affordable housing development to be known as Bidwell Park Apartments located at 1197 E. 8th Street and 1190 E. 9th Street. Proposed financing for the development is to come from a variety of public and private funding sources, including $5.75 million from the sale of Low-Income Housing Tax Credits and a request for $2.6 million from the Chico RDA Low-and Moderate-Income Housing Fund. *(Report - James Coles, Housing Specialist)*

   Board Chair Holcombe was disqualified on this item and left the meeting at 11:45 p.m. The Agency was provided with a copy of a letter from Suellen Rowlinson in support of the project. Addressing the Agency in support of this project were Charley Turner, Evan LeVang, Margie Rueggar, Suellen Rowlinson, Jennifer Haffner, and Mike Trolinder.

   A motion was made by Board Member Gruendl and seconded by Board Member Nickell to adopt the following resolutions:
A. **RDA Resolution No. 12-07 – A Resolution of the Redevelopment Agency Adopting a Mitigated Negative Declaration for the Bidwell Park Apartments Project Located at 1197 East Eighth Street and 1190 East Ninth Street** (Agency Action)

B. **RDA Resolution No. 13-07 – A Resolution of the Chico Redevelopment Agency, Adopting a Replacement Housing Plan Necessitated by the Development of the Bidwell Park Apartments Project Located at 1197 East Eighth Street and 1190 East Ninth Street, as a Low Income Housing Project** (Agency Action)

C. **Resolution No. 127-07 – A Resolution of the Council of the City of Chico Approving a Relocation Plan and Conversion Impact Report, For Development of the Bidwell Park Apartments Project Located at 1197 East Eighth Street and 1190 East Ninth Street, as a Low Income Housing Project** (Council Action)

D. **Resolution No. 128-07 – A Resolution of the Council of the City of Chico Allocating Thirty-Eight Units of Existing Article XXXIV Authority for a Rental Housing Project at 1197 East Eighth Street and 1190 East Ninth Street, Named Bidwell Park Apartments** (Council Action)

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl

**NOES:** None

**DISQ:** Holcombe

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A motion was made by Board Member Flynn and seconded by Board Member Nickell to adopt the following resolution:

E. **RDA Resolution No. 14-07 – A Resolution of the Chico Redevelopment Agency Authorizing: (1) Acceptance of an Assignment to Purchase and the Acquisition of a Property Consisting of Two Parcels Located at 1197 East Eighth Street and 1190 East Ninth Street; (2) An Option Agreement Between the Agency and Stone Building Corporation for the Purchase by Stone Building Corporation of the Parcels; (3) The Processing of Applications for a General Plan Amendment and Rezone for the Property; and (4) A Loan of Funds from the Agency’s Low and Moderate Income Housing Fund to Stone Building Corporation for the Development of a Low Income Housing Project Located at 1197 East Eighth Street and 1190 East Ninth Street** (Agency Action)

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl

**NOES:** None

**DISQ:** Holcombe
A motion was made by Board Member Flynn and seconded by Board Member Nickell to adopt the following supplemental appropriation:

**F. SUPPLEMENTAL APPROPRIATION RDA NO. 07-08 03 BIDWELL PARK APARTMENTS**  
*(Agency Action)*

The motion carried by the following vote:

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

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A motion was made by Board Member Gruendl and seconded by Board Member Nickell to direct staff to pursue the funding for the proposed pedestrian crossing.

The motion carried by the following vote:

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

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4. **REGULAR AGENDA**

4.1. **ITEMS ADDED AFTER POSTING OF THE AGENDA** – None

5. **ADJOURNMENT**

Adjourned at 12:14 a.m. to November 20, 2007 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.

Date Approved: January 15, 2008

__________________________________  
Deborah R. Presson, Agency Secretary
ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — November 6, 2007

CLOSED SESSION

Minutes

1. CALL TO ORDER – Mayor Holcombe called the November 6, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

Present: Bertagna, Gruendl, Nickell, Schwab, Wahl, Holcombe
Absent: Flynn – arrived at 6:08 p.m.

2. CLOSED SESSION MATTERS – The Chico City Council acted in its capacity as the City Council for consideration of Item 2.1. and the Chico Redevelopment Agency for consideration of Item 2.2.

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: Thomas V. Fogarty, et al. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:06-CV-01007-DFL-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. CONFERENCE WITH AGENCY COUNSEL — ANTICIPATED LITIGATION: Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9: Four cases.

3. ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 6

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

1.3. Call to Order – Mayor Holcombe called the November 27, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Bruce Finch, First Reader, First Church of Christ, Scientist

1.6. Roll Call

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

   Absent: None

1.7. Closed Session Announcement - None

2. **CONSENT AGENDA** – Items 2.1., 2.4., and 2.5. were removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **CAMPING ORDINANCE** – *This item was removed from the Consent Agenda for further discussion.*

2.2. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A PORTION OF STREET LOCATED AT 802 WEST FOURTH AVENUE TO FACILITATE THE CONSTRUCTION OF A TWO-STOREY RESIDENTIAL UNIT**

   **Adopted** - a resolution of intention to abandon and vacate a portion of street located at 802 West Fourth Avenue. *The Building & Development Services Director recommended adoption of the resolution which scheduled a public hearing for 12/18/07.*

   **RESOLUTION NO. 129-07 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ABANDON AND VACATE A PORTION OF STREET PURSUANT TO THE PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW (WEST FOURTH AVENUE-BETTIS / APN 043-350-011)**

2.3. **ADOPTION OF RESOLUTIONS - SEWER IN LIEUS - 386 EAST FOURTH AVENUE AND 818, 820, 822, 824 SEQUOYAH AVENUE**

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

   A. **RESOLUTION NO. 130-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO LEVYING ASSESSMENT INSTALLMENTS IN LIEU OF THE PAYMENT OF SEWER SYSTEM CONNECTION FEES INCIDENT TO THE CONNECTION OF PREMISSES TO THE CITY SEWER SYSTEM - 386 EAST FOURTH AVENUE / ASSESSOR’S PARCEL NO. 003-441-013 (petition from property owner Evelyn Liptrap)**

2.4. APPROVAL OF A MINUTE ORDER - AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AGREEMENT WITH THE COUNTY OF BUTTE - ACQUISITION OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF HICKS LANE AND EATON ROAD FOR A FUTURE FIRE STATION SITE – This item was removed from the Consent Agenda for further discussion.

2.5. DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - JERSEY'S (615 MANGROVE AVENUE, SUITE 120, CHICO) – This item was removed from the Consent Agenda for further discussion.

