



City Clerk's Office
411 Main Street, Chico, CA 95928
(530) 896-7250

CITY OF CHICO
INTERNAL AFFAIRS COMMITTEE

NOTICE OF CANCELLATION OF MEETING

The Internal Affairs Committee meeting scheduled for
January 10, 2012, has been canceled.

The next meeting of the Internal Affairs Committee is
scheduled for Tuesday, February 14, 2012 at 8:00 a.m. in
Conference Room No. 1, unless otherwise noted.

By: Dani Brinkley, Administrative Analyst
Dated: January 6, 2012



Internal Affairs Committee Report

DATE: February 14, 2012

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS MADE AT THE MEETING HELD ON FEBRUARY 14, 2012**

<u>Committee Present:</u> Chair Walker Councilmember Evans Councilmember Holcombe (Absent) Substitute Member Goloff (Absent)	<u>Staff Present:</u> Assistant City Manager Rucker City Attorney Barker City Clerk Presson	Public Works Manager White Parks Manager Euseff Senior Park Ranger Erdahl Administrative Analyst Brinkley
--	--	--

REGULAR AGENDA

ITEMS REQUIRING COUNCIL ACTION

- A. **Consideration of Request from American Lung Association for Comprehensive Policy Regarding the Reduction of Tobacco Product Waste.** By letter received September 7, 2011, the American Lung Association (ALA) requested that the City Council consider a comprehensive policy to protect the public from outdoor secondhand smoke exposure and to reduce tobacco product waste in public areas. At its meeting of September 20, 2011, the City Council referred the item to the Internal Affairs Committee. At its meeting of November 8, 2011, the Internal Affairs Committee agreed to consider the requests separately. *(Report - John Rucker, Assistant City Manager)*

Staff advised the Committee of California Penal Code Title 10, Section 374, which prohibits littering and the City of Chico enforces, as required by law.

Addressing the Committee regarding the littering issue associated with cigarette smoking were Shelly Brantly and Heather Keig, representing the Downtown Chico Business Association (DCBA), who indicated the business owners felt more ashtrays and receptacles need to be placed downtown.

A motion was made by Councilmember Evans and seconded by Chair Walker to forward a recommendation to Council to not pursue this issue further because the City of Chico already enforces State law pertaining to litter, which includes tobacco waste.

Motion carried 2-0-1 (with Goloff absent).

- B. **Consideration of Request from American Lung Association for a Comprehensive Policy to Protect the Public from Second Hand Smoke.** At its meeting of November 8, 2011, the Internal Affairs Committee considered a request from the American Lung Association for a comprehensive City-wide policy to protect the public from outdoor second hand smoke and reduce tobacco product waste. The Committee agreed to pursue the issue of second hand smoke after receiving input from community groups representing businesses, health care professionals and enforcement. Prohibiting smoking within Bidwell Park year-round was considered by the Bidwell Park and Playground Commission (BPPC) and its Policy Advisory Board. *(Report - John Rucker, Assistant City Manager)*

Staff provided an overview of the difficulties of enforcement, the costs associated with adopting a comprehensive policy to prohibit smoking within 25 feet of business entryways, and balancing a person's right to smoke with a person's right to breathe clean air. It was noted that both the DCBA

and the Chamber of Commerce have reached out to the business community and the consensus is to keep the smoking ban voluntary.

Juanita Sumner questioned who would write the ordinance and how much this effort would cost the taxpayers. She also questioned if the City could adopt a smoking ban without a vote of the people.

Several students involved in KLEAN spoke in favor of a smoke free policy.

Councilman Evans expressed concern over the ALA requested 25 feet requirement, which is more restrictive than the state law of 20 feet.

Ms. Brantly stated that the current state law requirements would work for their group in the development of a comprehensive citywide smoking ban from business entryways.

Katie Simmons of the Chico Chamber of Commerce stated their organization is split on the issue, with the general feeling to move towards a smoke free environment in the future. However, they believe that at this time it needs to remain voluntary.

Heather Keig of the DCBA stated this type of regulation would have an impact on the restaurants and bars with a concern that businesses will be left to enforce it. DCBA members believe the voluntary ban is working.

There was a consensus (2-0-1, with Goloff absent) among the Committee to forward a recommendation to Council to not move forward with the request from American Lung Association for a comprehensive policy to protect the public from second hand smoke by prohibiting smoking within 20 feet of business entryways.

Bidwell Park – Smoke Free Policy

Chair Walker then addressed the matter of prohibiting smoking in all City parks, with the exception of Bidwell Golf Course.

Parks Manager Efseaff spoke regarding the Bidwell Park and Playground Commission recommendation to ban smoking year round in all City parks and greenways.

Councilmember Evans asked if there are concerns regarding enforcement or any legal implications.

City Attorney Barker stated there are no legal implications with banning smoking in City parks.

Parks Manager Efseaff asked that the issue of smoking inside cars within the park be clarified if this moves forward.

Senior Park Ranger Erdahl discussed how the smoking ban in City Plaza is currently enforced and stated that currently there are a lot of educational contacts. She stated there are challenges when smoking is banned in one area and not in another.

Steve Visconti with the Chico Area Recreation District spoke regarding CARD's recent adoption of a smoking ban in all its parks. He said there is a lot of education involved and it would help if the City parks were consistent with CARD parks.

There was a consensus (2-0-1, with Goloff absent) among the Committee to forward a recommendation to Council to request the Bidwell Park and Playground Commission to continue further discussion and forward a recommendation to the Council on prohibiting smoking in all City parks, with the possible exception of the Bidwell Golf Course, and to establish clear rules on smoking in vehicles in the parks.

ITEMS NOT REQUIRING COUNCIL ACTION:

- C. **Resolution to End Corporate Personhood** – There was discussion regarding a request from Jon Luvaas to have the Council adopt a resolution urging Congress to initiate an amendment to the U.S. Constitution to end corporate personhood. This item was referred from Council at its meeting of January 17, 2012.

Jon Luvaas and several members of the public spoke in favor of the need to end corporate personhood and urged Council to consider placing this as a ballot measure in the November 2012 election, instead of just adopting a resolution of support.

Quentin Colgan spoke in favor of ending corporate personhood. However, he felt that the Council should take action by adopting a resolution prior to the election.

There was a consensus among the Committee to continue the discussion regarding corporate personhood to the March 13, 2012 Internal Affairs Committee meeting.

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

- E. **Adjournment and Next Meeting** - The meeting adjourned at 10:05 a.m. to the next regular Internal Affairs Committee meeting scheduled for Tuesday, March 13, 2012, at 8:00 a.m. in Conference Rm. No. 1.



Dani Brinkley, Administrative Analyst

Distribution:

City Council (7), Council Office copy, CM, ACM, CA, CC, COP, FD



Internal Affairs Committee Report

DATE: March 13, 2012

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS MADE AT THE MEETING HELD ON MARCH 13, 2012**

<u>Committee Present:</u> Chair Walker Councilmember Evans Councilmember Holcombe	<u>Staff Present:</u> City Manager Burkland Assistant City Manager Rucker City Attorney Barker City Clerk Presson	Administrative Analyst Brinkley
--	---	---------------------------------

REGULAR AGENDA

ITEMS REQUIRING COUNCIL ACTION

- A. **Resolution to End Corporate Personhood** - Continued from the February 14, 2012 Internal Affairs Committee meeting - Discussion regarding a request from Jon Luvaas to have the Council adopt a resolution urging Congress to initiate an amendment to the U.S. Constitution to end corporate personhood. This item was referred from Council at its meeting of January 17, 2012. ***Due to this being a non-local issue, it must be established how this has a significant and compelling impact on the City. (AP&P 10-10, Section II.B.4-5).***

Chair Walker stated he believes this is a local issue and requested City Clerk Presson to explain AP&P 10-10 that is referenced

City Clerk Presson stated this issue was brought before Council at the request of a citizen. She explained that at the Council meeting of January 17, 2012, the City Council should have established how this is a local issue and made the findings that this matter has a significant and compelling impact on the City. However, the Council voted 5-2 (with Sorensen and Evans opposed) to forward the item to the Internal Affairs Committee without further discussion.

Councilmember Holcombe stated he believes this is a local issue and does have an impact on the City. The City adopted an ordinance years ago that limited campaign donations by Political Action Committees (PACs), and the recent Supreme Court Decision regarding Citizens United invalidated the City's ordinance.

Speaking in favor of the City adopting a resolution and also placing a resolution on the November 6, 2012 ballot were: Jon Luvaas, Doug Fogal, Cathy Webster, Chuck Greenwood, Betsy Kruger, Chauncey Quam, Peter Milbury, Benson, Dana Lichman, Chris Nelson.

Councilmember Evans asked Mr. Luvaas to clarify if he is asking Council to consider adopting a resolution or asking Council to place this matter on the ballot for the voters to decide.

Mr. Luvaas clarified he is asking Council to consider adopting the resolution provided and also to consider placing it on the ballot.

A motion was made by Councilmember Holcombe and seconded by Chair Walker to forward a recommendation to Council to consider adopting a resolution regarding corporate personhood.