2.6. APPROVAL OF RESTRICTED SOLID WASTE COLLECTOR PERMIT TO CROWDER RUBBISH SERVICE

Approved - the issuance of a restricted solid waste collector permit to Crowder Rubbish Service which will allow the company to provide trash and recycling service within the Chico city limits to only the company’s existing customers that meet the conditions set forth in Section 5.16.035 B. of the Chico Municipal Code, as adopted by Council at its meeting of 11/18/03. Management Analyst Herman recommended approval of the restricted permit.

2.7. ACCEPTANCE OF FINANCE COMMITTEE RECOMMENDATION - ADMINISTRATIVE PROCEDURE AND POLICIES (AP&P) 27-4 AND 27-5

Accepted - the recommendations made by the Finance Committee at its meeting of 10/23/07. In reviewing the City's policy for Housing Rehabilitation, staff determined that certain changes were needed to the program to increase its effectiveness. This included establishing a grant program for minor/emergency home repairs for single family residences, as well as utilizing a similar grant program for the repair of mobile homes. The Finance Committee approved (3-0) staff's recommended changes to AP&P's 27-4 and 27-5.

2.8. CANCELLATION OF CITY COUNCIL MEETING - JANUARY 1, 2008

Cancelled - the first regularly scheduled Council meeting in January of 2008 which will fall on New Years Day, 1/01/08. The City Clerk recommended that the 1/01/08 meeting be cancelled.

The motion to approve the Consent Agenda, with Items 2.1., 2.4., and 2.5. removed for further discussion, carried by the following vote:

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

ITEMS REMOVED FROM CONSENT

2.1. ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADOPTING CHAPTER 9.20 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAMPING" - Introductory Reading

This item was removed from the Consent Agenda at the request of Mayor Holcombe for additional clarification from staff.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to continue this item to a future Council meeting in order for staff to incorporate changes requested by Council.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
2.4. APPROVAL OF A MINUTE ORDER - AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AGREEMENT WITH THE COUNTY OF BUTTE - ACQUISITION OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF HICKS LANE AND EATON ROAD FOR A FUTURE FIRE STATION SITE

Approved - a minute order authorizing acquisition of a parcel from the County of Butte according to the negotiated terms set forth in the minute order for property located at the northeast corner of the intersection of Hicks Lane and Eaton Road for use as a future fire station site. The Administrative Services Director recommended approval of the minute order.

This item was removed from the Consent Agenda for further clarification at the request of Councilmember Bertagna.

A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the following Minute Order:

MINUTE ORDER NO. 26-07 – AUTHORIZATION FOR THE INTERIM CITY MANAGER TO EXECUTE AGREEMENT WITH THE COUNTY OF BUTTE AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF HICKS LANE AND EATON ROAD FOR A FUTURE FIRE STATION SITE (APN 007-240-078)

The motion carried by the following vote:

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

2.5. DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - JERSEY’S (615 MANGROVE AVENUE, SUITE 120, CHICO)

Determined - that public convenience or necessity would be served by the issuance of a license at 615 Mangrove Avenue. The Department of Alcoholic Beverage Control has determined that Jersey’s, a retail hair salon and beer/snacks sales establishment, anticipated to open in December or January, is in an area with an undue concentration of alcoholic beverage licenses. Pursuant to Business and Professions Code Sections 23958.4, the requested Type 40 license could only be issued if the City Council determined that public convenience or necessity would be served by its issuance. The Housing and Neighborhood Services Director recommended a determination of public convenience or necessity.

This item was removed from the Consent Agenda for further clarification at the request of Councilmember Nickell. Addressing the Council’s questions regarding the request was Jeff Williams.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to approve a determination of public convenience or necessity for Jersey’s (615 Mangrove Avenue, Suite 120, Chico).

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1. CHICO URBAN AREA FIRE AND RESCUE AGREEMENT (CUAFRA) ANNUAL REPORT – This item was continued to the 12/4/07 meeting.
CONSIDERATION OF PARTICIPATION IN THE PLANNING PROCESS AND AUTHORIZATION TO SIGN THE PLANNING AGREEMENT FOR THE BUTTE REGIONAL HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN

The Butte Regional Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) Planning Agreement is the initial step in the cooperative planning effort to form the Habitat Conservation Plan/Natural Community Conservation Plan. The agreement formalized the participating parties’ intent to plan and prepare the HCP/NCCP. The City of Chico will be joining other local and regional government entities in agreeing to participate in the planning for a Habitat Conservation Plan that will be jointly administered by state and federal wildlife regulatory agencies. (Report - Holly Keeler, Principal Planner)

Addressing the Council on this item was Phil Johnson.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to approve the following minute order:

MINUTE ORDER NO. 27-07 – AUTHORIZATION FOR THE CITY MANAGER TO SIGN THE PLANNING AGREEMENT FOR THE BUTTE COUNTY HABITAT CONSERVATION PLAN AND NATURAL COMMUNITY CONSERVATION PLAN (HCP/NCCP)

The motion carried by the following vote:

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

The Council recessed at 8:12 p.m. for a ten minute break. The meeting was reconvened and all members were present.

FURTHER CONSIDERATION OF COUNCILMEMBER FLYNN’S REQUEST TO CREATE AN AD-HOC DOWNTOWN STUDY GROUP – This item was heard at the end of the Regular Agenda.

Consideration of the possible formation of an ad-hoc Downtown Study Group which would convene for a period of 9-12 months with the results communicated to the Council for consideration and implementation. At its meeting of 10/16/07, the Council voted (5-0, Schwab and Wahl disqualified) to continue this item at this meeting in order to allow time for the Planning Services Director to verify with the General Plan consultants on ways to structure an ad hoc committee and how its work could be integrated into the GP update. (Report - Steve Peterson, Planning Services Director)

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to: (1) direct staff to work with the consultant on the development of categories of interested parties for participation in the ad hoc group; (2) use previous information that has been gathered regarding the downtown; and (3) ask the consultant to come back with recommendations on how to utilize past information with move forward with Option 2 - the creation of a Downtown Advisory Committee and Option 3, which is a Downtown field trip of successful down towns.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Holcombe
NOES: None
ABSENT: Schwab, Wahl
4.4 CONSIDERATION OF SPECIFIC CRITERIA TO BE USED IN THE SELECTION OF FUTURE PLANNING COMMISSIONERS

The City Council considered the recent Grand Jury recommendation of adding the requirement of a "planning background" when appointing several of the City of Chico's Planning Commissioners. During the recent Grand Jury review of appointment practices, the Grand Jury identified the possible need for the City of Chico to consider additional qualifications for members of its Planning Commission. (Report- Deborah Presson, City Clerk)

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to not implement additional criteria requirements for the appointment of future Planning Commissioners.

The motion carried by the following vote:

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

4.5. CONSIDERATION OF MAYOR HOLCOMBE’S REQUEST TO APPOINT ADDITIONAL ALTERNATES TO THE GENERAL PLAN ADVISORY COMMITTEE (GPAC)

Mayor Holcombe requested that the City Council consider the issue of appointment of “alternates” to the General Plan Advisory Committee (GPAC). Addressing the Council in support of additional alternates was Nancy Knudsen, Elizabeth Devereaux, and Bill Knudsen. Speaking in opposition was Jason Bougie.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to consider this matter at this meeting.

The motion carried by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to: (1) expand the GPAC base count to 13 members to provide for attrition; (2) confirm that seven members will be the minimum number and if the committee falls below that number that staff is to come back to Council; (3) keep the current alternate (Tony Kilcollins); and (4) bring back a list for Council consideration comprised of those applicants who met the original criteria at the 11/6/07 meeting after being surveyed by the City Clerk’s office to confirm if they are still interested in serving on the GPAC.

The motion carried by the following vote:

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

4.6. ITEMS ADDED AFTER THE POSTING OF THE AGENDA – None

5. BUSINESS FROM THE FLOOR – None

6. ADJOURNMENT

Adjourned 8:50 p.m. to December 4, 2007 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.

Date Approved: January 15, 2008

Deborah R. Presson, City Clerk
1. **CALL TO ORDER** – Mayor Holcombe called the November 27, 2007 – Adjourned Regular Chico City Closed Session at 6:00 p.m.

1.1. **Roll Call**

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

   Staff Present: City Attorney Barker, City Clerk Presson, and Director of Human Resources Fulks for Items 2.1. and 2.2.

   Interim City Manager Burkland and Interim Assistant City Manager Beardsley on Item 2.2.

2. **CLOSED SESSION MATTERS**

2.1. **PUBLIC EMPLOYEE APPOINTMENT** — The Council met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of a city manager.

2.2. **CONFERENCE WITH LABOR NEGOTIATOR**

   (Gov. Code Sec. 54957.6.)

   Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

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

3. **ADJOURNMENT**

   Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1.1. **CLOSED SESSION** - 6:00 p.m. - see page 7

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

1.3. Call to Order – Mayor Holcombe called the December 4, 2007 – Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 6:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Reg Schultz-Akerson, Faith Lutheran Church

1.6. Roll Call
   
   Present: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
   Absent: None

1.7. Closed Session Announcement - None

1.8. Proclamation – Recognizing North Valley Community Foundation for their Grant Program

2. **CONSENT AGENDA** – Item 2.1. was removed from the Consent Agenda for further discussion. A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the remaining Consent Agenda items:

2.1. **ADOPTION OF A RESOLUTION - MULTI-JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLAN** – This item was removed from the Consent Agenda for further discussion.

2.2. **APPROVAL OF A MINUTE ORDER AUTHORIZING INTERIM CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT CHICO AIRPORT WITH GRANT OF LANDING PRIVILEGES (AERO UNION CORPORATION - 165 RYAN AVENUE)**

   Approved - minute order authorizing the Interim City Manager to execute a lease with Aero Union Corporation for 165 Ryan Avenue for a term of 15 years with two additional five-year extensions. The Airport Commission recommended approval of the minute order.

   **MINUTE ORDER NO. 28-07 – AUTHORIZATION FOR INTERIM CITY MANAGER TO EXECUTE LEASE OF REAL PROPERTY AT THE CHICO MUNICIPAL AIRPORT WITH GRANT OF LANDING PRIVILEGES 165 RYAN AVENUE (CITY OF CHICO/AERO UNION CORPORATION)**

2.3. **APPROVAL OF A MINUTE ORDER AUTHORIZING INTERIM CITY MANAGER TO EXECUTE A LEASE OF REAL PROPERTY AT CHICO AIRPORT WITH GRANT OF LANDING PRIVILEGES (AERO UNION CORPORATION - 100 LOCKHEED AVENUE)**

   Approved - minute order authorizing the Interim City Manager to execute a lease with Aero Union Corporation for 100 Lockheed Avenue for a term of 15 years with two additional five-year extensions. The Airport Commission recommended approval of the minute order.

   **MINUTE ORDER NO. 29-07 – AUTHORIZATION FOR INTERIM CITY MANAGER TO EXECUTE LEASE OF REAL PROPERTY AT THE CHICO MUNICIPAL AIRPORT WITH GRANT OF LANDING PRIVILEGES 100 LOCKHEED AVENUE (CITY OF CHICO/AERO UNION CORPORATION)**

The motion to approve the Consent Agenda with Item 2.1. removed, carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None
ITEMS REMOVED FROM CONSENT

2.1. ADOPTION OF A RESOLUTION - MULTI-JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLAN

Adopted - a resolution which seeks to minimize disaster risks and provides guidance to State OES in the allocation of pre-disaster mitigation grants. The Fire Chief recommended adoption of the resolution.

At the request of Councilmember Nickell, this item was removed from the Consent Agenda for further discussion. Councilmember Nickell provided information regarding a disaster planning program implemented in Santa Rosa. Vice Mayor Schwab also suggested that Bob Boeman with the University be contacted as well since he has already started working on a plan for the community.

A motion was made by Councilmember Nickell and seconded by Vice Mayor Schwab to: (1) adopt the following resolution; and (2) direct staff to review “How to Cope” materials from Santa Rosa regarding their disaster planning program and report back to Council with an analysis on how to implement some of the components of Santa Rosa’s plan.

RESOLUTION NO. 132-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING A MULTI-JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLAN

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE IMPLEMENTATION OF SEWER LIFT STATION CAPACITY FEES - CUSSICK-LASSEN SEWER LIFT STATION

As a condition of development of the Lassen Glen Subdivision, a sewer lift station was constructed to serve the new subdivision and surrounding areas. This resolution designates the area to be serviced by the Cussick-Lassen Sewer Lift Station and establishes the lift station capacity fees to be assessed upon connection to the City sewer system by properties within the designated areas. (Report - Fritz McKinley, Bldg. & Development Services Director)

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Nickell to adopt the following resolution designating the area to be served by this lift station and establishing a connection fee for properties connecting thereto.

RESOLUTION NO. 133-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S FEE SCHEDULE (AMENDMENT NO. 307 - SEWER FEES, SEWER LIFT STATION CAPACITY FEES)

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
3.2. HEARING ORDERING FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 579 - MANZANITA POINTE SUBDIVISION

A condition of approval of the Manzanita Pointe Subdivision required the establishment of a means for funding the future replacement and annual costs of operating and maintaining storm water mitigation facilities, landscaping and irrigation, and a masonry wall that are of special benefit to the subdivision located in the vicinity of East, Cactus, and Manzanita Avenues. (Report - Fritz McKinley, Building & Development Services Director)

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

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


The motion carried by the following vote:

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

3.3. HEARING ON AMENDMENTS TO TITLE 2, 18 AND 19 OF THE CHICO MUNICIPAL CODE RELATED TO IMPROVING THE PREDICTABILITY AND TRANSPARENCY IN THE DECISION MAKING PROCESS

In July 2007 the City Council directed staff to work with the Planning Commission on code amendments to enhance the predictability in the decision making process and requested staff to return with specific amendments at a noticed public hearing.