The motion carried 2-1, with Councilmember Evans dissenting.

A motion was made by Councilmember Holcombe to forward a recommendation to Council to consider initiating a ballot measure for citizens to vote on the issue of supporting a resolution to regulate corporate personhood.

The motion failed due to lack of a second.

- B. **Support for Prop 29** - This item was referred by Council from its meeting of 2/7/12. Speakers representing the American Cancer Society asked that Council write a letter of support for this initiative that would raise the tobacco tax by \$1 per pack. *Due to this being a non-local issue, it must be established how this has a significant and compelling impact on the City (AP&P 10-10, Section II.B.4-5).*

City Clerk Presson stated that this item was addressed by speakers during Business from the Floor at the Council meeting of February 7th. Councilmember Gruendl spoke at the Council meeting regarding this matter and then began discussing an incident related to the Chico Police Department. The Mayor then referred the item to the Internal Affairs Committee for further review. The local impact should have been established and how this matter will have a significant and compelling impact on the City. While the Council can draft and send individual letters of support, the Mayor felt the Council as a whole may want to support this proposition.

Councilmember Evans asked if there is a history of Council sending letters of support or opposition to items at the state level.

Presson stated there is a history of Councilmembers bringing items forward however the Councilmember requesting must establish that there is a local impact.

Councilmember Evans stated the AP&Ps state a "compelling impact on the City", not on the community, not on the citizens. He expressed concern that the City is spending time on an issue that does not fall into the realm of City business, instead of working on the basic necessities of the City. Every issue at the state level could potentially have an impact on the citizens.

Councilmember Holcombe indicated that he believes this does impact the City because it's a public health issue and the smoke in the air is a significant local issue. Taxing cigarettes affects peoples' behavior.

Addressing the Committee in support of this request were Cindy Bahl, Joel Mitchell, Rachel Stokes, Charilyn Conn, and Dave Donnan.

A motion was made by Councilmember Holcombe and seconded by Chair Walker to forward a recommendation to Council to consider sending a letter of support for Prop. 29.

The motion carried 2-1, with Councilmember Evans dissenting.

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

- D. **Adjournment and Next Meeting** - The meeting adjourned at 9:48 a.m. to the next regular Internal Affairs Committee meeting scheduled for Tuesday, April 10, 2012, at 8:00 a.m. in Conference Rm. No. 1.



Dani Brinkley, Administrative Analyst

Distribution:

City Council (7), Council Office Copy, CM, ACM



City Clerk's Office
411 Main Street, Chico, CA 95928
(530) 896-7250

CITY OF CHICO
INTERNAL AFFAIRS COMMITTEE

NOTICE OF CANCELLATION OF MEETING

The Internal Affairs Committee meeting scheduled for
April 10, 2012, has been canceled.

The next meeting of the Internal Affairs Committee is
scheduled for Tuesday, May 8, 2012 at 8:00 a.m. in
Conference Room No. 1, unless otherwise noted.

By: Karen Masterson, Administrative Assistant
Dated: April 4, 2012



Internal Affairs Committee Report

DATE: May 8, 2012

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **CONSIDERATION OF INTERNAL AFFAIRS COMMITTEE RECOMMENDATIONS MADE AT THE MEETING HELD ON MAY 8, 2012**

<u>Committee Present:</u> Chair Walker Councilmember Evans Councilmember Holcombe	<u>Staff Present:</u> Assistant City Manager Rucker City Attorney Barker Interim Chief of Police Trostle	Police Lieutenant Dye City Clerk Presson Administrative Assistant Masterson
--	---	---

REGULAR AGENDA

ITEMS REQUIRING COUNCIL ACTION

- A. **Proposal to Amend the Chico Municipal Code, Chapter 9.38, Noise** – At its December 13, 2011 meeting, the Internal Affairs Committee was provided with an overview of the current noise ordinance and the need for certain refinements. Following the overview, the Committee directed staff to solicit input from the community and then bring the issue back at a future meeting. Community meetings have been held and the Committee was being asked to consider the recommendations from the Chief of Police regarding certain amendments of the current regulations. (***Report – Kirk Trostle, Interim Chief of Police***)

Interim Chief of Police Trostle began by stating the definition of “noise” according to the State of California is when one “willfully and maliciously” causes another to be disturbed. He acknowledged that Chico has a history of noise being a significant issue and always controversial. The core of unreasonable noise was once in the area of 5th Street and Ivy; however, there has been a migration into other neighborhoods throughout the City. There was no warning required when the Municipal Code was first written. It was later modified to provide for a 72-hour warning. It is felt that the ordinance, in its current form, is no longer reasonable and needs to be addressed.

Police Lt. Dye provided history of the noise issue, explaining that members of the public approached the Police Advisory Board in the fall of 2011. Several public meetings were held to gather citizen input. Many suggestions were made, including removal of the written warning requirement, utilization of a graduated fine scale, in landlord accountability, extending the warning requirement to six months or more, instituting the use of a decibel meter, establishing an overlay zone within which lesser consequences would apply, utilizing the abatement process for chronic offenders, and hiring more police officers.

After public vetting and further consideration, it was decided to limit the recommended changes to the following: 1) remove the written warning requirement; 2) remove the need for a written statement from the complaining party; and, 3) allow issuance of a citation for the infraction violation upon the police officer’s verification of the citizen’s verbal complaint. The Police Department asked for direction to work with the City Attorney to rewrite the noise ordinance. It was mentioned that ordinances in other cities were reviewed, including those of Davis, CA, Fort Collins, CO, and San Luis Obispo, CA.

Members of the public addressing the Committee on this issue were: William Sheridan, Charlotte Goldsmith, Charlie Preusser, Julie Danan, Anna Donovan, Melinda Vasquez, Martin Hall, Dave Noble, Ray Murdock, and Judy O’Neill. Chair Walker closed the public comment period at 9:30 a.m.

Chair Walker asked if there would be any freedom of speech issues that would need to be considered when revising the noise ordinance. City Attorney Barker stated that there would not be. With respect to using a six-month warning period, Lt. Dye commented that would add tracking to the workload and further, tenancy could change during that period of time. Committee Member Evans asked about the use of a decibel meter. City Attorney Barker stated the meters must be calibrated with specific training required and she does not recommend using decibel meters.

A motion was made by Chair Walker to approve the recommendations provided in the staff report as follows: removing the written warning requirement, removing the need for a written statement from the complaining party, and, allowing a citation to be written at the discretion of the responding officer, upon verification of the verbal complaint. Committee Member Evans seconded the motion with a friendly amendment to include landlord accountability as long as it meets the legal challenge.

The motion carried 2-1 with Committee Member Holcombe dissenting.

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

C. **Adjournment and Next Meeting** - The meeting adjourned at 10:19 a.m. to the next regular Internal Affairs Committee meeting scheduled for Tuesday, June 12, 2012, at 8:00 a.m. in Conference Room No. 1.

Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM, ACM, CA, ICOP, Lt. Dye



Internal Affairs Committee Report

DATE: June 12, 2012

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD JUNE 12, 2012**

<u>Committee present:</u> Chair Walker Councilmember Evans Councilmember Holcombe	<u>Staff present:</u> City Manager Burkland Asst. City Manager Rucker City Attorney Barker City Clerk Presson	GSD Director Martinez GSD Admin. Manager Herman Administrative Analyst Brinkley
--	---	---

COMMITTEE MATTERS REQUIRING COUNCIL ACTION

REGULAR AGENDA

- A. **CONSIDERATION OF A POTENTIAL PLASTIC BAG ORDINANCE** - At its meeting on 3/6/12, the City Council considered the Sustainability Task Force's recommendations regarding whether the City should consider adopting an ordinance banning the use of "single-use" plastic bags at grocery stores and other retail establishments. After considering this request and receiving public comments, the Council forwarded this issue to the Internal Affairs Committee for further review. **(Report - Linda Herman, General Services Administrative Manager)**

GSAM Herman reported that since the plastic bag discussion began, the number of jurisdictions in California that have adopted ordinances has increased to 49 from 16. Staff reviewed some of the varying ordinances and indicated, that if Council chooses to move forward with a plastic bag ban, an environmental review under the California Environmental Quality Act would be conducted.

Staff reported that AB 2449 requires that grocery stores provide a place to recycle plastic bags and also prohibits stores from charging for paper bags. However, prohibiting from charging for paper bags sunsets on January 1, 2013 and stores can then begin charging for paper bags.

Councilmember Evans expressed concern that a fiscal impact hasn't yet been determined. There are staff costs in preparing reports and an EIR, education and enforcement costs that haven't been identified, when the City is cutting funding in other areas. He said the City is spending too much trying to solve world problems rather than Chico problems.

Councilmember Holcombe stated there are no increases in staff costs because staff would be working anyway. He emphasized that this is not a ban on plastic bags, but rather a regulation. He believes the community would like to see this proceed.

The Committee received public comments from the following individuals: Juanita Sumner, Sue Hubbard, Daryl Costella, Dave Donnan, Chris Nelson, Robyn DiFalco, Quentin Colgan, Chuck Woodward, Cathy Webster, Tammy Wichman, Woody Elliot, Sheldon Frasier, Melissa Pierce.