On 11/01/07 the Planning Commission recommended approval of code amendments to provide a one step appeal process, require pre-application meetings with adjacent residents and neighborhood groups, establish procedures for processing General Plan Amendments during the General Plan Update and delegate decisions to staff for condo conversions. (Report - Steve Peterson, Planning Services Director)

The hearing was opened to the public. Addressing the Council were Ken Fleming, Alan Gair, and Jason Bougie. The hearing was closed to further public comment.

A motion was made by Councilmember Nickell and seconded by Councilmember Gruendl to approve changes to the appeals process, which would establish one review authority for appeals based on the type of permit and level of discretion involved in the decision and one Council meeting to obtain a decision. The three types of permits/levels of appeal review would be:

• Administrative or ministerial permits involving no discretionary review (e.g. home occupation or second unit permits) would be reviewed at the staff level through an administrative appeal procedure. These permits must be issued if development standards are met and the Commission/Council have no discretion to modify conditions to address issues or concerns.

• Discretionary actions by staff that involve Code interpretation (e.g. Use Permits) would be appealable to the Planning Commission or Architectural Review Board.

• Quasi-judicial and legislative actions of the Board or Commission (e.g. Planned Development Permits or Design Review) would be appealable to the City Council.
A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the recommendations pertaining to the Map Advisory Committee/Staff Level Reviews which would require condo conversions be reviewed by the Map Advisory Committee rather than the Planning Commission. This change is consistent with the City survey which found that many cities delegate small subdivision review to the Planning Director or staff to streamline the process.

The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl
NOES: None

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to require pre-application neighborhood meetings and direct staff to bring back noticing requirements and methods of noticing for a full discussion by the Council.

The motion carried by the following vote:

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

A motion was made by Vice Mayor Schwab and seconded by Councilmember Gruendl to approve a change to the process for considering General Plan Amendments as stated in Option 2 of the staff report that limits General Plan Amendments by date. This approach would allow landowners the option of making requests during the General Plan Land Use Alternatives phase of the Update (Summer - Fall 2008). Applications would be accepted and considered for processing during selection of the land use alternatives; however applications submitted after the selection of land use alternatives would not be considered for processing until completion of the General Plan. A sunset date would be established for the ordinance based on the anticipated completion date for the General Plan Update (two years). Exceptions would be for those projects under 2 acres or projects designed for low income housing.

Staff was asked to provide the Council with an update on all pending applications.

The motion carried by the following vote:

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

The Council did not formally introduce the following ordinances by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO (1) AMENDING TITLE 18 OF THE CHICO MUNICIPAL CODE TO DESIGNATE THE ADVISORY AGENCY FOR CONDOMINIUM CONVERSIONS AND (2) AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS, ADDING A REQUIREMENT FOR PRE-APPLICATION NEIGHBORHOOD MEETINGS FOR SPECIFIED PROJECTS AND ESTABLISHING PROCEDURES FOR THE PROCESSING OF GENERAL PLAN AMENDMENTS PENDING THE ADOPTION OF A COMPREHENSIVE GENERAL PLAN UPDATE - Introductory Reading
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE PROVISIONS OF TITLE 2 OF THE CHICO MUNICIPAL CODE REGARDING APPEALS - Introductory Reading

These ordinances will be brought back at a future meeting for introduction.

4. **REGULAR AGENDA**

4.1. **PRESENTATION ON ECONOMIC DEVELOPMENT STRATEGY AND ADOPTION OF A RESOLUTION SUPPORTING THE CITY’S STRATEGY IN STRENGTHENING THE ECONOMIC BASE OF CHICO**

The City has been working closely with businesses, educational entities and economic development service providers over the past year to develop a strategy for the City's role and responsibility in strengthening the economic base of Chico. The resolution provides policy level support for the City's economic strategy from the Council was unanimously supported by the Economic Development Committee at its meeting of 11/08/07. *(Report - Martha Wescoat-Andes, Economic Development Redevelopment Manager)*

The City Council was provided with copies of emails received from Paul Zingg, Bill Brouhard, and Christian Friedland. Addressing the Council in support of this item were Debra Lucero, Bob Linscheid, and Mark Abouzeid.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to approve the (1) adoption of the following resolution; and (2) utilization of the strategy outlined in the resolution in staff recommendations to inform Council and guide decision making on major projects.

**RESOLUTION NO. 135-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO SUPPORTING THE CITY’S STRATEGY IN STRENGTHENING THE ECONOMIC BASE OF CHICO**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
**NOES:** None

4.2. **CONSIDERATION OF THE CHICO URBAN AREA FIRE AND RESCUE AGREEMENT (CUAFRA) ANNUAL REPORT FOR THE PERIOD MARCH 1, 2006 - FEBRUARY 28, 2007** – This item was continued to the meeting of 1/15/08.

4.3. **CONSIDERATION OF ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.18, ENTITLED “NONSEALE DISTRIBUTION OF SMOKELESS TOBACCO OR CIGARETTES” TO THE CHICO MUNICIPAL CODE**

At its meeting held 06/19/07, the City Council directed the City Attorney to prepare an ordinance, authorized by California Health and Safety Code Section 118950 (e), to prohibit the nonsale distribution of any smokeless tobacco or cigarettes in any bars where minors are prohibited. This ordinance would add Chapter 9.18, entitled "Nonsale Distribution of Smokeless Tobacco or Cigarettes" to the Chico Municipal Code. *(Report - Cindy Pierce, Administrative Services Director)*

Addressing the Council in opposition to this ordinance was Mike Reilley. Speaking in support of the ordinance was Weston Groves and Evan Waterhouse.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Flynn to introduce the following ordinance, by reading of title only, and directed staff to confirm how the distribution of cigars is to be regulated.

**ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 9.18 TO THE CHICO MUNICIPAL CODE TO REGULATE THE NONSALE DISTRIBUTION OF SMOKELESS TOBACCO OR CIGARETTES - Introductory Reading**
4.4. CONSIDERATION OF IMPLEMENTATION OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006

The Digital Infrastructure and Video Competition Act of 2006 (DIVCA) was enacted in September 2006 and will dramatically change the process for video service providers to obtain a franchise. DIVCA eliminates the City’s franchising authority after 1/02/08, and transfers such authority to the State Public Utilities Commission. Notwithstanding the loss of local franchising authority, the City retains and assumes certain responsibility, some of which must be established by ordinance. *(Report - Lori Barker, City Attorney and Cindy Pierce, Administrative Services Director)*

A motion was made by Councilmember Wahl to not adopt this ordinance. The motion died for a lack of a second.