GSAM Herman added that if this item moves forward, she will conduct stakeholder meetings and do more public outreach and hold meetings in the evening.

A motion was made by Councilmember Holcombe and seconded by Chair Walker to forward a recommendation to the City Council to approve pursuing an ordinance restricting the use of "single-use" plastic bags and direct the City Attorney to draft the ordinance and initiate the environmental review process.

Motion carried 2-1, with Councilmember Evans dissenting.

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

C. **Adjournment and Next Meeting** - The meeting adjourned no later than 10:00 a.m. The next regular Internal Affairs Committee meeting is scheduled for Tuesday, July 10, 2012, at 8:00 a.m. in Conference Rm. No. 1.

Dani Brinkley, Administrative Analyst

Distribution:

City Council (7), Council Office Copy, CM, ACM, CA, GSD, GSAM



City Clerk's Office
411 Main Street, Chico, CA 95928
(530) 896-7250

CITY OF CHICO
INTERNAL AFFAIRS COMMITTEE

NOTICE OF CANCELLATION OF MEETING

The Internal Affairs Committee meeting scheduled for
July 10, 2012, has been canceled.

The next meeting of the Internal Affairs Committee is
scheduled for Tuesday, August 14, 2012 at 8:00 a.m. in
Conference Room No. 1, unless otherwise noted.

By: Karen Masterson, Administrative Assistant
Dated: July 3, 2012



City Clerk's Office
411 Main Street, Chico, CA 95928
(530) 896-7250

CITY OF CHICO
INTERNAL AFFAIRS COMMITTEE

NOTICE OF CANCELLATION OF MEETING

The Internal Affairs Committee meeting scheduled for
August 14, 2012, has been canceled.

The next meeting of the Internal Affairs Committee is
scheduled for Tuesday, September 11, 2012 at 8:00 a.m. in
Conference Room No. 1, unless otherwise noted.

By: Karen Masterson, Administrative Assistant
Dated: August 9, 2012



Internal Affairs Committee Report

DATE: September 11, 2012

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD SEPTEMBER 11, 2012**

<u>Committee present:</u> Chair Walker Councilmember Evans Councilmember Holcombe	<u>Staff present:</u> City Manager Nakamura City Attorney Barker City Clerk Presson BDSO Director McKinley CPSD Director Varga	PSD Director Wolfe HR/RM Director Koll Senior Planner Tillman Administrative Assistant Masterson
--	---	---

COMMITTEE MATTERS REQUIRING COUNCIL ACTION

Chair Walker called the meeting to order at 8:03 a.m. and announced that Committee Member Evans had recused himself from the discussion of Item "A" due to owning property within 500 feet of the item being discussed. Committee Member Evans left the meeting.

REGULAR AGENDA

- A. **Potential Redevelopment of City-Owned Downtown Properties** - Consideration of a methodology for determining potential for redevelopment of City-owned properties in the Downtown area. **(Report - Mark Wolfe, AICP, Planning Services Director).**

At its meeting of August 7, 2012, the City Council reviewed correspondence from Tom DiGiovanni, who requested that the Council undertake evaluation of downtown City-owned properties for potential redevelopment with a mixed use project. The Council referred the matter to the Internal Affairs Committee for further consideration.

PSD Wolfe's report outlined a methodology for determining which of the various downtown City holdings might be best suited for redevelopment. A map depicting 15 specific sites was provided to the Committee, together with a sample matrix suggested for use in analyzing the various properties in side-by-side comparison form. Two map corrections were noted: Property #11 should read "Ringel Park" and Property #12 should read "City Plaza." After comprehensive analysis, the Committee would be in a position to recommend that the Council proceed with declaring a property or properties as surplus.

Committee Member Holcombe stated he is a strong supporter of developing the urban core and asked if one sight was particularly useful in terms of transportation corridor location. He also shared a concern regarding potential staff time necessary to move this process forward. Chair Walker stated he did not think too much staff time would be needed.

Government Code, Section 54221, Section (f) was cited, which states that certain land shall not be considered as exempt surplus, specifically, "Lands within 1,000 yards of a historical unit of the State Parks System" and "Lands within 1,000 yards of any property that has been listed on...the National Register of Historic Places." The code would apply to areas near Bidwell Park and Bidwell Mansion, respectively.

Members of the public commenting on this item were: Mike Trolinder, Tom DiGiovanni, and Dave Kelley.

Committee Member Holcombe moved, and Chair Walker seconded, that the IAC endorse the study approach as outlined by PSD Wolfe, with a follow-up report to be presented at the IAC's October meeting. The motion carried by a 2-0 vote.

- B. **Verbal Update - Transparency in Bargaining** - The Internal Affairs Committee received a verbal update on Transparency in Bargaining from David Koll, Human Resources and Risk Management Director.

HR/RM Director Koll indicated he had spoken with the prior HR/RM Director, Teresa Campbell, at length about this issue. There is value to the process the City has been using and the City will continue to do so.

Chair Walker expressed concern over not receiving a written report that outlined what exactly the Committee was being asked to discuss. City Clerk Presson stated that when "transparency in bargaining" was first implemented, Council directed that an 18-month review be conducted by the Internal Affairs Committee to determine if any changes were needed or if the process should just be formalized in the City's Budget Policies.

Chair Walker asked that this item be continued to the October Internal Affairs meeting in order for the HR Director to provide a written report detailing the background.

Committee Member Holcombe believes the process (rules of engagement) are working well from his standpoint. City Attorney Barker stated that there have been unions that did not always follow the rules and there is nothing we can do; however, "sunshining" is another matter. Chair Walker asked how the public is able to weigh in when this is done in Closed Session. CA Barker responded that it is placed under the "Reports and Communications" section of the Council agenda and the public is able to comment at that time.

The Committee received comments on this item from Stephanie Taber.

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

- D. **Adjournment and Next Meeting** - The meeting adjourned no later than 10:00 a.m. The next regular Internal Affairs Committee meeting is scheduled for Tuesday, October 9, 2012, at 8:00 a.m. in Conference Room No. 1.

Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM, ACM, CA, HR/RM, PSD



Internal Affairs Committee Report

DATE: October 9, 2012

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD OCTOBER 9, 2012**

<u>Committee present:</u> Chair Walker Councilmember Evans Councilmember Holcombe	<u>Staff present:</u> City Manager Nakamura City Attorney Barker City Clerk Presson BDS D Director McKinley CPSD Director Varga	PSD Director Wolfe HR/RM Director Koll Senior Planner Tillman Police Captain MacPhail Administrative Assistant Masterson
--	--	--

COMMITTEE MATTERS REQUIRING COUNCIL ACTION

Chair Walker called the meeting to order at 8:07 a.m. and announced that the Committee would hear Agenda Item C. first because LAFCo Executive Director Lucas had another meeting to attend. Steve Betts from LAFCo was also in attendance.

REGULAR AGENDA

- C. **Discussion of Annexation Plan for Chapman, Mulberry, and Stewart Neighborhoods** - Preliminary discussion of a letter sent to Butte Local Agency Formation Commission (LAFCo) outlining the basic strategy of the annexation plan for the Chapman, Mulberry, and Stewart Neighborhoods. The annexation plan is a necessary component of the sewer service agreement that would allow the connection of unincorporated parcels to sewer without individual approval from LAFCo. (***Report - Fritz McKinley, Building and Development Services Director***)

At its meeting of April 3, 2012, the City Council reviewed two options for a proposed annexation plan encompassing all unincorporated areas within the City limits and directed staff to follow up on the recommended option with Local Agency Formation Commission (LAFCo). Although LAFCo was uncomfortable with the City's original proposal, staff has continued discussions with LAFCo staff and is bringing forward an alternative proposal, encompassing the Chapman, Mulberry, and Stewart Neighborhoods only, for the Committee's consideration.

Staff met with LAFCo on September 17, 2012 and a letter dated September 24, 2012, to LAFCo, from Building and Development Services Director (BDS D) McKinley, summarized the outcome of that meeting, the primary focus of which was development of an annexation plan (Plan) that would meet the needs of the City as well as comply with LAFCo policy. The basic plan components are: 1) The City would focus on annexing the Chapman, Mulberry, and Stewart Neighborhoods, identified as Disadvantaged Urban Communities (DUCs) pursuant to SB244 and LAFCo policy. The Plan would ensure annexation within an established time period, allowing the City to connect other unincorporated parcels, outside of the DUCs, to sewer without individual approval from LAFCo; and, 2) Annexation of the Chapman, Mulberry, and Stewart Neighborhoods would require conditional approval of annexation by the City Council. Conditions would stipulate that such annexation would only be authorized if LAFCo established the effective dates of the annexation a phased time frame. Staff will be attending a meeting on October 10, 2012 at LAFCo and are asking the Committee if there is interest in further discussion.

Committee member Evans stated the idea makes sense but he has concerns not related to sewer, such as the fact the DUC areas have sub-standard streets and lighting. Another issue is ADA compliance. Would it be the City's responsibility to provide the necessary upgrades? The County retains most of the property taxes with the City receiving a small share. We need to couple the Plan with a new and improved agreement between the County and the City in relation to tax distribution.