A motion was made by Councilmember Gruendl and seconded by Councilmember Nickell to introduce the following ordinance, by reading of title only:

*ORDINANCE OF THE CITY OF CHICO ADDING CHAPTER 5.13 TO THE CHICO MUNICIPAL CODE REGARDING CABLE TELEVISION FRANCHISE REGULATIONS TO PROVIDE FOR PEG CHANNELS, PEG SUPPORT FEES, AND FRANCHISE FEES APPLICABLE TO STATEWIDE FRANCHISES AND TO ESTABLISH PENALTIES FOR VIOLATIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, INCLUDING BUT NOT LIMITED TO CUSTOMER SERVICE REQUIREMENTS - Introductory Reading*

The motion carried by the following vote:

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

**NOES:** Bertagna, Wahl

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

5. BUSINESS FROM THE FLOOR

Jillian Buckholz invited the Council to participate in the upcoming Focus the Nation event.

Rowland Burger addressed the Council on the need to preserve the Diamond Match property as an industrial park. He felt that the City should work to develop a “win win” solution that would be good for the owner and good for the neighborhood.

6. ADJOURNMENT

Adjourned at 10:05 p.m. to December 8, 2007 at 7:30 a.m. to 10:00 a.m. for a closed session which will adjourn to the adjourned regular meeting of December 18, 2007 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.

Date Approved: January 15, 2008
1. CALL TO ORDER – Mayor Holcombe called the December 4, 2007 – Adjourned Regular Chico City Council Meeting - Closed Session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 6:00 p.m.

1.1. Roll Call

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

Staff Present: Interim City Manager Burkland, City Attorney Barker, Interim City Manager Beardsley, and City Clerk Presson

2. CLOSED SESSION MATTERS – The Chico City Council acted in its capacity as the Chico Redevelopment Agency for consideration of Item 2.1. and as the Chico City Council for consideration of Item 2.2.

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The Agency Counsel reviewed the following case: Jane Dolan v. Chico Redevelopment Agency, et al., Butte County Superior Court Case No. 141213, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The City Attorney reviewed the following case: California Department of Toxic Substances Control v. Payless Cleaners, et al., U.S. District Court, Eastern District, Case No. S-02-2389 LKK DAD, pursuant to subdivision (a) of Government Code section 54956.9.

3. ADJOURNMENT

Adjourned at 6:30 p.m. to a City Council meeting in the Council Chamber.
1. Closed Session

1.2. Regular City Council Meeting - 7:30 p.m.

1.3. Call to Order – Mayor Holcombe called the December 18, 2007 – Adjourned Regular Chico City Council meeting to order in the Chico Municipal Center, Council Chamber, 421 Main Street at 7:30 p.m.

1.4. Flag Salute

1.5. Invocation — Pastor Scott Dowell, Sonrise Christian Center

1.6. Roll Call

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

1.7. Closed Session Announcement - None


2. Consent Agenda – Items 2.4., 2.12., 2.14. were removed from the Consent Agenda for further discussion. A motion was made by Councilmember Bertagna and seconded by Vice Mayor Schwab to approve the remaining Consent Agenda items:

2.1. Ordinance of the City Council of the City of Chico Amending the Provisions of Title 2 of the Chico Municipal Code Regarding Appeals - Introductory Reading

Ordinance of the City Council of the City of Chico (1) Amending Title 18 of the Chico Municipal Code to Designate the Advisory Agency for Condominium Conversions and (2) Amending Title 19 of the Chico Municipal Code Regarding Appeals, Adding a Requirement for Pre-Application Neighborhood Meetings for Specified Projects and Establishing Procedures for the Processing of General Plan Amendments Pending the Adoption of a Comprehensive General Plan Update - Introductory Reading

Introduced - ordinances to enhance the predictability in the decision making process. At its meeting of 12/04/07, the City Council held a public hearing to approve the following actions: 1) amendments to Title 2 of the Chico Municipal Code related to the appeal process; and 2) amendments to Title 19 of the Chico Municipal Code related to appeals, pre-application meetings and General Plan Amendments, however, the ordinances themselves were not properly introduced by a reading of the titles. The Planning Services Director recommended introduction of the ordinances by reading of the titles only.

Councilmember Wahl voted against introducing this ordinance.

2.2. Ordinance No. 2367 – An Ordinance of the Council of the City of Chico Adding Chapter 9.18 to the Chico Municipal Code to Regulate the Nonsale Distribution of Smokeless Tobacco or Cigarettes - Final Reading and Adoption

Adopted - an ordinance to add Chapter 9.18, entitled "Nonsale Distribution of Smokeless Tobacco or Cigarettes" to the Chico Municipal Code to prohibit the nonsale distribution of any smokeless tobacco or cigarettes in any bars where minors are prohibited. The ordinance was introduced by the City Council at its meeting held 12/04/07. The Internal Affairs Committee recommended (3-0) adoption of the ordinance.

Councilmember Wahl voted against the final reading and adoption of this ordinance.
2.3. **ORDINANCE NO. 2368 – AN ORDINANCE OF THE CITY OF CHICO ADDING CHAPTER 5.13 TO THE CHICO MUNICIPAL CODE REGARDING CABLE TELEVISION FRANCHISE REGULATIONS TO PROVIDE FOR PEG CHANNELS, PEG SUPPORT FEES, AND FRANCHISE FEES APPLICABLE TO STATEWIDE FRANCHISES AND TO ESTABLISH PENALTIES FOR VIOLATIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, INCLUDING BUT NOT LIMITED TO CUSTOMER SERVICE REQUIREMENTS - Final Reading and Adoption.**

*Adopted* - an ordinance to add Chapter 5.13, entitled “Franchises - Digital Infrastructure and Video Competition Act of 2006” to the Chico Municipal Code to implement the Digital Infrastructure and Video Competition Act of 2006 enacted by the State Legislature in September 2006. The ordinance was introduced by the City Council at its meeting held 12/04/07. The **Internal Affairs Committee recommended (3-0) adoption of the ordinance.**

Councilmember Wahl voted against the final reading and adoption of this ordinance.

2.4. **CAMPING ORDINANCE - This item was removed from the Consent Agenda for further discussion.**

2.5. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 18.17.040 OF THE CHICO MUNICIPAL CODE - Introductory Reading**

*Introduced* - an ordinance amending section 18.17.040 entitled "Notice of Intent for Minor Land Division or Boundary Line Modification" to add lot mergers to the process for noticing all persons owning real property within one hundred feet of the property affected. The **Internal Affairs Committee recommended introduction of the ordinance by reading of the title only.**

2.6. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING SECTION 15.36.246 OF CHAPTER 15.36 OF THE CHICO MUNICIPAL CODE, ENTITLED "SEWER SERVICES AND FEES" - Introductory Reading**

*Introduced* - an ordinance amending section 15.36.246 of CMC Chapter 15.36 entitled "Sewer Services and Fees" to authorize the connection of undeveloped properties located in the unincorporated territory of Butte County to the City's sanitary sewer system. The **Internal Affairs Committee and the City Council recommended introduction of the ordinance by reading of the title only.**

2.7. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLES 16 AND 18 OF THE CHICO MUNICIPAL CODE PERTAINING TO FLOOD HAZARD AREAS - Introductory Reading**

*Introduced* - an ordinance amending Titles 16 and 18 of the Chico Municipal Code to comply with FEMA requirements. The **Building Official recommended introduction of the ordinance by reading of the title only.**

2.8. **ADOPTION OF A RESOLUTION OF INTENTION TO ABANDON A PUBLIC UTILITY EASEMENT AT WEST SEVENTH AVENUE TO FACILITATE THE EXPANSION OF NASH’S RESTAURANT**

*Adopted* - a resolution of intention to abandon and vacate a public utility easement located at the northwest corner of West Seventh Avenue and the Esplanade to facilitate expansion of Nash’s Restaurant. The **Building and Development Services Director recommended adoption of the resolution which will schedule a public hearing on January 15, 2008.**

**RESOLUTION NO. 136-07 – A 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 (114 WEST SEVENTH AVENUE / ASSESSOR’S PARCEL NOS. 003-574-008 & 009)**
2.9. ADOPTION OF A RESOLUTION OF INTENTION TO ORDER FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 568 - SHASTAN AT GLENWOOD SUBDIVISION

**Adopted** - a resolution of intention to form the maintenance district through a voting procedure and directed the City Clerk to schedule initial and final public hearings as set forth in Chapter 3.81 of the Chico Municipal Code. **The Building and Development Services Director recommended adoption of the resolution.**

RESOLUTION NO. 137-07 – A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF CHICO TO ORDER FORMATION OF A MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE MAINTENANCE DISTRICT ORDINANCE OF 1997 - CITY OF CHICO MAINTENANCE ASSESSMENT DISTRICT NO. 568 - SHASTAN AT GLENWOOD SUBDIVISION

2.10. ADOPTION OF A RESOLUTION INITIATING PROCEEDINGS TO ANNEX PROPERTY LOCATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF BUTTE TO THE INCORPORATED TERRITORY OF THE CITY OF CHICO - EATON ROAD ANNEXATION DISTRICT NO. 6

**Adopted** - a resolution initiating the annexation of one 1.62 acre parcel located on the northeast corner at the intersection of Eaton Road and Hicks Lane. The parcel is being acquired by the City of Chico as the future site for City Fire Station No. 7. Annexation will facilitate this development and is consistent with Council action on 11/27/07. **The Special Projects Planner recommended adoption of the resolution.**


2.11. ADOPTION OF A RESOLUTION AMENDING CMC TITLE 16R TO ADOPT STATE MANDATED BUILDING AND FIRE CODES

**Adopted** - a resolution that will amend or repeal certain chapters and sections of CMC Title 16R to adopt the new Building and Fire Codes as mandated by the State of California. **The Building and Development Services Director and the Fire Marshall recommended adoption of the resolution.**

RESOLUTION NO. 139-07 – A RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO REPEALING OR AMENDING CERTAIN CHAPTERS AND SECTIONS IN TITLE 16R IN RELATION TO THE ADOPTION OF THE MANDATED CODES FOR ENFORCEMENT BY THE CITY’S BUILDING AND FIRE PREVENTION DIVISIONS

2.12. CITY’S ADMINISTRATIVE CITATION FEE SCHEDULE – This item was removed from the Consent Agenda for further discussion

2.13. ADOPTION OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE GROUND LEASE WITH COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC. (CHIP) FOR THE MURPHY COMMONS PROJECT SITE

**Adopted** - a resolution which authorized an amendment to extend the termination date for the existing ground lease by six months from January 1, 2073 to June 30, 2073. **The Housing and Neighborhood Services Director recommended adoption of the resolution.**

RESOLUTION NO. 141-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AUTHORIZING AN AMENDMENT TO THE LEASE OF CITY OWNED PROPERTY AT 1290 NOTRE DAME BOULEVARD TO COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC. (CHIP) FOR THE MURPHY COMMONS AFFORDABLE HOUSING PROJECT
2.14. **ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION - ALBION COURT**

This item was removed from the Consent Agenda for further discussion.

The motion to approve the Consent Agenda, with Items 2.4., 2.12., and 2.14. removed for further discussion, carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** Wahl, on Items 2.1., 2.2., and 2.3. only

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**ITEMS REMOVED FROM CONSENT**

2.4. **ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADOPTING CHAPTER 9.20 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAMPING" - Introductory Reading**

 Introduced - an ordinance which defines unlawful camping. In response to citizen concerns about persons utilizing both public and private property for unauthorized camping (primarily in travel trailers, RVs and vehicles), the City Attorney's Office drafted an ordinance for consideration. The draft ordinance was considered by the Internal Affairs Committee at their 8/14/07 meeting and since that time, the City Attorney's Office proposed the following two changes: (1) to remove City Manager authority to issue a temporary permit for camping associated with special events and; (2) except as otherwise allowed by the ordinance, to clarify that only private property which is operated and maintained as a campground in conformance with Title 19 of the Chico Municipal Code may be used for camping. The Internal Affairs Committee recommended (3-0) introduction of the ordinance, with an additional staff recommendation to remove from the proposed ordinance the language pertaining to City Manager authority to issue temporary permits for special camping events and to add clarifying language regarding the definition of "unlawful camping."

Vice Mayor Schwab removed this item from the Consent Agenda for clarification regarding the impact that this ordinance would have on CARD events such as the annual camp-out at the park. The City Attorney indicated that this ordinance would not preclude those type of events at CARD facilities. Should an event be held in one of the City parks, it would require an event permit through the City.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to introduce the following ordinance by reading of title only:

**ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO ADOPTING CHAPTER 9.20 OF THE CHICO MUNICIPAL CODE, ENTITLED "CAMPING" - Introductory Reading**

The motion carried by the following vote:

**AYES:** Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe

**NOES:** None

2.12. **ADOPTION OF A RESOLUTION AMENDING THE CITY'S ADMINISTRATIVE CITATION FEE SCHEDULE**

Adopted - a resolution which amended the City’s administrative citation fee schedule. The Chico Municipal Code (CMC) Chapter 1.15 (Administrative Citations) allows for the imposition of an administrative fine for any violation of the CMC. An administrative citation fee schedule was adopted by Resolution No. 16998-99, on 6/15/99, to support the Administrative Citation process. Since the original adoption of the fee schedule, there have been a number of additions and amendments to the CMC, which are not addressed in the fee schedule. Violations of these sections of the CMC are appropriately handled through the administrative citation process. The requested action amends the fee schedule to bring it up to date and in conformance with the CMC. The Housing and Neighborhood Services Director recommended adoption of the resolution.
This item was removed from the Consent Agenda at the request of Councilmember Wahl for further clarification regarding the fee associated with violations of the Nuclear Free Zone.