Committee member Holcombe agreed that tax base sharing is where the discussion should be and further commented that to not allow the sewer (connections) to go forward is an environmental justice issue.

City Manager Nakamura suggested that perhaps a fiscal analysis should be completed first in order to help frame how we move forward with the tax sharing agreement. There are two components here; one the environmental justice issue and what is our obligation to the County in terms of the services we provide, and, two, what the future revenue offsets might be. Committee member Evans asked how much a fiscal analysis might cost and City Manager Nakamura stated between eight to ten thousand dollars.

Chair Walker stated he disagreed with the way the conversation was going. The Chapman-Mulberry Neighborhoods should be part of Chico. We should recognize that annexation is going to occur and decide how we will meet those financial obligations. The Nitrate Action Plan encompasses thousands of parcels. BDS D McKinley stated there are 3,920 parcels in the unincorporated area. There are 475 and 57 parcels in the Chapman-Mulberry and Stewart Neighborhoods, respectively. Chair Walker agreed that a fiscal analysis is a good idea, but stated that we should be annexing these areas.

Providing public comments on this issue were Steve Lucas, Executive Director of LAFCo, who stated the City and LAFCo both need to compromise and find the "middle ground," and Stephanie Taber, who encouraged dialogue with the County regarding sharing costs.

Committee member Holcombe moved to open discussions regarding Chapman, Mulberry and Stewart Neighborhoods, the DUCs identified by LAFCo, proceeding first with a fiscal analysis to better understand how the Plan and time frames may be affected.

Chair Walker seconded the motion and the motion passed on a 3-0 vote.

A. **Potential Redevelopment of City-Owned Downtown Properties** - Review of City-owned properties in the Downtown area to determine their potential for redevelopment. (*Report: Mark Wolfe, AICP, Planning Services Director*)

Committee member Evans recused himself, due to a conflict of interest relating to property ownership downtown, and left the meeting room.

At its meeting of September 11, 2012, the Committee agreed upon an approach for reviewing city-owned properties downtown to determine suitability for redevelopment. Together with a private effort, the redevelopment would focus on infill, thereby enhancing the General Plan goals of infill in the downtown area. Planning Services Director (PSD) Wolfe presented a matrix of city-owned properties downtown and explained the "scoring process" which included looking at each property's infrastructure adequacy, environmental constraints, parking, and other things. Lot 4, located at 5th and Salem Streets, does not have such constraints and rises to the top of the list.

Committee member Holcombe asked to what extent the transit corridor was considered. PSD Wolfe stated that was not included in the ranking due to the fact that all of the properties reviewed were within easy walking distance from a transit route/stop.

Addressing the Committee on this issue was Doug Fogel, who inquired about General Plan requirements that speak to property bordering a creek, maintaining access along creeks, and creating bicycle paths. PSD Wolfe stated that only one of the properties considered for redevelopment suitability is along the creek. The General Plan policies mentioned would best advance through a specific development proposal. Lot 4 has the ability to implement those policies. The discussion turned to considering a property as "surplus." PSD Wolfe asked the Committee if it was the right time to join with a private entity to engage in joint development; and, if it is time, which one of more (properties) should we consider?

Committee member Holcombe requested that Site 10 be removed from consideration due to its higher level of environmental constraints and its importance in relation to the creek. He then asked if the Committee could declare any or all of the listed properties as surplus? PSD Wolfe responded that we could move forward with one or more at the same time. Committee member Walker added we should be considering it in the context of timing and opportunity.

Chair Walker moved that this item move forward to City Council, with a recommendation from the Committee that Site 4 is the site most suited to possible future redevelopment and that the Council consider declaring the property surplus.

Committee member Holcombe seconded the motion and the motion passed on a vote of 2-0.

Committee member Evans returned to the room and rejoined the meeting.

- B. **Transparency in Bargaining Update** - Chair Walker requested a written summary of Transparency in Bargaining. The Human Resources and Risk Management Director has provided a summary of meetings held from April 1, 2008 to present. (**Report: David Koll, Human Resources/Risk Management Director**)

Human Resources/Risk Management Director (HRRMD) Koll presented the staff report. The Committee asked if the City can have its own proposal, rather than responding to items opened for negotiation at the request of the bargaining unit. HRRMD Koll answered yes, the Council could direct that. City Attorney (CA) Barker mentioned that the Council can always ask to review the full contract(s), and in fact, they are available for reviewing online. There was an instance in the past when the City asked for a specific proposal from the units (a five percent cut), but the Council has never reviewed the entire contract(s) in the past. Committee member Evans asked if Council could request a closed session to talk about the Memorandum of Understanding (MOU). CA Barker answered yes.