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the following resolution and to refer the discussion of the fees associated with the Nuclear Free Zone to Internal Affairs Committee.

RESOLUTION NO. 140-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE CITY’S ADMINISTRATIVE CITATION FEE SCHEDULE (AMENDMENT NO. 308 - ADMINISTRATIVE FINES FOR MUNICIPAL CODE VIOLATIONS)

The motion carried by the following vote:

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

2.14. ACCEPTANCE OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATION - ALBION COURT

Accepted - the recommendation of the Internal Affairs Committee at its meeting of 11/13/07 to not require the connection of Albion Court to the future Eaton Road extension. The Internal Affairs Committee recommended that Albion Court not be connected to the future Eaton Road extension.

This item was removed from the Consent Agenda for further clarification at the request of Councilmember Wahl.

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to accept the Internal Affairs Committee recommendation regarding Albion Court.

The motion carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1. HEARING ON THE ABANDONMENT OF A PORTION OF STREET LOCATED AT 802 WEST FOURTH AVENUE - BETTIS

Property owners Marty and Raiza Bettis requested the abandonment of a portion of right-of-way adjacent to their property located at 802 W. 4th Avenue to allow for additional parking required by the construction of additional residential units at the site. At its meeting of 11/27/07, Council adopted Resolution No. 129-07, stating its intent to abandon the portion of right-of-way and set the public hearing for this meeting. (Report - Fritz McKinley, Building and Development Services Director)

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

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


The motion carried by the following vote:

AYES: Bertagna, Flynn, Gruendl, Nickell, Schwab, Wahl, Holcombe
NOES: None
Council recessed at 8:20 p.m. for a ten minute break.
The meeting reconvened and all members were present.

4. **REGULAR AGENDA**

4.1. **CONSIDERATION OF APPOINTMENT OF THREE ADDITIONAL MEMBERS TO THE GENERAL PLAN ADVISORY COMMITTEE (GPAC)**

At its meeting of 11/27/07, the City Council voted to add three additional members to the GPAC. Staff surveyed the applicants from the recruitment who met the criteria for appointment and Council was provided with a list of those applicants. *(Report - Deborah Presson, City Clerk)*

The Council was provided with a copy of e-mails received from Richard Elsom and Darlene Baxman.

The City Council appointed Sara Adams, Kristin McHenry, and Michael Worley to serve on the General Plan Advisory Committee.

4.2. **CONSIDERATION OF FINANCE COMMITTEE RECOMMENDATIONS REGARDING BUDGET DEFICIT ALTERNATIVES**

The Finance Committee held a series of meetings to discuss alternatives to balance the General and Park Funds' Ten Year Financial Plan and to address its structural deficit. At its last two meetings, held 11/27/07 and 12/05/07, the Committee considered recommendations from the Interim City Manager related to a strategy to balance the Plan. *(Report - Dave Burkland, Interim City Manager)*

The City Council was provided with letters and e-mails from the following:


Addressing the Council were Juanita Sumner, Frank Zebley, Terry Moore - representing the Chico Police Officer's Association and Bill Hack - representing the International Association of Firefighters.

Speaking in opposition to possible library funding cuts were John Few, David Wilson, Hannah Moravec, Macy Kelly, Anna Guiles, Joan Olmstead, and Margaret Bomberg.

Addressing the Council in opposition to any proposed cuts to Community Organization funding were Maria Phillips, Ty Gorton, Weston Thomson, Debra Lucero, Dolores Mitchell, Emily Alma, Paul Friedlander, Deborah Jorritsma, Janice Porter, Louisiana Knox, Louise Philipp-Derr, Pat Kemeny Macias, Jeff Lindsay, Paula Busch, Evan LeVang, Diane Cooper, Norma Wilcox, David Sutherland, and Debra Abbott.

The Council voted 7-0 to extend the meeting to 10:30 p.m.
1. Strategy to Balance the City’s Ten Year Financial Plan.

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to adopt the Strategy to Balance the City’s Ten Year Financial Plan as listed in the staff report.

The motion carried by the following vote:

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

2. Resolution to Adopt Annual Budgets

A motion was made by Councilmember Bertagna and seconded by Councilmember Wahl to adopt the following resolution authorizing the preparation of an annual budget for 2008-09 Fiscal Year.


The motion carried by the following vote:

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

3. Measures with $0 Reduction or Forwarded Without Recommendations by the Finance Committee

A. Library Funding

A motion was made by Councilmember Wahl and seconded by Vice Mayor Schwab to leave the funding in place for the Chico branch of the Butte County Library for the Fiscal Year 08/09, with a friendly amendment requested by Councilmember Gruendl (and accepted by Councilmember Wahl) to request the discussion of a long-term strategy for library funding be included in the Finance Committee’s consideration of the Phase I and Phase II planning and implementation.

Mayor Holcombe noted that while he was supporting the motion to not reduce the funding for the 2008/2009 fiscal year, that both the library and Community Organization funding were not off the table and should be included in the on-going discussion of weighing one service to another.

The motion carried by the following vote:

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

B. Community Organization Funding

A motion was made by Vice Mayor Schwab and seconded by Councilmember Bertagna to: (1) not make any cuts at this time but keep the Community Organization funding for FY 2008/2009 at the 2007 level; (2) incorporate new criteria in order to measure economic development impacts or benefits; and (3) direct that Community Organization funding will continue to be part of the Finance Committee discussions when long-term strategies are being developed.

Councilmember Gruendl noted for the record that he believes that the Community Organization funding issue is really two-fold, with TOT and Economic Development being revenue generators while social organizations are not. He stressed that there may still be a need to be look at Community Organization funding as part of the structural change needed to address the fiscal situation.
The motion carried by the following vote:

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

The Council voted 7-0 to extend the meeting to 11:15 p.m.

Council recessed at 10:45 p.m. for a ten minute break.
The meeting reconvened and all members were present.

4. Approve the remaining immediate expenditure/revenue measures set forth in the agenda report.

Councilmember Gruendl noted for the record that a significant reduction in costs totaling $912,323 has already been realized through renegotiated labor contracts pertaining to the Cost of Living formulas. In addition, staff has made other reductions through re-organizations, solar programs, fleet optimization, etc. In pursuing the remaining measures related to employee wages, benefits, etc., Councilmember Gruendl indicated that he would have a hard time asking employees to make these additional cuts if the Council was not willing to look at cuts in other areas.

A motion was made by Councilmember Bertagna and seconded by Councilmember Gruendl to approve: (1) pursuing the remaining immediate expenditure/revenue measures set forth on Exhibit "C, Section III, which are listed as follows, excluding the items (5, 6, and 13) pertaining to “parking” measures which will be addressed separately; and (2) direct staff and all employee bargaining group representatives to begin immediately to discuss the framework as to how the City and labor groups will meet and confer on all labor related items.

Specifically:

1) Limit medical insurance contributions, with goal of reducing General and Park Fund costs by $450,000 per year.

   Organizational Impact: 58% of employee base have enhanced Health plans (higher coverage than the Double 80/20 PPO plan). Highest impact – $3,181 per year per employee. Lowest impact – $206 per year per employee.

   Community Impact: None

2) Fire Department to achieve annual cost savings with a goal of $340,000 – $400,000 per year.

   Organizational Impact: Fire Department to develop a plan to achieve targeted savings.

   Community Impact: Dependent on the plan developed by the Fire Department.
3) Reduce Fleet Replacement Reserve by $300,000 for the next four years.

Organizational Impact: May result in the delay of vehicle replacements.

Community Impact: More efficient use of funds.

4) Reduce transfer to Private Development Fund by revising Development Services fee.

Organizational Impact: Less reliance on General Fund.

Community Impact: Fees for service would cover the cost of providing the service.

7) Freeze Managements’ merit pay increase for one year.

Organizational Impact: Potential compaction issue between union employees and management employees.

Community Impact: None

8) Reduce costs of processing business licenses by issuing 2-year licenses.

Organizational Impact: Allows staff to focus on revenue collection efforts for all funds.

Community Impact: Increased convenience for the majority of businesses.

9) Privatize Airport operations.

Organizational Impact: Potentially use contractor to perform day to day maintenance. Still under review.

Community Impact: None

10) Partially close City Hall between Christmas and New Years’.

Organizational Impact: Savings achieved by reducing energy costs and salary savings.

Community Impact: Typically this week has very low activity at City Hall – impact would be minimal.

11) Implement a fee for the usage of the Council Chambers and Conference Rooms by outside agencies.

Organizational Impact: Partial cost recovery for the use and upkeep of the Chamber Building.

Community Impact: Impact to those organizations who utilize the Chamber Building.
12) Reduce contributions to CMDs by increasing the maximum assessments limitations.

**Organizational Impact:** Would require a majority vote of those within the affected Maintenance District.

**Community Impact:** None

14) Develop sustainability features in new Police Facility to reduce on going operating costs.

**Organizational Impact:** None

**Community Impact:** None

15) Research a two-tiered benefit system.

**Organizational Impact:** Long-term solution. Immediate savings would not be realized. Could impact City’s ability to recruit and retain employees.

**Community Impact:** If the City’s ability to retain and attract employees is impacted, service delivery could be negatively impacted.

16) Research Pension Obligation Bond option to refinance PERS liability.

**Organizational Impact:** Pension Obligation Bonds are only successful if they are issued at a rate lower than the rate paid to PERS.

**Community Impact:** None

The motion carried by the following vote:

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

A motion was made by Councilmember Gruendl and seconded by Councilmember Bertagna to approve the remaining items listed on Exhibit “C, Section III, with Councilmember Wahl and Vice Mayor Schwab disqualified due to owning property and/or owning a business in the downtown area and/or within 500 ft. of a parking meter.

5) Expand parking enforcement efforts.

**Organizational Impact:** Impact would depend on method utilized to increase enforcement. Costs related to the use of technology or additional enforcement officers would be offset by the increased revenue.

**Community Impact:** Improved parking turnover in the downtown area and areas surrounding the campus.
6) Increase parking fine from $15 per citation to $20 per citation.

   **Organizational Impact:** None

   **Community Impact:** Higher penalty for parking citations.

13) Increase the late penalty for delinquent parking citations from $30 to $35.

   **Organizational Impact:** None

   **Community Impact:** Higher penalty for delinquent payments.

The motion carried by the following vote:

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

4.3. **FUTURE MEETINGS**

   The Council scheduled the January 15, 2008 - Adjourned regular meeting’s closed session to be held between 5:30 p.m. and 7:00 p.m., followed by an adjourned regular meeting in the Council Chamber.

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

5. **BUSINESS FROM THE FLOOR**

   Forest Harlan addressed the Council regarding his concerns over the Disorderly Events Ordinance.

6. **REPORTS AND COMMUNICATIONS**

   The following reports and communication items were provided for the Council’s information. No action was taken on any of the items unless otherwise noted.

6.1. **DEVELOPMENT IMPACT FEE REPORT (2006-07) FOR THE PERIOD ENDED 6/30/07**

   As required by California Government Code §66006(b), the City Council was provided with a copy of the 2006-07 City of Chico Development Impact Fee Report for the fiscal year ended 6/30/07. The statute requires the City Council to review the report, but no particular findings or actions are required.

7. **ADJOURNMENT**

   Adjourned at 11:25 p.m. to January 12, 2008 at 7:30 a.m. for a closed session which will adjourn to the adjourned regular meeting of January 15, 2008 at 5:30 p.m., in Conference Room 2 if a closed session is scheduled, followed by an adjourned regular meeting in the Council Chamber at 7:00 p.m.

   **Date Approved:** February 19, 2008

   ______________________________________
   Deborah R. Presson, City Clerk
CLOSED SESSION

1. CALL TO ORDER – Mayor Holcombe called the December 18, 2007 – Adjourned Regular Chico City Council meeting closed session to order in the Chico Municipal Center, Conference Room #2, 421 Main Street at 5:30 p.m.

1.1. Roll Call

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

Staff Present: Interim City Manager Burkland, Interim Assistant City Manager Beardsley, City Attorney Barker, City Clerk Presson, Director of Human Resources Fulks

2. CLOSED SESSION MATTERS – The Chico City Council acted in its capacity as the Chico Redevelopment Agency for consideration of Item 2.1. and as the Chico City Council for consideration of Items 2.2. and 2.3.

2.1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION: The Agency Counsel reviewed the following case: Jane Dolan v. Chico Redevelopment Agency, et al., Butte County Superior Court Case No. 141213, pursuant to subdivision (a) of Government Code section 54956.9.

2.2. CONFERENCE WITH LABOR NEGOTIATOR
(Gov. Code Sec. 54957.6.)
Negotiator: Dave Burkland, Interim City Manager and Dan Fulks, Director of Human Resources

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

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 Rod O’Hern. (Gov. Code Sec. 54956.9(a).)

3. ADJOURNMENT

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