Addressing the Committee on this issue was Stephanie Taber, who spoke in favor of opening it up and reviewing the contract(s) item by item.

It was the consensus of the Committee that the City has a system that is fair, open, and transparent. Because this was a discussion only item, there was no formal motion or voting.

- D. **Business from the Floor** - None
- E. **Adjournment and Next Meeting** - The meeting adjourned at 9:33 a.m. to the next regular Internal Affairs Committee meeting scheduled for Tuesday, November 13, 2012, at 8:00 a.m. in Conference Room No. 1.

Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM, ACM, CA, BDS, HR/RM, PSD



Internal Affairs Committee Report

DATE: November 13, 2012

File : [Comm Binder](#)

TO: CITY COUNCIL

FROM: INTERNAL AFFAIRS COMMITTEE

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD NOVEMBER 13, 2012**

<u>Committee present:</u> Chair Walker Councilmember Holcombe	<u>Staff present:</u> City Manager Nakamura Assistant City Manager Rucker City Attorney Barker Public Works Manager White Police Captain MacPhail	Administrative Assistant Masterson
---	--	------------------------------------

COMMITTEE MATTERS REQUIRING COUNCIL ACTION

Chair Walker called the meeting to order at 8:05 a.m. and announced that Councilmember Evans was out of town and unable to attend this meeting. City Attorney Barker arrived at 8:10 a.m.

REGULAR AGENDA

- A. **Proposed Memorial Policy** - The Internal Affairs Committee considered the issue of public memorials and a proposed memorial policy. (**Report: John Rucker, Assistant City Manager**)

At its meeting on April 17, 2012, the City Council directed the City Manager's office to draft a policy regarding the erecting of memorials in the public right-of-way. To that end, Assistant City Manager Rucker had an open discussion with the Arts Commission on September 12, 2012 regarding memorials, reviewed best practices employed by other municipalities, and obtained feedback from Jennifer Spangler, a friend of Art Projects Coordinator Gardner. Several recommendations from those efforts have been incorporated into the draft proposed memorial policy presented at today's meeting.

The main points of the draft policy are: 1) designation of a responsible commission; in most cases it would be the Arts Commission; 2) postmortem memorialization could not occur until five years have passed after the subject's date of death; and, 3) a fund to cover maintenance of the memorial should be set up to cover the first 15 years of the life of the memorial, after which time the City takes over.

Councilmember Holcombe suggested removing one of the "Qualifications for Memorialization," Item A.2. which reads: "A memorial will not be considered if the intended purpose is to promote a current, controversial religious or political cause, issue, or event." He does not think this should be a disqualifying factor. Councilmember Holcombe also suggested that five years postmortem seems like a long time and used the Steve Harrison memorial as an example.

Chair Walker stated perhaps some of the instances of "should" in the document should be changed to "shall." He also mentioned that although the Arts Commission is a likely choice for administering the program, it is not the only choice, referring specifically to the Bidwell Park and Playground Commission. Without interfering with plaques on benches, excluding the placement of memorials in Bidwell Park should be considered.

It was agreed that Council should have the ultimate decision. Item G. in the draft Memorial Policy addresses this but should be revised to allow the option for Council to accept or make revisions without sending the proposal back to the designated committee.

Councilmember Holcombe moved and Chair Walker seconded, that the draft Memorial Policy be returned and reviewed at Internal Affairs Committee level, after its new members are seated, before moving the item forward to the full Council. The motion carried with a 2-0 vote.

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

C. **Adjournment and Next Meeting** - The meeting adjourned at 8:35 a.m. to the next regular Internal Affairs Committee meeting scheduled for Tuesday, December 11, 2012, at 8:00 a.m. in Conference Room No. 1.

Karen Masterson, Administrative Assistant

Distribution:

City Council (7), Council Office Copy, CM Nakamura, ACM Rucker, CA Barker, GSDD Martinez, PNRM Efseaff, APC Gardner



City Clerk's Office
411 Main Street, Chico, CA 95928
(530) 896-7250

CITY OF CHICO
INTERNAL AFFAIRS COMMITTEE

NOTICE OF CANCELLATION OF MEETING

The Internal Affairs Committee meeting scheduled for
December 11, 2012, has been canceled.

The next meeting of the Internal Affairs Committee is
scheduled for Tuesday, January, 2013 at 8:00 a.m. in
Conference Room No. 1, unless otherwise noted.

By: Karen Masterson, Administrative Assistant
Dated: December 6, 2012